

**Webster Planning Board
Meeting Minutes
April 26, 2021**

A meeting of the Webster Planning Board was held on Monday, April 26, 2021 via conference call in accordance with Governor Baker's emergency order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20 due to the public health emergency relating to the Coronavirus pandemic.

Present: Vice Chairman Michael Dostoler, Clerk Dan Morin, and Member Christella Gonsorcik.

Absent: Paul LaFramboise, Chairman; Cathy Cody, Member; Kelly Baldarelli, Associate Member.

Also present: Ann Morgan, Director of Planning & Economic Development; Kelly Lyman, Clerk; Chuck Eaton, CHA Consulting Inc.

1. Call to Order: Vice Chairman Dostoler called the meeting to order at 6:37 p.m. and read the Governor's Orders regarding Open Meeting Law, G.L. c. 30A § 20. Anyone wishing to record the meeting for their own use is required to notify the Vice Chairman in advance. Mr. Dostoler asked if anyone would be recording the meeting. No one stated as such. The Vice Chairman took attendance of the Board by roll call: Mr. Morin – Present; Ms. Gonsorcik – Present; Mr. Dostoler – Present.

2. Action Items

a. Approval of Meeting Minutes – March 29, 2021 – this item was tabled to the next meeting.

b. Approval Not Required Plan – 27 Point Pleasant Avenue – Norma Duteau (Owner); Assessor ID 48-A-70 – Ms. Morgan shared the plan on the screen for all to see. Ms. Morgan stated that this plan satisfies the subdivision regulations. Motion to approve the ANR Plan and to authorize Ms. Morgan to sign the plan on the Board's behalf made by Mr. Morin, seconded by Ms. Gonsorcik. Motion passed unanimously 3-0, by roll call vote: Mr. Morin – AYE; Ms. Gonsorcik – AYE; Mr. Dostoler - AYE.

c. Vote to sign or authorize the Director of Planning and Economic Development to sign the final approved site plan for 13-15 Old Worcester Road, Reid Smith Realty LLC (Applicant / Owner) – Ms. Morgan stated that this final plan was submitted and needed to be signed. The Board can come into the office to sign or they can authorize her to sign on their behalf. Motion to authorize Ms. Morgan to sign the Plan set for the Board made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously 3-0, by roll call vote: Mr. Morin – AYE; Ms. Gonsorcik – AYE; Mr. Dostoler - AYE.

d. Action Item 2G: M.G.L. Chapter 91 Waterways BRPWW06 Simplified License Application – 32 Jackson Road - Assessor ID 40-D-14-0 – Cedar Cove LLC (Applicant / Owner) – The dock plan and application was prepared by Stephen Balcewicz from B.C. Engineering and Survey, Inc. This application is for a new residential dock.

There was an error in the submission process to MassDEP. The Board will take comment from the public regarding the residential dock at 32 Jackson Road again. Ms. Morgan shared the plan on the screen for all to see. Mr. Ernie Benoit, 86 Point Breeze Road, had some comments for the Board. He was concerned about the docks in this area becoming a marina. He was also concerned about digging in the resource area and disturbing wildlife. Ms. Morgan explained that this dock plan is within the allowable square footage and meets the requirements for the State Chapter 91 Simplified permit application. She also noted that comments from the public can be submitted directly to the State.

The Planning Board will submit the same comments from the last discussion and including tonight's comments. Motion to direct staff to draft and submit the memo to MassDEP regarding the Board's proceedings, and to include language prohibiting slip rental.

3. Public Meetings

- a. **Site Plan Approval and Stormwater Permit Applications – 5-7 Goya Drive & 9 Goya Drive; R.P. Masiello, Inc. (Applicant), Goya Foods, Inc. (Owner); Assessor ID 96-A-2-1 and 96-A-2-2; Expansion of existing wholesale warehouse facility including new addition and parking. Site is located within the Industrial (I) and Lake Watershed Protection (LWP) zoning districts. Continued from March 29, 2021.**

Vice Chairman Dostoler opened the public meeting. Ms. Morgan noted that the Board had received comments from Michelle Smith, 53 Cudworth Road, on April 23, 2021 and that there had not been sufficient time for review and response.

Mr. Milisci stated that they have not had time to review the abutter comments either. Since the last meeting, they provided a revised plan set and stormwater report. Existing conditions were added to the plan as well as erosion controls. The area where they are expanding is mostly ledge and has been cut and graded and there is not much flow to the neighboring properties. Wall pack lighting will be used on the 3 exposed sides of the expansion, with no plan for posts or elevated lighting. Stormwater and operations maintenance information was added onto the plan set, as requested by Mr. Eaton. More adjustments will be made to the plan once all of the comments have been thoroughly reviewed. Mr. Milisci also stated that they may choose to wait on the office addition and focus on the warehouse portion only for this project. Mr. Dostoler stated that he has been to that area and there is very little to no light spillage to the neighboring properties. Ms. Morgan advised that the applicant must submit a formal waiver request to the landscaping requirements and that the waiver should be in a stand-alone letter to the Board. Mr. Eaton stated that the regulations require a certain amount of landscaping.

Dan Prouty, 134 Partridge Hill Road, Charlton, provided some comment regarding the lighting and trees on the property. The lighting on the existing addition hasn't been changed since 2006 and that the light may appear brighter in the winter. He suggested dark sky compliant lighting could be used. He also stated that part of the existing building, that is currently being used as a training area and gym, could be converted into offices, rather than adding on to the building. Ms. Morgan noted that there is no appeal period on a site plan.

Mr. Dostoler asked if there were any new comments. There were none. He suggested that the meeting be continued to allow the project engineer to review and address comments submitted by Ms. Smith.

Motion to continue the public meeting to Monday May 24, 2021 at 6:30 p.m. made by Mr. Morin, seconded by Ms. Gonsorcik. Motion passed unanimously 3-0, by roll call vote: Mr. Dostoler – AYE; Mr. Morin – AYE; Gonsorcik - AYE.

- b. **Site Plan Approval and Stormwater Permit Applications - 61,67, 69 Cudworth Road - 590 vehicle storage parking lot to serve the Central Massachusetts Auto Auction facility in Oxford; Assessor ID 97-B-2-0, 97-B-2-1, 97-B-3-0); NU Auto Auction Realty, LLC, 12 Industrial Park Road, East Oxford, MA 01540 (Applicant / Owner). Said site is located in Business without Sewer (B5) zoning district.**

Ms. Morgan noted that the Applicant had submitted a written request to continue the public meeting to the next Board meeting. The Applicant had met with staff to review the application and provide comment. It was noted that the use proposed may be in violation of the Zoning By-law which may require action by the Zoning Board of Appeals. It was suggested that the Applicant review their options in advance of opening the public meeting for the Site Plan with the Planning Board.

Motion to grant the applicant's written request to continue the public meeting to Monday May 24, 2021 at 6:30 p.m. made by Mr. Morin, seconded by Ms. Gonsorcik. Motion passed unanimously 3-0, by roll call vote: Mr. Dostoler – AYE; Mr. Morin – AYE; Gonsorcik - AYE.

4. Public Hearings – Proposed Zoning Warrant Articles for Annual Town Meeting

Mr. Dostoler opened the public hearings for the four public hearings related to the warrant articles as printed in the signed Warrant. Ms. Morgan noted that since the time the public hearing notice was published that the Zoning By-law and Zoning Map warrant articles had been restructured into three warrant articles. The Board reviewed each article as follows:

a. ARTICLE 12. TO ALLOW SELF-STORAGE IN DISTRICT 5 BUSINESS DISTRICT BY SPECIAL PERMIT

To see if the Town will vote to amend the Town of Webster Zoning By-Law, Article IV. §650-18 District 5, Business District (without sewer), by inserting a new section following Section D:

E. Uses which may be permitted by the Planning Board by Special Permit and Site Plan approval:

(1) Self-service storage facility, associated retail operations, and equipment rental accessory to use.

Ms. Morgan reviewed the article noting that adding this use to the B5 zoning district would allow for an expansion of opportunities for property owners in those zones, most of which are located along the Town's commercial corridors. The requirement of a Special Permit and Site Plan Approval for this use provides opportunities to mitigate impacts to abutters while taking site specific information into consideration through the Special Permit process. Ms. Morgan noted that the Town had been approached by the new owners of the old KMart Plaza at 70 Worcester Road who are seeking to reuse and refurbish the old KMart building into a self-service storage facility. The Board had recently approved an ANR (Approval Not Required under Subdivision Control) to adjust the property line between the existing two lots at 70 Worcester Road to have the property line run between the two plazas where previously the property line had run through the building to the north.

Mr. Dostoler asked if the Board had any comments. All members agreed that the opportunity to bring new commercial activity to the KMart Plaza would be beneficial and hopefully attract additional businesses. Mr. Dostoler asked if there were any comments from the public. There were none. It was noted that no written comments were submitted by the public.

Motion to recommend the passage of the warrant article and to direct staff to submit to submit a Planning Board report to the Town Moderator and Town Meeting made by Mr. Morin, seconded by Ms. Gonsorcik. Motion passed unanimously 3-0 by roll call vote (Mr. Morin – AYE; Ms. Gonsorcik – AYE; Mr. Dostoler – AYE).

b. ARTICLE 13. TO ALLOW SELF-STORAGE IN DISTRICT 5 BUSINESS DISTRICT BY SPECIAL PERMIT

To see if the Town will vote to amend the Town of Webster Zoning Bylaws by amending Chapter 650, Attachment 1, Table of Use Regulations, to amend the definitions section or take any other action relative thereto, as follows:

Principal Use	District											
	1	2	3	4	5	5A	6	7	8	9	10	11
	SFR	ASFR	MFR	B-4	B-5	B-5A	IND	LR	FP	CD	WP	ROD
Self-service storage facility	N	N	N	N	SP	N	N	N	N	N	N	N

Ms. Morgan reviewed the article noting that this would put the use under Article 12 on the Table of Uses in the Zoning By-law.

Mr. Dostoler asked if the Board had any comments. There were none. Mr. Dostoler asked if there were any comments from the public. There were none. It was noted that no written comments were submitted by the public.

Motion to recommend the passage of the warrant article and to direct staff to submit to submit a Planning Board report to the Town Moderator and Town Meeting made by Mr. Morin, seconded by Ms. Gornsorcik. Motion passed unanimously 3-0 by roll call vote (Mr. Morin – AYE; Ms. Gornsorcik – AYE; Mr. Dostoler – AYE).

c. ARTICLE 14. PRE-EXISTING NON-CONFORMING BUILDINGS

To see if the Town will vote to amend Article V. Section 650-28 of the Town's Zoning Bylaws by replacing the first paragraph of such section with the following:

If any pre-existing non-conforming structure or use is discontinued or abandoned for a period of more than two years, the protection for pre-existing nonconforming uses and structures shall cease and it shall conform to the district in which it is located. A pre-existing non-conforming use may be changed to another non-conforming use with the benefit of a special permit from the Zoning Board of Appeals, provided that such other non-conforming use is not substantially different in its purpose and manner of application and no more harmful or objectionable. No pre-existing non-conforming use, if once changed to a use permitted in the district in which it is located, shall be changed back to a nonconforming structure or use. Subject to protections for single and two-family homes, pre-existing nonconforming uses or structures may only be changed, extended or altered upon approval of a special permit by the Zoning Board of Appeals.

Ms. Morgan reviewed the article noting it resolves an ongoing problem with the previous language which specified a 25% expansion allowance by right for structures or uses. The problem with that language is that it frequently resulted in the requirement of multiple permits and has led to a major law suit against the Town due to the various interpretations of the language of the by-law. The Board further recognizes that the previous language did not allow for site specific flexibility which varies based on site conditions and zoning district requirements all of which can be taken into consideration by the Zoning Board of Appeals during the Special Permit process.

Mr. Dostoler asked if the Board had any comments. There were none. Mr. Dostoler asked if there were any comments from the public. There were none. It was noted that no written comments were submitted by the public.

Motion to recommend the passage of the warrant article and to direct staff to submit to submit a Planning Board report to the Town Moderator and Town Meeting made by Mr. Morin, seconded by Ms. Gornsorcik.

Motion passed unanimously 3-0 by roll call vote (Mr. Morin – AYE; Ms. Gonsorcik – AYE; Mr. Dostoler – AYE).

d. ARTICLE 15.

To see if the Town will vote to amend the Town of Webster Zoning By-Law to remove all references of District 4 Business Districts as "(within sewer)" and all references of District 5 Business Districts as "(without sewer)" to include, but not limited to, the following references:

- § 650-12 Establishment of districts.
- § 650-17. District 4. Business Districts (within sewer).
- § 650-18. District 5. Business Districts (without sewer).
- § 650-33 Height.
- § 650-91(c) (3) Solar Use Facilities.
- § DT-2 Derivation Table of 1967 Zoning Bylaw to Chapter 650.

Ms. Morgan reviewed the article noting that Articles 15 and 16 address outdated or unnecessary references to with or without sewer within the Zoning By-law and on the Zoning Map. The vast majority of the Town has access to sewer infrastructure. This was not the case when the original zoning code and map were developed and it was necessary to make that distinction to guide appropriate development. The current references are confusing and no longer serve a purpose. No changes to districts are proposed except for the removal of these references.

Mr. Dostoler asked if the Board had any comments. There were none. Mr. Dostoler asked if there were any comments from the public. There were none. It was noted that no written comments were submitted by the public.

Motion to recommend the passage of the warrant article and to direct staff to submit to submit a Planning Board report to the Town Moderator and Town Meeting made by Mr. Morin, seconded by Ms. Gonsorcik. Motion passed unanimously 3-0 by roll call vote (Mr. Morin – AYE; Ms. Gonsorcik – AYE; Mr. Dostoler – AYE).

e. ARTICLE 16.

To see if the Town will vote to amend the "Zoning Map of the Town of Webster, Worcester County, Massachusetts, Updated December 10, 2018" by deleting the following language under the Section entitled Legend (strikethrough):

- B-4 General Business (Within Sewer)
- B-5 General Business (without sewer)

Ms. Morgan reviewed the article noting this change to the Zoning Map would change the Legend to reflect the changes proposed in Article 15.

Mr. Dostoler asked if the Board had any comments. There were none. Mr. Dostoler asked if there were any comments from the public. There were none. It was noted that no written comments were submitted by the public.

Motion to recommend the passage of the warrant article and to direct staff to submit to submit a Planning Board report to the Town Moderator and Town Meeting made by Mr. Morin, seconded by Ms. Gonsorcik.

Motion passed unanimously 3-0 by roll call vote (Mr. Morin – AYE; Ms. Gonsorcik – AYE; Mr. Dostoler – AYE).

5. Adjournment.

Motion to adjourn the meeting made by Mr. Dostoler, seconded by Ms. Gonsorcik. Motion passed unanimously 3-0, by roll call vote: Mr. Morin – AYE; Ms. Gonsorcik – AYE; Mr. Dostoler – AYE. The meeting was adjourned at 7:56 p.m.

Minutes Approved: _____



Daniel Morin, Clerk

Date: _____

5/24/21

EXHIBITS:

Action Item 2D: M.G.L. Chapter 91 Waterways BRPWW06 Simplified License Application – 32 Jackson Road - Assessor ID 40-D-14-0 – Cedar Cove LLC (Applicant / Owner)

Action Item 2E - M.G.L. Chapter 91 Waterways BRPWW06 Simplified License Application - 32 Jackson Road - Assessor ID 40-D-14-0 - Cedar Cove, LLC (Applicant / Owner)

- Commonwealth of Massachusetts Simplified License Application BRP WW06, submitted by Cedar Cove, LLC, received February 11, 2021; 7 pages.
- Correspondence; email to B.C. Engineering from Ann Morgan; sent on February 4, 2021; 1 page.
- Request for Determination of Applicability, WPA Form 1; submitted on April 23, 2020 and received in the Planning Department on February 4, 2021; 9 pages.
- Department Review Comments - Assessor; submitted February 11, 2021; 1 page.
- Department Review Comments – Building Department; submitted February 10, 2021; 1 page.
- Department Review Comments – Conservation Agent; submitted February 11; 1 page.
- Department Review Comments - Harbormaster; submitted February 10, 2021; 1 page.
- Department Review Comments – Police Department: submitted February 10, 2021; 1 page.
- Dock Plan and Profile Accompanying Petition of Cedar Cove, LLC; prepared by B.C. Engineering & Survey Inc.; dated April 11, 2020 and submitted February 11, 2021; 8 ½ x 11”; 3 pages.

Public Meeting 3A. Site Plan Approval and Stormwater Permit Applications – 5-7 Goya Drive & 9 Goya Drive; R.P. Masiello, Inc. (Applicant), Goya Foods, Inc. (Owner); Assessor ID 96-A-2-1 and 96-A-2-2;

- Comments submitted by Michelle Smith, 53 Cudworth Road; note dated; received March 29, 2021; 5 pages.
- Revised Stormwater Report and Checklist; prepared by Whitman & Bingham Associates, Inc.; dated March 29, 2021, revised April 21, 2021; 20 pages.
- Revised Site Plan; prepared by Whitman & Bingham Associates, Inc.; dated March 29, 2021, revised April 21, 2021; 17 sheets.
- Specification Sheet, Wall Mounted Light Fixture; submitted by Whitman & Bingham Associates, Inc.; received April 21, 2021; 3 pages.

Public Meeting 3B: Site Plan Approval and Stormwater Permit Applications - 61,67, 69 Cudworth Road - 590 vehicle storage parking lot to serve the Central Massachusetts Auto Auction facility in Oxford;

Assessor ID 97-B-2-0, 97-B-2-1, 97-B-3-0); NU Auto Auction Realty, LLC, 12 Industrial Park Road, East Oxford, MA 01540 (Applicant / Owner).

- Application Packet for a Site Plan and Stormwater Permits; prepared and submitted by Quinn Engineering, Inc.; received March 25, 2021 including the following:
 - Site Plan Approval Application form; 4 pages.
 - Stormwater Permit Application form; 3 pages.
 - Project Description; NU Auto Auction, Site Plan Approval and Stormwater Permit, 61-69 Cudworth Road; prepared by Quinn Engineering; dated March 25, 2021; 2 pages.
 - Certified Abutters List prepared by the Webster Assessor; dated March 1, 2021; 5 pages.
 - Plan Set; Site Plan of Land in Webster, Massachusetts, 61-69 Cudworth Road; prepared by Quinn Engineering, Inc.; dated January 28, 2021; 7 sheets.
 - Hydrology & Stormwater Management Report, Vehicle Storage Areas, Central Mass Auto Auctions at 61-69 Cudworth Road, Webster, Massachusetts; prepared by Quinn Engineering, Inc.; dated January 28, 2020, revised through October 21, 2020; 264 pages.
- Aerial Photograph; 61, 67 & 69 Cudworth Road, 2019 Aerial Photograph – from Town of Webster On-Line GIS Platform, Zoned B5 – Business without Sewer; color; 8 ½ x 11”; 1 page.
- Aerial Photograph; 61, 67 & 69 Cudworth Road, Approximate Site Location, Aerial Photograph from Google Earth, 3/31/21; color; 8 ½ x 11”; 1 page.
- Planning Board Public Meeting Notice; filed with the Town Clerk on March 31, 2021; 1 page.
- Department Comment Form submitted by the Fire Department; dated April 1, 2021; 1 page.
- Department Comment Form submitted by the Assessor Department; dated April 1, 2021; 1 page.
- Department Comment Form submitted by the Police Department; dated April 1, 2021; 1 page.
- Correspondence from Quinn Engineering; NU Auto Auction, Site Plan Approval and Stormwater Permit, 61-69 Cudworth Road; Request for Continuance of Public Meeting; submitted by Quinn Engineering, Inc.; dated and received April 21, 2021; 1 page.

REC'D WEBSTER TOWN CLERK
MAY 25 '21 AM 9:25