



# Town of Westminister

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

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Jon Wyman - Chairman, Marie N. Auger - Vice Chair, M. Donald Barry Michael Fortin

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## MINUTES OF REGULAR MEETING

Tuesday, April 22, 2014  
Room 222, Town Hall

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

Absent: Marie Auger

Additional Attendees: Ms. Joan Longcope/Historical Commission, Ms. Betsy Hannula/Historical Commission, Ms. Roni Beal/Historical Commission

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 April 08, 2014 minutes. Seconded Jon. The PB voted AIF to accept the minutes.

7:01p.m. *Execution of Rebanna Road Subdivision Agreement.*

Stephen updated the PB on the status of the agreement. Attorney John Goldrosen had drafted an agreement that had been reviewed by Rebanna Road Council and minor revisions had been made. Don was concerned that the PB had Josh Hall/DPW's review and approval. Stephen stated he had an email from Josh with his approval of the agreement.

Don expressed concern about the detention basin at the right of the entrance to Rebanna Road. Stephen said he had chased down the paperwork from ConCom with Bob Maki earlier in the day to verify the detention plan referred to in the agreement was the most up to date one and matched the latest order of conditions. The PB tabled the agreement until it was signed by Mr. Ron Peabody/Rebanna Road owner.

7:07p.m. *Planning Board Discussion with Historical Commission - Draft Demolition Delay Bylaw.*

Ms. Joan Loncope described the Demolition Delay Bylaw the Historical Commission has been working on. Ms. Loncope stated that many towns near Boston had demolition delay bylaws in place. Local area towns with delay bylaws included Bolton and Ashburnham. The proposed bylaw would involve a possible delay for any structure over 100 years old. Stephen asked if the HC had a list of buildings over 100 years old. They did for buildings from 1875 up to 100 years old.

Stephen asked if the Building Commissioner had any comments. Joan said he had a few technical comments and was supportive of the idea of the delay bylaw but was concerned about the 30 day time for the HC to get back to the Building Department. The HC had chosen to keep the 30 day review period in their draft bylaw. Joan noted that the HC meets only once a month and did not want to hold emergency meetings. Joan discussed concerns the Agriculture Committee had about old barns and farm structure on their properties and how the bylaw would affect them. Many owners of old barns had spent much time and money restoring/repairing their old barns and many spent more than if they would have just replaced them.

Mike asked what would happen during the delay period to encourage owners of historic structures to choose a different path other than demolition. Betsy noted the case of the Adams house near the elementary school. She said it happened too fast to even consider moving the building. The delay would allow time to plan alternatives to demolition if possible. Betsy also noted the Hakkala house on Spruce Road. Betsy said she had been told by the owners, Fitchburg Water Department she could try to get the building moved and was in contact with people to move the structure, yet the building was just demolished one day, without any contact to her or the HC. She hoped a demolition delay would allow the time needed to save some old structures from demolition.

Don expressed concern that the bylaw would be telling people what they can or cannot do with their private property.

Joan stated that the HC does have a list of structures older than 100 years old that starts at 1875. Jon asked if the owners were aware of being on the list? Some, not all. Stephen asked how many structures are on the list? Joan guessed about 400 but only 75-100 would qualify as historically significant. Combined with houses older than 1875, she guessed there might be 300 houses in town that the demo delay permit would apply to.

Jon asked if this bylaw would be separate or combined with the existing demolition permit that must be filled out now. Betsy said that this would happen at the same time the demolition permit is submitted and it would be a combined permit. The building commissioner would check his list of houses over 100 years old, and if the structure was on the list it would be sent to the HC for review.

Stephen suggested posting the list of historic structures on the HC website. There was further discussion about having a list of all historic buildings. Joan was unsure if an all inclusive list could be created.

Stephen offered to help with refining a draft copy of the demolition delay bylaw and getting it posted on the web.

Mike asked about incentives available to developers to preserve historically significant structures. Betsy noted that many buildings in town are already listed on the National Historic Register of Places. Business use might qualify for federal money or tax credits if the structure is on National Historic Register but private residences did not qualify for aid. Betsy informed the PB that there are 75 structures and 95 acres of land encompassing most of downtown that are already listed on the Historic Register of Places, the Westminster Village Academy Hill Historic District. Mike asked if the HC could supply a copy of the boundaries of the district in a map form so in the future it can be incorporated as a layer on the local GIS mapping the regional planning agency has been creating for the town. Mike also mentioned that Appendix C of the 2010 "Scanlan" " Analysis of Table of Use ..." report had two sample historic district bylaws that may be of help in refining Westminster's proposed bylaw. Stephen offered to send a copy to the HC for their review. The PB was supportive of the HC effort.

#### *7:45p.m.Planning Board Review Westminster Business Park earth removal progress report.*

Stephen told the PB that the Earth Removal Bylaw now made the PB the regulators of earth removal in town. The PB would now be receiving the monthly reports from any regulated earth removal projects in town. In the case of Westminster Business Park, Tetra Tech is overseeing the work on behalf of the town and would now be sending reports to the PB. Stephen told the Board that usually in November, the owners would be called in for a yearly progress report. In the interim months he suggested the PB review the monthly reports and address any questions thru Tetra Tech. Jon asked about the Phase 2 numbers on earth removal. The report showed a permitted amount of 77K cubic yards. The report showed 127K yards had been removed. Jon asked the board how it should handle the overage.

Don stated his concern about the yardage was that it shouldn't matter how much was removed as long as the site was safe when completed. Don noted there had been no complaints about truck trips recently. Mike stated that there were plans for the subdivision that had been approved showing finished grades at the site after earth removal. It shouldn't matter how much material comes out, as long as the final grades match the approved plans. The plans had been approved by all the various Boards in town during the subdivision process to address their individual concerns. There were regulations in the permit of how many truck trips per day for safety purposes etc.

Mike noted he was unclear what the TetraTech report was actually detailing. The PB was previously responsible for the roadway completion in Phase 1 and Phase 2 and the BOS was responsible for the lots in Phase 1, 2 and 3. The Phases for the roadway(PB) and Phases for the lots (previously BOS) did not match up with each other and had created confusion in the past. Mike questioned whether the report was detailing, lots, roadway, or both. In the end, Mike said in his opinion it didn't matter about actual quantities of material, ton vs yards, he was more interested in seeing all the lots completed, and industry that would provide living wage jobs in the park. Mike also noted that the MBTA lot had been reworked and much of that material had ended up on lot I-8 and would need to be removed at some point. That would affect the numbers.

Stephen suggested that Tetra Tech provide a map of the Phases to help the PB understand how the phases related to each other. Jon asked for Tetra Tech to provide some explanation in their memos of the over 50K yard overages that were listed. Where did the material come from? Mike asked if the PB had received a folder of past information on WBP earth removal from the BOS/Karen Murphy. Stephen answered no. Mike said that the PB did not know at this point what might have transpired with WBP, possibly the MBTA and the BOS to explain the mountain of material that had been placed in the roadway and/or lot I-8. Mike noted in the past when the material was being moved, he had witnessed a lagoon of water at the base of the piles (near lot I-8) of material that had been moved from various places in the site. Mike's concern was a possible environmental disaster might result from inappropriate placement of

materials and the PB would end up responsible for not overseeing what was going on there. Mike noted he did not want to over regulate the park owners, and his goal is to see the park completed. Both Jon and Stephen said that TetraTech was the looking out for the towns interest during their inspections. Stephen noted there was an action list at the end of each TTech memo that noted their concerns. Mike asked if WBP was required to act on the list or is it up to the PB to ask WBP to comply with the TTech action list. Don said that the PB should review the action items monthly to see if the previous months items had been completed. Jon asked how the WBP owners would know how to comply. The memo showed no CC to WBP. Jon said he didn't think TTech could compel WBP to take action, it was up to the PB to act. Stephen said all memos from himself and TTech were shared with WBP.

Jon next asked about test wells and water levels and the purpose of the wells. Mike asked if Stephen was forwarding the test well reports to all interested parties. Stephen noted he was.

Stephen will ask TTech for a diagram of the project phases and details on where the material is coming from.

*Discussion Items*

*8:06p.m.*

Stephen asked about Town Meeting and if anyone wanted to speak on the Medical Marijuana Bylaw. The PB asked Stephen to speak on it.

Stephen informed the Board that he had spoken to MRPC about including the PBs four comments into the Wachusett Station Smart Growth Plan. They had agreed to include them.

Stephen noted attending a Regional Energy Advisory seminar sponsored by the MRPC on residential and commercial scale projects that was very informative.

Don asked about possible solar on the Senior/Community Center. Stephen asked Don to speak with Heather Billings and the Energy Advisory Committee.

Jon attended the monthly MJTC meeting. The State was going to fund the design for a regional roadway and he noted the TIP had been amended to include the design element of the road. He noted that Selectmen had chosen not to include the appropriation warrant for funding the design of Worcester Road 140 at the Annual Town Meeting.

*7:13p.m. Adjourn.*

Don made a motion to adjourn. Mike seconded. Voted AIF.

3 Pages of Minutes  
Respectfully submitted,  
Michael Fortin

4 Attachments :

- 1) Tetra Tech memorandum to Stephen Wallace Re: Progress Report: Westminster Business Park dated March 31, 2014. 8 pages.
- 2) Rebanna Road agreement from Town Council. 2 pages.
- 3) Draft Demolition Delay Bylaw dated December 5, 2013 from Historical Commission. 5 pages.
- 4) Town Planner Monthly Report Memo to BOS dated April 17, 2014. 2 pages.