



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
Phone: (978) 874-7414
swallace@westminister-ma.gov

William C. Taylor, II - Chairman, Marie N. Auger - Vice Chair, Brett Pinkerton Michael Fortin Jon Wyman

MINUTES OF REGULAR MEETING

Tuesday, September 10, 2013

Room 205, Town Hall

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

Additional Attendees: Mr. Larry Streeter, Mr. Gary Richards, Mr. Pat Haley, Ms. Jennifer Conley/Conley Associates, Inc., Mr. William Cirillo, Ms. Linda Cirillo, Ms. Kimberly Peltalas, M. E-Rye Fisette, Mr. Mike Patsis, Mr. Phil Lombardo, Ms. Erin Parileo/Traffic Engineer McMahon Associates, Mr. Paul Wilson/CF Project Manager, Mr. Phil Henry/Civil Design Group, LLC/Project Engineer.

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 August 27, 2013 meeting minutes. Seconded Brett. Voted AIF to accept the minutes. Marie was not present at the August 27th meeting and abstained.

7:01p.m. *Approval Not Required (ANR) plan for William and Linda Cirillo, 19 Minott Road, one lot land division.*

Bud asked Stephen to describe the ANR Plan. Mr. and Mrs. Cirillo described their plan.

After reviewing the plan presented, Marie made a motion to endorse the ANR plan as presented. Seconded Mike. Voted AIF to endorse.

7:08p.m. *Public Hearing - Continued - Site Plan Review Application to construct a convenience store and gasoline service station at 68 Main Street, owner and applicant: Cumberland Farms Inc.*

Bud asked Stephen to describe where the PB stood on the Public Hearing. Stephen told the PB there were still two outstanding items to be resolved. The (1)traffic study peer review and the (2)free standing sign. Stephen told the Board the Traffic Study Peer Review had been completed and subsequent comments relating to the peer review had been received by the proponent. Stephen asked Ms. Conley representing Conley and Associates (Boston, MA)to describe her peer review which she did in detail. (Peer review attachment 2) After polling board members who had no questions, Bud stated he had been approached by residents who questioned the modeling and turning and they had asked to do a cone trial. After speaking with Stephen, it was determined the testing could not be done because the present building that will relocated further back on the property occupies space where the testing would need to be done. After further discussion about the possible future increase in traffic in and out of the site, it was agreed the PB will have the regional planning commission (the Montachusett Regional Planning Commission) conduct a new traffic volume count after the new store has been operational for one full year. The Applicant agreed to meet with the Planning Board after one year to review and discuss the new traffic volume counts.

Bud asked the applicant to review the updated freestanding sign design. Mr. Phil Henry/Civil Design Group LLC/CF Project Engineer described the redesign of the canopy (after meeting with

the Historical Commission) over the gas pumps and showed pictures of a project in Southbridge. He next showed sign graphics that had been discussed with the Historical Commission who had asked that the sign be no higher than the one across the street. (IC Credit Union sign). The sign was lowered, the LEDs had been removed from the sign and replaced with scrolling style prices. There was discussion about a lower monument sign vs. the two posted higher pedestal sign. It was determined the two post design presented on the updated sign plan would be acceptable.

Bud asked the applicant if they had held discussions about the gas station property next door possibly being remodeled to accommodate the misplaced tenants. Mr. Phil Henry/Civil Design Group, LLC stated he knew the subject had been discussed but it was with the RE division and he could not answer for them.

Bud asked for questions from the audience.

- Mr. ??? 39 Lake Drive West asked what the issue was with existing businesses being displaced from the present CF building relocating to other buildings in the center of town who had vacancies.

- Mr. Joseph Mizir/attorney representing 64 Main Street Realty Trust, the direct abutter to the left, stated their position all along was that the CF was a good idea, but just the wrong area. His concerns were it was essentially a residential area of single family homes, there was a proposal to locate an underground storage tank right on the property line, they had significant concerns about the effects of noise and vibration. They also had a concern about a significant increase in traffic to what is already a dangerous intersection. They have asked for the projected gas pump volumes and the proponent has preferred not to provide them which he feels confirms their suspicion that there will be much more traffic than what may be projected from modelling that has been used up to this point. Those are the biggest concerns.

Bud asked if the proponent had met with Mr. Mizir to discuss their concerns. He said they had met. There were concerns about trucks with trailers or any large vehicles leaving the site and turning right interfering with eastbound traffic.

- Mr. Gary Richards that at every meeting the subject of the area surrounding the site is zoned residential, yet it is Main Street, it is zoned commercial, and he remembers a direct abutter making the request to be zoned commercial from residential at a town meeting in the last two years.

- Mr. Mike Patsis asked if the plans presented were the final plans. He asked what size fuel trucks would be coming to the site. Bud asked the proponents engineer Mr. Phil Henry what size truck had been used in the model. Mr. Henry replied a 53 foot (WB-50) truck was used. Mr. Patsis asked what the wheel base was on the truck. Mr. Henry stated a WB-50 was a smaller truck, there being larger WB-67 and WB-72 designations. Bud asked Mr. Henry if it would be acceptable to put a restriction on delivery trucks to be of the WB-50 designation since that was what was used in the modeling. Mr. Henry replied that would be acceptable. Mr. Patsis stated he was concerned the trucks could enter the site but not have sufficient space to be able to turn and leave the site. Bud asked Ms. Conley to come forward and address the question. Ms. Conley stated that Mr. Patsis' raises a good point. She did feel that this was a site planning issue and that in this situation it would be appropriate to set a condition regarding the maximum length of the truck servicing the site.

Stephen suggested at this point that it might be appropriate for him to draft up an order of conditions for the PB, ZBA and proponent to review before making any final decision on the site plan. Stephen stated there had been a request from the BOH to not close the hearing until the PB had heard back from them. The proponent was scheduled to meet with BOH the following week.

Mr. Henry asked if the purpose of the continuance was merely for the purpose of rendering a decision.

Bud asked if there was any further public input as the PB would not be entertaining any questions at the next meeting unless they pertained the input from the BOH and should come to the meeting prepared to make a decision on the site plan review.

Marie moved to continue the public hearing to September 24, 2013. Seconded Jon. Voted AIF to continue.

8:02p.m. Planning Board review of Zoning Board Variance request for Joseph Ciras, to build a garage and deck within the required side-yard setback at 32 Willard Road (R-1 District).

Bud asked members for comments on the ZBA package Stephen had assembled. After a discussion about hammerhead lots, and the purpose of side setbacks, and the requirements of a variance.

Mike made a motion to send a memo to the ZBA that the PB reviewed the application and the PB feels that this application does not conform to the setback requirements and variance requirements in Chapter 205.

Seconded Marie. Voted AIF to send memo.

*8:08p.m. Town planner Updates:
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. After a meeting with Zoning Enforcement Officer Mike Gallant, Jon, Town Council, and Stephen, all of Mike Gallants concerns had been addressed. 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.

Slots:

Stephen informed the board that The State Gaming Commission Ombudsman would be coming to Westminster on September 17th to answer any questions the town may have.

8:17p.m. Adjourn.

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

5 Attachments :

- 1 ANR Plan for William and Linda J. Cirillo by Szoc Surveyors dated August 26 2013. 1 page.
- 2 Conley Associates Memorandum (peer review) dated September 3, 2013. 6 pages.
- 3 Response memorandum from McMahan re: Conley memorandum to Town Planner dated September 6, 2013
- 4 Updated plans for Cumberland Farms. CFG 12.0 dated Rev. 8-14-2013, CFG 13.0 revised 2 pages.
- 5 Ciras ZBA package from Town planner. 8 pages.