

**Town of Webster Planning Board
Public Hearing Minutes
January 22, 2019
Board of Selectmen Meeting Room
Webster Town Hall, 350 Main Street**

Present: Chairman Paul Laframboise, Vice Chairman Michael Dostoler, Members Cathy Cody, Tom Klebart, Dan Morin, and Associate Member Christella Gonsorcik. Also present: Ann Morgan, Town Planner; Kelly Gorham, Planning Department Clerk; and Chuck Eaton of CME Associates, Inc.

1. Call to Order: Chairman Laframboise called the meeting to order at 6:35 p.m.

2. Action Items

a. **Approval of Meeting Minutes – December 6, 2018.**

Motion to approve the meeting minutes as drafted and edited made by Mr. Dostoler. Mr. Morin seconded. Motion passed unanimously 5-0.

b. **Draft Meeting Schedule 2019** – Ms. Morgan drafted a meeting schedule to allow staff to coordinate deadline materials with the Conservation Commission and avoid conflicts. Tom Klebart asked if this could be tabled so that he can review the dates prior to approval. This item was tabled to the next meeting.

c. **Request for Determination of Minor Modification of a Site Plan – 344 Thompson Road – Installation of a walkway to the parking lot.**

Mike Gerhardt of Reliant Medical Group was present to review the request with the Board. He noted that they are seeking to construct a new twenty foot walkway from a new exterior door. The walkway will connect a new exterior door the parking lot over an existing grass area. Ms. Morgan noted that that the request was before the Board as this change would modify the existing site plan. Chairman Laframboise asked for comments from the Town’s engineer. Mr. Eaton noted that he had reviewed the plan and found it to be handicap compliant and that it did not impact the existing site plan in a negative manner. He further noted that no new exterior lighting was proposed. No comments or questions were made by the Board. No public input was received.

Motion to deem the requested modification as minor and to approve said modification as presented made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0.

d. **Batten Street Solar Project (0 School Street) – decommissioning & landscape surety agreements; maintenance agreement; Bigelow Road Solar Project (0 Bigelow Road) – decommissioning surety.**

Ms. Morgan noted that the documents have not yet been received from Town Counsel. This agenda item will be tabled to the next meeting, February 25, 2019.

3. Public Hearings

a. Special Town meeting Warrant Article: Recreational Marijuana Retail Sales Overlay District – Addition of three abutting parcels at 0, 173 and 173R Thompson Road. All parcels are zoned Business without Sewer (B5)

A number of people attended the public hearing. An overview of the proposed amendment including the location were provided by Ann Morgan, Director of Planning & Economic Development. This warrant article is proposing to add a third overlay district location for retail sales of recreational marijuana under Article XIII – Recreation Marijuana Retail Sales, Section 650-93E – Eligible Locations for Marijuana Retail Sales. Said Article XIII was approved at the December 10, 2018 Special Town Meeting. After the overview, Chairman Laframboise opened the floor for public comment.

Several members of the audience were opposed to the proposed overlay district locations for a variety of reasons including site specific problems related existing traffic congestion in the area. It was noted that there is a Dunkin' Donuts directly across the street from the proposed site which generates significant traffic and, at times, back up queuing on Thompson Road. People expressed concerns about a bad problem getting worse. It was noted that both the Fire Department and the EMS Services facility are both on Thompson Road to the north of the proposed locations. Additional congestion on Thompson Road could potentially impede those services along an already busy stretch of road thereby causing a public safety problem during an emergency. Concern was raised about the proximity of the site to the public school complex including the High School, Middle School and associated playing fields. It was noted that the complex was outside of the State allowed exclusion zone but not by much. Other objections raised included the fact that the Town had recently adopted two locations for the overlay district and that a third was unnecessary. It was noted that marijuana is illegal in Connecticut and Rhode Island and that people would travel over those state lines into Webster to purchase product. Concerns were raised that consumption of that product would occur in Webster before travelling back over the state line.

Some members of the public spoke in favor of the proposed location, in particular Patrik Jonnson of Curaleaf Massachusetts who owns the cultivation facility at 30 Worcester Road in Webster. He noted that he was seeking support for the additional location so that his company may locate a retail store in Webster. Paul Kujawski, representing Curaleaf Massachusetts, noted that his client has been a cooperative partner with the Town with regards to the cultivation facility, a known entity, and would be a good neighbor / partner to the Town if they could develop a retail location. When asked, Police Chief Michael Shaw confirmed that those facts to be true. Chief Shaw noted that he had spoken to the outgoing Leicester police chief who noted that the traffic problems from their retail store had subsided since new stores had opened throughout the state. It was further noted that issues related to parking and traffic would be addressed through the Special Permit & Site Plan Approval process through the Planning Board. There is approximately 140 parking spaces on site which would keep traffic off of Thompson Road. They would also be amenable to a "by appointment only" schedule until such time as no longer needed. It was noted that two previously approved locations were either not desired by retailers or not viable, specifically the Worcester Road plaza, as the property owners were unable negotiate with retailers due to mortgage restrictions. Ms. Morgan noted that it had recently come to light that the Worcester Road location is currently under negotiation with the property owner and potential retailer and that it was considered viable.

Motion to close the public hearing made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0.

Motion to recommend passage of the warrant article as drafted made by Mr. Klebart, seconded by Mr. Laframboise. The motion was defeated unanimously 5-0 by roll call vote (Klebart – NAY; Laframboise – NAY; Dostoler – NAY; Morin – NAY; Cody – NAY).

- b. Preliminary Subdivision Plan - 0 and 153 Upper Gore Road - Janet S. Konkel Revocable Living Trust, Janet S. Konkel Trustee (0 Upper Gore Road) and Victor J. Stefanik, Jr. (153 Upper Gore Road) - Owners; Proposed subdivision to create a total of four lots - 2 lots with frontage on Upper Gore Road and 2 lots with frontage on a proposed subdivision road. The properties are zoned Agricultural Single Family Residential (ASFR) within the Lake Watershed Protection (LWP) district. (continued from 11/19/18)

Rich Riccio of Field Engineering provided an update. He noted that he had been working with CME Associates to resolve some of the issues. They are seeking four waivers. They are planning to extend public water to the site for fire purposes only. The sites will be served by wells for potable water.

Mr. Eaton reviewed the drainage and the waiver requests, in particular the proposed 10% grades of the roadway in light of the fact that the regulations specify that grades have to be 8% or less. Mr. Eaton noted the design had been adjusted to move the cul de sac to better improve the original grades and leveling areas in order to improve sight lines at the intersection with Upper Gore Road. The sight line issues will have to be addressed at the definitive plan stage but they were a factor in adjusting the plan which resulted in 10% grades and the waiver request. Mr. Laframboise asked for further review since there is significant slope in the area. Mr. Riccio noted that there will be 16 foot cuts to get the road to a 10% grade. An 8% grade would require significantly more cuts. Mr. Eaton noted that while the proposed roadway may be steep, the required 50 foot transition leveling stretch of the roadway will allow a flat area for vehicles to slow down. This is in conformance with the regulations. Mr. Riccio noted that the waivers granted at the preliminary stage would be reconsidered and voted upon at the definitive stage as well.

Mr. Dostoler asked about the number of lots. Mr. Riccio noted that the plan shows four lots – two have access / frontage on Upper Gore Road and two lots will have frontage / access from the proposed roadway. Brian Brisboise, 20 Hilltop Drive, asked if, in the future, could more lots be developed beyond the proposed roadway. Mr. Riccio noted that such a scenario had not be discussed with him but that it was possible and that a roadway extension would be required.

Motion to close the public hearing made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0.

Motion to approve the preliminary subdivision plan as revised and to grant all four waivers made by Mr. Dostoler, seconded by Mr. Morin. Mr. Laframboise asked Mr. Eaton to confirm the waivers. The first waiver is to allow 10% grades where only 8% is allowed in the regulations. Mr. Eaton noted that the waiver would allow for the best possible sight lines where the proposed road meets at Upper Gore Road. This was a preferable and reasonable solution as it impacts public safety. The second waiver is for sidewalks along the proposed roadway. It was noted that this is a small subdivision and that there are not sidewalks on Upper Gore Road to connect the proposed sidewalk to. The third waiver is for the street width. Mr. Eaton noted that the required width was excessive for a small subdivision and that the proposed 26 foot width was more than adequate to serve the small subdivision. Mr. Laframboise asked if a 24 foot width would be better. Mr. Eaton noted that 24 feet would not likely be sufficient if, in the future, the subdivision road was extended. The last waiver is to allow for a different plan scale on the road profile. Mr. Eaton noted that, from an engineering perspective, this was not a problem with this application. Mr. Laframboise called for a vote of the Board on the motion.

Motion passed unanimously, 5-0.

4. Public Meeting

a. Site Plan Review – 41 East Main Street – Webster First FCU (Applicant / Owner) – Construction of a new bank branch and associated site work.

Jason Dubois presented the application. Bill Masiello, the architect was also present. Webster First FCU would like build on this site which was previously owned by the Town. There are sidewalks and there is a driveway along the side. The proposed entrance to the site has changed. There will be parking in the front and back, two drive thru lanes plus one ATM lane. Utilities are in the street. Catch basins are located in the front and at the back corner with a 24 inch drain line that runs through the site.

Peer Review Engineer Chuck Eaton of CME Associates provided technical comments. There should be a dumpster location on the plan. Mr. Dubois suggested that they could remove a parking space in the back corner for the dumpster. Mr. Laframboise would like to protect the abutting properties with a fence. There is an existing chain link fence. The architect suggested replacing the existing fence with a black vinyl coated chain link fence.

Parking was discussed. There can be no parking within the front 10 foot buffer area in the front and they need to push parking back a few feet. This will be adjusted on the plan. Parking is calculated based on the space inside the building. There is 4,200 square feet of interior space total. Parking is broken down according to the building footprint based on the types of uses within that space. This information which will be submitted. Davianna Vasconcelos, 17 Genevieve Lane, asked if striped on-street parking spaces in front of the building was an option. Mr. Eaton explained that the parking proposed is to meet regulation specifically for off-street parking. Mr. Dubois should provide a queueing demonstration for the drive thru lanes. The Fire Chief requested that there be enough room for a fire truck to get around in the parking lot.

Mr. Dubois will provide stormwater management information. It was noted that is a redevelopment project so the stormwater requirements are not as stringent as for a new development. There was no drainage easement before for a town owned drain pipe along the western property line, as this was a town property. Therefore; an easement must be provided. The GIS shows that this drainage goes to the lowland in a small residential area, but Mr. Eaton couldn't find the outlet. There are no proposed signs with the site plan. Mr. Laframboise noted that it would be helpful to see the proposed signage on the site plan. Ms. Morgan advised that it is more convenient to this information with the application. If approved by the Planning Board then they could move forward with a building permit and not have to submit a second sign application to the Board. She further asked that they submit a list waivers as a separate document.

The Board continued the review to February 25, 2019 at 6:30 p.m.

3. Public Hearings

c. Solar Project - 0 Juniper Lane - Juniper Lane Solar, LLC (Applicant); Kathryn Rose (0 Juniper Lane), Finamore Management Company (0 Harvard Street, 0 Klebart Avenue) - Owners. Proposed large scale ground mounted 10 megawatt solar project on 60 acres off Juniper Lane. Project area will consist of 19 acres spanning three parcels zoned Agricultural Single Family Residential (ASFR) or Conservation District (CD) (continued from 11/19/18)

Mr. Laframboise opened the public hearing. Evan Turner from Aries Power Systems, LLC and Travis Brown from Andrews Survey Inc. presented revised plans. The revisions reflect recommendations

from the Conservation Commission. This site consists of 3 parcels totaling 60 acres. There is a large section of wetland area. The array is only on 19 acres. A fence line follows the perimeter of the array area. There are trees at the entrance and along the north to conceal it from the roadway and there is access for the fire department. The project area is now setback 50 feet from the wetland resource. The previous setback was only 25 feet. The closest abutter is 400 feet. There is a 15 foot wide gravel access road across the wetland. This project is also on the Conservation Commission agenda for January 24th.

Peer review engineer Chuck Eaton of CME Associates reviewed some engineering comments. The applicant is requesting a waiver for above ground utility interconnection. Utility poles are close to the street for easy access and they would like to bring them in further to keep equipment as far from the street as possible. They are required to give National Grid an easement and will have to follow their requirements for interconnection which will involve at least three poles which they would like to push back into the site to reduce the visual impacts to the neighbors.

The decommissioning surety agreement was discussed. Ms. Morgan noted that The Town would require surety and that bonds are not preferred. This would be a part of the conditions of approval if the Board approves the Special Permit. Documentation must to be submitted prior to applying for a building permit.

Alicia Zukowski, 5 Cranberry Road had questions regarding the wattage, insufficient application submission requirements and tree clearing. She submitted a letter to the Board. Ms. Morgan noted that all correspondence and applications are posted on the Planning Board web page of the Town website for public viewing. Mr. Turner noted that the project is close to 8 ½ megawatts now, but this may continue to vary due to the acreage and density. The limit of work is now 25 feet further in due to Conservation Commission setback requirements. The tree line will be cut but new growth will provide better shade than old trees.

Mr. Laframboise asked the audience if there were more questions. One unidentified audience member asked why this site was chosen and not some other location. Mr. Turner stated that this site is relatively out of sight. Another audience member asked about the battery composition. The batteries are used to store energy generated by the panels and to release it to the grid through the interconnection. They are lithium, cobalt and nickel, similar to the battery in a laptop computer, and they are UL listed. There will be temperature and electrical monitoring. The battery stacks will be stored in a large, cargo sized container and will be located near the front of the site for access.

Ethel Theodore, 8 Juniper Lane, expressed concern about noise. She stated that solar arrays give off a humming sound. Mr. Turner noted that a sound barrier can be part of the conditions if needed. Ms. Theodore was also concerned that the panels will be visible from her property. Mr. Turner reviewed the topography noting that the high point of the array is 20 – 21 feet back from Juniper Lane and the panels are 7 feet high. The panels face south so the glare won't be seen from the neighbors properties.

Mr. Klebart asked about fencing. Mr. Turner noted that they can use black vinyl coated chain link or stockade fence which will allow wildlife to pass through by way of a six inch gap at the bottom of the fence. Ms. Cody asked about vegetation. Vegetation will grow back faster under the arrays as it does not get trampled.

The density of panel placement was discussed. They are impervious so water drips off at the bottom. There are 4 detention basins designed to handle the stormwater run-off. The stormwater management plan still needs to be reviewed. There are 2 choices for the racking equipment, ballast or screws. The screw type would be used here due to rocky soil.

An audience member states there may be spotted salamanders on the property. Mr. Laframboise advised that is a question for the Conservation Commission. The Chairman asked if there are any further questions. Ms. Morgan noted that whatever is agreed upon by Conservation Commission will affect the engineer's review as well as the ongoing development of the site plan. Those changes need to be reviewed by the Planning Board so that there is consistency in what is permitted by both boards. She further requested that the Applicant submit a written list of waiver requests.

Motion to continue the public hearing to Monday, February 25, 2019 at 6:30 p.m. made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0.

5. Old Business

- a. Engineering Review – Dunkin' Donuts (2 locations – 128 Main Street and 170 Thompson Road) – tabled to the next meeting on February 25, 2019.
- b. Engineering Review – Gladys E. Kelly Public Library – 2 Lake Street– tabled to the next meeting on February 25, 2019.
- c. Engineering Review – St. Joseph Gymnasium – 47 Whitcomb Street– tabled to the next meeting on February 25, 2019.

6. New Business

- a. Wireless Communications Facilities – Eligible Facilities Request – Administrative Approval: 84 Old Douglas Road – 2 requests approved; 26 Park Road – 1 request approved. Tabled to the next meeting on February 25, 2019.

7. Correspondence – None.

8. Staff Update

- a. 2019 Zoning Initiatives – Solar, Business without Sewer (B5), Marijuana - cafes, delivery – tabled to the next meeting on February 25, 2019.

9. Any items which may lawfully come before the Board - None.

10. Adjournment

Motion to adjourn made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5 - 0. The meeting was adjourned at 9:02 p.m.

Minutes Approved: _____ Date: _____
Chairman Paul Laframboise

EXHIBITS

- Agenda Item 2D - Batten Street Solar Project (0 School Street) – decommissioning & landscape surety agreements; maintenance agreement; Bigelow Road Solar Project (0 Bigelow Road) – decommissioning surety. All materials associated with this application are on file in Planning Department.

- Agenda Item 3A - Special Town meeting Warrant Article: Recreational Marijuana Retail Sales Overlay District – All materials associated with this application are on file in Office of the Town Clerk and the Planning Department.
- Agenda Item 3B - Preliminary Subdivision Plan - 0 and 153 Upper Gore Road - All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.
- Agenda Item 3C - Solar Project - 0 Juniper Lane - Juniper Lane Solar, LLC - All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.
- Agenda Item 4A - Site Plan Review – 41 East Main Street – Webster First FCU (Applicant / Owner) – Construction of a new bank branch and associated site work. All materials associated with this application are on file in Planning Department.
- Agenda Item 6A - Wireless Communications Facilities – Eligible Facilities Request – Administrative Approval: 84 Old Douglas Road – 2 requests approved; 26 Park Road – 1 request approved. All materials associated with this application are on file in Planning Department.

DRAFT