

**Webster Planning Board
Meeting Minutes
September 16, 2019**

A meeting of the Webster Planning Board was held on Monday, September 16, 2019 in the Large Meeting Room, Gladys E. Kelly Public Library, 2 Lake Street, Webster, MA.

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

Absent: Member Thomas Klebart and Associate Member Christella Gonsorcik.

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

2. **Action Items**

a. **Approval of Meeting Minutes – August 19, 2019**

Motion to approve the minutes as drafted made by Ms. Cody and seconded by Mr. Dostoler. Motion passed unanimously 4-0.

b. **Approval Not Required (ANR) Plan – 104 Thompson Road – Lebel Realty Investments, Inc. / Doug Lebel (Applicant / Owner)**

Mr. Lebel was present to discuss the application. The existing lot will be split into 4 lots. One lot will be facing Thompson Road, one lot have frontage on Tower Street and the other 2 lots will have frontage Park Road. The plan meets all zoning and frontage requirements.

Motion to endorse the ANR plan made by Mr. Dostoler and seconded by Ms. Cody. Motion passed unanimously 4-0.

c. **Approval Not Required (ANR) Plan – 59 Cushing Road - Brian Hickey (Applicant / Owner)**

Ms. Morgan reviewed the application. Parcel 1-A and 1-B will be combined into a larger lot. The existing garage will remain. This plan meets all zoning requirements.

Motion to endorse the ANR plan made by Ms. Cody and seconded by Mr. Dostoler. Motion passed unanimously 4-0.

d. **Request for Determination of Completeness and Release of Peer Review Funds – Dominique Drive / Sunny Shore Estates; Carlo Panarelli (Developer).**

Mr. Carlo Panarelli was present. He explained that the measurements cited in the legal description did not correspond to the plan and the surveyor wants to update the plan as opposed to the legal description. Ms. Morgan noted a Mylar of the as-built plan is still needed but the Form G - Inspections is now complete. This item is on the Town Meeting warrant for road acceptance. The Board will meet again before the Town Meeting and can take action. The Board will issue a letter officially closing the project and send it via certified mail.

e. **Request for Determination of Minor Modification – Ground Mounted Solar Photovoltaic Project 0 Bigelow Road (access off Harry's Way) – Approved May 21, 2018; Bigelow Road Solar, LLC (Applicant / Owner) Requesting: proposed access drives, relocated point of interconnection along Bigelow Road.**

Denise Cameron from Woodard & Curran was present to discuss changes to the plan. The plan was approved in 2018. National Grid requested that the point of interconnect be moved to Bigelow Road. There will be 3,900 square feet of gravel access; there is currently 2,300 square feet of gravel road.

No changes will be made to the impervious area. This will also be reviewed by the Conservation Commission. The lines could go underground through the transmission easement, but installing above ground is more cost effective. Nine new poles would be added along the transmission corridor to the north. These poles could possibly be visible. Ms. Morgan explained that that minor modification, if granted, would not require abutter notification. The Board has to determine if the proposed changes should require public and abutter notification. A full modification would require an application and all that goes with it. It was noted that a waiver for the interconnection was previously granted and that the change in location of that interconnection would also require a waiver. Chairman LaFramboise stated that if the interconnection went underground it would not require a waiver. Ms. Cody stated that the Bigelow Road area is heavily travelled and this should be advertised. The Board would like to hold another hearing.

Motion to deny the request as a minor modification made by Mr. Morin and seconded by Mr. Dostoler. Motion passed unanimously 4-0.

f. Request for Determination of Minor Modification – Ground Mounted Solar Photovoltaic Project – 0 School Street (access off Malden Drive) – Approved July 16, 2018; Batten Street Solar, LLC (Applicant / Owner); Requesting: installation of energy storage system (batteries).

Denise Cameron also represented this project. Ms. Cody and Mr. Morin are abutters and recused themselves. Ms. Cameron noted that the new battery storage would be 500 square feet and about 39 feet long. It would be set back from the property with dense arbor vitae screening. An information packet has been provided to the Board explaining the type of enclosure proposed. It would allow for fire department access and an HVAC cooling system. The HVAC is less than 77 decibels which is considered acceptable for a residential setting. Stormwater plans have been resubmitted and there are no changes. It was noted that the Board would not able vote at this time and would have to discuss the matter at a later meeting if the Applicant so wished. Chairman LaFramboise stated that he would prefer to have this matter taken up in a public hearing where the abutters have been officially notified given the close proximity of the site to the surrounding residential neighborhoods.. This item was tabled to the October meeting.

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 explained the process by which the draft decision was developed and the recommended Board procedures which is similar in nature to the recent Upper Gore Road Solar decision. She distributed the draft decision for the Board to review. They will have to contribute language to each finding which will be done at the meeting scheduled for September 30, 2019.

3. Discussion

a. Recreational Marijuana Retail Shop – 70 Worcester Road – Permitting Update

Mike Botelho from Munro Associates reviewed where they are in the process. They were awarded a host agreement on July 15, 2019 by the Board of Selectmen. The permitting process with the Town and State takes several months. They are preparing a special permit and site plan review application and are about 90-95% complete. The store will be in the old Olympia Sports storefront location. It is

a 40 x 100 feet retail space. There is an existing ramp in the back of the building for deliveries. The Cannabis Control Commission (CCC) will require some type of fence with a lock. Cameras will be located inside and outside. Security guards will be hired and I.D.'s will be scanned. There will also be a maximum limit of product for daily purchase. Customers will enter and exit through different doors in the front of the store. Employees and security personnel will be watching to make sure product won't be consumed on site.

They will provide an example of signage that fits the Town by-laws. Neither the property owners nor the Planning Department could locate the original approved site plan, but most of the site plan process doesn't apply given the fact that the site has already been built out when the plaza was first constructed. They can apply for waivers from the majority of the site plan application requirements. The site plan is triggered because this requires a special permit. Cameras will be installed in the front and the back of the building and there will be proper lighting. The parking won't be altered. They have had a traffic impact study done. There are more facilities open these days so traffic won't be as heavy.

Ms. Cody asked about the hours of operation and appointments. The CCC is recommending appointments only for at least the first week. Hours of operation will be 10:00 or 11:00 a.m. – 9:00 p.m., Monday through Saturday and they will be open on Sunday. Recreational and medical products can be sold in the same store as the licensing is the same for both. Security personnel will be active or retired military and police and they will also be hiring security in the area. They want to be good community neighbors and ensure everyone's safety. A sign with state laws will be posted and they intend to make public education efforts to address taking product into Connecticut or Rhode Island where it is illegal. A community outreach meeting was held months ago.

4. 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 8/19/19)**

Rich Riccio of Field Engineering was present to discuss the application. Mr. Eaton noted that CME Associates had reviewed the project and concerns have been addressed. There is adequate clearance from the intersection. They have requested 5 waivers: A sidewalk is not proposed; 32 feet is the required width for the roadway and 24 feet is being proposed; a waiver is requested for the scale to make the plan easier to read; a waiver for street trees; and a waiver for the requirements for the percolation tests on the lots. Lot 4 is about 64 acres and lot 2 is 2.5 acres. The Stefaniak parcel contains a septic system. There are also private wells for lots. They are proposing retaining walls. Final mylars can be submitted for the next meeting. The proposed grade plan is included and the final plans were sent this afternoon. A 7 foot fence is proposed; 4 feet is adequate. Mr. Eaton agrees that 24 feet is fine and won't impact the radii going out to Upper Gore Road or the size of the cul-de-sac. Ms. Morgan will contact the Fire Chief to review it. The percolation testing required in the regulations is for large developments. Mr. LaFramboise noted that the percolation tests could be required prior to the release of lots for development.

There will be a black vinyl chain link fence installed on the top of the retaining walls as required by the Building Commissioner. The wall will most likely be concrete block and will be 20 feet tall in some areas. It will need a structural engineer and a permit. On the plan, the wall is shown in the proposed Town's right of way. Mr. Eaton noted that it is in the Town's best interests to have the wall

on the private lots. Mr. Riccio stated it can be moved back about 10 feet, which will also help with snow storage. Mr. Eaton expressed concerns about the final design of the wall. It was noted that a structural engineer will be required to develop plans for the wall given the height. Ms. Morgan noted that the Planning Board can require a condition of approval which requires submission and approval of the wall design prior to construction. Ms. Morgan reviewed the hearing and decision timelines noting that the Board and the Applicant can continue the hearing and extend the decision deadline by mutual consent. This would be necessary to allow time for Mr. Riccio to make the changes discussed. He agreed and signed a letter requesting a continuance of the public hearing to September 30, 2019 and to extend the decision deadline to November 1, 2019.

Motion to continue the public hearing to September 30, 2019 and extend the decision deadline to November 1, 2019 made by Mr. Dostoler and seconded by Mr. Morin. Motion passed unanimously 4-0.

- b. **Special Permit – Signage – 71 East Main Street: Kentucky Fried Chicken / Taco Bell - Charter Foods North LLC (Applicant) and Mardiroisian Realty LLC (Owner) pertaining to the installation of exterior signs on an existing building and parking lot located within the Business with Sewer (B-4) zoning district. (Assessor ID 15-E-30-0).**

Chairman LaFramboise opened the public hearing. No representative was present to discuss the application. Ms. Morgan noted that the Applicant had not contacted her and she did not know why they weren't present. The Board can move forward with a denial or extend the hearing to the end of October to give the applicant an opportunity to be present.

Motion to continue the public hearing to October 28, 2019 made by Mr. Dostoler and seconded by Ms. Cody. Motion passed unanimously 4-0.

5. Correspondence

- a. **Federal Emergency Management Agency (FEMA) – Notice of Flood Risk Review Meeting on September 26, 2019, Review of the FEMA 2019 Quinebaug Watershed Floodplain Work Maps**

Ms. Morgan noted that correspondence had been received, distributed and posted to the website regarding the current effort by the Federal Emergency Management Agency (FEMA) to update the floodplain maps in the area. The Town has not, in the past, sent a representative to these meeting. However, the Chairman could attend as a representative.

6. Any items which may lawfully come before the Board

- a. Bruce and Daisy Conway would like to open a restaurant and nightclub in Webster. The restaurant and bar would have to be the primary use. The Zoning By-law does not specify nightclub as a use. In addition, the Conways had asked if their venue could include slot machines to which the answer is no as slot machines are not allowed.
- b. BC Engineering is working on an application for a stormwater permit for 13 and 15 Old Worcester Road.
- c. Ms. Morgan handed out the draft 2020 Meeting Schedule. This should be reviewed and finalized at the next meeting.
- d. Starting in January, The Board of Selectmen would like Planning Board meetings to be held in the Board of Selectmen Meeting Room in Town Hall and that meetings be recorded.

- e. A zoning change from Lake Residential (LR) to Business without Sewer (B5) is on the Town Meeting Warrant for Lakeview Road. The Board will also have to re-vote on the Special Town Warrant articles from the December Town Meeting. The Planning Board can meet on October 7, 2019 if necessary.
- f. There will be a joint meeting of the Conservation Commission, Zoning Board of Appeals and the Planning Board to discuss the Conservation Commission Wetlands Setback Policy.

7. Adjournment

Motion to adjourn made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 4 - 0. The meeting was adjourned at 8:15 p.m.

Minutes Approved: 
Chairman Paul LaFramboise

Date: 10/28/19

EXHIBITS

- Action Item 2B: Approval Not Required (ANR) Plan – 104 Thompson Road – Lebel Realty Investments, Inc. / Doug Lebel (Applicant / Owner) - All materials relating to this item are on file in the Office of the Town Clerk and the Planning Department.
- Action Item 2C: Approval Not Required (ANR) Plan – 59 Cushing Road - Brian Hickey (Applicant / Owner) - All materials relating to this item are on file in the Office of the Town Clerk and the Planning Department.
- Action Item 2D: Request for Determination of Completeness and Release of Peer Review Funds – Dominique Drive / Sunny Shore Estates; Carlo Panarelli (Developer) - All materials relating to this item are on file in the Planning Department.
- Action Item 2E: Request for Determination of Minor Modification – Ground Mounted Solar Photovoltaic Project - 0 Bigelow Road –Batten Street Solar, LLC (Applicant / Owner). - All materials relating to this item are on file in the Planning Department.
- Action Item 2F: Request for Determination of Minor Modification – Ground Mounted Solar Photovoltaic Project - 0 School Street (access off Malden Drive) - Bigelow Road Solar, LLC (Applicant / Owner). - All materials relating to this item are on file in the Office of the Town Clerk and the Planning Department.
- Action Item 2G: 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. - All materials relating to this item are on file in the Office of the Town Clerk and the Planning Department.
- Public Hearing 4A: Definitive Subdivision Plan - 0 & 153 Upper Gore Road - Janet S. Konkel Revocable Living Trust, Janet S. Konkel Trustee and Victor J. Stefaniak, Jr. – Owners. - All materials relating to this item are on file in the Office of the Town Clerk and the Planning Department.
- Public Hearing 4B: Special Permit – Signage – 71 East Main Street: Kentucky Fried Chicken / Taco Bell - Charter Foods North LLC (Applicant) and Mardiroisian Realty LLC (Owner) – Signs - All materials relating to this item are on file in the Office of the Town Clerk and the Planning Department.