

**Webster Planning Board
Meeting Minutes
September 28, 2020**

A meeting of the Webster Planning Board was held on Monday, September 28, 2020 in the Selectmen's Meeting Room of the Webster Town Hall, 2nd Floor, 350 Main Street, Webster, MA.

Present: Chairman Paul LaFramboise, Vice Chairman Michael Dostoler, and Members Cathy Cody, and Dan Morin, and Christella Gonsorcik. Also present: Ann Morgan, Director of Planning & Economic Development; Kelly Gorham, Clerk; Chuck Eaton, CHA Consulting 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 – August 24, 2020** – Mr. Eaton contributed edits. This item was tabled to the next meeting to give the Board more time to review the changes.
- b. **Upper Gore Road Definitive Subdivision Plan – Victor J. Stefaniak Jr. and Janet S. Konkel Revocable Living Trust (Owners) – Sign Plan Set and Approve Covenant** – Ms. Morgan advised the Board that the mylar plans are ready, but the covenant still needs to be reviewed by Town Counsel. This item was tabled to the next meeting.
- c. **M.G.L Chapter 91 Waterways Simplified License Application Number BRPWW06 – 22 Black Point Road – Request for Comments from MassDEP – maintain existing residential dock on Webster Lake; Jackie Lloyd (Owner/Applicant)** – The Town Assessor verified, with plans dating back to 1909, that the dock is located on State owned land. Over the years it has been filled in and, at one point, an illegal marina, operated by the Applicant's family, had been established in the vicinity of the dock in question. The history of the filling of the swamp is unknown. Today a number of sheds exist on the same State owned land. Access to the dock and water are over the Applicant's property via a long established driveway. Jackie Lloyd, Applicant / Property Owner, discussed the application with the Board noting that the dock has been in existence for a long time. She reviewed the history of the illegal marina noting that much of what had been existing has been cleaned up. She stated her opinion that while she doesn't own the property she should have some standing because she's been maintaining and using the land for a long time. She noted that many of her neighbors use the access road over her private property and that there are other docks near hers, also on the same land. She noted that Melissa Loeber of 28 Black Point Road is applying for a Chapter 91 permit for a dock near hers, also on State owned land. To date the Planning Board has not received that application but the property owner has appeared before the Conservation Commission. No additional comments were received. Comments were received from the Conservation Agent and the Police Department both noting that the dock, while in existence for a long time, is on State owned land. The Planning Board will recommend to Mass. DEP that the State determine who has the rights to the easements in that area.

Chairman LaFramboise announced that the Decisions, Action Items 2D, 2E and 2F, will be taken up at the end of the meeting. Items were taken out of order.

3. **Public Meeting**

- b. **Stormwater Permit – Site Stabilization - 0 Douglas Road – Assessor ID A-8-3 and A-8-3-4; Guaranteed Builders and Developers, Inc. (Applicant / Owner) – Continued from 8/24/20.** Tracy Sharkey was present for Guaranteed Builders and Developers, Inc. Ms. Morgan shared site photos on the screen and the Engineering comments were reviewed. Loam and seed with erosion controls are

recommended since vegetation is sparse. There was some perc testing done in the past and the site is mostly rock. Boulders can be placed at the entrance to prevent vehicles entering the site. Stabilization will prevent water sheeting on Douglas Road which flows onto the neighbor's property across the street causing icing problems in cold weather. Mr. Eaton suggested using seed designed for this specific soil type. Chairman LaFramboise stated that sediment is washing down the hill. The tracking pad was filled with sediment and the pad should be reconstructed. This site should be monitored and revisited in the spring as a condition of approval. The entrance is a right of way owned by the Town and the Applicant will need permission from the DPW to place boulders there. Louis Tusino, 13 West Street, Douglas, owner of the property, mentioned that there has been illegal dumping at the back of the site. The Board noted that while cleaning garbage and debris from the back of the site will be helpful, it is not in the scope of this permit. Tires and debris may have to be removed by hand. The Board suggested that Mr. Eaton could determine the area of the site that needs stabilization from the plan. Any action taken on site would be monitored as part of a condition of approval if granted. Ms. Sharkey raised concerns about the amount of seeding that was being suggested. The Board noted that erosion control was the priority as this site has been in violation of the Stormwater By-law for some time. Mr. LaFramboise asked that staff arrange a time to visit the site before the next meeting to assess the area as it relates to seeking, the tracking pad and the placement of stones to prevent vehicles from entering the site. The Board asked if the Applicant / Owner had any specific plans to develop the site to which Mr. Tusino stated no, not at this time.

Public comment was taken. Linda Jarmuszcz, 125 Douglas Road, sent photos to Ms. Morgan regarding the icing in the road and stated that there has been sheets of ice in her driveway. Those photos will be entered into the record. There is a swale in that area but it is not clear if that swale is performing adequately. Sally McDonald, 123 Douglas Road, does not have water on her property, but wants to ensure there won't be any future issues.

Motion to close the public meeting made by Mr. Dostoler and seconded by Ms. Cody. Motion passed unanimously 5-0.

4. Public Hearing

- a. **Site Plan - 17 Loveland Road – Reconstruct existing garage and add a second residential unit on the new second floor – Continued from 8/24/20; and Special Permit – 17 Loveland Road – Lot coverage exceeding 40% impervious surface - Joseph Seraphin (Applicant / Owner) – Ms. Morgan** noted that the site plan hearing was opened previously, but the hearing for the special permit was not and needs to be opened. Chairman LaFramboise opened the public hearing and Mr. Morin read the public hearing notice. Ms. Morgan updated the Board on the Zoning Board of Appeals application. Variances must be obtained before site plan approval. The Zoning Board of Appeals approved the special permit for the second residence on the site. This site is located in the Lake Watershed Protection (LWP) and Lake Residential (LR) zoning districts. The original plan included lot coverage calculations but the second plan did not. Based on the information provided by the GIS mapping system the coverage is at 45% and should be at or below 40%. The lot coverage table needs to be updated to reflect the actual numbers. Mr. Eaton reviewed ways in which they could reduce the amount of coverage and provide for adequate infiltration in order to meet the threshold including infiltrating some of the runoff from the house or reduce some of the pavement. In addition, 705 square feet of asphalt could be removed and replaced with grass. Mr. Seraphin stated that he would get the necessary information to Mr. Eaton before the next meeting.

Motion to continue the special permit and site plan hearing to October 26, 2020 at 6:30 p.m. made by Mr. Morin and seconded by Ms. Cody. Motion passed unanimously 5-0.

3. Public Meeting

- a. **Site Plan / Stormwater Permit – Commercial Site Development – 13-15 Old Worcester Road – Assessor ID A-6-0; Jeff Dowgiewicz d/b/a Reid Smith Realty, LLC (Applicant / Owner) – Continued from 8/24/20.** Stephen Balcewicz from B.C. Engineering and Survey, Inc. represented the applicant. Ms. Morgan provided an update to the Board. Fire suppression and requirements for the sprinkler system were reviewed with the Fire Chief and have been satisfied. There are two properties included on one site plan, and will need to be treated as two plans. There are four buildings on Lot 1, 13 Old Worcester Road, and they will be sprinkled. Lot 2, 15 Old Worcester Road, will continue on with current operations which includes stockpiling of materials, parking of construction equipment, and the processing of materials.

Mr. Balcewicz addressed the peer review engineering comments. A traffic study has been submitted; there will be an additional 52 cars per day. Lot 2 will be used for parking equipment, processing and stockpiling. Vehicle trips should be added to the plan set. There is very little light spillage to the south and west. Lot 2 could have a lighting easement due to light spillage from Lot 1. They are proposing holding tanks on-site for interior garage bay drains and no illicit discharge will occur. Rip rap swales should be sized to trap the proper amount of sediment and the swales should also be added to the Operations and Maintenance plan. Mr. Balcewicz will continue to discuss the project with Mr. Eaton.

There is a basin in front to capture water and CULTEC systems located between buildings C and D. There will be a drainage easement in the event that one property is sold. Mr. LaFramboise asked who is responsible for the maintenance of the drainage system. Mr. Balcewicz stated that the owners of Lot 2, 15 Old Worcester Road, is responsible for both lots. Mr. Eaton commented that the proposed static method of determining the stormwater flow was only provided for recharge calculations, and they need to provide static calculations for a 100 year storm event. The drainage calculations should be updated to reflect what is proposed. Mr. Eaton stated that he had discussed this with Hannigan Engineering and was still waiting to hear back from them.

Motion to continue the public hearing to the next meeting on October 26, 2020 at 6:30 p.m. made by Ms. Cody and seconded by Ms. Gonsorcik. Motion passed unanimously 5-0.

2. Action Items

- e. **Draft Decision: Special Permit / Site Plan / Stormwater Permit – 137 East Main Street – Convenience Store and Gas Station – PMG Northeast LLC (Applicant/Owner)**

The draft decision for the special permit for the signage is available online. The existing and 2 freestanding signs are preexisting non-conforming. The signage for the building façade exceeds the allowable square footage. The secondary signage on the convenience store also exceeds allowable square footage. The canopy signage is not covered in the bylaw. Ms. Morgan provided an overview of the findings and the process.

It was noted that some of the waivers were numbered incorrectly and will be corrected in the final draft. After review of the draft decision the Board voted as follows:

Motion to make favorable findings F1-F7 made by Ms. Cody, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.

Motion to make favorable findings F8-F12 made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0.

Motion to make favorable findings in F13 regarding Section 650-1A Purposed and Interpretation of the Webster Zoning By-law made by Mr. Morin, seconded by Ms. Cody. Motion passed unanimously, 5-0.

Motion to grant Waiver W1 Convenience Store Signage - Front Façade - allowable square footage made by Mr. Dostoler, seconded by Ms. Gonsorcik. Motion passed unanimously, 5-0.

Motion to grant Waiver W2 Convenience Store Signage - Section 650-38.6(B) Secondary Signs made by Mr. Morin, seconded by Ms. Cody. Motion passed unanimously, 5-0.

Motion to grant Waiver W3 Canopy Signage: Number of Signs made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0.

Motion to grant Waiver W4 Canopy Signage - Allowable Square Footage made by Mr. Morin, seconded by Ms. Gonsorcik. Motion passed unanimously, 5-0.

Motion to approve the Special Permit with Conditions made by Ms. Gonsorcik, seconded by Mr. Morin. Motion passed unanimously.

- d. **Draft Decision: Modification of a Special Permit & Site Plan Approval - 30 Worcester Road - Expansion of Parking lot - Curaleaf Massachusetts, Ind. (Applicant)** - Tabled to the next meeting.
- f. **Draft Decision: Site Plan - 5 Cudworth Road - Expansion of existing loading dock area and parking lot** - Tabled to the next meeting.

Motion to adjourn made by Mr. Dostoler, seconded by Ms. Gonsorcik. Motion passed unanimously, 5 - 0. The meeting was adjourned at 8:40 p.m.

Minutes Approved: 
Daniel Morin, Clerk

Date: 12/22/2020

EXHIBITS:

Action Item 2C - M.G.L Chapter 91 Waterways Simplified License Application Number BRPWW06 – 22 Black Point Road – Request for Comments from MassDEP –

- Commonwealth of Massachusetts Simplified License Application BRP WW06, submitted by Jacqueline Lloyd, dated August 10, 2020, 8 pages.
- Correspondence from Attorney Donald J. O’Neil re: 18 Black Point Road, dated August 13, 2020, 1 page.

Public Meeting 3B - Stormwater Permit – Site Stabilization - 0 Douglas Road – Assessor ID A-8-3 and A-8-3-4; Guaranteed Builders and Developers, Inc. (Applicant / Owner)

- Site Photos submitted at the Planning Board Meeting, September 28, 2020 and taken February 16, 2020 by Linda Jarmolowicz, 125 Douglas Road, 1 page.
- Site Visit Photos, taken by CHA Consulting, Inc., September 10, 2020, 1 page.
- Correspondence from GBI Avis, re: Engineering Review Application Comments; dated September 25, 2020, 1 page.
- Correspondence from CHA Consulting re: Engineering Review Guaranteed Building, Douglas Road; dated September 15, 2020; 2 pages.

Public Meeting 3C - Site Plan - 17 Loveland Road – Reconstruct existing garage and add a second residential unit on the new second floor – Joseph Seraphin (Applicant / Owner)

- Revised Plan; Proposed Site Plan for 17 Loveland Road, Webster, MA; prepared by Bertin Engineering; dated January 28, 2020 and revised through March 19, 2020 ; 24”x36”, 1 sheet.

Public Hearing 4A - Special Permit – 17 Loveland Road – Lot coverage exceeding 40% impervious surface - Joseph Seraphin (Applicant / Owner)

- Exhibit 01 – Certified List of Abutters; dated February 5, 2020 and submitted on September 8, 2020, 3 pages.
- Exhibit 01 – Application Form; Application for Special Permit of Modification of a Special Permit, dated September 9, 2020, 3 pages.
- Exhibit 01 – Plan Set; Proposed Site Plan, prepared by Bertin Engineering; dated January 28, 2020 and revised through March 19, 2020; 24”x36”, 1 sheet.
- Exhibit 02 – Public Hearing Notice, stamped by the Town Clerk on September 8, 2020; 1 page.
- Exhibit 03 – Planning Board Public Hearing Sign In Sheet, dated September 28, 2020; 1 page.

Public Meeting 3A - Site Plan / Stormwater Permit – Commercial Site Development – 13-15 Old Worcester Road – Assessor ID A-6-0; Jeff Dowgiewicz d/b/a Reid Smith Realty, LLC (Applicant / Owner)

- Correspondence from CHA Consulting re: 13-15 Old Worcester Road Application Review; dated September 28, 2020; 4 pages.
- Revised Plan Set; Site Improvement Plan 13 Old Worcester Road; prepared by BC Engineering & Survey, Inc.; revised through September 14, 2020; 24”x36”, 7 sheets.

Action Item 2D - Draft Decision: Special Permit / Site Plan / Stormwater Permit – 137 East Main Street – Convenience Store and Gas Station – PMG Northeast LLC (Applicant/Owner)

- Webster Planning Board Draft Decision – Site Plan and Stormwater Permit Gas Station and Convenience Store 137 East Main Street, Webster, MA 01570; September 30, 2020; 10 pages.

Action Item 2F - Draft Decision: Site Plan – 5 Cudworth Road – Expansion of existing loading dock area and parking lot – 5 Cudworth Road, LLC

- Webster Planning Board Draft Decision Site Plan Approval & Stormwater Permit Expansion of Existing Loading Dock Area and Parking Lot 5 Cudworth Road, Webster, MA 01570; September 21, 2020; 11 pages.