



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(Revised)

Tuesday, March 26, 2013

Room 222, Town Hall

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

Additional Attendees: Mrs. Linda Wiest, Mr. Andrew and Mrs. Carol Kaski, Mrs. Roni Beal, Mr. Richard Vaillette, Mr. Tom Rutherford, Mrs. Miriane Suyer

7:00p.m.

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

7:00p.m. *Minutes*

Don made a motion to approve the March 12, 2013 meeting minutes. Seconded Marie. Voted AIF to accept the minutes as written.

7:00p.m. *Public Hearing – Continued: Site Plan for Town of Westminister, to construct a new Senior/Community Center at 69 West Main Street.*

Stephen informed the PB a very productive technical review meeting of town boards had been held. Stephen then read a letter from Mr. Joseph DiCarlo from Reinhardt Associates stating the revised site plans were not ready yet and requesting a continuance of the public hearing. The abutter Mr. Andy Kaski told the board he was concerned that the revised plans would include a buffer and berm between his property and the roadway and parking of similar configuration to what he had presented the board at the previous site plan review PB meeting. Don assured Mr. Kaski that the buffer and berm remained unchanged. Stephen stated he expected to receive plans from Reinhardt next week but did not think it would allow enough time for department heads to review the plans before the next meeting. Don expressed concern that the site plan approval was dragging on and hoped the PB could review the plans on April 9th. Marie moved a motion to continue the site plan review to April 9, 2013. Mike seconded. Voted AIF. Mr. Barry abstained from the vote.

7:10p.m. *Public Comments on Planning Board presentation to the Board of Selectmen regarding the MBTA train layover station.*

Bud stated 2 letters from the public had been received and would be forwarded to the BoS as part of the March 12, 2013 PB presentation from the PB. The letters were from W.E.S.T. and Mr. Richard Vaillette. Bud asked PB members if there were any comments on the letters received from PB members. Marie-no, Don-no, Mike-no, Jon-no Bud- no. There was a motion by Marie to forward the letters to the BoS. Seconded Jon. Voted AIF to forward the letters.

Bud asked if there were any comments from the public.

Mrs. Linda Wiest asked if there was any way to stop the project? She asked what the economic benefits were and was concerned about property values of abutters. She also was concerned about the sound that would be generated.

Mrs. Roni Beal stated she was concerned about noise and whistles being blown early in the morning.

Mr. Vaillette arrived to the meeting as an attendee and noted he had sent a letter. He asked if the PB had a copy of the letter the BoS had sent to the Federal DOT-OIG. Bud stated the PB did not have a copy of the letter.

Bud thanked the attendees for their time, input, and concerns, and that they could review the report that the PB had sent to the BoS. Bud told attendees their input would be relayed to the BoS. If they had additional questions they could better be addressed by the BoS.

7:20p.m. Discussion of potential transportation projects for the regional Transportation Improvement Plan (TIP) being assembled by the MRPC.

Stephen informed the PB Mr. Josh Hall had one project (on Rt 140) on the TIP that was being updated. There were a number of meetings scheduled that could be attended and referred members to a schedule of them.

Mr. Vaillette asked about the walk-ability study and further plans for the downtown area. Stephen stated a town center design workshop would be held this year and the results would be used to add a project to a future TIP.

Don stated there was also negotiations between Josh Hall and the State-DOT in regards to West Main Street improvements needed as a result of the Rt. 2 bridge that was a state project.

Jon asked about Depot Road repairs that would be needed as a result of WBP gravel hauling. Stephen said an initial traffic count had been done, a full analysis was in progress, and he would meet with Mass Highway and Josh Hall to try to get the project added to the TIP when the result of that full analysis was available.

7:30p.m. – Public Hearing - New Earth Removal/Placement of Fill Bylaw.

Don stated that the Town Hall was closed when the PB conducted the March 19th 2013 Public Forum and any business conducted by the board may not be officially recognized. Bud stated he recognized Don's concern and the PB should review the business conducted and re-vote all actions taken.

Bud confirmed that all members had read the Earth Removal Bylaw.

Bud summarized the Public Forum meeting for PB members and the votes taken.

Bud stated that he and Jon had attended one of the CPTC training seminars on March 16th, and K&P attorneys who presented seminar stated towns needed to be careful when moving some General Bylaws into Zoning Bylaws. The discussion was about bylaws might better be enforced under general bylaws as opposed to zoning bylaws. Having the bylaw in zoning might allow some entities to qualify under state exemptions and the intent of the bylaw may become meaningless. He stated the PB might want to consider withdrawing or passing over the article until the details and implications of switching the now general bylaw into zoning were understood.

Stephen stated the board would be best served by a round table discussion with town council present. Stephen summarized what he believed was the PB intent. To inoculate the town from exemptions under Chapter 40A Section 3, but still have an enforceable bylaw, while still allowing existing pits to be grandfathered.

Don described existing pit owners and their concerns about still being able to do business as they have done in the past.

Mike said there is an existing registration form, but was concerned all pit owners might not realize to be grandfathered, they need to fill out the form. Don agreed there was concern. had to ourJon stated some examples they gave at the session were educational institutions. Bud stated there were examples given about some communities moving general bylaws into zoning and then having no control over subdivisions of the state.

Mike stated it was still his concern about the issues of the enforceability of Zoning Bylaws vs General Bylaws.

Don did not want to see outside outfits come in to town to strip mine.

Mr. Tom Rutherford stated he thought the bylaw was a bit of unclear about how much material would need to be removed in order for a pit to not be considered abandoned. Mr. Rutherford also stated he thought the older bylaws were predicated on the fact the town did not want to encourage gravel removal. The older bylaws were based on the premise that someone had to show good reason and a positive result as the reason to remove gravel. Mr. Rutherford stated the town needed to protect itself of the removal of gravel just for the sake of profit from the removal.

Don stated many small pits in town were started with owners wanting to level off areas on their own property. Some land poor owners would sell small amounts of gravel each year to pay their taxes.

Bud asked for a motion to withdraw the Earth Removal Bylaw. Marie made the motion. Seconded Don. Voted all in favor to remove the bylaw.

7:55p.m. Westminster Business Park request to replace its bonds with letters of credit.

Bud asked the board for comments about WBP's council Elisha Erb to use letters of credit to replace existing forms of security. Bud asked if Westminster Town Council had weighed in on the subject.

Stephen said he had polled area planners and they all stated that letters of credit come with an expiration date that make the letter worthless after it expires.

Mike stated the PB accepts 4 forms of performance guaranty in the Town zoning bylaws and a letter of credit was not one of them.

Bud stated it was about bonding capacity to do other projects, not cash flow.

Marie stated the proponent can choose between which form of performance guaranty they want to use from the four available options.

Don said it was his opinion that it was self serving and not beneficial to the town's interest.

Mike stated letters of credit were not a recognized form of performance guaranty and agreed that town council needed to weigh in before the PB could make a decision.

Jon wanted to hear more on the issue before he would decide.

Mike motioned the PB write a letter to the BoS asking for Town council input and to advise them that at this point in time the PB is not inclined to accept a letter of credit as a replacement of performance guaranty.

Seconded Marie. Voted AIF to draft a letter to the BoS.

Stephen agreed to draft a letter for the board.

8:10p.m. DCR Crows Hill Dam repair project – Planning Board signature for receipt of plans

Bud asked if members had reviewed the Crow Hill Dams repair report. Bud asked for a motion to sign the receipt required by the State showing the PB had reviewed the report. Moved Don. Seconded Marie. voted AIF to have the chairman sign the receipt.

8:13p.m. Pay bills

Bud asked for a motion to pay the Gardner News newspaper \$153.36 for advertising the Earth Removal Bylaw public hearing notice. Moved by Don. Seconded Marie. Voted AIF to pay the bill.

8:15p.m. Other Business

Bud stated the CPTC exemptions seminar focused on the Medical Marijuana law that had been enacted and expressed concerns that the recommendations of K&P presenters would be to place a moratorium on Medical Marijuana to enable the PB to study the issue further. Many public safety issues had been presented. There was not enough guidance presently available at the state level to move forward in any direction on Medical Marijuana. K&P recommended placing a moratorium on allowing Medical Marijuana facilities in town until the subject could be better studied by the board.

Mike made a motion to forward the draft moratorium language provided by K&P to the BoS for placement on the warrant. Seconded Jon. Voted 3-2 to forward to the BoS.

8:25p.m. Adjourn.

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

6 Attachments :

- 1 Earth Removal Bylaw Version 6
 - 2 Earth Removal Rules and Regulations Version 3
 - 3 Letter from W.E.S.T. commenting on PB layover meetings.
 - 4 Letter from Mr. Richard Vaillette on PB layover meetings.
 - 5 Elisha Erb/WBP sample letters of credit.
 - 6 DCR Crows Hill Dam repair project report.
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