



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
Phone: (978) 874-7414
swallace@westminster-ma.gov

. William C. Taylor, II - Chairman, Marie N. Auger - vice chair, M. Donald Barry Michael Fortin Jon Wyman .

MINUTES OF REGULAR MEETING

Monday, May 29, 2012
Room 222, Town Hall

Attendees: Marie Auger, Jon Wyman, Don Barry, Bud Taylor, Mike Fortin, Stephen Wallace-Town Planner

Additional Attendees: Ms. Cindy Kennedy - Harrington Living Trust, Mr. William Goodwin, PMC, Mr. Chuck Scott, Mr. Robert Hakala, Mr. Chris Mossman, Mr. Ralph LeClair, Mr. Mark LeClair

7:00p.m. - Minutes

The Planning Board opened the meeting. Bud informed those present the meeting was being audio recorded and video recorded. There was a motion by Don to approve the May 14, 2012 meeting minutes. Seconded by Mike. Jon asked for an amendment to reflect his attendance at the meeting. Voted AIF with amendment.

Stephen alerted the board that Mr. Scott Heimo Sr. would not be presenting an ANR at the meeting.

7:01p.m. Worcester Road - Harrington Living Trust

Bud asked Stephen to explain what had happened since the previous meeting.

Stephen stated Ms. Cindy Kennedy had appeared at the last meeting asking for a two lot ANR. The PB had spotted some potential zoning violations. The board had asked the Building Commissioner Mike Gallant to write a letter explaining the violations or attend the next meeting. Mr. Gallant declined to do both and instead asked the board members to review the plan in person with him. Four PB members had met with him individually. Stephen stated it was agreed that there were some zoning violations: 205-13-B-1 There is not the required 54 feet of maintained width to the 100 foot radius, and, 205-24 Use of land for more than one requirement. The access easement shown on the plan was in violation.

Ms. Kennedy intervened and stated she had met a number of times with Mike Gallant. She stated she had spent \$30k to purchase the lot in front. She had spent \$5K on surveyor fees and more on attorneys fees.

Stephen reviewed what Ms. Kennedy's options were to proceed forward at this point:

Do nothing to develop the land.

Buy land on either side to gain the required frontage requirements.

Appeal PB decision to ZBA.

Return with Subdivision Plan. Stephen noted the PB had waived a number of requirements on a previous Elm Street extension subdivision.

Marie stated that the PB could waive a number of the requirements on a simplified subdivision plan. The PB could adjust fees according to the scale and size of the project. Marie suggested that Ms. Kennedy could withdraw the ANR request without prejudice and submit a subdivision plan instead. Stephen stated he would work with her to identify the requirements for a subdivision plan submittal.

Mike stated that it was important that Ms. Kennedy recognize that the private way created in a subdivision for this purpose would not be owned or maintained by the town. It would be the responsibility of the owner(s) of the lots created to pay tax on the road, maintain it, plow it in the winter etc. It would need to be part of the recorded deed stating such.

Marie made a motion to accept a withdrawal of the ANR plan without prejudice from Ms. Kennedy and use the fee from the ANR to be applied to a future Subdivision Plan. Seconded Don. Voted AIF. Ms. Kennedy hand wrote a withdrawal without prejudice note and presented it to the board.

7:25p.m. Westminster Business Park Phase II Lot I-4A release request discussion

Bud stated he would like to have the Town planner speak first, and then have Board members ask questions to the WBP representatives.

Stephen stated Tetra Tech had submitted a bond estimate for work in front of lot I-4A in the amount of \$881,573.

Town council had recommended that the bond be placed with the PB and if there were any duplicate items, WBP go to the BOS and ask for a reduction on their bond.

Jon asked if the bond estimate was for the whole development or just to the end of lot I-4A.

Mr. Scott stated it was from the end of existing cul de sac to end of the entire frontage of lot I-4A.

Mr. Hakala asked that three items be removed from the bonding. The 6" dense graded crushed stone, the gravel and the loam were on site and owned by WBP.

Mr. Hakala stated their request was due to their bonding capacity being stretched and was tied to cash flow and the ability to continue work. Mr. Hakala stated it was year end tax time for their companies and asked for approval subject to presentation of the bond.

After much discussion:

Don asked when the utilities would be finished to the end of lot I-4A. Mr. Scott and Mr. Hakala stated the utility work to the end of the lot would all be done at the same time. Mike asked when they expected the utilities would be completed to the end of lot I-4A.

Mr. Hakala stated they were going to build all the way up to station 48.00 but wanted to only bond up to station 34.75. They wanted to get up to station 34.75 done immediately and build the rest in the fall when things were a little slower. Mr. Hakala stated it would be completed by October 1st.

More discussion:

It was determined that with the state permit extension act, the road permit extension was valid until April 13, 2013.

More discussion:

Stephen read from Chapter 231 of the subdivision regulations:

[§ 231-44. Lot release; building permits.](#)

The roadway area within the frontage of a lot shall have all utilities, including fire protection, and the bituminous concrete base installed and approved by the appropriate agency before said lot can be released or built upon.

More discussion:

Don: Motion that PB waive section 231-44 of the subdivision regulation to reduce the bond amount from \$881,573 to \$467,234 that will bring the infrastructure from end of the cul de sac to Station 34.75.

Bud passed the chairman's gavel to the vice-chair, Marie in order to personally speak to the subject at hand. Bud stated he read town councils letter and the consultants information. He remembered how awkward the PB had felt on the last two subdivisions when the bond amount were insufficient. Bud said he specifically asked Bob Hakala if it was a cash flow problem to which he had replied it was not. Bud recognized the money that had been invested in the subdivision. He liked the applicant and felt they were doing a good job but he felt it was his responsibility to look out for the towns interest if anything should happen. Bonding the full amount would protect the town and provide incentive the applicant to complete the work. Mr. Hakala stated they would not ask to have the bond released until the road was

completed to the end on station 48.00. Bud stated that was not true. Marie asked that the board move on. Don asked to call the vote. Stephen reread the motion by Don:

Motion that PB waive section 231-44 of the subdivision regulation to reduce the bond amount from \$881,573 to \$467,234 that will bring the infrastructure from end of the cul de sac to Station 34.75.

Marie: Second

Don: Asks for vote.

Voted: 3 members for, 2 members against.

Stephen to applicant: Send the board a letter by certified mail and specify in your letter sent that you are requesting a lot release for lot I-4A.

Mr. Chuck Scott: Didn't that start with the Erb and Erb letter?

Stephen: The initial lot request from Erb was not certified, the clock starts ticking when certified letter arrives and the board has 45 days to act.

Bud: For clarity to the parties, did motion say the board was releasing lot on presentation of the bond?

Don: Motion to release the lot upon presentation of the bond.

Jon: Second

Voted: 3 members for, 2 members against.

8:28p.m. - Turnpike Road - Chris Mossman on behalf of Janet M. Lauricella & Kristine J. Syas.

Mr. Mossman explained that the property was owned by Janet Lauricella. They would like to go to ZBA for a variance. Mr. Mossman explained the work done on Rt. 2 in 1984 separated the property and created frontage only on the off ramp of Rt. 2. The land was steep and contained much wetlands. They had determined there would only be enough room for a single home. The land was zoned commercial but the Rt. 2 changes had separated it from having access on Depot Road. Mike asked about the land the town had recently accepted land from Fitchburg for the creation of the safety road to be constructed to extend Turnpike Road to the Authority Drive extension and cul de sac. Stephen stated he was supportive of what they wanted to do but philosophically opposed to having any one board change zoning.

Mr. Mossman stated he was more comfortable explaining the change to the ZBA than to explain it on town meeting floor where people would not have a chance to review the plan.

Don stated that the improvements of Rt. 2 had cut off the use of the property for commercial purposes. He was in favor letting the owners do what they could with it.

After more discussion, the board members all agreed they would support a letter being written in favor of the use variance when it came before them from the ZBA.

8:52p.m. - Appointment to Montachusett Joint Transportation Committee

Stephen stated the importance of the attendance of these meetings. He noted that the town might have learned of the layover station earlier if there had been regular attendance of a town representative. Jon was nominated by Marie. Seconded Don. Voted AIF he had received notice that from Town Council that the present bylaw may have deficiencies due to new federal FCC regulations. The PB would need to hold a public hearing on any changes and he hoped to have work done for a fall town meeting presentation.

8:55p.m. - 2010 Community Development Strategy Review

Stephen worked with the board to make the following changes for recommendation to the BOS.

Westminster was considering applying jointly with another community for a community development block grant for housing rehab.

Housing Goal 1: Scratch 40R and replace with investigate Village Zoning.

Housing Goal 2: Replace 60 senior rental housing units with 72.

Don stated the Town had transferred \$66K money earmarked for site work and reallocated it for architectural services. The recent town meeting had voted a \$200K total (\$134K appropriation) that included the \$66K.

Bud spoke about being approached by master plan committee members asking about the economic implications of residential development and asked to have an agenda item included for the next meeting to decide as a board whether the PB supports residential development as a benefit or a burden to the town. Marie said she had put together a spreadsheet she could share with the board showing percentages of commercial/industrial use vs. residential use in surrounding towns that could shed some insight. With the formation of the Economic Development Committee, the board agreed to investigate and take a position on the subject.

Open Space and Recreation Goal 1: Scratch: completed land trust items and add latest Open Space Committee recommended items.

Economic Development Goal 1: Add: Economic Development Commission to Industrial Development Commission. Scratch: Follow up recommendations on the creation of a Planned Unit Development (PUD).

Economic Development Goal 2: Promote 43D sites. Scratch: ATM vote of \$500K water main and hiring engineering firm. Completed.

Economic Development Goal 3: Promote Midstate Trail in Jonny Appleseed ad.

Revise Old Town Hall reuse information to reflect latest developments.

Transportation Goal 1: Scratch: South Street/Main Street redesign.

Project Priority List: Replace #4 Mixed Use 40R with explore Village District. Investigate and possibly Scratch #6 Village at Hager Park. They may not exist yet. #7 Revise to reflect investigation of funding options for reuse of old Town Hall.

9:35p.m.

Don made a motion to adjourn. Seconded Mike. The PB voted AIF to adjourn.

Respectfully submitted,
Michael Fortin

3 Attachments :

- 1 Withdrawal without prejudice Worcester Road ANR letter from Ms. Cindy Kennedy.
 - 2 Regular minutes from Monday April 13, 2009
 - 3 2010 Westminster Community Development Strategy
-