

**Webster Planning Board
Meeting Minutes
June 8, 2020**

A meeting of the Webster Planning Board was held on Monday, June 8, 2020 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: Chairman LaFramboise, Vice Chairman Michael Dostoler, Clerk Dan Morin, Members Cathy Cody and Tom Klebart and Associate Member Christella Gonsorcik.

Also Present: Ann Morgan, Director of Planning & Economic Development.

1. Call to Order – Chairman LaFramboise called the meeting to order at 6:30 p.m.

2. Action Items

a. Approval of Meeting Minutes - February 24, 2020, March 30, 2020.

Motion to table the meeting minutes to the next meeting made by Ms. Cody, seconded by Mr. Klebart. Motion passed unanimously, 5-0) by roll call vote (Ms. Cody – AYE; Mr. Klebart – AYE; Mr. Morin – AYE; Mr. Dostoler - AYE; Mr. LaFramboise – AYE).

b. Draft Decision: Special Permit & Site Plan Approval - Recreational Marijuana Retail Store - 70 Worcester Road - Munro Associates (Applicant).

It was noted that Mr. Morin recused himself from the hearing and would not be voting on the decision as he was an abutter to the site.

Ms. Morgan noted that the first set of Findings (F1 through F18) related to material submitted by the Applicant, comments received from Town Departments, comments received from the public either in written form or verbally at the public hearing, documentation received and / or reviewed by the Applicant, and issues identified and discussed with the Applicant during the public hearing.

The Board reviewed Findings F1 through F18 and made minor edits relating to scrivener's errors to Findings F6 and F9. Motion to approve Findings F1 through F18 as drafted and edited made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 4-0 by roll call vote (Ms. Cody – AYE; Mr. Klebart – AYE; Mr. Dostoler - AYE; Mr. LaFramboise – AYE).

It was noted that the Findings from F18 on were not numbered correctly. Ms. Morgan noted that they would be labeled correctly in the final draft. She noted that when the Board votes on each of the following Findings that the new number should be referenced. Ms. Morgan noted that newly numbered Findings F19 through F28 relate to the general purpose and intent of the Webster Zoning By-law. For all the following Findings, Chairman LaFramboise asked Ms. Morgan to read each one and record a roll call vote for each.

Finding F19: Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoloer. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F20: Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F21: Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoloer. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F22: Motion to approve this finding as written made by Mr. LaFramboise, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F23: Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F24: Mr. Klebart noted that this criteria does not apply in this particular case and asked that it be stated as such in the motion. Motion to approve this finding as written and edited made by Ms. Cody, seconded by Mr. Klebart. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F25: Ms. Cody noted that this criteria does not apply in this particular case and asked that it be stated as such in the motion. Motion to approve this finding as written and edited made by Mr. Klebart, seconded by Ms. Cody. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F26: Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F27: Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Ms. Morgan noted that newly number Findings F29 through F34 relate to the special permit granting criteria set forth in Article 13: Recreational Marijuana Retail Sales of the Webster Zoning By-law. For all the following Findings, Chairman LaFramboise asked Ms. Morgan to read each one and record a roll call vote for each.

Finding F29: Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F30: Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F31: Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F32: Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F33: Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

Finding F34: Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE.

The Board reviewed the three waivers requested by the Applicant. Ms. Morgan noted that the waiver request narrative provided by the Applicant has been included in the decision along with relevant Findings and Exhibits specific to each waiver.

Waiver 1: Submission of a Site Plan - Board Review of Waiver Request: See FINDINGS F6; EXHIBITS #1, #11. The Board finds that the Applicant's rationale for this waiver request is appropriate given the circumstances.

Vote of the Board: Motion to grant the waiver request made by Mr. Klebart, seconded by Mr. Dostoler. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE. Waiver request **GRANTED**.

Waiver 2: Submission of a Provisional License from the Cannabis Control Commission (CCC). Ms. Morgan noted that at the time Article XIII was being developed the permitting process with the CCC was still very fluid. This particular requirement by the CCC is essential for the applicant to move forward regardless of the permitting status within the Town. At the time of public hearing, the applicant was processing his application with the CCC which was taking longer than expected. Ms. Morgan noted that since the close of the public hearing the CCC had approved their Provisional License. The Town's special permit process has been delayed due to the state of emergency and the fact that the Board hasn't met since February.

Board Review of Waiver Request: See FINDING F6; EXHIBITS #1, #5: The Board finds, that at the time of Decision, the Applicant has received their Provisional License from the Cannabis Control Commission.

Vote of the Board: Motion to grant the waiver request made by Mr. Dostoler, seconded by Ms. Cody. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE. Waiver request **GRANTED**.

Waiver 3: Proof that the complete application to the Cannabis Control Commission has been deemed complete. Ms. Morgan noted that the rationale provided by the applicant, particularly the slow process by which the CCC is processing applications, has been typical for many applicants to the CCC. Review of application packets has been slower than expected. She noted that the

Applicant will not be able to sell any product until all the permitting required by the CCC has been deemed complete and approved. The Applicant will be required to provide that documentation as part of an approved special permit from the Town.

Vote of the Board: Motion to grant the waiver request made by Mr. Klebart, seconded by Ms. Cody. The motion passed unanimously, 4-0 by roll call – Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Dostoler – AYE; Mr. LaFramboise – AYE. Waiver request **GRANTED**.

The Board reviewed the conditions presented in the draft. Ms. Morgan noted that most of the conditions came from Article XIII: Recreational Marijuana Retail Sales section of the Zoning By-law which lays out specific conditions relating to a variety of issues including annual reporting, that the special permit is non-transferrable and other items required by State law and the Cannabis Control Commission. She noted that there were two conditions specific to the site based on comments from the Town's engineer (Condition #12) and the security measures required for loading dock at the rear of the building (Condition #13).

Motion to grant the Special Permit & Site Plan Approval application with Conditions as drafted made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 4-0 by roll call vote (Ms. Cody – AYE; Mr. Klebart – AYE; Mr. Dostoler - AYE; Mr. LaFramboise – AYE).

Motion to authorize Ann Morgan, Director of Planning & Economic Development, to sign the DECISION on behalf of the Board made by Mr. LaFramboise, seconded by Mr. Dostoler, motion passed unanimously 4-0 by roll call vote (Klebart - AYE, Cody - AYE, Dostoler - AYE, LaFramboise).

3. Staff Report

- a. Board Reappointments / Vacancies - Ms. Morgan noted that one member of the Board, Mr. LaFramboise, has a term that is due to expire. He was advised that he needed to send a letter of interest to the Board of Selectmen if he was going to seek reappointment. It was noted that Ms. Gonsorcik could apply to be appointed as a full member in the event that Mr. Klebart is elected to the Board of Selectmen. She would also be required to submit a letter of interest to be appointed to serve the balance of Mr. Klebart's term.
- b. Wireless Communications Facilities - Eligible Facilities Request - Administrative Approval: 29 Negus Street. Ms. Morgan noted that the Applicant had submitted the required documentation and request which includes replacing old equipment with new. As such the request meets the federal guidelines and was approved administratively under the authority granted to her by the Board.
- c. Temporary Outdoor Seating / Alteration of Premises - Food and Drink Establishments. Ms. Morgan reviewed the current order by the State under the phased reopening plan which suspends local zoning requirements for temporary outdoor seating for restaurants. She noted that the Board of Selectmen had granted administrative authority to the Town Administrator to receive, review and take action on applications for temporary outdoor seating based on authority to do so set forth in the emergency acts issued by the State. The Town Administrator, Mr. Willardson, has developed an application. Several restaurants have applied for and received approval to erect temporary outdoor seating areas. The permits expire on November 1, 2020 at which time the outdoor seating area must be removed.

d. Project Updates:

- i. Lake Pizza - Patio / Awning. Ms. Morgan noted that the business owner has installed a support structure for an awning over the recently constructed patio. She spoke with the owner to discuss the fact that the awning was not approved by the Board's recent modification as water run-off from the awning will impact the parking lot stormwater. The owner was told that given the State's allowances for temporary outdoor seating that they would be allowed to put the awning up until November 1, 2020 but that they would have to come back to the Planning Board for an additional modification to the their site plan if they wanted to install it permanently.
- ii. Swingin'Chicken - 138 Lake Street - Patio Addition. Ms. Morgan noted that the business owner had installed a raised concrete patio approximately 8' x 36' off the back of their building. This did not trigger site plan review because no parking was eliminated and the size of the project is less than a 10,000 square foot disturbance which would impact stormwater. The owner has applied for and received a temporary outdoor seating permit but will be required to go to the Board of Selectmen for a new liquor license after November 1, 2020 as his current license does not include the new patio. Ms. Morgan noted that she would submit a memo to the Town Administrator and the Board of Selectmen outlining the planning issues.
- iii. The Lodge Restaurant - 148 Gore Road - Parking Lot Restriping. Ms. Morgan noted that the Planning Board had granted the business owner a modification of their approved site plan under the condition that the parking lot would be restriped in the spring of 2020. The Lodge has applied for a temporary outdoor seating permit which would make a restriping project difficult given the parking lot configuration. The Board agreed to allow an extension of time to complete the restriping and asked that staff follow up with the property owner in the fall to establish a new time frame to complete that requirement of the modification.
- iv. United Medical Waste - 56 Worcester Road - Erosion Control. Ms. Morgan noted that staff has received confirmation that the Applicant no longer has a lease with the property owner. The applicant had begun site work in the back and was required to put up erosion controls and stabilize the exposed dirt when work stopped last fall. Ms. Morgan noted that she would contact the property owner about final site stabilization as they were a party to the application.

4. Adjournment

Motion to adjourn made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0 by roll call vote (Ms. Cody – AYE; Mr. Klebart – AYE; Mr. Morin – AYE; Mr. Dostoler - AYE; Mr. LaFramboise – AYE)

The meeting was adjourned at 7:20 p.m.

Minutes Approved: _____



Daniel Morin, Planning Board Clerk

Date: 7-27-20