



Town of Westminster

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, August 27, 2012

Room 222, Town Hall

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

Absent:

Additional Attendees: Mr. George Watt Atty for Langille, Mr. John Hume MRPC, Mr. Glen E. Hines, Mr. Alan Belanger, Mr. Bill Greene of Pine Tree Power, Mr. Tuomo Peltakangas

6:30 PM – Site Walk at Rowtier Drive regarding the proposed Site Plan for Alan Belanger

The Planning Board opened the meeting. Bud informed those present the meeting was being audio recorded. The PB asked Mr. Alan Belanger describe what he proposed to intended to do at the proposed site on Rowtier Drive which he did.

7:00p.m.

The Planning Board re-opened the meeting. Bud informed those present the meeting was being audio recorded.

Motion by Don to approve the August 13, 2012 meeting minutes. Seconded by Jon. Voted AIF to accept the minutes.

7:03p.m. ANR plan for Carl Langille, 135 Ellis Road: no new building lot, simply selling a portion of the master lot to be added to an abutter's lot (Sylvester).

The Board reviewed the ANR plan. Creation of an outlot to be combined with a neighboring lot. Stephen noted that technically it was a lot line adjustment. There was no discussion. All members present had no questions.

Don made a motion to endorse the ANR plan as presented. Second Jon. Voted AIF to endorse.

7:06p.m. Public Hearing regarding a Site Plan Approval for Alan Belanger (Dig & Pour LLC) to use the property at the end of Rowtier Drive for an industrial use: excavation/foundation business and wholesale business with outside storage, truck terminal and recycling facility in an Industrial-II zoning district.

Bud opened the public hearing which he stated had been publicly noticed. Stephen stated Mr. Belanger wanted to use the last lot on Rowtier Drive for an excavation/foundation business and wholesale business with outside storage, and recycling of construction materials and aggregate.

A Special Permit has been issued by the ZBA. His plan is to not build a building until the roadway is brought into his property at least 100 feet. There is approx. 2200 linear feet on roadway, 39 acres, that need to be brought up to spec before the road can be accepted by the town. There were no comments from BOH or Con Com to the PB.

Mr. Belanger stated he was looking for a site where he could operate his foundation excavation business. His work is located towards Boston and he needs a place to bring his materials to recycle and reprocess for resale. Mr. Belanger stated he would not be reprocessing wood demolition materials. His work consists of processing concrete rubble and concrete foundation

materials, asphalt, stumps, and loam. He would not be able to build the building and purchase the property at this time. He wants to use the property to run his reprocessing business, place storage units for his own use and to possibly rent out. He wants a complete understanding of what would be required for the existing road by the town and his neighbors Mr. Hines and Pine Tree Power. At some point in the future he would extend the roadway 100 feet into the property in order to create legal frontage construct a building.

Bud asked Stephen if he felt the use(s) were compatible with the Zoning Bylaw. Stephen stated it was his opinion the uses were compatible. The required Special Permit acquired from the ZBA covered Mr. Belanger's intended uses.

Mr. Fortin asked to have the word "recycling" clarified and the word "reprocessing" used in it's place. Mr. Belanger agreed. Mr. Fortin asked Mr. Belanger if he had any future intentions for dividing the lot. He state he hoped to incubate small businesses and rent space to small companies.

Stephen provided PB members with the original order of conditions granted for the park to Oink Oink Realty Trust in 1991.

Don asked Mr. Belanger to provide a specific list of materials he intended to recycle. Mike state the ZBA permit contained a list and provided the ZBA SP to Mr. Belanger for review.

Mr. Belanger hoped to create more lots further into the land and extend the roadway at some point in the future.

Bud stated the PB has been faced with insufficient bonding to complete the roadway. Mr. Belanger stated he had spoken with Josh Hall who stated the costs could be \$65K.

Marie Auger joined the meeting at 7:23pm.

Marie asked if Mr. Belanger would be using the entire parcel. He repeated he would be using part of the lot for now with the intention to divide and sell lots in the future. Mr. Belanger stated the Fire Chief would require a the road be paved and a cul de sac built.

Stephen stated Mr. Belanger understood he would have to revisit the PB for site plan review.

Mr. Fortin stated he was concerned about grinding and crushing operations happening at nighttime hours.

Mr. Greene of Pine Tree Power stated operating regulations required a tone be generated once per hour and local condo owners had asked it be toned down after 5pm. Noise was a big deal to the nearby condominium residents. Marie stated it was unfortunate since the power plant existed before the condos.

Mr. Glen Hines, an abutter was concerned the road was still not completed in front of his property and at present he and Pine Tree Power shared the burden of plowing and sanding the road.

Bud stated the view of the PB was that industrial land and the success of small business was key to the success of the town.

Mr. Hines stated he felt the town had not insured the original requirements of the subdivision had been completed and the bonding had been insufficient to complete the required work. There were still a number of outstanding issues that he had been assured from previous owners would be accomplished that remained incomplete. He did not want to see that happen again.

Mr. Greene stated he did not think late night noise was a good idea and might become problematic with the residential neighbors.

Stephen stated the board was being asked by Mr. Belanger to waive a number of subdivision requirements.

Waivers:

2.1 Allowing a plan to be prepared by a surveyor ... instead of an engineer...

2.1.3 The dimensions of the lot the frontage ... showing all property within 300 feet of site boundaries.

2.1.4 Location of proposed septic systems, water supply...

2.1.5 Landscaping Plan...

2.1.6 Signage

2.1.7 Location height intensity and bulb type of external lighting...

(Mr. Belanger stated there would be no lighting on the site.)

2.1.8 Location and description of open space...(none)

2.1.11 Building elevation plans showing elevations...(none)

2.1.12 Evaluation of impact on water resources.

(Bud stated there was drainage that had been done with the original site plans. Mr. Belanger stated that there had been a lot of temporary drainage and check dams to mitigate problems from the prior owners and it all appeared to be in good shape and working properly and he would be maintaining them. Mike stated the ZBA decision had stated that an engineered plan would be submitted to ConCom with appropriate water control measures. Mr. Belanger stated he would be required to submit a federal storm water management plan.)

2.1.13 Evaluation of impact on landscape.

2.1.14 Evaluation of traffic impacts.

2.1.15 Environmental impacts.

Stephen stated subdivision regulation 231.44 stating frontage of lots shall have all utilities installed including fire protection and bituminous concrete base installed and approved by the appropriate agency before said lot can be released or built upon. Stephen stated the board should include it in the waiver request.

Mr. Hines stated he expects the cul de sac and roadway to be completed beyond the end of his property.

Mike stated the PB would have to waive 231.44 and make it a condition that the road be completed to a certain point as part of the conditions.

Marie made a motion to accept the waivers as discussed. Don seconded. Voted AIF to accept the waivers.

Conditions:

Signage: Marie stated that signage was a separated bylaw and did not need to be a part of these conditions. The board agreed. Mr. Belanger stated he did not intend to construct a sign at this point.

Hours of operation: Crushing: Mike stated would like to see the crushing happen between the hours of 7am and 5pm. Mr. Belanger stated 5:00 pm would be acceptable.

Don made a motion to allow crushing of permitted materials between 7am and 7pm. Marie seconded. Voted 3-2 to allow crushing of permitted materials between 7am and 7pm. Mike stated he did not see a need to restrict delivery of materials with the understanding that if there were more than two complaints in any month, Mr. Belanger would have to appear in front of the board. Bud stated it would be the responsibility of the BOH to enforce any noise issues. The PB had no authority to enforce noise issues.

Mr. Greene asked to have the minutes reflect that the board had agreed that deliveries of materials would not be restricted and could happen during nighttime hours.

Condition of the road: Don stated that the road has needed to be upgraded for years and owners have come and gone with the work not completed. The DPW has gone out there and nothing has been done. The neighbors are complaining about incomplete promises. The bank has owned the property for three years and nothing has been done in that time. Don stated he would like to see a timeframe of completion for what portion of the road would be brought up to specifications at each point in time. Don stated he wants everyone clear about what the town expects to be completed before Mr. Belanger can come in for site plan review for a building and at each point in time before that can happen. Don would like to see something at the park finally

accomplished as a result of this rather than just the talk that has gone on for years without any action.

Stephen stated that Josh Hall (DPW) was requested to cost out everything that needed to be completed and what the remaining \$37K bond would cover. Stephen asked Mr. Belanger how long he expected it would take to complete the roadway and infrastructure.

Mr. Belanger stated he had discussed things with his banker and was told he needed a written agreement covering the infrastructure information to apply for his funding. He stated he would need to consult with Josh Hall and would need the expertise of Mr. Hines to determine what was actually in place and what remaining work was required to bring the park up to the required specifications. Mr. Belanger stated he was going to need everyone's help to determine

Bud asked Mr. Belanger to craft an agreement that he would like to see in place and return to the PB. Stephen stated he would like the Chairman's guidance to convene a meeting with all parties to help create a working agreement for review. The board asked Stephen to represent them and work on their behalf at this meeting.

Mike stated he felt it was important to recognize the cost of bonding to complete the road 100 feet beyond property line. Mr. Belanger stated he would not be able to fund the road 100 feet beyond the property line. Bud suggested he work with Mr. Hines to determine where a temporary cul de sac should be located. Mr. Belanger stated he was ready to meet and Stephen stated he would set up a meeting.

Mr. Greene stated two additional concerns: There is naturally occurring iron based ores in the rock around the site and Pine Tree Power is required to monitor the runoff. He would request that any carbon based material or carbon based materials be stored inside so they would not contribute to the runoff. Mike stated part of the ZBA special permit required that. Mr. Belanger agreed. Mr. Greene also was concerned about the swales and temporary drains installed were not adequate.

Marie made a motion to continue the hearing. Don seconded. Voted all in favor to continue to September 24 with a provision of moving the hearing to Sept 17th if Mr. Belanger was prepared. The PB voted AIF to continue the hearing.

8:12p.m. Presentation - Montachusett Regional Planning Commission, presentation on the Wachusett Smart Growth Corridor Planning Study.

Bud asked Mr. John Hume to speak and describe the Wachusett Smart Growth Corridor Analysis. Mr. Hume described the award and the purpose of the grant.

Bud stated that he felt that Westminister was not being asked to speak to the subject before the steering committee was asking for input from the public. Bud suggested that all the pieces did not seem to work together to meet the needs of the Westminister Community. Bud described concerns of missing trail links, no sidewalks around the station, the train station was not near anything and there seemed to be no connections. Bud further stated that the board was skeptical of the intended purpose of the plan to meet the needs of Westminister. Stephen stated that the town needed to articulate the missing pieces such as the trail links to get them included in the plan. Bud asked about the smart growth concept and stated he felt this study seemed more like "backing in".

Stephen stated he felt Westminister was interested in the reverse commute portion of the train station to get people out to Westminister and informed about the hiking and tourist type opportunities like the brewery, the mountain and the mid state trail.

Bud stated that there was no transportation to the major schools...the vocational school, the community college.

Mike stated that he felt some of the angst of the board was a result of MRPC representatives who had attended the visioning charrette suggesting things like future schools and services like supermarkets and restaurants and shopping for the train commuters off the Westminister exits on

Rt. 2. Mike stated big box had been defeated in town the last two times it had been put forward to the voters. A supermarket for those commuters could be found off exits in Gardner Fitchburg and Leominster.

Mike stated he felt the same "backing in" feeling Bud had stated since there would only be a potential for 400 people getting off the train at the new Wachusett Station and there already was the suggestion of major retail development. Mike asked how many people would really be getting off the train. Mike pointed out all the additional train parking already being added at North Leominster and Littleton. Mike expressed concern that the few people attending the visioning charrette might not represent Westminister's needs or wants. Mike stated he had asked a Fitchburg Industrial Development attendee at the charrette if they were intending on converting the industrial land around the train station to commercial uses to accommodate the retail services suggested by MRPC attendees and he was adamant that that would not happen. The man had stated that there was very little industrial land left for development in Fitchburg and they had no intention of changing its use to commercial or retail. Mike stated he felt Westminister felt the same way about its industrial land especially after losing one of its 43D priority development freight rail sites to the layover facility.

Mike questioned the 2.5 mile radius around the future Wachusett Station as a realistic radius when there was in his opinion 10 years of infrastructure work within a half mile. The analysis was being touted as smart growth but there was no safe access to the station except by automobile. Mike stated he had been asked by a local resident if they could walk to the new train station from Turnpike Road. Mike explained to him that there were two sets of tracks and a fence that would not allow any Westminister residents to access the train station by bike or walking without going thru the 231 industrial park. Mike stated one attendee of the visioning charrette pointed out it seemed like a case of the "tail trying to wag the dog"...it did not make much smart growth sense to make the station only accessible by car so people could commute towards Boston to work. Wasn't smart growth live work and play in the same place???

Mike stated he did not want to see any part of a regional plan contain suggesting anything that had not been vetted by the PB.

Bud stated to Mr. Hume that it was the PB's intention for him to return to the MRPC and make it clear that Westminister planning officials expected to be heard in regards to the Wachusett Analysis. The town has felt a little bit burned by the Wachusett train station experience.

Mr. Hume suggested the PB attend the steering meetings. Mike pointed out that the meetings were being held during hours most PB members needed to work at their jobs.

Stephen stated it might have been to the town's advantage if the analysis had been done before the train station.

Mr. Hume stated he knew the town was working on their master plan.

Marie stated the rural characteristics needed to be understood and met in any planning concerning the town and the master plan from year 2000 pretty much had said the same thing.

Mike stated Westminister's economic interest needed to reflect the near 30% open space it contained. Stephen asked the board members if he to convey that the town was not interested in having the report suggest big box, but to focus on the transportation links out of the train station and into Westminister.

Bud asked Mr. Hume to return to the PB as the project progressed. Mike asked Mr. Hume to provide the town with six copies of the mapping information that had been presented at the visioning charrette.

Bud thanked Mr. Hume for his time.

Discussion Items

Eric Gionet, preliminary discussion regarding potential two lot subdivision on Davis Road.

Stephen stated that Mr. Gionet would not be available to discuss the Davis Road subdivision.

Francis site plan

Stephen presented the board with the site plan review package for a meeting scheduled for September 24th.

Stephen presented the Report of the Commission for Public Housing, Sustainability and Reform prepared by DHCD for PB review.

8:47p.m.

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

Six Pages of Minutes
Respectfully submitted,
Michael Fortin

8 Attachments :

- 1 Approval Not Required (ANR) Plan for Carl Langille, 135 Ellis Road.
 - 2 Town Planner report on Dig & Pour LLC dated August 23, 2012 (4 pages)
 - 3 Site Plan of Lot 1 Rowtier Drive prepared for Alan Belanger/ Dig & Pour LLC by Kinsman Survey Associates dated 07/26/2012
 - 4 Plan of Land Rowtier Drive prepared for Oink Oink Realty Trust by Hannigan Engineering Inc. dated Apr 8 2002.
 - 5 Subdivision Certificate of Approval of a Definitive Plan for "The Business Park at Westminster" dated Feb 11 1991(8 pages).
 - 6 Application for site plan approval submitted on July 30 2012
 - 7 Letter requesting waivers from Alan Belanger dated July 27 2012 (2 pages)
 - 8 ZBA Special Permit case no 12 03 dated July 19 & 31 2012
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