



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, William C. Taylor, II

MINUTES OF REGULAR MEETING

Tuesday, September 22, 2015

Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Bud Taylor, Mike Fortin, Town Planner Stephen Wallace

Absent:

Additional Attendees: Mr. Steve Ballard/Whitman & Bingham Assoc., Mr. Dean and Ms. Debra Johnson, Mr. John Halliday.

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 September 8, 2015 minutes. Bud motioned to approve the minutes. Seconded Marie. Jon asked if the minutes should reflect Mr. Goodwin's conversation about shade trees. Mike agreed that the town owned tree removal concerns without a public hearing should be added to the minutes. Bud amended his motion. The PB voted AIF to accept the minutes with changes.

7:03 p.m. *Approval Not Required (ANR) Plan for Timothy and Mary Kate McNamara, 116 North Common Road (two new lots from remaining land of master lot).*

Bud made a motion to endorse the previously presented revised ANR plan for discussion purposes. Seconded Marie. Bud asked if the plan had been revised to reflect the wetlands delineation. Mr. Ballard noted they had been added. After brief discussion, the PB voted AIF to endorse the plan.

7:07p.m. *Approval Not Required (ANR) Plan for Dean & Debra Johnson, land transfer to abutting lot and one new lot on Minott Road.*

Mike told PB members he was an abutter, recused himself from the discussion, and left the room. Stephen described the plan. A new lot was being created and a small parcel was being created to be sold to the neighbor. Bud made a motion to endorse. Seconded Marie. Voted AIF to endorse. Mike returned to the room.

7:11 p.m. *PB Member Book Updates and Town Planner updates.*

Stephen handed out 3 new/revised updates to the PB Member Zoning Books. 1) An updated Table of Contents, 2) An updated ANR Procedure sheet, and 3) A new section (Chapter 97) on earth removal.

Stephen also informed PB members that any recent court issued notices sent to PB members related to the Cumberland Farms case were being handled by Town Counsel.

7:21 p.m. *Zoning Work - Draft Definitions, Table of Uses and Table of Dimensional Requirements.*

Stephen reviewed the revised Definitions section. (draft 2). Stephen has updated the definition for Public Service Corporation using language from MGL 40A Section 3. Jon asked how you would know what a Public Service Corporation was? Is there a list of them? Bud told Stephen that Town Counsel had been involved with his legal representative during the Commuter Rail Layover and had defined what a Public Service Corporation could be. Bud told the Board the intention was to protect the town from any entity that is subject to the regulation of the Public Utilities Commission and for the Town to protect itself by understanding its right to have a public hearing in front of the Public Utilities

Commission. In the future, there will be more quasi-government entities that will claim they have exemption from State law when in fact they may need to appear before the Public Utilities Commission. That public hearing process is when the Town can voice its concerns and have some degree of control in how a project might move forward. Jon asked how that relates to the local zoning? Stephen asked if it was the wish of the Board to have Town Counsel review and provide input on the subject. The Board was all in favor of getting Town Counsel input on the subject.

Stephen told the PB he had also reviewed all present businesses in town to determine if any would become non-conforming as a result of the recent zoning work. It was determined that the strip mall on State Road East across from Monty Tech was located in an Industrial II district. By changing the zoning table of uses from special permit to not allowed, the board would be making the strip mall an existing non-conforming use. There was discussion about changing the use of that property from industrial to commercial. The property is surrounded by wetlands. Bud made a motion the PB support an article to change the property from I-II to C-I to make the existing property use a conforming use. Seconded Marie. Voted AIF.

Dimensional Changes

The PB reviewed the Table of Dimensional Requirements and the changes recommended in the 2010 Scanlon Report. Bud asked that Stephen get any safety concern input from Fire Chief Nivala for decreased rear and side setbacks being recommended. Stephen will talk to the Fire Chief and will revise the Dimensional Table according to the Scanlon Report.

The Board discussed the following footnotes:

1 Frontage may be measured at the front yard setback line if the street is an arc of a curve with a radius of three hundred (300) feet or less, provided that there is, in any event, not less than a fifty-foot width of such frontage at the street.

Add the language in footnote 1 to the definition of lot coverage.

2 Not less than the frontage requirements shall be maintained throughout the front yard depth, except as provided for in Note 1 above.

3 On lots abutting streets on more than one (1) side, the front yard requirements shall apply to each of the abutting streets.

4 These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy except that wireless communications towers and facilities shall comply with the requirements of § 205-39.2, Wireless communications towers and facilities, of this chapter.

[Amended STM 6-18-2001 by Art. 5]

Add wind generation facilities.

5 See Article IX regarding uses permitted by special permit.

Revise to specify that apartments and attached dwellings have different setback requirements per Section 205-37.

6 A dwelling need not be set back more than the average of the setbacks of dwellings on the lots adjacent to either side. If a vacant lot exists on one (1) side, it shall be considered as a dwelling set back the depth of the required front yard.

Delete.

7 Except there is no requirement when the side of a building abuts another building.

8 Height restrictions may be waived by the Board of Appeals for office buildings and motels, subject to the following conditions and those set forth in Article IX.

A. Office buildings:

(1) Minimum land area: five (5) acres.

(2) Minimum frontage: three hundred (300) feet.

(3) Minimum yard depths in addition to required yard depths: one (1) foot for each foot of height in excess of maximum allowed as a matter of right for the zoning district in which it is located.

Delete.

9 Except fifty (50) feet when abutting a residential zone.

10 Exclusive of recreational facilities such as swimming pools, tennis courts, etc., for the use of the residents.

Add the language in footnote 10 to the definition of lot coverage.

11 Floodplain restrictions are set forth in Article XI.

12 [Amended STM 11-2-1978 by Art. 4]

13 [Added STM 10-10-1995 by Art. 17]

14 Except that if public wastewater disposal is not available, the yard depth and lot coverage for the I-II District shall be the yard depth and lot coverage specified for the I-I District.

[Added STM 10-10-1995 by Art. 17]

15 [Added STM 10-12-1999 by Art. 15]

16 With the exception of the C-III district, each lot shall have at least half of its minimum lot size required by zoning consists of contiguous upland. The upland area shall be exclusive of any resource area as defined by Massachusetts Wetland Protection Act Regulations 310 CMR 10.00 or Chapter 202 of the Westminster General Bylaws.

[Added ATM 5-5-2012 by Art. 45]

Add the language in footnote 16 to the definition of lot coverage.

Stephen will revise the above zoning drafts and prepare them for a joint meeting with the ZBA.

8:19 p.m. Adjourn.

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

6 Attachments :

1) ANR Plan of Lots Prepared for Timothy & Mary Kate McNamara by Whitman & Bingham Assoc., LLC dated August 25, 2015. 1 Page.

2) Town Planner package for McNamara including Form A, tax cards and Town Planner GIS map dated Aug.25, 2015. 6 pages.

3) ANR Plan of Land Prepared for Dean W & Debra L Johnson by Cabco Consult dated 09/15/15. 1 Page.

4) Town Planner package for Dean W & Debra L Johnson including Form A, tax cards and Town Planner GIS map dated 09/06 2015. 4 pages.

5) Current Zoning Language Regarding Lot Size and Dimensions (with Planner Comments) dated 2/18/2015 5 pages.

2) Revised Section II Definitions - Draft Revision #2 dated August 26th 2015. 8 pages.

6) Scanlon Report of 2010 (Analysis of Table of Use Schedule and Dimensional Regulations in Industrial and Commercial Districts) dated January 7, 2010. First 13 pages only.