



# 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, August 13, 2013

Room 205, Town Hall

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

Absent: Brett Pinkerton,

Additional Attendees: Mr. Larry Streeter, Ms. Kimberly Peltalas, Ms. Roni Beal/Historical Commission, Ms. Sheryl Vaillette, Mr. Richard Vaillette, Ms. Anne OConner, Mr. Mike Patsis, Mr. Tom Rutherford, Mr. John Scribner/Liscotti Development, Mr. Luke DiStefalb/Bohler Eng

The following people did not sign the sign in sheet but identified themselves and spoke at the meeting:

Mr. Matt Light? /Civil Design Group, Mr. Erin Parileo/Mcmahon, Mr. Gary Richards, Ms. Donna Brownell, Ms. Richelle Brown

7:00 p.m.

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

7:01p.m. *Minutes*

Marie made a motion to approve the July 23, 2013 meeting minutes with minor corrections. Seconded Jon.

Voted AIF to accept the minutes with corrections.

7:02p.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.*

Bud reopened the public hearing and reviewed documentation from two prior attempts by cF to develop the site. Brief discussion led to Mike making a motion to have Stephen forward the information to the ZBA with a memo asking them to review it as part of the Special Permit. Seconded Marie Voted AIF to write the memo and forward the information to the ZBA.

Stephen described the second technical review meeting held for the project and the resulting 12 issues that still remained outstanding:

Remaining Outstanding Issues:

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1. The Applicant has agreed to a third party review and the Town Accountant has set up a 53G account to accept funds for this review. Stephen obtained price quotes from three traffic engineering firms:

-- MDM Traffic Consultants (Marlborough, MA):	\$6,000	
-- Conley and Associates (Boston, MA):		\$4,000
-- TEC Engineering (Lawrence, MA)		\$8,200

Stephen told the board there were four items that he asked each firm to bid on:

- 1) Review the proponent traffic study by McMahan.
- 2) Site plan with the turning radii.
- 3) The MRPC review of the McMahan traffic study.
- 4) The comment letter prepared by an abutter's traffic engineer (Muller letter)

After discussion, Bud asked the proponent if there were any conflicts with the three firms selected. The proponent did not see any conflicts.

Mike made a motion to recommending to the Selectmen to award the contract to Conley and Associates with the understanding they could turn the review around in three weeks from being

awarded the contract. Seconded Marie. After further discussion about increased traffic and safety issues that probable lower priced gas might bring in and an explanation of peak traffic hours, worst case scenarios, traffic crash data around the site, and possible additions of turn lanes and Eaton St/Main St./Nichols St. intersection by Ms. Erin Parileo/Mcmahon, and truck turning templates by Mr. Matt Light?/Civil Design Group, Stephen moved down the list of remaining items.

2. The Applicant has agreed to prepare an estimate of the daily traffic volume that currently occurs on the property based on the most recent edition of the ITE Traffic Generation Manual.

Applicant is still working on this item #2.

3. The Applicant has agreed to no gasoline deliveries during the morning peak hours (7:00 AM to 9:00 AM), evening peak hours (4:00 PM to 6:00 PM) and after 10:00 PM.

PB determined this is an operational issue left to ZBA Special Permit.

4. The Applicant has agreed to continue with its current hours of operation (5:00 AM to midnight).

PB determined this is an operational issue left to ZBA Special Permit.

5. The Applicant has agreed to place additional landscaping in the rear of the property.

Proponent (Did not identify himself(Mr. Matt Light?))showed the meeting members additional landscaping that had been placed on the plan.

6. The Applicant has agreed to an annual maintenance program for the landscaping on site, including the replacement of all dead trees and shrubs.

PB determined this is a PB condition of approval. Bud interjected that after discussions with Josh Hall/DPW, the concern was that snow stored on site would hurt plantings and vegetation.

7. The Applicant has agreed to work with the DPW Director to establish the amount of snow stored on-site which will trigger removal off-site.

Proponent (Did not identify himself(Mr. Matt Light?))stated Mr. Phil Henry had spoken with Josh Hall/DPW and Josh's concerns were snow placed within the "sight triangles" on the site. Ms. Erin Parileo/Mcmahon, defined "sight triangles". Proponent stated no snow storage would be placed within the "sight triangles"

8. The Applicant has agreed that all commodity deliveries will take place in the rear of the building.

PB determined this is an operational issue left to ZBA Special Permit.

9. The Applicant has agreed to decommission the gasoline service station next door and place a deed restriction on the property precluding its future use as a gasoline service station.

PB determined this is an operational issue left to ZBA Special Permit.

10. Per the recommendation of the Historical Commission, the Applicant has agreed to install a mansard roof for the pump station canopy.

PB determined this is a PB condition of approval. Bud thanked the proponent for meeting with the Historical Commission and following their recommendations.

11. The Applicant has agreed that its monument sign will be no taller in height than the monument sign at 71 Main Street (the IC Credit Union directly across the street).

bud stated there were town concerns about the LED lighting and showed the proponent an IPOD picture of a non-led scrolling sign. The proponent stated it would be a possibility to switch to the scrolling type of sign. The proponent consented to the scrolling type sign. The proponent stated that the sign would only be changed once per day and is not a continually scrolling sign.

12. The Applicant is still evaluating the Historical Commission's suggestion that it use composite cement board for the building façade instead of the vinyl siding currently proposed.

PB determined this was not a priority of the HC. The proponent stated the vinyl siding is in keeping with the neighborhood. After discussion, a poll of the PB members resulted in all agreeing vinyl siding was also in keeping with the surrounding buildings. Bud asked for the HC to meet and discuss the new proposed sign and the vinyl siding.

Bud then opened the meeting up to the public for input and questions.

-Mr. Tom Rutherford asked the proponent to describe what their intent was on the Streeter property.

Proponent (Mr. Light?) described removing the canopy and underground tanks and dispensers, repaving and marketing the building for sale with the deed restriction.

-Mr. Rutherford asked how what additional future traffic would impact the present site plan review.

-Ms. Donna Brownell stated it was her understanding that the tanker trucks would approach from the west on Rt 2A. She asked who in Gardner had been approached to approve the transportation of the fuel through Gardner.

Mr. Erin Parileo/Mcmahon stated she believed Mr. Phil Henry had talked to DPW officials in Gardner. Bud asked the proponents for a letter of confirmation to prove Gardner had been contacted. Both Stephen and Bud described that at that point, the site would be treated as any site would and come under a new site plan review of a proposed use.

-Ms. Brownell then asked about the remnants of the former Cape Anne Diner that may be buried on site and asked if the BOH could be involved.

Bud asked Stephen to contact the BOH for their input. Proponent (Mr. Light?) stated that during installation of tanks, associated piping and construction, any debris on site that may be uncovered would be dealt with at that time.

-Ms. Brownell asked if W.E.S.T. could be notified of future departmental meetings.

Bud stated that technical review meetings were for department heads to work with applicant directly to gather the technical information for policy makers to use in their decision making process. Stephen stated that all results of those meetings were recorded in the review memos that he compiles and forwards to the boards after the meetings which are public documents.

-Ms. Brownell then asked if the public could sit in on those meetings to listen.

Bud asked Ms. Brownell to refer her request to the Town Administrator.

-Ms. Brownell then asked about a quote from an article in the Gardner News from Marie referring to neighbors being more receptive and questioned her stating her opinion to the reporter. Mike told Ms. Brownell that the meeting was recorded on tape and like all PB meetings the audio was available to the public. After the hearing ended and most people had filed out, the PB had discussed the public input which in the opinions of the then present PB members at that meeting seemed to be positive comments from the public.

-Mr. Gary Richards stated five people at previous meeting from the immediate neighborhoods had expressed positive comments about the proposed project.

- Mr. Richard Vaillette asked about the numbers of the people who entered the store would represent the traffic to the site.

Bud stated that issue had been reviewed at a technical meeting and the methodology had been explained to show why people counts were not a good indicator of traffic counts. The proponent stated with all due respects that the professional consultants peer review would also address the question.

- Mr. Richard Vaillette stated it was commented that the PB meetings were friendlier to the proponent than the ZBA meetings. at the ZBA meetings there were two or three groups of people in favor of the project but most people present were not in favor.

Bud stated that the PB site plan review could only shape the site plan to conform to the zoning bylaws. The ZBA hearings dealt with different issues that may elicit different questions which were not a part of the narrow focus of site plan review.

-Ms. Brownell asked if Cumberland Farms was going to do anything to help the two businesses that would be displaced by the project to relocate within the town.

Bud stated the site plan review hearing was not the forum to address the question.

Stephen then informed the public that it was the ZBA who would approve how the site would be used. The PB simply could come to an agreement about how the site would be designed.

Signage, the design of the building, lighting, circulation, landscaping. Bud stated there is a checklist at the back of the site plan review guidelines that specifically lists the items that come under PB review.

Marie moved to continue the site plan review to the September 10th 2013 meeting. Seconded Jon. The PB voted AIF to continue the site plan review.

*8:13p.m. Preliminary site plan consultation for Dollar General for property located at 162 State Road East.*

Bud asked the proponents to introduce themselves. Mr. John Scribner/Liscotti Development, Mr. Luke DiStefalb/Bohler Eng.

Bud asked members if they had seen picture emailed for review by a board member. Mr. Bohler showed PB members a smart-phone photo of what the proposed store might look like.

Stephen stated the Building Commissioner had reviewed the preliminary proposal and believed signage and parking would be an issue.

Mr. Luke DiStefalb/Bohler Eng. described the proposal:

-Development of the Northeast corner of the intersection of State Road 2A, Batherick Road and Depot Road.

-Site is presently undeveloped. 9100 sq ft Dollar General retail store. 31 parking spaces.

-Parking to the south and east of the store.

-Access to site single curb cut off of Rt. 2A.

-No formal engineering plans. Preliminary site visits indicate groundwater, drainage, and utilities will all work.

-Low volume traffic generation of 35-60 new peak hour trips which is the equivalent of 15- 30 trips per hour.

-10,00 locations in 40 states. 4-5 in New England.

-Signage provided by national sign vendor.

Stephen explained there is already a sign on the site for the business park. Without a variance, the proponent would be limited to one sign on the building.

Mr. Bohler explained the proponent would subdivide a non buildable piece of property off the site at the southwest corner to house the relocated business park sign and then add a ground sign as well as a building sign for Dollar General.

The PB discussed the existing town signage bylaw. Marie asked if the site had been purchased by Liscotti yet and if there was anything in the deed about the existing WBP sign. Mr. John Scribner/Liscotti Development, stated they were working on the P&S and would want to have a sign to direct the WBP customers up Batherick Road. Mike stated that the PB had sent a letter of support to the ZBA for the variance that placed the existing WBP sign on the lot. Mr. Bohler stated the sign issue would be looked into further.

Mr. Bohler the stated that the other issue the Building Commissioner had sighted and needed to be addressed was parking. He stated other Dollar General stores in New England operated on 30 parking spaces. Traffic through the existing stores generated the cash register opening 10 times per hour. Mr. Bohler stated he interpreted that the parking requirements could be waived by the PB during site plan review. Bud asked the proponent during the technical review if the building could be shrunk in sq ft size to accommodate the parking requirement to which the proponent stated they work to a standardized store size and set of plans. Mike stated the Dollar General in Jaffrey where the pictures had been taken had 30 spaces, of which 1/3 were in use when he took the photos during a peak hour. Marie asked what the store sold. Mr. Bohler said the store sold name brand merchandise at a discount. The store has been described as a typical pharmacy chain store but without the pharmacy. Bud also reported similar parking spaces filled in the Dollar General he traversed by in Chicoppee.

Mike asked how many full and part time jobs would be created. Mr. Bohler stated he could not tell the board how many full time jobs, but traditionally there would be a maximum of five employees on site at any given time. There would be 15-20 new jobs generated.

Stephen said he would much rather see the building moved up to the front of the site with a green landscaping edge with parking in the rear. Mr. Bohler stated that the grading of the site might increase costs if the building were moved to the front of the lot. Bud stated that the lot was grandfathered as far as water and sewer issues were concerned.

There was discussion about parking on the eastern side of site and its proximity to the site edge. Mr. Bohler stated they would certainly add vegetative screening the east parking edge.

Mr. Bohler guessed they would probably be filing definitive plans within three weeks.

They would be seeking a waiver from parking and providing a traffic study letter supporting the increase in traffic would fall below traffic study thresholds. The signage would be a ZBA variance.

*8:45 p.m. Update on the Rebanna Road Subdivision.*

Stephen stated the upshot of the meeting was Josh Hall and the applicant would visit the site together to determine quantities they both could agree on for the remaining work to be done.

*8:47p.m. Review and comment on Zoning Board case: Brookside Farm LLC – seeking relief from the Zoning Bylaw's development rate guidelines (Chapter 205, Section 39.1, Items A-1 and A-3), for property located on Ben Porridge Hill Road.*

Bud asked members to make a motion for discussion purposes. Marie moved to send a memo of support for relief. Jon seconded. Marie stated it was a shared septic system. It was discovered that the PB member books needed to be updated regarding the discussed regulation.

*8:54p.m. Town Planner monthly report.*

Stephen asked members to review the updated Earth Removal Bylaw reviewed by Town Council and comment by Friday.

*8:57p.m. Planning Board liaison reports.*

Bud stated he would be meeting with department heads to discuss their support of the Master Plan. The MP is under the purview of the PB. Stephen explained that acceptance of the MP is only required by the PB but in his experience, it was best taken to the public for their support.

Bud stated he would be addressing the concerns of the departments that were threatening to speak against the MP. A discussion of revenue and spending ensued which included the closing of the dump and its associated revenue implications.

*9:09p.m. Adjourn.*

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

5 Pages of Minutes(again - Arg!!!)

Respectfully submitted,

Michael Fortin

4 Attachments :

1 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.

2 Cumberland Farms Site Plan Review Memo #2 by Stephen Wallace/Town Planner dated August 6, 2013. 3 pages.

3 Preliminary Site Plan for Dollar General 162 State Road East dated 7/11/2013.

4 ZBA file for Brookside Farm dated 7/19 2013 with Building Commissioner letter dated 7 17 2013. 10 pages.