



# 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

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## MINUTES OF REGULAR MEETING

Tuesday, July 23, 2013  
Room 205, Town Hall

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

Absent: Bud Taylor, Brett Pinkerton,

Additional Attendees: Ms. Erin Parileo, Mr. Mike Patsis, Ms. Kimberly Peltalas, Mr. John Connelly, Ms. Karen Aveni, Mr. Joseph Aveni Jr., Ms. Nancy Green, Mr. Gary Richards, Mr. Larry Streeter, Mr. Gary Streeter, Ms. Judy Rivers, Mr. E Raj Kirseth??, Ms. ???, Mr. Peter Normandin, Mr. Kevin Nivala, Mr. Joseph Mizhir, Mr. Jeffrey Aveni, Mr. Ray Bourgeois, Mr. Jeffrey Moisan, Ms. Robin Moisan, Ms. Sheryl Vaillette, Mr. Richard Vaillette, Mr. Rob Brodeur, Mr. Phil Henry, Mr. Paul Wilson, Mr. Phil Lombardo, Mr. Jim DeLisle, Mr. Brian Ruland.

7:04 p.m.

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

7:04p.m. *Minutes*

Jon made a motion to approve the July 09, 2013 meeting minutes. Seconded Marie. Voted AIF to accept the minutes with amendments.

7:05p.m. *Approval Not Required (ANR) plan for endorsement on the creation of 5 new lots (4 hammerhead lots for new construction and one conventional lot containing the existing single family house) The existing parcel contains 26.29 acres. The lot is located at 36 East Gardner Road. The assessor's map and parcel numbers are 62 / 9 and the applicant is Ashoryn, LLC.*

Marie asked Mr. Chris Mossman to describe the plan. After brief questions from the PB regarding frontage and wetlands on the properties, Mike made a motion to endorse the plan as presented.

Seconded Jon. Voted AIF to endorse.

7:09p.m. *Rebanna Road Subdivision - PRM Capital Investments LLC, discussion regarding outstanding items*

Marie asked Stephen if there was new information regarding Rebanna Road / PRM. Stephen told the Board it would be his suggestion to refer the matter to town council. After meeting with the DPW, PRM had written to the town BOS contending some of the items and costs the DPW had put together. Jon stated DPW Director/Josh Hall's estimate was \$137K. The original bond amount was \$60K. The Town had cashed in the original bond to complete as much work as possible with the remaining funds. Mike said it was his opinion that Mr. Peabody may not have understood that the original bond did not contain enough funds to cover completion of the work when he appeared before the PB in May. Jon stated that the owner seemed to not recognize that from the time of the original bond to the present, 7 years had elapsed. Mike stated that Josh Hall's new estimate did not contain work done with the original bond money. Marie stated the question was how Josh came up with the new figures. Mike read from the May 28th meeting minutes: Josh's estimate totaled \$115K. Jon thought it was a good idea to set up a meeting between the Town Administrator, Stephen, PRM, and the DPW to determine a plan to move forward. Stephen stated it was the PB's intention all along to have PRM complete the work without the necessity of posting a new bond. Stephen asked if the PB

wanted him to schedule a meeting for all parties to sit down to discuss the issue. The PB was in full agreement to have Stephen schedule the meeting.

*7:22p.m. Public Hearing Site Plan Review - Application to construct a convenience store and gasoline service station at 68 Main Street, owner and applicant: Cumberland Farms Inc.*

Marie asked the proponents to present any plans and information they had to the PB. Mr. Phil Lombardo Attorney for the project introduced himself and: Mr. Paul Wilson/CF Project Manager, Mr. Phil Henry/Project Engineer, and Ms. Erin Pacileo/Traffic Engineer.

Mr. Henry/Civil Design Group: started by reviewing the existing site conditions and then comparing them to the proposed improvements. 68 Main Street- entire site Assessor lots 94 and 95 totaling 1.17 acres. Front half will be worked on. Existing building 5400 sq.ft.: three tenants, dry cleaner, pizza shop and CF. primarily asphalt with 17 parking spaces. Behind the site are resource areas and the proponent has appeared before the Con Com.

Plan is to raze existing building and replace with 3600 sq ft convenience store, three fueling dispensers with two 20,000 gallon underground storage tanks, 13 parking spaces (11 up front, 2 out back near trash). Access: 24ft on Main St.(down from 45ft) and defined 30feet on Eaton St. (presently undefined). Five site lights: 16ft. in height. New landscaping on both streets reduce present pavement coverage. Snow storage has been discussed and will be removed in significant events. Storm water will have increased treatment and will travel through drains around the site to the rear. Mass DOT will take ownership of drain up to the point it traverses right of way of 2A onto Eaton Street. MassDot has also found the exit entry geometry onto 2A satisfactory. Landscaping 28 trees, 5 to 16ft tall 16ft on Main Street.

Mr. Paul Wilson: Colonial looking design of building, There is a similar building in Leominster at Kings Corner. CF is going through a rebranding of logos, products color schemes. more home/farmhouse. Removing orange color from logo. New food products. Public restrooms. Existing tenants will not be accommodated. They will present elevations to Historic Commission.

Marie asked about the canopy over the pump. Mr. Wilson stated the parapet will be just high enough to house the fire suppression system. White with stone bases at the columns. No signage on canopy. All lights will be shielded LED with minimal over-shed.

Jon asked how the canopy would line up with the front of the building. Mr. Wilson replied just over 17' high, 14'-4" under. Fascias of building are at 11'-10" top of building is 30'. Mr. Wilson went on to describe the checkouts are centered in the building to provide a constant view of the pumps per fire code. Three outdoor seating areas for guests to picnic at.

Marie asked the status of the ZBA hearing. Mr. Lombardo stated they had appeared at the ZBA and made a similar presentation to them which had been continued. Stephen stated to the public it would be the ZBA who would determine whether the gasoline pumps would be allowed, not the PB. PB site plan review was to work out details such as lighting, building facade, signage, entry and exits etc.

Ms. Erin Pacileo/Traffic Engineer presented next. McMahon Associate who pulled together the impact study. Study area was intersection of 2A Eaton and Nichols Street. MassDot 2008-2010 data of three crashes per year is slightly above the crash data average. Westminster Police identified many crashes occur in adjacent property driveways. Volume Data was collected at peak morning 7am-9am 4pm-6pm and a 5 year projection was compiled from historic background growth and existing traffic. MRPC data showed a slight decrease in annual traffic. With that data, a 1% annual growth rate out to 2018 could be determined. Using the Institute of Traffic Engineering data trip generation handbook, they identified the number of trips which they compared to the expected increase in trips. Morning would not change much. Afternoon would increase by 15 trips. Distributing the increase of trips based on present traffic patterns showed no significant impact to the intersection.

A letter from MRPC reviewing the McMahon CF traffic study stated they concurred with the methodology but should talk with Westminster Police to determine the nature of the crash. MRPC recommended increased crash numbers should be investigated further. Westminster Police data identified poor site circulation and access in close proximity to the intersection. The restricted access

to the new CF site would increase distances to intersections and slow down entering and exiting traffic to the site. MRPC also suggested a review of sight distances which was done and acceptable for 30-35MPH travel. MassDot also reviewed signaling the intersection and the District stated that added turn lanes were more likely if the Town wanted to pursue traffic calming measures.

Stephen Wallace reviewed the Site plan memo detailing required permitting(attachment #4). Public Works DPW had 21 comments. DPW: recommends CF has MassDot 2A access permit in hand before PB approves site plan review. Police: recommended that PB seek independent review/examination of CF traffic study. Police have updated crash data thru the present date and Stephen will forward to PB. Fire: store operator needs to have constant view of pumps, all deliveries of goods should be to rear of store. Site plan should review parking on Eaton Street.

1 Traffic impact study should be reviewed by independent third party as outlined in PB Site Plan Rules and Regulations. Section 2.7.2.

2 Timing of gasoline deliveries should be discussed and agreed upon.

3 Hours of operation should be discussed and agreed upon.

4 All issues on DPW memo should be discussed and agreed upon.

5 Screening of abutting properties should be discussed and agreed upon

6 Historical Commission should be given opportunity to review and comment.

7 Snow storage on site should be limited and agreed upon.

8 Landscaping should be contained within property boundaries.

Marie stated the MRPC reviewed the study and that review should qualify as the third party review. Mike stated the PB should review the MRPC review and updated Police crash data before deciding whether the MRPC review letter would qualify as an independent study and discuss the issues that Police may have. Stephen stated that he and the PB did not have adequate time to review the MRPC traffic study review.

Jon asked about a road listed in the traffic study that did not appear to exist. Ms. Pacileo stated she had grouped the traffic data together with a road that did not exist to capture the number of cars leaving the gas station to present a more conservative view of the intersection numbers. Jon also noted Eaton Street is not an access to Aubuchon. Ms. Pacileo stated she was under the impression it did connect. She had seen spikes in traffic data that suggested that. Jon noted the study did not mention the VFW in their study. Mike asked if Ms. Pacileo was aware of the VFW located behind the gas station which might account for the spikes in numbers. She stated she was. Mike also reminded the PB of a letter from Ron Muller & Associates asking for a third party independent review and until the PB had taken a good look at that data, the board should leave open the possibility of further independent review.

When asked by Mr. Lombardo what the process was to approve the traffic study, Stephen told him the PB and town technical review committee would review the MRPC traffic review letter and the updated Police crash data to determine if a more in depth review would be required.

Jon stated it appeared the information presented so far would improve safety at the intersection.

Marie asked about 24/7 hours of operation. Mr. Paul Wilson stated present hours were 5am to 12am. They would look to seek 24 hour operation but due to comment received they would be open to discuss keeping the present hours of operation.

Marie asked about the Mass Highway curb cut. Mr. Wilson stated MassHighway liked to see local approval in place before reviewing and issuing their permit. Marie did not feel the need for the PB to make it a condition of their approval since it was required by law. Let the appropriate agencies to their job.

Stephen asked for the proponents to review the landscaping to the left of the site. Mr. Wilson noted existing trees 25 feet high and a stone wall. An additional fence 6ft high would be added. Behind the site he noted no existing vegetation at present.

Mike asked for the proponent review the placement of the truck delivering fuel to the site and asked if it had been approved by police and fire. Mr. Wilson noted the truck position and stated a diagram had been exhibited at the technical review meeting showing the position of the truck. The trailer may

obscure view of the third pump requiring it to be shut off during deliveries. Capt. Nivela stated it would be monitored by the fire department. Jon asked what the protocol was to make sure the delivery driver would follow the proposed truck placement. Mr. Wilson stated the trucks follow a

Mike asked the proponent to describe signage. The proponents stated the signage would be all white solid unlit backgrounds lit at the letters only. The price designations for fuel would be l.e.d.s. Mike asked about the stone base of the main sign. It appeared to not fit with the proposed asphalt layout. Mr. Wilson stated it would be revised to fit, still maintaining the stone base. When asked about the signs on the building, Mr. Wilson stated the signage was being revised. Jon stated his questions had been answered along the way.

Marie asked for questions from the audience.

Ms. Sheryl Vaillette asked about gas delivery routes. Rt. 2A would be used.

Mr. Joseph Mizhir asked about a 30' radius at the Rt.2A exit(Main St.) Mr. Wilson showed the radius included area in the sidewalk curb cuts and would be further detailed on updated drawings. Mr. Mizhir asked how the MRPC review had come about. Stephen stated all major projects were asked to be reviewed by MRPC as a matter of PB practice. Mr. Mizhir asked if the Ron Muller traffic letter had been reviewed by MRPC. Stephen stated they had not. Mr. Mizhir asked if Stephen felt the MRPC study qualified as an independent study. Stephen stated it was a matter for the PB to determine. Mr. Mizhir asked if the BOH had been consulted. Stephen stated they had received a set of plans and had not provided comments to date.

Mr. John Connelly asked about height and species of trees at the corner of Eaton and Main and whether they would act as a buffer to the canopy. 2 1/2" caliber honey locust and pears when planted, growing to a mature height of 20-25 feet.

Ms. Robin Wilson asked about whether the trees would block the sign. 25' to top of sign but angle of approaching cars should not block the view.

Mr. Jim DeLisle asked if the building was being torn down. Yes and moved back. Mr. DeLisle asked about parking spaces going from 17 to 13. Proposed 13 spaces which is a 4/0 ratio of net sales area. There are no parking requirements for a CIII district.

Mr. John Connelly asked if the traffic study was based on an increase in traffic 24/7. Ms. Pacileo stated no, it was based on peak traffic times. Data available was from 2008 to 2010. Updated police data listed 2 intersection crashes with 11 abutting parking lot crashes. The traffic counts were done in April 2013. 2010 to 2012 showed an increase in downtown traffic due to 140 bridge construction.

Mr. John Connelly asked if Eaton street contained enough room to allow trucks to maneuver to unload without blocking traffic. Mr. Wilson stated all truck deliveries would use only the right of way. Mr. John Connelly asked if the placement of the tanks so close to abutting property lines were allowed.

Mr. Gary Streeter stated he felt the proposed project provided multiple improvements to the Eaton Street area as well as increased tax revenues to the town.

Mr. Mike Patsis questioned increased tax revenue with a smaller building. Marie stated the new building value and new equipment may provide an increased tax base but it was not the purpose of site plan review to determine revenues. Questions about revenue should be addressed to the assessor.

Mr. Wally, as a resident of Nichols Street, questioned site lines pulling onto Main Street from Nichols even with the existing layout. Trucks parking eastbound opposite CF blocked the view. The entrance to the IC credit Union plaza off Nichols Street presented multiple near miss accident situations.

Mike asked what would happen to the present gas station property next door. The property is under agreement and they would deed restrict the property, and dismantle the gas pumps, tanks and canopy. Mike asked about the actual building. There were no plans at this point for the building. They would paint it and possibly put it on the market.

Stephen summed up the meeting as follows:

- PB will review MRPC traffic analysis.
- PB will review Police traffic crash data.

-Proponent will provide commodity and gas truck circulation diagrams and update plans to reflect modifications to the building sign and base of the freestanding sign.

-Next technical review meeting on August 5th.

Jon made a motion to continue the site plan review to Tuesday August 13th 2013 at 7pm in room 205. Seconded Mike. Voted AIF.

9:03p.m. *Planning Board liaison reports.*

Jon, noted he had attended an MPO meeting and approved a Unified Work Program. Jon was elected Secretary.

9:04p.m. *Adjourn.*

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

5 Pages (Arg!!!) of Minutes  
Respectfully submitted,  
Michael Fortin

7 Attachments :

1 Form A ANR application from Ashoryn LLC received SW 7/23/2013. 2 pages.

2 ANR Plan for 36 East Gardner Road by Edmond J. Boucher dated July 17, 2013. 1 page.

3 Cumberland Farms Site Plan Set - CFG 1.0 dated 06/18/2013, CFG 2.0 dated April 18 2013, CFG 3.0 dated May 21, 2013, CFG 4.0 dated May 21, 2013, CFG 5.0 dated May 21, 2013, CFG 6.0 dated May 21, 2013, CFG 7.0 dated May 21, 2013, CFG 8.0 dated May 21, 2013, CFG 9.0 dated May 21, 2013, 9.1 dated May 21, 2013, CFG 9.2 dated May 21, 2013, CFG 10.0 dated 6/14/2013, CFG 12.0 dated 3-19-2013, CFG 13.0 dated 3-25-2013, A 1.1 dated FEB 26, 2013, A 3.1 dated FEB 26, 2013, A 3.2 dated FEB 26, 2013 17 total pages.

4 Cumberland Farms Site Plan Memo by Stephen Wallace/Town Planner dated July 23 2013. 3 pages.

5 Westminster DPW Site Plan Review letter for 68 Main Street dated July 8, 2013. 2 pages.

6 MRPC review of Traffic Impact Study for Cumberland Farms Redevelopment dated July 18 2013. 9 pages.

7 Ron Muller & Associates Cumberland Farms traffic review letter dated June 18, 2013. 4 pages.