

**Webster Planning Board  
Meeting Minutes  
August 5, 2019**

A meeting of the Webster Planning Board was held on Monday, August 5, 2019 in the Irene Martel Meeting Room, 1<sup>st</sup> Floor, Webster Town Hall, 350 Main Street, Webster, MA.

**Present:** Chairman Paul LaFramboise, Vice Chairman Michael Dostoler, and Members Cathy Cody, Tom Klebart, and Dan Morin. Also present: Ann Morgan, Director of Planning & Economic Development.

1. **Call to Order:** Chairman LaFramboise called the meeting to order at 6:37 p.m.

2. **Action Items**

- a. **Draft Decision – Solar Project – 0 & 153 Upper Gore Road – BWC Chamberlain Pond LLC c/o Blue Wave Solar – Applicant; Janet S. Konkel Revocable Living Trust, Janet S. Konkel Trustee (0 Upper Gore Road – Assessor ID 52-A-1) and Victor J. Stefaniak, Jr. (153 Upper Gore Road – Assessor ID 53-B-4) – Owners; Proposed 6 Megawatt-AC solar project on 133 acres off Upper Gore Road; both properties are zoned Agricultural Single Family Residential (ASFR) within the Lake Watershed Protection (LWP) district. Public Hearing closed on May 20, 2019.**

Ms. Morgan reviewed the current draft which included edits made by Town Counsel. She noted that one new finding, F6, was created when language was separated out of Finding #F5. The new finding addresses the timeline relating to the filing of a definitive plan and the zoning freeze for the site in relation to Town Meeting action in October 2018. This information is particularly relevant to the definitive subdivision application which will be reviewed at the next meeting. Due to the insertion of the new finding, all the references throughout the final draft will have to be adjusted to reflect the new numbering.

Ms. Morgan noted that the structure of the draft decision remained the same from the previous drafts and that Board will be required to take action on findings, waiver request and a final decision. The findings can be voted by simple majority with some language that explains the Board's position. If there is a differing opinion then additional language should be added. The current draft contains language suggested by the Board at the July 29<sup>th</sup> meeting. The Board began the process of going through the draft. Ms. Morgan noted that Board had already voted on Findings F1 through F4 at the previous meeting.

Ms. Morgan noted that Findings F5 through F27 reflect information submitted and testimony taken during the course of the public hearing. The Board reviewed these findings making note and approving the edits recommended by Town Counsel. Mr. Klebart recommended that language in Finding F5 regarding the total disturbed acreage be changed to "approximately 30 acres" to be consistent throughout the decision. There were no objections. Motion to approve Findings F5 through F27 as renumbered and edited made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.

The next set of findings (F28 through F38 as newly numbered) reflect the criteria set out by the general purpose of the Zoning By-law. The Board reviewed and voted upon each finding as such:

- F28 - Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Morin. Motion defeated unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F29 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. LaFramboise. Motion defeated by majority vote of 4-1. The Board approved the draft language reflecting the majority opinion of the Board. No changes were made. Mr. Dostoler offered a dissenting opinion noting that the site is currently scrub land, chopped down trees and brush. The

proposed solar project will further clear a portion but not all of the site. A large residential development would also clear the site, potentially more so than what is proposed. Nothing is proposed for the site at this time and there's no way to predict what types of future development may be proposed. Solar is a good use for the State. This language was added to the finding.

- F30 - Motion to approve this finding as written made by Mr. Morin, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F31 - Motion to approve this finding as written made by Mr. Morin, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F32 - Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Morin. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F33 - Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F34 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0.
- F35 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F36 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F37 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Morin. Motion defeated by majority vote, 4-1. The Board approved the draft language reflecting the majority opinion of the Board. No changes were made. No language regarding the dissenting opinion was added.
- F38 - Motion to approve this finding as written made by Mr. Klebart seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.

The next set of findings (F39 through F41 as newly numbered) reflect the criteria set out by solar use facilities article in the Zoning By-law. The Board reviewed and voted upon each finding as such:

- F39 - Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Dostoler. Motion was defeated by majority vote, 4-1. The Board approved the draft language reflecting the majority opinion of the Board. No changes were made. No language regarding the dissenting opinion was added.
- F40 - Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Morin. Motion defeated unanimously, 5-0.

Mr. Dostoler asked for clarification on the wording of the motion as it was unclear. The Board discussed the language and what a yes and no vote would mean. Mr. Dostoler and Mr. Morin both agreed that they cast a vote that did not reflect their wishes.

Motion to rescind the previous vote made by Ms. Cody, seconded by Mr. Klebart. Motion passed unanimously, 5-0.

Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.

- F41 - Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5-0. The Board reviewed the draft language. Ms. Morgan noted that the language was incorrect. The Applicant had submitted information in the application packet indicating that no historical resources were identified on the site. The Board had discussed this at the previous meeting and was in agreement. Ms. Morgan noted that references in the decision to historic resources would be changed to note that The Application states that the Site does not contain any known historic structures (see EXHIBIT #1) and that the Board concurs. The Board agreed to change those references.

The next set of findings (F42 through F59 as newly numbered) reflect the criteria set out by the site plan review section of the Zoning By-law. The Board reviewed and voted upon each finding as such:

- F42 – Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F43 - Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Morin. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F44 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F45 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F46 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F47 - Motion to approve this finding as written made by Mr. Morin, seconded by Mr. Dostoler. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F48 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F49 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F50 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.

- F51 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F52 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F53 - Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F54 - Motion to pass over this finding made by Mr. Morin, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.
- F55 - Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F56 - Motion to approve this finding as written made by Mr. Morin, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F57 - Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Morin. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No changes were made.
- F58 – The word hearing was inserted after the word public on the second line. Motion to approve this finding as written made by Mr. Morin, seconded by Mr. Klebart. Motion passed unanimously, 5-0. The Board approved the draft language reflecting the opinion of the Board. No additional changes were made.
- F59 - Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Morin. Motion defeated by majority vote, 4-1. The Board reviewed the draft language reflecting the majority vote. Mr. Dostoler asked that his dissenting opinion from FINDING #F29 be inserted.

The Board reviewed the draft waiver request. Ms. Morgan noted that the language of the last waiver request had been included along with the language from the Zoning By-law as it relates to this item. The Board discussed the matter determining that the waiver request had been discussed during the public hearing including the location of the poles for the above ground connection and that the utility company requires this type of connections. The Board noted that no additional information from the utility company had been provided to verify the need for the waiver request. Mr. Dostoler stated that he believed that the Applicant had been diligent in their efforts to provide information about the waiver request. Mr. Klebart noted that the waiver request only indicated that the above ground connection was required but no other supporting documentation was provided to verify that claim.

The Board discussed the criteria considering a waiver including soil condition, shape and topography of the site. It was noted that this criteria comes from the Zoning By-law as noted in the draft decision. Ms. Morgan noted that this waiver would be evaluated against the criteria and the Board should consider if the Applicant demonstrated any outstanding circumstances relating to the criteria that would justify the waiver.

The Board discussed whether the Applicant had provided adequate rationale or supporting documentation for granting the waiver. Ms. Cody noted that the issue of documentation had already been addressed in the previous sentence and that the issue of adequate rationale should be addressed

only. She recommended that the sentence be edited to remove the words “or supporting documentation” to which there were no objections. Ms. Cody stated that she believed that the Applicant had provided a rationale to which the Board agreed.

Mr. LaFramboise suggested that the Board revise the language to read:

*It is noted that the waiver request was submitted by the Applicant in written format but no discussion of the waiver took place during the course of the public hearing. The Applicant did not provide documentation or any information about ongoing discussion with the utility company demonstrating that they require pole mounted interconnection equipment. The Board finds that the Applicant did not demonstrate that they met the other criteria (soil condition, shape and topography of the site) for granting a waiver. The Board notes that the Applicant did provide an adequate rationale for the granting of said waiver based on the criteria set forth in the language of the Zoning By-law.*

Motion to grant the waiver request made by Mr. Morin, seconded by Mr. Klebart. Motion defeated, 3-2 by roll call – Mr. Klebart – NAY; Ms. Cody – NAY; Mr. Morin – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – NAY. Motion failed, 3 NAY, 2 AYE. Waiver request denied.

Chairman LaFramboise called for a brief recess at 8:09 p.m. The Board reconvened at 8:14 p.m.

Ms. Morgan reviewed the options of either denial or approval. If approved there are a number of draft conditions for consideration. It was noted that the Police Chief had asked for surveillance cameras to help prevent vandalism. Ms. Morgan noted that it was a recommendation but not a requirement but that the Board could include a requirement in the conditions. She added that there is a condition that specifies that the Applicant meet any ongoing requirements of the Town’s public safety departments. If denied the Board should include references to key findings and the failed waiver and that there was not need to reiterate what was already stated in the findings.

Motion by Mr. Dostoler, seconded by Mr. Klebart voted 4-1 to approve the Application for Special Permit and Site Plan Approval.

Motion defeated – 4 to 1 (by roll call vote: Mr. Klebart – NAY; Ms. Cody – NAY; Mr. Morin NAY; Mr. Dostoler – AYE; Mr. LaFramboise – NAY). The Special Permit and Site Plan Approval Applications are **DENIED**. Mr. LaFramboise asked if there were any other questions or comments from the Board. There was none.

Mr. LaFramboise requested that key findings and the denied waiver be referenced. No additional language was added.

**3. Webster Conservation Commission Wetlands Setback Policy Review** – this item was tabled to the next meeting.

**4. Any items which may lawfully come before the Board** – None.

**5. Adjournment**

Motion to adjourn made by Mr. Morin, seconded by Mr. Klebart. Motion passed unanimously, 5 - 0. The meeting was adjourned at 8:18 p.m.

Minutes Approved:



Chairman Paul LaFramboise

Date:

8/19/19