



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
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Jon Wyman - Chairman, Marie N. Auger - Vice Chair, M. Donald Barry Michael Fortin

MINUTES OF REGULAR MEETING

Tuesday, February 11, 2014
Room 222, Town Hall

Attendees: Jon Wyman, , Mike Fortin, Don Barry, Town Planner Stephen Wallace

Absent: Marie Auger

Additional Attendees: Mr. Vincent Jameson, Ms. Jeanne Erickson, Ms. Karen Powers, Mr. Gerald Powers, Mr. Pete J. Normandin, Ms. Karen Murphy, Mr. Alan Hertel, Ms. Dianne Ricardo.

7:00 p.m.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded.

7:00p.m. *Minutes*

Don made a motion to approve the January 28, 2014 minutes. Seconded Mike. The PB voted AIF to accept the minutes.

7:02p.m. *Planner/PB Updates:*

Stephen told the PB he had sent PB members the Wachusett Smart Growth Corridor Draft Chapters on Open Space and Economic Development. He asked PB members to get back to him with written comments.

Stephen updated the PB on the Open Space and Recreation Chapter of the Master Plan and asked members to send him comments.

Stephen asked Don and PB members to take note the Earth Removal Bylaw would be kicking in soon. Operators with existing pits need to register.

The Public Hearing on the Medical Marijuana Bylaw would be held on March 6th in Room 222.

7:07p.m. *Future Release of cash bonds for the Westminister Business Park.*

Stephen explained the PB had received a letter from Westminister Business Park's Council Erb & Southcotte asking that future cash releases from the bonding they have in place with Workers Credit Union be released by the Town Treasurer directly to the Credit Union, instead of the Treasurer writing out a check. Stephen indicated that the Treasurer would need a vote of the PB to authorize the transfers. Don made a motion that the PB authorize the Town Treasurer to release future reductions of the WBP bonds held by the PB directly to Workers Credit Union. Seconded Mike. The PB voted AIF.

7:09p.m. *Preliminary discussion regarding Edro Isle beach easement.*

Stephen asked Mr. Vincent Jameson to explain the situation regarding the Edro Isle Beach easements and what he hoped to accomplish appearing before the PB.

Mr. Jameson reviewed his history of his parents involvement with the Edro Isle Subdivision approved by the PB in 1957 and the nearby Laurie Lane Shore subdivision. Mr. Jameson explained that all the deeds he had for his land and neighbors gave express deeded beach rights to two beach lots. After a long presentation by Mr. Jameson, Don asked Mr. Jameson to limit his comments to what he wanted the PB to do for him and residents. Mr. Jameson explained that somehow **a home is under construction** on the Laurie Lane beach parcel and he was concerned that he did not want the same thing to possibly happen to the beach areas on Edro Isle.

Stephen explained to the PB that the Town now owns the two beach areas as tax title parcels. Stephen asked Mr. Jameson what he wanted from the PB. Mr. Jameson stated (in his opinion) the two parcels in question (#66 and #81), if the subdivision were developed today would be requested to be retained as open space.

There was discussion about the litigation results of the beach lot on Laurie Lane. Mr. Pete Normandin stated the case had been dismissed. Mr. Jameson spoke of expressed easements vs. implied easements. Mr. Jameson was concerned the beach rights to the beach parcels might somehow be extinguished if the Town chose to sell the parcels. He expressed hope that the Town, being owner of the parcels, might transfer the ownership of the parcels to the Conservation Commission.

Don asked if anyone knew if the parcels were going to be sold by the Town. Don asked Mr. Jameson what it was he was actually after. Mr. Jameson stated he would like to see the beach rights protected for the two parcels and see then deeded to open space. He stated the property values of all the parcels on Edro Isle gained value by having deeded beach rights.

Stephen asked Mr. Jameson if his request was that he would like the Town to deed the beach properties over to open space. Mr. Jameson replied yes. Stephen asked what Mr. Jameson would like to submit to the Town as evidence because he was going to suggest that the matter be handed over to Town Council to sort through the legalities.

There was discussion by neighbors about why they were not notified about back taxes before the parcels were taken by the Town. There was discussion about the Town owning the road.

Mr. Pete Normandin suggested that from a strictly business point of view, it may be wise for residents to consider buying the parcels from the Town to be held privately. As open space they would be available to all town residents.

Ms. Murphy stated the Town could determine what the best use of the property might be and draw up an RFP. It might not be the highest price that determined the disposition of the property.

Jon disclosed he was a resident of Edro Isle and questioned whether making the properties open space was a smart thing or not. He felt there should be a consensus of the Edro Isle residents before moving forward.

There was discussion about possible liability of the owner of the beach parcels. Mr. Jameson stated he would like the record to reflect there had never been any issue of liability in the almost 50 years the beaches had existed.

There was discussion about the road being a town road. Stephen determined from the Town Road status map that the roads are town roads.

After further discussion, Stephen told residents there seemed to be two options available to them and asked the residents in attendance which option they preferred to pursue: Make the parcels open space, or try to purchase the parcels.

Mr. Gerald Powers stated he would like to have time to discuss the options with neighbors. He expressed concern that when the subdivision was created, the town had done nothing to assure this situation would not happen. Stephen stated that the lots had always been held privately by the developer(s) and at some point they had stopped paying taxes on the parcels. This would not be allowed to happen today.

Stephen told the residents that if they talked among themselves and decided they would like to pursue buying the land privately, he would set up a meeting between them, himself and the tax collector and assessor to sort out a price.

Stephen asked the residents to get a consensus of property owners before moving forward with any Town Council involvement.

After much further discussion, it was determined that the residents of Edro Isle would get back to the PB in regards to how they would like to approach the beach challenge moving forward.

8:03p.m. Rebanna Road subdivision update.

Stephen told the PB that Ms. Karen Murphy is trying to set up a conference call with herself, Stephen, Mike Gallant, Town Council and a PB representative in an attempt to move forward.

8:06p.m. Adjourn.

Don made a motion to adjourn. Mike seconded. The PB voted AIF to adjourn.

2 Pages of Minutes
Respectfully submitted,
Michael Fortin

2 Attachments :

- 1) Erb & Southcotte letter for Westminster Business Park regarding Bond transfers dated 31 January 2014. 5pages(3signature pages).
- 2) Partridge Snow & Hahn LLP letter from Re: Rebanna Road Subdivision dated February 4, 2014. 2 pages