



Town of Westminster

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

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

MINUTES OF REGULAR MEETING

Tuesday, October 14, 2014

Room 222, Town Hall

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

Absent:

Additional Attendees: Mr. Kirk Mayland/Housatonic Solar 1 LLC, Mr. Ed Snyder, Ms. Leslie Snyder, Ms. Anna Burgess/Fitchburg Sentinel, Mr. Bob Muzzy/Bread of Life Church, Mr. Chris Mossman.

7:00 p.m.

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

7:00p.m. *Minutes*

Jon asked PB members to review the minutes. Joe made a motion to approve the September 9, 2014 minutes. Seconded Marie. The PB voted AIF to accept the minutes.

7:00p.m. *Public Hearing - Four zoning amendments for November Special Town Meeting:*

- 1) *Housekeeping amendments regarding the Special Permit Process.*
- 2) *Revised parking standards.*
- 3) *New definitions for kennels and where such uses are allowed.*
- 4) *New non-criminal disposition tool for zoning enforcement.*

Jon read the Gardner News legal notice. Jon then adjourned the public hearing to take care of other business first.

7:04p.m. *Approval Not Required (ANR) Plan for Edward Snyder, 51 Lanes Road (one new lot # 258 on West Princeton Road)*

Jon asked the proponent to describe the plan presented. Ms. Leslie Snyder described the creation of one new lot. The PB reviewed the plan. Mike made a motion to endorse the plan as presented.

Seconded Joe. Voted AIF to endorse.

7:15p.m. *Public Hearing - continued*

Housatonic Solar 1 LLC regarding a Site Plan Approval for a ground-mounted solar array to be located at 339 South Ashburnham Road in a Residential-II zoning district.

Jon read the public hearing notice and asked Mr. Kirt Mayland to update the PB on what had transpired since the last public hearing.

Mr. Mayland told the Board that the Con Com notice of intent would be filed by Mr. Chuck Caron by Wednesday to be scheduled for the next Con Com meeting.

Mr. Mayland stated he had also reached out to all the abutters and had met with one who just wanted to be assured the array would be fenced in.

Mr. Mayland had a P.E. perform a decommissioning bond estimate which is mostly based on the salvage value of the materials in the array and associated wiring. Stephen told the Board he had reached out to TetraTech to provide a proposal to review the proponents bond estimate which he reviewed with

the PB and Mr. Mayland. Mr. Mayland was agreeable with Tetra Tech as the reviewing consultant. Stephen said he would get them started in the morning.

Mr. Mayland described access to the site and has talked with the building inspector and has reached out to the ZBA chair in anticipation of a possible variance hearing.

After more discussion about shading, Stephen told Mr. Mayland he would need his Con Com order of conditions and ZBA variance in hand before the PB would rule on the site plan review. Stephen asked when Mr. Mayland would like to come back.

After discussion about fencing and construction start timing, Marie made a motion to continue the public hearing to November 25th 2014, 7:15p.m. (date chosen per request of the applicant). Seconded Joe. Voted AIF to continue.

7:29p.m. Re-open Public Hearing Four zoning amendments for November Special Town Meeting:

- 1) Housekeeping amendments regarding the Special Permit Process.*
- 2) Revised parking standards.*
- 3) New definitions for kennels and where such uses are allowed.*
- 4) New non-criminal disposition tool for zoning enforcement.*

Jon asked Stephen to update the PB on the proposed amendments. Stephen stated that nothing has changed since the working meeting on the bylaws and briefly summarized the amendments for the meeting attendees.

There was brief discussion by PB members. Jon then asked the public for input.

Mr. Chris Mossman who was attending with Mr. Bob Muzzy from the Bread of Life Church asked the PB to consider that Bread of Life Church had recently gone through the permitting process and now would need to conform to the new standards about side setbacks for parking. Stephen suggested that there did not seem to be a pressing need to get the parking bylaw on the books and perhaps it could wait until May Annual Town Meeting. Joe made a motion to withdraw the parking standard bylaw until the May ATM. Seconded Mike. Jon asked if any member had objections to the delay. There were none. The PB voted 5-0 AIF to delay the parking amendment.

Jon asked if there were any more public comments on the 4 zoning amendments. There were none.

Joe moved a motion to close the public hearing and send the remaining 3 amendments to Fall Town Meeting. Seconded Marie. Voted AIF.

7:42p.m. Review & Comment: Zoning Board request for a Use Variance on behalf of Thomas Roche: erect an accessory garage with an in-law apartment above in the front yard of an existing single family home at 22 Gatehouse Road.

Jon asked the Board if there were any comments to the ZBA request for comments. Stephen asked to speak and noted that he is supportive of expanded housing opportunities. Marie stated that our zoning supports duplexes but does not allow two separate dwelling units on one lot. Mike agreed with Marie and stated our present zoning allows attached in-law apartments of up to 700 square feet in R-III districts by special permit. Mike said he has wondered why in-law apartments are not allowed in R-I and R-II districts.

Marie stated all zoning districts should allow duplexes-two housing units in the same building. There was further discussion about in-law apartments and duplexes.

Marie asked the PB to remind the ZBA that duplexes are allowed in R-I but must be attached to the main dwelling unit. Two dwellings on one lot that are not attached are/is clearly a violation of zoning in all districts.

Stephen summarized the comments he would send to the ZBA. Marie moved the motion to send the summarized comment to the ZBA. Seconded Jay. Voted AIF.

7:55p.m. Review & Comment: Westminster Business Park 5-Year Update.

Stephen told the Board that the 5 year update to the MEPA plan for Westminster Business Park was available for comments by the PB. Stephen told the Board he had two comments he would be

submitting, and the Board could add comments now or ask the Park owners to come in early on October 28th for their annual update to the PB and submit comments then.

Stephen told the PB his comments would address possible traffic lights at the intersection of Depot Road and Rt. 2A, the Mass Highway visit to the site that addressed other possible traffic improvements before a light, and the MRPC traffic counts that have been done at the intersection. His other comment would be the mid-state trail easement recording at the Registry of Deeds as requested by Colin Novak at the Worcester County Land Trust.

Joe told the Board it might be an opportunity to put pressure on the State to provide help thru our Legislators to help provide support to our 43D priority development sites. After discussion the PB agreed to invite the Park owners and Tetra Tech to the October 28th meeting.

8:09p.m. Planning Board review of Westminster Business Park earth removal progress reports for September 2014.

The Board will address the Action item list(s) with Park owners and Tetra Tech at the October 28th meeting.

8:10p.m. Town Planner monthly report for September.

Stephen reviewed the monthly BOS Town Planner Update with the Board.

Stephen noted that the Master Plan Committee would meet for the final time October 15th. The MPC had hosted its last public forum on October 2nd. A complete draft of the plan is available on the Town website.

EDC is sending the Town promotional map to the printer.

8:16p.m. Adjourn.

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

9 Attachments :

- 1) ANR Plan of Lot 1 in Westminster Owned by Edward and Leslie Snyder, surveyed by Berry Engineering dated 29 September 2014. 1 page.
- 2) Town Planner package for Edward and Leslie Snyder including Form A, tax cards and Town Planner GIS map. 5 pages.
- 3) Town Planner Site Plan Review memo for Housatonic Solar 1 LLC dated September 6, 2014. 5 pages.
- 4) James A. Clancy P.E. Decommissioning Cost Estimate for Housatonic Solar 1 LLC dated October 8, 2014. 1 page.
- 5) Tetra Tech Bond Review Services proposal letter to PB for Housatonic Solar 1 LLC bond estimate review dated October 2, 2014. 2 pages.
- 6) 4 Zoning Amendments for Fall Town Meeting: 1-Draft Parking zoning amendment. 4 pages. 2-Draft Kennel Definitions. 2 pages. 3-Draft Non Criminal Disposition language. 2 pages. 4-Draft Special Permit and Housekeeping Amendment. 2 pages. all dated September 19 2014.
- 7) Zoning Board request for comments Package for a Use Variance on behalf of Thomas Roche: erect an accessory garage with an in-law apartment above in the front yard of an existing single family home at 22 Gatehouse Road #14-11 dated 9/11/2014. 10 pages.
- 8) Westminster Business Park 5 year MEPA update. (electronically delivered to PB due to size)
- 9) Tetra Tech August progress report memo for Westminster Business Park. dated October 8, 2014 4 pages.