



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 William C. Taylor, II

MINUTES OF REGULAR MEETING

Tuesday, May 26, 2015
Room 222, Town Hall

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

Additional Attendees: Mr. Joseph DiCarlo – Reinhardt Assoc. - Arch/Engineers, Mr. Steve Ballard- Whitman & Bingham Assoc., Mr. Edmund Boucher, M. Donald Barry, Mr. Justin & Mrs. Leann Lamsa, Mr. Eugene LeBlanc (did not sign in).

7:00 p.m.

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

7:00 p.m. - Minutes

Jon asked PB members to review the May 12, 2015 minutes. Marie motioned to approve the minutes. Seconded Jay. The PB voted AIF to accept the minutes. (Bud abstained having not been present at the May 12th meeting.)

7:02p.m. *Approval Not Required (ANR) Plan for Justin and Leann Lamsa, 95 Bathrick Road (2 lots).*

Jon asked Mr. Edmond Boucher to describe the plan. One newly created lot for a total of two lots, both with adequate frontage on Bathrick Road. There was discussion about the newly created lots' frontage narrowing down to the buildable area of the lot. Marie made a motion to endorse the plan. Seconded Mike. Voted AIF to endorse.

7:08p.m. *Approval Not Required (ANR) Plan for Timothy and Mary Kate McNamara, 116 North Common Road (1 lot).*

Bud recused himself from the ANR plan discussion and vote. Jon asked Mr. Steve Ballard- Whitman & Bingham Assoc. to describe the plan. One newly created lot from an existing parcel that has a house over 200 feet away. Frontage on North Common Road. Mr. Ballard noted there may be additional lots in the future. Marie made a motion to endorse the plan. Seconded Jay. Voted AIF to endorse.

7:20p.m. *Approval Not Required (ANR) Plan for Lead the Way Development Corp., Linda Drive (land transfer).*

Jon asked Stephen to describe the plan. A strip on land on two sides of an existing lot with a house on it was being added to it from land that is part of an existing subdivision that created Linda Drive in 1971. In 1971 the PB had approved a 5 lot subdivision - Pine Ridge 1. The lots were not listed on the assessors map but have since been added/updated. Stephen noted he had researched the original decision and Linda Drive will need to be constructed to the subdivision plan before additional lots will be built on. Both the Town Clerk and DPW Director consider Linda Drive to be a private way at this point in time. The land was being transferred to allow the existing home enough land to add a garage and breezeway. Marie asked to have a note added to the mylar stating that the abutting lot that the land was being taken from did not have sufficient area and was not a buildable lot. Marie made a motion to endorse the plan. Seconded Jay. Voted AIF to endorse.

7:28p.m. *Meeting with Senior Center Building Committee: outstanding site plan issues.*

Jon asked Stephen to introduce the meeting request. Stephen told the PB that during the site plan review hearing of the Senior/Community Center the abutters, Mr. and Mrs. Kaski had supplied a sketch and requested a berm be built. Stephen said that had not been done and the Kaski's have requested the berm be completed. Stephen then told those present that the PB would like to have the berm issue worked out/completed to the Kaski's sketch without the PB having to reopen the public hearing and request it. Stephen then asked the Senior/Community Center Committee Chairman to address the issue for the Board.

Mr. M. Don Barry told the Board there seems to be a misunderstanding between the Architect and the general contractor as to who is responsible for the berm work. Mr. Barry told the Board the general contractor insists that the berm work has been completed to the bid drawings and additional work would cost \$6400. Mr Barry asked Mr. Joseph DiCarlo to address the Board. Mr. DiCarlo told the Board the berm had been added to the construction documents and showed the Board a grading plan with contours and section of the berm. Mike asked what the revision date on the drawings was. Mr. DiCarlo stated the plan was dated June 19, 2013. Stephen noted that the PB documents did not include the updated drawings. Mr. DiCarlo described the plan for the Board and stated he did not believe the berm had been built to the plan. Mr. DiCarlo state the berm was approximately the correct height but insisted that the berm did not have the 18" of topsoil on it that was shown on the plan. Mr. DiCarlo also stated there were additional items left unfinished by the contractor at the site. Jon asked if the plantings shown on the sketch were part of the bid. Mr. Barry stated that the plantings had been taken out of the bid and that he (Building Committee?) was responsible for them. There was some discrepancy about where the top of the berm was to be measured from.

Bud told the PB he was chair at the time of the hearing and did not remember seeing the grading plan with the berm. Bud noted the conditions were listed in the minutes and attachments and asked what the role of the PB was in the matter. It seemed to him that the issue was contractual between the Town/Building Committee and the contractor under errors and omissions and was perhaps a civil issue. Bud remembered that the berm was supposed to prevent headlights from striking the Kaski's house. The top of the berm was critical to the Kaski's and the reference was the top of the Cape Cod berm.

Stephen reminded the PB they had reserved the right to reopen the hearing if needed and could add the berm to the conditions with a completion time if need be. Mr. DiCarlo stated the contractor had a number of issues outstanding on a punch list.

Bud stated that the PB minutes and tape recordings were clear about what was supposed to be done regarding the berm if required for civil litigation. Mr. Barry told the Board he had been told by the Building Commissioner that they would not receive a permanent occupancy permit until the berm issue was resolved. Mr. Barry told the Board the Building Commissioner had issued a temporary certificate of occupancy.

Stephen asked Mr. Barry if he could find the topsoil. Mr. Barry told the Board he was supplying the arbor vitae(s) that would be on top of the berm. Mr. DiCarlo told the Board much of the topsoil in the upper part of the site has not been spread or seeded and the seeded portion of the site was in need of water that the contract states is to be supplied by the contractor.

Mr. Barry showed frustration with the Architects Project Manager.

The Board told Mr. Barry and Mr. DiCarlo to resolve the berm issue.

Mr. Barry told the Board he hoped to have the issue resolved within one month and requested Mr. DiCarlo keep Stephen and the Board informed.

7:52p.m. *Borrego Solar Systems Inc. – Request to modify an approved site plan for 68 State Road West.*

Stephen told the Board that he had queried the Police, Fire, ConCom, and DPW on the request and received replies from ConCom and DPW stating they are fine with both changes as long as Mass

Highway/DOT approves as both changes are in the Mass DOT right of way. Mike noted the site plan approval stated anything in the right of way would need to be approved by MassDOT. Bud made a motion to approve the changes as written in the site plan review requiring MassDOT to approve the changes. Seconded Jay. Voted AIF.

7:57p.m. *Planning Board MRPC Appointments.*

The Board voted to have Jon continue as MJTC representative and Mike MRPC representative and voted Bud to be the Economic Development Committee Rep. The Master Plan Implementation Committee rep. was not chosen.

8:08 p.m. *Town Planner Update.*

Stephen will be on vacation from Friday July 3 to Tuesday July 14.

Stephen is continuing work on Definitions to complement the Table of Uses.

8:38 p.m. *Adjourn.*

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

10 Attachments :

- 1) ANR Plan of Land Prepared for Justin B. and Leann L. Lamsa on Batherick Road prepared by Edmond Boucher dated April 13, 2015. 1 page.
- 2) Town Planner package for Lamsa including Form A, tax cards and Town Planner GIS map dated May 11, 2015. 5 pages.
- 3) ANR Plan of Land Prepared for Timothy & Mary Kate McNamara on North Common Road Road prepared by Whitman & Bingham dated May 13, 2015. 1 page.
- 4) Town Planner package for McNamara including Form A, tax cards and Town Planner GIS map dated May 8, 2015. 5 pages.
- 5) ANR Plan of Land Prepared for Lead the Way Development on Linda Drive prepared by Edmond Boucher dated April 29, 2015. 1 page.
- 6) Town Planner package for Lead the way Development Corp. including Form A, tax cards and Town Planner GIS map dated May 18, 2015. 5 pages.
- 7) Copy of "Kaski berm sketch". 1 page.
- 8) PB April 23, 2013 Minutes 4 pages.
- 9) Borrego Solar Request for Site Plan Review modification dated May 8, 2015 and plan. 2 pages.
- 10) Borrego Email chain to Stephen on Request for Site Plan Review modification. 2 pages.