



# Town of Westminister

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**  
Phone: (978) 874-7414  
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William C. Taylor, II - Chairman, Marie N. Auger - Vice Chair, M. Donald Barry Michael Fortin Jon Wyman

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## MINUTES OF REGULAR MEETING

Tuesday, April 23, 2013  
Room 222, Town Hall

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

Absent: Don Barry

Additional Attendees: Mr. Joseph DiCarlo/Reinhardt Assoc./Senior Center, Mr. Chuck Scott/representing Wachusett Animal Hospital, Mr. Brett Pinkerton, Mr. Suresh Bhatia/Atlantic Construction/Senior Center, Mr. Richard Vaillette.

7:00 p.m.

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

7:00p.m. *Minutes*

Jon made a motion to approve the April 09, 2013 meeting minutes. Seconded Mike. Voted AIF to accept the minutes.

7:01p.m. *Public Hearing*

*Zoning Amendment: Temporary Moratorium on Medical Marijuana Treatment Centers.*

Bud opened the public hearing. Bud reviewed the genesis of the Medical Marijuana Moratorium Bylaw. Stephen spoke about the bylaw allowing time for the PB to develop appropriate siting standards to bring to the voters at next years ATM. Bud then asked PB members for comments. After discussion among the board, Bud opened the meeting up to the public. Mr. Richard Vaillette asked why the need for regulation at the municipal level if the state was regulating medical marijuana. Bud said town council recommendation was to understand the term "use" as it related to potential medical marijuana facilities to determine what local site regulation in the form of a zoning bylaw might be needed. Marie made a motion to close the hearing at 7:24p.m. Seconded Jon. Voted AIF to close the public hearing.

7:25p.m. *Public Hearing – Continued: Site Plan for Town of Westminister, to construct a new Senior/Community Center at 69 West Main Street.*

Bud re-opened the public hearing. Mr. Joseph DiCarlo of Reinhardt Assoc. stated that he had met with and received consensus regarding: the privacy berm to the east had been added which resulted in 80 parking spaces instead of 91, one road to the right side of the building to access parking instead of a wrap around, a crown in the road instead of sloping to one side necessitating more drainage structures, naming of the road Community Way submitted to the historical commission, and a list of waivers had been submitted, all plans had been stamped by required professions, and National Grid insisted utilities to the site be encased in concrete. The list of waivers described by Mr. DiCarlo included the following:

Site Plan Review Regulations

2.1.14: Evaluation of traffic impacts.

3.4: Landscaping – because of wetlands in the front of the property, the Applicant is requesting a waiver regarding the planting of street trees along the property's frontage.

3.8: Sidewalks - because of wetlands in the front of the property, the Applicant is requesting a waiver regarding the construction of sidewalks along the property's frontage.

Chapter 205 (Zoning), Article X (Signs), Section 41, sub-paragraph A.(2): which limits signs in the residential zoning districts to no more than six square feet. The Applicant is proposing a sign designed to have two faces, each consisting of 7.5 square feet of display area.

Chapter 231 (Subdivision of Land):

Article III, Paragraph 231-12.D, Item 1-a: a waiver from having to produce the plans on a tracing cloth or Mylar.

Paragraph 231-12.D, Item 1-b: a waiver from having to produce the plans on a tracing cloth or Mylar.

Paragraph 231-12.D, Item 2-e: waiver from production of street profiles.

Article IV, Paragraphs 231-14.A, Table 1 (Roadway Standards): waiver from the required maximum road grade of 6%. This is a steep site and the restricted access area requires that the entry road slope upward from West Main Street at a grade of 2% for 20 feet and then 8.33% for a length of 110 feet.

Article IV, Paragraphs 231-14.A, Table 1 (Roadway Standards): waiver from the requirement for a minimum center line radius of 140 feet. The site is too restricted to allow for this.

Paragraph 231-27.D: a waiver from the requirement of granite curb inlets at catch basins.

Paragraph 231-27.J: a waiver from the requirement of sloped granite edging at all intersections.

Paragraph 231-32.A: a waiver from the requirement that site trees be Sugar Maple.

After further discussion, Jon made a motion to close the public hearing. Seconded Marie. Voted AIF to close the public hearing.

Marie moved a motion to grant the waivers as discussed and listed above with one exception: the waiver requested for the sign is a requirement of Zoning, the Applicant will need to seek relief from the Zoning Board of Appeals. Jon seconded. Voted AIF to grant the waivers.

Mike made a motion to grant the applicant site plan approval with the following conditions:

- 1 The Applicant shall ensure that any lighting on the property does not create glare that extends onto abutting properties.
- 2 The Applicant shall seek approval for the name of the interior roadway ("Community Way") from the Historical Commission and the Fire Department.
- 3 The Applicant shall include road profiles of the interior roadway as part of the required "As Built" plan to be submitted upon the project's conclusion.
- 4 Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 5 The Site Plan Approval applies only to the site which is the subject of this Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.
- 6 The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner, or on the Application of the owner. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.
- 7 This Approval shall lapse on April 23, 2015 if a substantial use thereof has not sooner commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to April 23, 2015 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

Seconded Marie. The board voted AIF to grant site plan approval with the conditions above.

*7:52p.m. Public Hearing Continued - Wachusett Animal Hospital Site Plan – building addition, garage and new parking area.*

Bud re-opened the public hearing. Bud asked if all members had read the memo from Stephen regarding sewer calculations. Members reviewed the memo. He asked Mr. Chuck Scott to address the board. Mr. Scott

stated there were two issues to be resolved after the last public hearing. The sewer calculations and the drainage calculations. He stated Bob Maki from Con Com had reviewed and approved the drainage calcs. he stated he had discussed the sewer with the business park owners and Mark Ransom from the animal hospital and also with Josh Hall/DPW. They agreed to 69 kennels @ 50 gal/day with a 3450 gallon per day total. He stated they would be meeting with the sewer commission to discuss real world sewer calculations and solutions for Westminster Business Park. Bud asked about capacity issues when the MBTA layover might come online. Mr. Scott stated the T would not come online until the end of 2014 at the earliest and they would like to address sewer capacity before that time. Mike stated his concern about the ability of future lots being sold if there was no additional sewer capacity. Mr. Scott stated the WBP owners were aware of giving out most of the 3700 gallon capacity permitted. Stephen stated the town was going for another MassWorks grant (\$1M with \$500K supplied by the town) for an in-line storage system to address capacity. The other option was a low cost loan from the Rural Development Agency (25% of the cost with the rest supplied by the town). Bud stated in his opinion the board should wait for the Sewer Commission to weigh in. Mr. Scott asked that the board condition site plan acceptance to Sewer Commission approval of the flow rates.

Marie moved the site plan be approved with waivers and conditions as discussed previously and with Sewer Commission approval.

Bud asked to board to discuss the applicants request for the following waivers from the Site Plan Approval regulations:

- 2.1.5 Landscaping Plan showing planting areas, signs, fences, walls, walks and lighting, both existing and proposed. Location type, and screening details for all abutting properties and waste disposal containers.
- 2.1.8 Location and description of proposed open space and recreation areas.
- 2.1.12 Evaluation of impact on water resources.
- 2.1.13 Evaluation of impact on landscape.
- 2.1.14 Evaluation of traffic impacts.
- 2.1.15 Environmental impacts.

After further discussion, Jon seconded Marie's motion to close the public hearing. Voted AIF to close the public hearing.

Marie moved a motion to grant the waivers listed above with the conditions discussed and approve the site plan review. Seconded Jon. The Board voted AIF to grant the requested waivers to the Site Plan Regulations. The Board voted AIF to grant the Applicant Site Plan Approval with the following conditions:

- 1 The project will be limited to no more than 69 kennel spaces and a maximum sewer flow of 3,450 gallons per day.
- 2 Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 3 The Site Plan Approval applies only to the site which is the subject of this Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.
- 4 The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner, or on the Application of the owner. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.
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8:37p.m. *Review Warrant for May 4th Annual Town Meeting*

The board reviewed the warrant items in preparation of ATM.

*8:49p.m. Review Rebanna Road outstanding items*

Bud asked members to review the town council email on PB in-ability to place liens on properties at Rebanna Road. Stephen asked the PB to review Josh Hall/DPW estimate and compare it with the \$4819 remaining in the account. Stephen suggested inviting the owners to the May 28th meeting to which the board agreed.

*8:50p.m. Planner's monthly report*

Stephen addressed PB members questions about the monthly report. Stephen also asked for members to attend the Earth Removal Bylaw discussion with town council. Jon gave a quick report on the MJTC monthly meeting. Bicycle rider/Carbon Credit program. TIP refinements.

*8:58p.m. Adjourn.*

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

4 Pages of Minutes  
Respectfully submitted,  
Michael Fortin

10 Attachments :

- 1 Public Hearing Legal Notice and Medical Marijuana Moratorium Warrant Bylaw.
  - 2 Town Planner Memo on Senior/Community Center Site Plan dated April 18 2013 / 4 pages.
  - 3 Updated Senior/Community Center Complete Plans from Reinhardt Assoc. dated: Revised April 23, 2013.
  - 4 Letter from Reinhardt Assoc. updated regarding requested waivers for Senior/Community Center Site Plan Review dated April 17, 2013. / 3 pages.
  - 5 Wachusett Animal Hospital CFS Engineering letter dated April 18, 2013 detailing revised sewer calculations/ 1 page.
  - 6 Town Planner Memo on Wachusett Animal Hospital dated April 18, 2013/ 4 pages.
  - 7 Wachusett Animal Hospital Site Plan.
  - 8 Report of the Advisory Board for ATM Warrant dated Fiscal Year 2014.
  - 9 Email from TC/J Silverstein dated March 22, 2013 regarding Rebanna Road bonding.
  - 10 List/Cost Estimate of remaining work on Rebanna Road from DPW.
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