



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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

MINUTES OF REGULAR MEETING

Monday, July 23, 2012

Room 222, Town Hall

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

Additional Attendees: Mr. Chuck Scott of CFS Engineering, Mr. Bob Hakala, Mr. Brian Doherty of TetraTech

7:00p.m.

The Planning Board opened the meeting. Bud informed those present the meeting was being audio recorded. There was a motion by Don to approve the July 09, 2012 meeting minutes. Seconded by Marie.

Marie moved to strike a sentence at the end of the Erik Lawrence 120 Ellis Road ZBA recommendation. ("After brief discussion the PB recommended they were not in favor of a denial of the variance.") The PB had voted on July 9th 2012 that it was in favor of denying the variance. Mike seconded to remove the sentence. Voted AIF to accept the July 25, 2012 minutes as amended.

7:12p.m. *Discussion regarding the various bonds in place for the Westminister Business Park.*

Stephen stated that at the request of the BOS, he had convened a meeting of himself, Karen Murphy, the Westminister Business Park owners, TetraTech on July 12th to discuss and understand the various bonds in place for the Westminister Business Park.

Mr. Brian Doherty of TetraTech stated the entire park was not bonded but the work in progress was bonded.

Bud stated that members should be aware that the BOS had asked for the status of all the bonding because there were bonds in place for both the BOS and PB. Bud had asked the Selectmen to sort out the bonding in place and the TetraTech letter was a result of that request.

Stephen stated what was not bonded was the roadway and utilities from station 34+75 all the way to the end of the subdivision. A covenant was in place with the PB that covered that work. The covenant would prevent lot releases until the road and utility work was complete in front of those lots. Stephen stated the covenant covered the remaining 7 industrial lots and 2 residential lots.

Bud stated that he had spoken to Selectman Flanagan earlier in the day. Bud stated Selectman Flanagan was concerned about the future of the economic development in the town and his desire to see the town built out to its highest and best use. Bud further stated that in his discussions with Selectman Flanagan, Selectman Flanagan had stated that he wanted to protect the town's interest to keep the economic engine of the town moving forward. Bud stated that after the sale of the lot I-4A there was concern that all bonding was in place to cover the town's interests in seeing the projects completed. Various subdivisions had failed with bonding that would not cover the remaining work.

Stephen stated in the past year he had worked for Westminister, there was a recurring concern with potential businesses that had met with him about two things: W.E.S.T. and the seeming anti business attitudes of elected officials.

Mr. Brian Doherty of TetraTech explained to the board how the bonding estimates were created and the various bonding in place. He stated the Phase 2 Earth Removal was virtually complete with 339K in bonding still in place.

Mike suggested that the BOS and Planning Board meet to create a process for all town boards to follow on concurrent projects and bonding so that anyone would be able to understand all the bonding and covenants in a quick and convenient manner. He would like to see all bonding referred to by station numbers on the project plans rather than "phases" that might overlap from board to board bonding and might cause confusion as had happened with the WBP project.

Stephen stated he was asked to review the present Earth Removal Permit Process and all the town gravel regulations with the possibility of removing the gravel permitting from the BOS and transferring that responsibility to the PB so all the bonding would be overseen by one board.

Bob Hakala stated it would be much more convenient and efficient to have it all under the review of one board. Westminster Business Park owners have spent much time and money trying to help the town's various boards understand what was in place for bonding regarding the work performed and being performed.

There was further discussion about gravel removal often being a necessary component in subdivision development.

Mr. Chuck Scott stated he would be willing to donate his time at no charge to work with Stephen Wallace to help create earth removal regulations that would help create clarity for all involved.

Bud stated he would contact the BOS chairman to inform him the PB understood what had been presented in the letter written by TetraTech.

Stephen asked for some minor revisions of details in the TetraTech letter that all agreed to.

- 1) There should be some explanation why the PB bonding jumps from station 17+00 to 26+50.
- 2) The bonding in place with the PB for Bond #2 Lot I-4A goes to Station 34+75 instead of 34+50. and
- 3) There should be an explanation of what lots have been released by the PB, what lots are covered by bonding and what lots were still covered by the original PB covenant.

Don made a motion for Bud to verbally discuss the PB position on the TetraTech letter and to not have Stephen write formal letter. Seconded by Marie. Voted all in favor.

8:11 p.m.

Bud asked the PB members to review the policy the Town has regarding any personal character attacks on anyone. Bud stated that even he was not immune to slip up but that PB members needed to strive to set a high standard.

Don stated he felt he had witnessed a business attacked at a BOS meeting and that the Town needed to get its reputation back as a friendly pro business community so that it could grow in the future.

7:13p.m. *Three lot Approval Not Required (ANR) Plan for JP Dell LLC, Bean Porridge Hill Road, Surveyor: James E. Gaffney Co.*

Stephen asked to delay the ANR Three lot Approval Not Required (ANR) Plan for JP Dell LLC, Bean Porridge Hill Road until the next meeting. The PB agreed.

7:16p.m. *Discussion regarding several bills under consideration on Beacon Hill as they relate to the Town's recently adopted wind power facilities bylaw.*

Stephen stated he had reviewed the current wind legislation and described how it might conflict with the Town's recently passed Wind Bylaw.

Jon made a motion that Stephen create a letter to address the PB concerns that could be reviewed at the next meeting.

7:22p.m

Bud needed to leave the meeting and passed the gavel to Marie.

7:23p.m. *Discussion of several proposed amendments to the Town's wireless communication facilities bylaw for consideration at the Fall Town Meeting.*

Stephen reviewed the modifications that had been made to the existing wireless communication facilities bylaw and explained the proponents behind each change and what had prompted them. The PB asked Stephen scheduled to advertise a hearing for August 27th.

8:20p.m. Town Planner Updates to the PB

Stephen reviewed the following August agenda items:

- 1) The DPW would be asking the PB to review a road construction plan for Sawin Drive for a recommendation of Town acceptance of the road.
- 2) MRPC would attend the August 27th to update the PB on the ongoing Wachusett Corridor Smart Growth Project.

8:37p.m.

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

Respectfully submitted,
Michael Fortin

4 Attachments :

- 1 TetraTech Bonding Letter for Westminster Business Park dated July 23rd 2012 outlining work covered under 4 bonds.
 - 2 Three lot Approval Not Required (ANR) Plan for JP Dell LLC, Bean Porridge Hill Road, Surveyor: James E. Gaffney Co. dated Jul. 2012.
 - 3 MA State House Bill No.01759
 - 4 Stephen Wallace letter to Town Boards outlining Changes to Wireless Communication Facilities Bylaw with Planner's Notes dated July 9, 2012
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