



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, Brett Pinkerton Michael Fortin Jon Wyman .

MINUTES OF REGULAR MEETING

Tuesday, May 28, 2013
Room 222, Town Hall

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

Additional Attendees: Mr. Brian Rayner, Mr. Ron Peabody/PRM Capital investments, LLC, Mr. Chris Mossman, Ms. Elaine Davis-Curll, Ms. Nikki Vassalli?, Mr. Tom Rutherford, Mr. Tom Connell

7:00 p.m.

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

7:00p.m. *Minutes*

Marie made a motion to approve the May 14, 2013 meeting minutes. Seconded Jon. Voted AIF to accept the minutes.

7:01p.m. *Chris Mossman – representing Jane Lauricella, and Kristine and Cheryl LeClair, 104 Turnpike Road. Discuss the possibility of the Planning Board sponsoring a zoning change for this property.*

Mr. Chris Mossman described the property. Mr. Mossman had appeared before the PB in January, the result of which the PB had written a letter of support. They had received a use variance from the ZBA to build a residence in a C-I zone. The residence could not be built within the 1 year variance requirements. Mr. Mossman asked the PB to support a Fall Town Meeting article to change the land in question from a C-I district to a R-I district. The land in question has wetlands, an existing residence, and frontage on Depot Road was limited when the State made improvements to the off ramp of Rt2. Jon made a motion to support a C-I to R-I district change. Marie seconded. Marie asked in the future, should the zoning change pass, to see a wetland crossing plan before the proponent returns for an ANR plan. Mike said he supports the change with the understanding that this is a unique situation and the PB does not usually support zoning district changes. the PB voted AIF to support the zoning change at Fall TM.

7:13p.m. *Rebanna Road Subdivision - PRM Capital Investments LLC, discussion regarding outstanding items.*

Bud asked Stephen to run through the facts regarding the subdivision. Stephen stated he was contacted by the DPW director stating there were a number of outstanding items that needed completion before the road could be accepted by the town. Josh Hall/DPW director had put together an itemized list detailing work needed at \$115,857(attachment 2). There was an existing bond with \$4919 remaining.

Mr. Ron Peabody/ PRM Capital Investments LLC reviewed a letter he had sent to neighbors faxed to the PB on May 24, 2013.(attachment 1) Mr. Peabody stated PRM did not consider themselves owner of the subdivision. He stated they considered themselves the owners of the remaining lots. He went on to say they were an investor, not the developer . He stated they never intended to be the developer nor did he think they had done that. PRM had taken over the remaining lots in lieu of foreclosure by the bank. At the time, PRM held a second mortgage on the property. Mr. Peabody

described a meeting with former Town Planner Ms. D. Tatasciore at which they discussed items that were not bonded, were in his opinion not PRM's responsibility, but they were willing to complete the work on. He stated there were three items: 1) Work on South Ashburnham Road that had been done but was not acceptable by Josh Hall, 2) The retention basin that had not been constructed to plan and 3) \$148K in back taxes.

Stephen asked Mr. Peabody who he contended owned the roadway. Mr. Peabody stated he had no idea. Mr. Peabody stated he assumed that once the previous bond had been taken by the town, the remaining work would have been completed. He did not want to write a check for a \$115K bond.

Stephen asked who Mr. Peabody thought would petition the town for road acceptance to which he replied he assumed it would be a matter of course once the bond had been taken. Stephen stated the work on the \$115K estimate could probably be done cheaper by the developer. Mr. Peabody asked if the bond was adequate at that time, what happened to all the money? were there inefficiencies in the work done by them? He would want to sit down with Josh Hall.

Stephen suggested a meeting between himself, Mr. Peabody and Josh Hall to review and determine what work had been done on the original bond and what still needed to be attended to. Stephen stated he would ask the assessor who the town thought owned the roadway.

Marie stated she was aware that multiple things had changed that had affected the costs. Mike stated he did not think the PB should act until they determined who owned the road. Jon asked why some of the items were not directly associated with the road. Brett asked about PMR purchasing the lots. Mr. Peabody stated that they had not purchased the lots, they had purchased the note and mortgage and took title to the remaining 17 lots in lieu of foreclosure. Brett asked for a copy of that title. PRM stated they had built 5 homes, one of which is a model home. They have sold 3 and fourth would be closed on in June. PRM owns the model home.

Bud stated his opinion of the letter PRM sent to homeowners may have unintentionally put fear into the homeowners leveraging the completion of the road. Mr. Peabody stated that was not his intention.

Stephen stated he would work through the assessor and town council to determine ownership of the road and then set up a meeting with the owner, Josh Hall and himself to determine a way forward.

Marie asked about the status of the open space. Mr. Peabody was unaware of the status.

7:36p.m. Planning Board review and comment on Earth Removal Permit application for Curtis Farm, 57 Depot Road.

Stephen stated the purpose of the review was for the PB to provide BOS with comments in regards to a BOS earth removal permit. Chris Mossman described the property. 1.8 acres of 51 total would be leveled to create a hay field. 8900 yards would be removed. Con Com had reported to Selectmen regarding the water flow.

The PB agreed to provide the following comments to the BOS:

- 1) The applicant asserted that the nearest residential water well was at least 1,000 feet away from the land that will be disturbed.
- 2) The Board suggests that the BOS request definitive evidence of this or have an independent entity verify this assertion.
- 3) The Planning Board believes there should be a timetable of no more than two years to complete this project and this should be one of the conditions of approval.
- 4) The Planning Board suggests that BOS forward the application to the City of Fitchburg Conservation Commission because the stream on this property appears to be a tributary to Snow Mill Pond and Flag Brook in Fitchburg.

The Planning Board did not come to consensus on whether or not this project should be required to post a bond, but recommend that the BOS consider the necessity of a bond.

There was discussion of the PB inheriting BOS earth removal permits in the future. The PB voted AIF to support the application and to allow Stephen to communicate comments to the BOS.

8:05p.m. *Planning Board liaison reports.*

Bud asked if there were comments from board members on the MBTA contract for the construction of the layover facility being awarded. board members had no comments.

Marie stated there was a meeting today with Eric Smith/MRPC for the open space and recreation portion of the Wachusett Corridor Smart Growth Analysis. Dick O'Brien with the trails coalition was in attendance. Marie described meeting at various sites that are around the Wachusett train station and options to connect access to the Mid-State trail from the station, one of which was the water right of way between Rowtier Drive and Narrows Road.

Bud described the Master Plan committee work to date, the completion of the MP economic development chapter, and the number one recommendation from that chapter being the sewer capacity. Future economic development could be hindered by the lack of sewer infrastructure. Stephen updated board members: The inline sewer (a stop gap solution @ \$1.5M) was in question. The District 3 DOT may not issue the access permit to place the inline storage in the right of way of Rt2A. Josh Hall/DPW was meeting with District 3 DOT, the results to be reported. Stephen stated that a meeting between the town treasurer, himself and Josh Hall came to the conclusion the DPW would not seek a Rural Development Grant. Stephen went on to say the DPW was planning going to Fall Town Meeting to ask voters to fund the cost of the inline storage system with funding being a 50/50 split between general public and sewer users. Stephen reiterated that sewer was the number one priority of the economic development of the town. Mike discussed the Sewer Master Plan for 2006/2007 and told board members he had attended DPW meetings to ask when the Sewer Rate Study approved at ATM in 2010 would be available, to which he was told late May 2013. Mike stated he felt all town residents would benefit from the revenue from new industry that the new sewer would serve and therefore all residents should contribute to its creation.

8:27p.m. *Adjourn.*

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

7 Attachments :

- 1 PB letter to Mr. Ronald Peabody PRM Capital Investments LLC(Rebanna Road) Dated May 6, 2013. 1 page.
 - 2 List/Cost Estimate of remaining work on Rebanna Road from DPW dated April 2013 1 page.
 - 3 PB Certificate of Action for Rebanna Road REG DEED Bk 5852 Pg 259 #23456 Dated 09-15-2005 3 pages.
 - 4 Letter from PRM Capital Investments LLC to homeowners dated May 24 2013 2 pages.
 - 5 Curtis Road Earth Removal Site GIS plan by Town Planner
 - 6 Email from D. Brownell with questions about the Earth Removal Permit 1 page.
 - 7 Curtis Road Earth removal permit application package and contour map from applicant. 14 pages
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