



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
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. Jon Wyman - Chairman. Marie N. Auger - Vice Chair. Michael Fortin Jay Shenk Joseph Flanagan .

MINUTES OF REGULAR MEETING

Tuesday, June 23, 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. John Vedoe, later arrivals at 8:44p.m.: Mr. Vance Butterfield/DPW, Mr. Josh Hall/DPW

7:00 p.m.

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

Joe volunteered to leave the PB meeting to attend the BOS/DPW Sewer presentation on behalf of the PB.

7:00p.m. Minutes

Marie made a motion to approve the June 10, 2014 minutes. Seconded Jay. The PB voted AIF to accept the minutes.

7:01p.m. *Approval Not Required (ANR) plan for BRNG LLC, one new lot with frontage on Cross Road.*

Mr. John Vedoe presented the Board with the ANR plan for BRNG LLC/ Mr. Gordon Martin. The land had been previously divided through the ANR process in the fall of 2013 by Mr. William Cirillo. After review by the PB, Marie made a motion to endorse the plan as presented. Seconded Mike. The PB voted AIF to endorse.

7:15p.m. *Continued 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 re-opened the public hearing continued from June 10, 2014 and read the public notice. Stephen updated the PB on items received since the last meeting:

- 1) A Dated Table of Milestones on completion of the road.
- 2) The revised Site Plan for Temporary Cul-De-Sac Rowtier Drive dated 06/20/2014 showing easement boundaries.
- 3) A copy of Registry of Deeds Book 4162 Page 256 showing Conveyancy of Easements and Utilities.
- 4) A list of all improvements required to gain buildable status and acceptance of Rowtier Drive dated June 20, 2014.

Joe Mr. Belanger asked who takes care of the road now. Mr. Glen Hines stated he and neighbor Pine Tree Power share the plowing and maintenance responsibilities. Stephen stated an e-mail received from DPW/Josh Hall requests that all maintenance of the road be the responsibility of the owner until town acceptance of the road. Mr. Belanger stated he had no problem with that.

Mr. Hines asked for a copy of the timetable of completion and expressed concern that the past record has showed a lack of interest in the road completion and just wanted the road finally completed.

Stephen stated that the site plan approval was tied to road completion and could be revoked, the earth removal permit would expire in 2017 and also could be used as leverage by the town. Building permits would also be withheld until road acceptance.

Stephen presented the PB with a letter from Dig & Pour requesting operational hours be eliminated. A discussion about common sense and being a good neighbor ensued.

Stephen read the conditions of site plan approval that would be voted on after close of the public hearing.

Mrs. Linda Hines asked how the communication process worked to prevent other boards from signing off on building permits. Stephen explained that the Building Department, Planning Board and Highway Department signatures are required on all permits and are tied to the site plan approval conditions.

Mike asked PB members to be aware of the requested list of waivers being requested by the applicant and told the board it was the same list the PB had reviewed and discussed in detail before Mr. Belanger had voluntarily withdrew his prior site plan approval without prejudice.

Marie made a motion to close the public hearing. Seconded Mike. The PB voted AIF to close the hearing.

Mike made a motion to waive the following sections from the PB's Site Plan Regulations: 2.1, 2.1.3, 2.1.4, 2.1.5, 2.1.6, 2.1.7, 2.1.8, 2.1.11, 2.1.12, 2.1.13, 2.1.14, 2.1.15. Seconded Marie. The PB voted AIF to waive the requested sections.

Marie made a motion to approve the site plan approval with the following conditions:

- 1) There will be no further division of the property until Rowtier Drive is accepted by the Town.
- 2) There will be no Building Permits issued to the property until Rowtier Drive is accepted by the Town.
- 3) The Earth Removal Permit that runs with the property shall not be renewed until Rowtier Drive is accepted by the Town.
- 4) Any new structure proposed for this property will be subject to additional Site Plan Approval from the Planning Board.
- 5) If the road will not be extended further than the cul-de-sac depicted on the Site Plan, the Applicant will revise the original industrial subdivision plan prior to petitioning the Commissioners of Public Works for Town acceptance of Rowtier Drive.
- 6) The Applicant will maintain all drainage structures on the property until such time as Rowtier Drive is accepted as a Town road.
- 7) Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 8) The Site Plan Approval applies only to the site which is the subject of this Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.
- 9) The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner, or on the Application of the owner. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.
- 10) This Approval shall lapse on November 30, 2017 if a substantial use thereof has not sooner commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to November 30, 2017 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

Seconded Mike. The PB voted all in favor to accept the Site Plan approval.

8:38p.m. Town Planner Update & Planning Board liaison reports.

- Mike told the board the Open Space Plan had been revised and was back at the State for final approval. Stephen described the plan to the board and noted two needs the town was interested in: A toddler playground and more playing fields for sports.

- Stephen told the Board that a full final draft of the Wachusett Corridor Smart Growth Plan was available for public comment. The town BOS comments about the layover station have been included as an appendix.

8:44p.m.

Joe returned from the BOS/DPW Sewer presentation and briefly described the results of that meeting. Mr. Vance Butterfield/DPW Commissioner and Mr. Josh Hall/DPW Director joined the meeting.

- Stephen told the PB that the Selectmen were looking for comments on a revised underground storage of fuel license. The PB members Jon, Marie and Mike, being part of an ongoing lawsuit chose not to comment.
- The owners of land on Simplex Drive, Hackman Capital, have asked for a meeting with town officials. Stephen, Mike and Jon will attend to represent the PB.
- There is a sewer capacity issue with the Bread of Life Site Plan Review application.

8:50p.m.

Mr. Vance Butterfield and Mr. Josh Hall updated the PB on the presentation they had just delivered to the BOS. There was extended discussion about the preferred alternative recommended by the DPW. Vance offered to forward a copy of the presentation to PB members after it was cleaned up.

9:22p.m. *Adjourn.*

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

11 Attachments :

- 1) ANR Plan of Lot 2 Surveyed for BRNG LLC. dated June 17, 2014. 1 page.
- 2) Form A, Tax card and TP GIS map for BRNG LLC dated June 18, 2014. 5 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) Revised Site Plan for Temporary Cul-De-Sac Prepared for Alan Belanger, Rowtier Drive/Dig and Pour dated 06/20/2014(Rev.) Kinsman Survey Associates Ashland MA showing easements. 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) Copy Registry of Deeds Bk 4162 Page 256 from 2002 showing Conveyancy of Easements. 1 page.
- 11) Letter from Dig & Pour : A list of all improvements required to gain buildable status and acceptance of Rowtier Drive, schedule of costs, timetable of improvements dated June 20,2014. 6 pages.
- 12) Letter from Dig & Pour : Request for elimination of hours of operation with reasoning dated June 20,2014. 1 page.