



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, August 27, 2013

Room 222, Town Hall

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

Absent: Marie Auger

Additional Attendees: Ms. Kimberly Peltalas, Mr. Dana Altobelli

7:00 p.m.

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

7:02p.m. *Minutes*

Jon made a motion to approve the August 13, 2013 meeting minutes. Seconded Brett. Voted AIF to accept the minutes.

7:10p.m. *Approval Not Required (ANR) Plan for Brother's Trust (Dana Altobelli Trustee) for creating one new lot at 80 Lanes Road).*

Discussion Items

Bud asked Mr. Dana Altobelli to describe the ANR Plan. After reviewing the plan presented, Jon made a motion to endorse the ANR plan as presented. Seconded Mike. Voted AIF to endorse.

7:07p.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 Stephen to explain the information in the handout. Stephen stated the ZBA had received a letter from DPW stating there was no town water or sewerage at the site. After reviewing the ZBA packet prepared by Stephen, Mike made a motion to write the ZBA a memo stating that it stick to the Towns Zoning Bylaw development rate guidelines as written. Mike stated it was his opinion that the guidelines set forth in were intended to control overdevelopment in any one year which might place a burden on the schools or public infrastructure. Seconded Jon for discussion purposes. After further discussion, the PB voted AIF to send a memo to the ZBA. Stephen stated he had previously done that.

7:19p.m. *Planner updates: draft Earth Removal Bylaw; draft Medical Marijuana Dispensary Bylaw; Master Plan update effort; and Rebanna Road Subdivision.*

Draft Earth Removal Bylaw:

Stephen notified the board that Town Council had returned it's comments to him which he had distributed to PB members. The Zoning Enforcement Officer Mike Gallant had a few more enforcement issues. Stephen set up a meeting for September 4th to finalize the enforcement portion of the bylaw. Stephen wants to get the Draft of the Bylaw up on the towns website for public review and wants to hold a meeting with Mr. Don Barry and the haulers for any further comments. Stephen and the PB set October 15th at 7pm in room 205 as the date for a Public

information session on the Draft Bylaw before scheduling a Public Hearing in anticipation of Fall Town Meeting.

Draft Medical Marijuana Dispensary Bylaw:

Stephen informed the board that The State Department of Health had received 181 applications for dispensaries, 14 of which were in Worcester County. The DPH would now go through vetting applicants and would then move into a second phase of notifying host communities. None were proposed for Westminster.

Cumberland Farms Traffic Study Peer Review Update

Stephen informed the board that the BOS signed the contract for the peer review with Conley Associates and forwarded to the consultant who will have something ready for the ZBA meeting September 5th.

Rebanna Road Subdivision:

Stephen stated the owners were still gathering costs from their own suppliers and should have something to share in the next few weeks.

Josh Hall is working up costs for remaining work to be done at the Village at the Old Mill.

Dollar General:

Stephen expects Dollar General will submit plans on Wednesday August 28th. There are still two issues which the applicant will need to deal with.

- 1) The sign issue of having more than one sign on a lot was reviewed by Stephen with Building Commissioner Mike Gallant who stated the applicant would have two options: Subdivide off a portion of the lot that the present WBP sign sits on as a non-buildable lot, or seek a zoning variance from the ZBA.
- 2) Parking waiver. Stephen interprets our present zoning does not allow the PB to offer relief from the parking.

Bud stated he had spoken with Mr. Liscotti who felt that Westminster was not being business friendly. Bud informed him that there are legal zoning guidelines that the PB cannot usurp. The ZBA is the proper venue to resolve the signage and parking issues. The Board discussed the sign location and property bounds. Jon asked about setbacks for parking. Stephen gave his opinion of the project to the Board and hoped the proponent would work with the PB.

Mike made a motion to have Stephen ask the proponent to a) carve off a lot through the ANR process to meet the present existing zoning signage requirements or b) ask for ZBA relief. Seconded Jon. Voted AIF.

Parking: Stephen will need to seek ZBA relief.

7:40p.m. Review Environmental Notification Form (INF) for Leominster Slots Casino Proposal.

Stephen informed the board that he had received notification through the MEPA office of a filing for the proposed Leominster Slots Casino. Stephen requested an extension for comments on the ENF which was granted to September 3rd. Stephen had received copies of the MEPA filing and distributed them to various boards. Comments are due by Tuesday morning Sept. 3.

Stephen stated there is already a host agreement between the casino proponent with Leominster. The state filing will be in early October. In order to gain State recognition as a "surrounding community" the town will need to petition the proponent. The BOS has already decided to petition the proponent. Stephen stated the State Gaming Ombudsman is receptive to come out in September for a meeting with the town. The project proponent is also willing to come out to Westminster.

Bud listed his concerns that may affect Westminster: Solid waste disposal, 8000 additional trips/traffic study, regional planning policy plan does not recommend casino development.

Stephen stated the proponents traffic study will be released in a few weeks.

Mike believes Westminster will be affected by traffic. Route 2 and Route 140 are major collectors of traffic from the north and west and may increase traffic by 2500 trips per day of those routes. Mike stated he believes public safety police/EMS/fire will be affected and need to

weigh in on the issue. Calls for those services to respond to additional traffic accidents will use resources that will then be unavailable to town residents. Mike also stated preliminary research might indicate businesses within 30 miles of a casino may get affected. Studies have shown as much as \$230 per \$1000 dollars spent at a casino will not end up in local business pockets. Mike would like to see an economic development impact analysis for local business.

Jon believes we need to pursue the "surrounding community" status to help fund the studies that will need to be done.

Brett believes we will be economically impacted because of the major roads from the north and west.

Mike believes the PB needs to be proactive on this issue to be heard.

Bud state that the Casino ENF section 4.0 does not adequately address the alternatives that had been explored. There is no cost benefit analysis on any of the alternatives.

Stephen summed up the list of talking points reviewed by the PB:

Solid waste.

Traffic.

Regional Plans do not call out Casinos.

Increase in mutual aide.

Economic impact analysis.

Lack of alternative cost benefit analysis.

Mike asked the board if all members are in agreement with the list of issues and the PB should share the issues with the BOS on PB letterhead. All were in agreement. Bud asked the board to share the issues with the EDC.

Stephen stated he would craft the letters.

8:10p.m. Discussion regarding interpretation of the Zoning Bylaw's Site Plan provision.

Stephen then asked PB members about interpreting what changes in tenants to a building would trigger the site plan review procedures. He asked about changing tenants in office spaces and whether that should trigger site plan review if the use were still the same.

Bud cited the present language:

Zoning 205-34

B. Applicability. Site plan approval shall be required for commercial, business, industrial, office, multiple dwelling residential structures, municipal, institutional, utility, fraternal or recreational purposes. No permit for construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be extended unless site plan approval has been granted by the Planning Board. Site plan approval shall also be required for the resumption of any use discontinued for more than two years or for the expansion of any existing use.

Expansion shall include any increase in floor space of 25% or more within a ten-year period.

Mike cited the definition of use: **USE:** The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

After discussion, the PB agreed to have Stephen craft a PB policy that would allow the Town Planner some discretion in determining what actually qualifies for site plan review. The PB members agreed to have Stephen craft a policy for review at the next PB meeting.

8:19p.m. Master Plan update

Stephen described the work to date that has been performed on the Master Plan. It is 2/3 done. MP members were presently doing outreach assignments with all the Town boards and committees. Stephen stated it was critical to get the entire BOS on board to support it. MP committee member Heather Billing is talking to the other Stephen. Stephen told the PB there were some department heads who had issues with the Town Government chapter. MP members have been dispatched to talk to the department heads about their concerns. At the September MP meeting there will be a discussion about the possibility of writing formal letters to all department

heads asking for their input. The MP Committee may go directly to the BOS to gather their input about completion of the plan.

The MP committee is composed of 11 members representing a broad range of interests. It is Stephens opinion that none of the members has any political agenda other than pursuing what is in the Towns best interest: good government.

Bud spoke about concerns that have been stated about the MP. Bud stated he is willing to resign his position as Alternate MP member if one of the other PB members is interested in the position.

Bud asked if it might be wise to make a change in leadership at the MP. Mike stated his perception is that if there is any doubt among the department heads about there being "an agenda" by the Chairman, it could be remedied by asking the MP members to appoint Scott Ryder/DPW Commissioner as Chair. Scott is a commissioner of one of the departments that may have felt singled out in the TG chapter. Mike stated that at the last MP meeting, Scott was polled as to whether the DPW commission is in support of the plan. He replied they were. Mike explained that as he had explained during his outreach assignment to the Advisory Board the previous night, although there is a chair, the MP committee is run as 11 members with equal voices. All input is encouraged. Mike explained the chair was only a figurehead to open the meeting, get minutes approved and close the meeting. It didn't matter who was chair, the meetings would be the same equal voices providing input.

Stephen stated he was ok with changing the chair. Bud stated the MP is the visionary commonality for the town to use to move forward.

Stephen stated when he applied for the job as town planner, the ad stated "town at a crossroads". Stephen said during his interviews he sold the idea of the Master Plan and himself as being able to provide the service of a MP as he has done for many other communities. Doing a MP in house while the Town was in a slow growth period would save the Town about \$70K.

Bud stated he has heard concerns that the TG chapter plan does not address changes in town government. Bud stated he has found answers to their questions by reading the document. Bud stated that like Mike and Stephen have articulated, people just need to read it. Stephen stated that just having the chapters on the web site is not doing it. Mike said that placing paper copies in the hands of other committees is very effective at getting the plan read.

Brett stated he would agree to serve in place of Bud as alternate PB member to the MP Committee. Mike seconded the motion. The PB voted all in favor to have Brett be the alternate in place of Bud. Stephen will send a memo to Karen Murphy concerning the change.

8:34p.m. Adjourn.

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

4 Pages of Minutes
Respectfully submitted,
Michael Fortin

4 Attachments :

- 1 ANR Plan for Brother's Trust (Dana Altobelli Trustee) for creating one new lot at 80 Lanes Road).
- 2 MEPA ENF for Live! Casino, Massachusetts EEA# 15087. 4 pages.
- 3 Preliminary Site Plan for Dollar General 162 State Road East dated 7/11/2013. 1 page
- 4 ZBA file for Brookside Farm dated 7/19 2013 with Building Commissioner letter dated 7 17 2013. 10 pages.