

**Webster Planning Board
Meeting Minutes
August 19, 2019**

A meeting of the Webster Planning Board was held on Monday, August 19, 2019 in the Large Meeting Room of the Gladys E. Kelly Public Library, 2 Lake Street, Webster, MA.

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

1. **Call to Order:** Chairman LaFramboise called the meeting to order at 6:31 p.m.

2. **Action Items**

a. **Approval of Meeting Minutes** – June 24, 2019, July 22, 2019, July 29, 2019 and August 5, 2019.

June 24, 2019 – Mr. Klebart contributed edits; the date is incorrect in the header, some wording about the patio should change on page 2 and wording on page 3. Motion to approve the minutes to include the corrections, made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously 5-0.

July 22, 2019 – Mr. Klebart contributed edits; the word Road should be added on page 3 and wording that the sign was more like a banner. Motion to approve the minutes to include the corrections, made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously 5-0.

July 29, 2019 – Ms. Cody contributed edits via email. Motion to approve the minutes as edited made by Ms. Cody, seconded by Mr. Klebart. Motion passed unanimously 5-0.

August 5, 2019 – Mr. Klebart had a question about Finding 31. Motion to approve the minutes as edited made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously 5-0.

b. **As Built Plan Acceptance and Release of Peer Review - Dunkin' Donuts - 128 Main Street - Karlee Management.** – Michelle Maria from Karlee Management was present for 128 Main Street and 170 Thompson Road. The site plan for the patio at 128 Main Street has been revised to show the bollard detail. The contractor submitted a separate detail sheet as well. This plan was reviewed by CME and is acceptable.

Motion to accept the as-built plan and release peer review funds for 128 Main Street made by Ms. Cody, seconded by Mr. Klebart. Motion passed unanimously 5-0.

c. **As Built Plan Acceptance and Release of Peer Review Funds - Dunkin' Donuts - 170 Thompson Road (Webster Crossing) - Karlee Management.** - The as-built plan has been revised and now reflects what is on site. Revisions include the striping for the parking area, lighting and information for the stormwater system. The enclosure for the dumpster is different than what was approved. Ms. Maria explained that the materials have been upgraded as discussed at a previous Planning Board meeting.

Motion to accept the as-built plan and release peer review funds made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously 5-0.

d. **Approval Not Required Plan - 39 Lake Street; Sang LLC (Owner/Applicant)** – Applicant John Farren gave a brief explanation of the plan. There are three buildings on one piece of land; an abandoned store and dwellings. His client would like one dwelling on the lot per Chapter 41 sec. 81L. Two of the structures are scheduled to be demolished. Town Counsel advised that both new lots will have serious zoning violations. The applicant plans to replace the dwelling where it is currently

located. Ms. Morgan noted that the smaller lot will not meet zoning requirements. The plan meets the ANR application requirements.

Motion to endorse the ANR plan for 39 Lake Street made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously 5-0.

- e. **Approval Not Required Plan - 1139 School Street; Joseph Urbanowski (Owner / Applicant)** – Owner Joseph Urbanowski presented the plan. He had the property line surveyed and would like to square off the lot. The new lot meets the requirements. It was noted that there is no locus map on the plan. Ms. Morgan noted that the Board can waive this requirement or have the applicant resubmit the plan with a locus map. It was noted that the lot is near the Connecticut border and that several members of the Board knew the area and were comfortable with accepting the plan without the locus map.

Motion to endorse the ANR plan as submitted made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously 5-0.

- f. **Approval Not Required Plan - 129 Killdeer Road; William J. & Patricia J. Farino, Trustees, Farino Realty Trust (Owner/Applicant)** – Owner/Applicants William and Patricia Farino were present. There was a boundary line adjustment made to prevent encroachment. The locus map was not included but the plan but otherwise meets all other requirements. Several members of the board noted that they were familiar with the area and were comfortable in allowing a waiver from that requirement.

Motion to endorse the ANR made by Mr. Klebart and seconded by Ms. Cody. Motion passed unanimously 5-0.

3. Public Hearings

- a. **Definitive Subdivision Plan - 0 & 153 Upper Gore Road - 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 four lot subdivision off Upper Gore Road; both properties are zoned Agricultural Single Family Residential (ASFR) within the Lake Watershed Protection (LWP) district. (Continued from 6/24/19)**

The applicant has requested to continue and extend the decision deadline in order to address some items from the recent engineering review. The request is to continue the hearing to September 16, 2019 at 6:30 p.m. and extend the decision deadline to September 18, 2019. The Board reviewed their schedule and it was noted that two members aren't available on 9/16. Ms. Morgan noted that a definitive subdivision plan application does not require a super majority vote. If there is no quorum the Board can vote to deny or continue and extend again.

Motion to accept the applicant's request to continue the public hearing to September 16, 2019 at 6:30 p.m. and to extend the decision deadline to September 18, 2019 made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously 5-0.

4. Discussion Item

- a. **Conservation Commission Wetlands Setback Policy – Review; Zoning Board of Appeals Correspondence – Conservation Commission Setback Policy, 8/16/19.**

Ms. Morgan posted the Zoning Board of Appeals (ZBA) response to the Wetlands Setback Policy on the Planning Board webpage. The 25 foot setback / no touch zone policy in Lake Residential (LR) zone is in direct conflict with the Zoning By-law which requires a 10 foot setback. The Conservation

Commission policy creates a hardship on property owners by forcing them to push structures into the other setbacks (front and side yards) requiring them to go to the ZBA for variance(s). Chairman LaFramboise noted that the Board should take a position as this creates a conflict between the approved requirements (Zoning By-law) and an environmental policy. The policy will affect the majority of homes around the Lake. It is expected that the Conservation Commission will present a wetlands by-law at the Town Meeting which would encompass the policy. Chairman LaFramboise recommended sending a letter in support of the ZBA response.

Motion to a letter in support of the ZBA response to the Conservation Commission Wetlands Setback Policy and to direct the Chairman to sign said response made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously 5-0.

2. Action Items – continued

- g. **Draft Decision - 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 8 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). The public hearing closed on July 22, 2019.**

Ms. Morgan noted that the draft decision will follow the same process as the Upper Gore Road Solar decision. Ms. Morgan will draft a neutral decision. The Board has until late October to submit their final decision. Ms. Morgan contacted Town Counsel regarding the timing of the filing because it was after the hearing for the warrant article to change the solar by-law which would disallow large projects such as this in residential and conservation zoning districts. She is waiting for Counsel's final review on the validity of the application. The applicant did not file a definitive plan so they do not have access to a zoning freeze. The draft should be ready for the Board to review will be ready for the September 16th meeting. The Board can send questions to Ms. Morgan but cannot discuss the decision amongst themselves. It was noted that Mr. Dostoler will not be able to participate in discussion as it could be perceived as influencing the other members; he recused himself during the public hearing. A meeting has been scheduled for September 30, 2019 at 6:30 p.m. to review the draft.

5. Staff Update

- a. **Subdivision Status: Sutton Road Estates, Camile Road, Kate Lane; Sunny Shore Estates - Dominique Drive** – Ms. Morgan is reviewing past meeting minutes for Sutton Road Estates and Camile Road and working with the Town Clerk to determine what was decided by the Planning Board. A final decision on how to proceed with the road will be based on that research. The Fire and Police departments need to review the cul-de-sac on Camile Road.

The developers for both Kate Lane and Dominique Drive have reached out and they want to close out these projects. Mr. Eaton noted that the Form G inspection process was followed for Kate Lane. Dominique Drive has submitted an as-built plan. They need to submit legal descriptions, mow per the request of DPW, and submit a written request for determination of completeness.

- b. **CMRPC — Local Planning Assistance Program** – Ms. Morgan explained how the program works. Planning hours accumulate for the Town to use for local projects. All projects now have to be approved through the Planning Board.

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

5. Adjournment

Motion to adjourn made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5 - 0. The meeting was adjourned at 7:40 p.m.

Minutes Approved: _____



Chairman Paul LaFramboise

Date: _____

9-16-19

EXHIBITS

- Action Item 2B: As Built Plan Acceptance and Release of Peer Review - Dunkin' Donuts - 128 Main Street - Karlee Management. All materials relating to this item are on file in the Office of the Town Clerk.
- Action Item 2C: As Built Plan Acceptance and Release of Peer Review Funds - Dunkin' Donuts - 170 Thompson Road (Webster Crossing) - Karlee Management. All materials relating to this item are on file in the Office of the Town Clerk.
- Action Item 2D: Approval Not Required Plan - 39 Lake Street; Sang LLC (Owner/Applicant). All materials relating to this item are on file in the Office of the Town Clerk.
- Action Item 2E: Approval Not Required Plan - 1139 School Street; Joseph Urbanowski (Owner / Applicant). All materials relating to this item are on file in the Office of the Town Clerk.
- Action Item 2F: Approval Not Required Plan - 129 Killdeer Road; William J. & Patricia J. Farino, Trustees, Farino Realty Trust (Owner/Applicant). All materials relating to this item are on file in the Office of the Town Clerk.
- Action Item 2G: Draft Decision - Solar Project - 0 Juniper Lane - Juniper Lane Solar, LLC (Applicant). All materials related to this item are on file in the Office of the Town Clerk and the Planning Department.
- Public Hearing 3A: Definitive Subdivision Plan - 0 & 153 Upper Gore Road. All materials related to this item are on file in the Office of the Town Clerk and the Planning Department.
- Discussion Item 4A: Conservation Commission Wetlands Setback Policy – Review; Zoning Board of Appeals Correspondence – Conservation Commission Setback Policy, 8/16/19. All materials relating to this item are on file in the Planning Department.
- Staff Update 5B: CMRPC — Local Planning Assistance Program. All materials relating to this item are on file in the Planning Department.