



Town of Westminister
 MASSACHUSETTS 01473
 FROM THE OFFICE OF THE
PLANNING BOARD
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 TOWN OF WESTMINSTER

Jodi Snyder, chairman Isaiah Grigos, vice chair Jaclyn Nally, Clerk Michael Ferris, Member

NOTICE OF DECISION: PLANNING BOARD
Modification to a DEFINITIVE SUBDIVISION APPROVAL:
Formally Known as ROADWAY "A"
Benjamin Builders, Inc.
DATE OF DECISION: JULY 26, 2023

1. Application

This document is the DECISION of the Westminister Planning Board (hereinafter the Board) on the Application of BENJAMIN BUILDERS, Inc. (hereinafter the Applicant) for property located on PROCTOR DR. This Decision is in response to an Application for a modification to the Definitive Subdivision Approval dated August 14, 2018 that created a new subdivision road (fka ROADWAY "A") that serves two new house lots. The modification consists of removing a retaining wall and allowing the electric service to remain above ground.

2. Applicant/Owner

Benjamin Builders, Inc.
 69 Massachusetts Ave
 Lunenburg Ma 01462

3. Location

North Common Road, Tax Map 62-21 and 62-21-1A located in a Residential-II zoning district

4. Board Action

After due consideration of the Application, the Board voted to **approve in part** the modification to the Definitive Subdivision Plan Approval dated August 14, 2018 by a unanimous vote of the three members sitting on the Application. The record of the vote is stated as follows:

JODI SNYDER	YES
ISAIAH GRIGOS	YES
JACLYN NALY	YES

5. Proceedings

The Application was received by the Board on July 5, 2023 pursuant to MGL Chapter 41, Sections 81K through 81V (subdivision control law). The Applicant presented the Application to the Board at a duly noticed public hearing of the Board on July 25, 2023 at 7:00 PM in Room 205 of the Westminister Town Hall. Board Members Jodi Snyder, Isaiah Grigos and Jaclyn Nally were present throughout the hearing. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Planning Department office of the Westminister Town Hall.

6. Exhibits

6.1 Reduced Subdivision Development Plan prepared for the Westminster Business Park LLC, prepared by McCarty Engineering Inc., Leominster, MA, dated July 24, 2018.

6.2 Modified Reduced Subdivision Development Plan prepared for the Westminster Business Park LLC, prepared by McCarty Engineering Inc., Leominster, MA, dated July 5, 2023.

6.3 Form B Application dated July 5, 2023

6.4 Images of the Electric Poles and area without retaining wall

6.5 300' Abutters list

6.6 Benjamin Builders letter to the Board dated June 28, 2023

6.7 Tetra Tech Field Report dated June 20, 2023

6.8 Legal Notice

After a unanimous vote to close the public hearing, the Board voted 3-0 to **approve in part** the modification to the Definitive Subdivision Approval dated August 14, 2018 with the following conditions:

The Applicant will post a bond in an amount sufficient to cover the cost of burying the electric service. Bond must be received prior to obtaining a temporary occupancy permit.


The electric service must be installed according to the 2018 plan (underground) prior to obtaining a final occupancy permit.

All other terms and conditions of the Aug 14, 2018 approval are in full force an effect.

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, §17 and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

On behalf of the Westminster Planning Board,


Jodi Snyder, Chair Date


Ellen Sheehan, CMMC Date
Town Clerk

I certify that 20 days has lapsed without an appeal.

Ellen Sheehan, CMMC Date
Town Clerk