



# Town of Westminster

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

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Jon Wyman - Chairman, Marie N. Auger - Vice Chair, Michael Fortin, Jay Shenk, Joseph Flanagan

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## MINUTES OF REGULAR MEETING

Tuesday, June 10, 2014  
Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Mike Fortin, Joseph Flanagan, Jay Shenk, Town Planner Stephen Wallace

Absent:

Additional Attendees: Mr. Glen & Mrs. Linda Hines, Mr. Alan Belanger, Mr. Tuomo Peltokangas, Mr. Steve Ballard/Whitman & Bingham Assoc. LLC.

7:00 p.m.

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

7:00p.m. *Minutes*

Marie made a motion to approve the May 13, 2014 minutes. Seconded Jay. The PB voted AIF to accept the minutes.

7:01p.m. *Approval Not Required (ANR) plan for JP Dell LLC, Bean Porridge Hill Road, four new lots.*

Mr. Steve Ballard from Whitman & Bingham explained the plan. One flag lot and three regular lots. Jon asked if Mr. Ballard knew what the future intentions were regarding the remainder of the property. Mr. Ballard stated he did not know what the future plans were other than to continue to develop it. The PB reviewed the plan. The road is a public way. There is adequate frontage. There is adequate access to the buildable portion of the lots. Joe made a motion to endorse the plan as presented. Seconded Marie. The PB voted AIF to endorse.

7:05p.m. *Public Hearing regarding a Site Plan Approval for Alan Belanger (Dig & Pour LLC) to use the property at the end of Rowtier Drive for an industrial use: excavation/foundation business and wholesale business with outside storage, truck terminal and recycling facility in an Industrial-II zoning district.*

Jon opened the public hearing and read the public notice. Stephen updated the PB noting the application had been before the PB in 2012/2013. Mr. Belanger intent is to buy the remaining land in the Rowtier Drive industrial park to consolidate his business operations there. In the future he may build there and is aware he will need to return to the PB for site plan approval. Mr. Belanger has been before the ZBA for a Special Permit for his intended use. Stephen stated at this point completion of the roadway was being discussed. Mr. Belanger has met with DPW/Josh Hall and they have agreed on cost estimates for improvements to the road in preparation for acceptance of the road at Town Meeting. The PB needs to determine an acceptable timetable for completion with milestones.

Jon asked Mr. Belanger to describe his project. Mr. Belanger explained that he plans to improve the roadway beyond the present end of the pavement (Mr. Hines' lot) far enough to create frontage for two lots, one of which he may try to sell. The new road configuration would terminate in a cul-de-sac. If he does sell a lot, he will continue the road up and cut off the wings of the cul-de-sac. He has been to the fire department for approval of his plan. He intends to bring all utilities up to the cul-de-sac in preparation for a future building. Mr. Belanger presented the site plan he had approval of from the

ZBA. He plans to move his equipment from Narrows Road to Rowtier Drive to make use of material now at the site that is washing away. Mr. Belanger stated he is aware of an earth removal permit from 2010 at the property.

Mr. Belanger stated his plan is to purchase the property in 2014, and using the same schedule of values prepared in 2012, spend the next three years improving the road in preparation for Town acceptance in 2017. Stephen noted the earth removal permit was issued in September 2010 for 43,600 cubic yards of material and is subject to the State permit extension act making it valid until August 30, 2017.

Joe asked what will happen with the topcoat of the road. Mr. Belanger stated he intends to regrind the entire road surface including the existing roadway and replace it with a whole new topcoat. A base coat will be added to extend the present road up to the cul-de-sac.

Mr. Hines, an abutter to the property stated he wants to make sure that the road gets completed and ultimately accepted by the town. Presently he and Pine Tree Power do all the maintenance, repairs, snow plowing, etc.

Joe asked how much new road would be added. Mr. Belanger stated they would be extending the road from stations #850 to station #1140. Joe asked to have the completion schedule of tasks reference station numbers on the plans so there is no question about what is being done where.

Stephen noted the PB would probably be looking for a schedule noting what tasks would be completed when.

Mike asked Mr. Hines if he was comfortable with the three year completion timeline. Mr. Hines expressed concern that the project has gone on for years and he would like some kind of assurance it will be completed. The present bond had been inadequate to complete the work. Stephen noted there was still \$29,000 from the original bond remaining in the account that can be applied to work on the road. Mike said he would like to see at a minimum yearly progress reports to the PB by Mr. Belanger.

There was discussion about bonding the new work and the good faith effort that Mr. Belanger has shown trying to move the project forward. Both Mike and Marie stated there has been no interest in the property except for Mr. Belanger.

Stephen outlined three items the PB might consider. 1) No further building permits until completion of the road work. 2) No further lot division off the cul-de-sac until completion of the road work. 3) Renewal/non renewal of the earth removal permit in 2017.

Joe asked if the road can be accepted up to the new cul-de-sac location. The subdivision plan shows the road continuing on beyond to station #1942. Marie said the PB could vote to modify the present sub-division plan to allow the road to stop at the proposed new location of the cul-de-sac(station #1140).

Stephen asked Mr. Belanger what the ultimate plan was down the road for the road. Mr Belanger said he saw no use in extending the road to station #1942. It could stop at station #1800 in a cul-de-sac with properties all around it. The PB agreed that the present sub-division plan would need to be modified to allow the proposed station #1140 cul-de-sac termination to be accepted as a road by the town.

Mr. Belanger noted that there was frontage of the property on Rt. 31 and possibly a building lot there that he did not want tied to "no future division of the land" restrictions of any agreement the PB might want on the property. Mike noted that the Rt. 31 parcel could be a simple ANR division as it appeared to have frontage on Rt. 31.

Stephen asked Mr. Belanger about easement boundaries on the land and asked to have the plan noted as such. He would also like to see if the easements had been recorded yet. Mr. Belanger said he thought that had been done already and he will provide what information he has to Stephen before the next meeting. Stephen also asked for a written timetable with milestones.

Marie made a motion to continue the public hearing to Monday, June 23 at 7:15pm. Jay seconded. The PB voted AIF to continue the hearing.

7:48p.m. PB Review of Westminster Business Park earth removal progress report.

Stephen stated he had received a map that had been requested by the PB from Chuck Scott showing the various phases of the park. Jon asked if there were any questions on the Tetra Tech monthly report dated June 3, 2014. There was discussion about monitor well readings, what the benchmark readings are supposed to be, who is in charge of reviewing each well, Con Com or PB, and why that is important. Jon asked for comments from Tetra Tech on those readings and also requested Tetra Tech reports to the PB be copied to Con Com.

Jon noted that in the Phase II earth removal, the owner had removed much more material (165%) than shown on the permit. Mike read a memo from TetraTech dated July 23, 2012:

*... "Although the exported amount of material exceeds the export amount in the permit, the limit of disturbance and grades of the site appear to be within that defined in the permitted plans. Quantifying earth removal on this large of a scale is difficult. Changes in moisture content, unit weight and the type of material can drastically change conversion factors used to convert the total weight of the exported material to a volume.*

*For future Earth Removal Permits, we recommend including language specifying that the applicant should be required to provide as-built plans so that cut/fill analyses can be performed to track the earth removal volumes. Recorded export volumes/ weights tracked by the Owner/contractor can be used for tracking purposes however they should not be used to track compliance with the Permit. Additionally, if export amounts are found to exceed that defined in the Permit, it does not necessarily mean noncompliance with the permit, so long as the site has been worked to the lines and grades of the approved subdivision plans. " ...*

8:03p.m. Town Planner Update & Planning Board liaison reports.

- Stephen told the Board that a full draft of the Master Plan was now up on the Town Website and open for citizen review, comment and input until September 30th. Stephen asked PB members to read the plan as they ultimately would be responsible to vote and officially accept the plan after the Town Meeting acceptance.

- Stephen met with Mr. Steve Cecil to review the Town expectations relating to the Downtown Initiative grant from the DHCD.

- Economic Development Committee brochure is being worked on. An intern for the summer will work to prepare a list of industrial and commercial properties. Joe offered to send Stephen MLS reports of listed properties for sale, lease and rent on a quarterly basis.

- Parking Standards and Kennel Standards Zoning changes will be started in July. Next year, after acceptance of the Master Plan, the major zoning changes will be worked on.

The PB signed signature cards for PB expense signoffs and for Registry of Deeds.

Stephen provided members with an updated zoning map for their PB handbooks.

Stephen will provide the Earth Removal Bylaw and Regulations for their PB handbooks at the next meeting.

8:22p.m. Adjourn.

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

4 Pages of Minutes  
Respectfully submitted,  
Michael Fortin

11 Attachments :

1) ANR Plan of Land Prepared for JP Dell LLC dated May 20, 2014, Whitman /Bingham Associates LLC. 1 page.

2) Form A, Tax card and TP GIS map for Dell LLC dated May 27, 2014 4 pages.

3) Site Plan of Land Prepared for Alan Belanger, Lot 1 Rowtier Drive/Dig and Pour dated 07/24/2012 Kinsman Survey Associates Ashland MA. 1 page.

- 4) Site Plan for Temporary Cul-De-Sac Prepared for Alan Belanger, Rowtier Drive/Dig and Pour dated 09/14/2012 Kinsman Survey Associates Ashland MA. 1 page.
- 5) Proposed Budget for Rowtier Drive repairs and improvements. no date. 3 pages.
- 6) ZBA Special Permit for Alan Belanger/ Dig & Pour LLC / Rowtier Drive Case # 12-03filed August 30 2012. 3 pages.
- 7) Letter from Dig & Pour LLC / traffic volume forecasts /dated May 27, 2014. 1 page.
- 8) Site Plan Review application, Tax card and TP GIS map, Letter of waiver requests from Dig & Pour, LLC(5/20/2014)for Alan Belanger/Dig & Pour LLC 9 pages.
- 9) Dig & Pour LLC Town Planner Review Memo dated June 5, 2014. 5 pages.
- 10) Tetra Tech Memorandum Re: Progress Report Westminster Business Park to Stephen Wallace dated June 3, 2014. 4 pages.
- 11) Town Planner Monthly Report Memo to BOS dated May 22, 2014. 2 pages.