

**Webster Planning Board
Meeting Minutes
February 28, 2022**

A meeting of the Webster Planning Board was held on Monday, February 28, 2022 in the Selectmen Meeting Room, 2nd Floor, Webster Town Hall, 350 Main Street, Webster, MA.

Present: Chairman Paul LaFramboise, Vice Chairman Michael Dostoler, Clerk Dan Morin, Members Cathy Cody and Christella Gonsorcik; Associate Members Jason Piader and Member Caroline Fritz.

Also present: Ann Morgan, Director of Planning & Economic Development; Chuck Eaton, CHA Companies.

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

2. Action Items

- a. Approval of Meeting Minutes – January 31, 2022. Tabled to next meeting.
- b. Draft Decision – Special Permit – Signage – Burger King, 128 East Main Street; JSC Management Group (Applicant); Cedar-PC Plaza LLC (Owner); Assessor ID 15-E-5-0.

Ms. Morgan noted that four members were eligible to vote – Mr. LaFramboise, Mr. Dostoler, Mr. Morin, and Ms. Cody. The Special Permit requires all four members to approve in order for it to be granted.

The Board reviewed the draft decision. Ms. Morgan noted that the Applicant is seeking four signs total, one on each façade. The Zoning By-law states that the primary customer entrance is to be considered the front façade. However, the Applicant is seeking to have the north façade facing East Main Street be considered the main entrance sign given the juxtaposition of the building to the site and the street. Ms. Morgan suggested adding two new findings to better clarify this request and the Board's findings. The Board reviewed each of the sign requests as they relate to the maximum allowable square footages indicated in the Zoning By-law.

Mr. LaFramboise noted that he did not object to the request for the front façade signage facing East Main Street. There were no objections from the Board. Ms. Morgan noted that the square footage for this sign meets the By-law requirements.

The Board reviewed the proposed signage for the south façade, the main customer entrance, which would now be considered secondary signage. Ms. Morgan noted that the proposed square footage meets the requirements of the By-law. There were no objections to the proposed sign.

The Board reviewed the proposed signage for the west facing façade which faces onto the Plaza parking area. Ms. Morgan noted that the Applicant is proposing to replace the existing sign and was allowed as it is a pre-existing sign replacement with no expansion of the existing square footage. There were no questions or objections from the Board.

The Board reviewed the proposed signage for the east façade facing the rear property line. Ms. Morgan noted that the By-law does not permit signage facing rear property lines. The Applicant had argued that the signage was required to identify the site to vehicles travelling west on East Main Street. Ms. Gonsorcik noted that the north facing sign along East Main Street should be adequate to identify the site and provide opportunity for patrons to turn into the Plaza. Mr. Piader noted that the By-law was clear and that there wasn't sufficient reason to circumvent it.

Motion to approve Findings F1 through F13 including the two new findings discussed made by Mr. Morin, seconded by Mr. Dostoler. Mr. LaFramboise asked if there was any further discussion. There was none. Motion approved unanimously, 4-0.

The Board reviewed the draft conditions. Ms. Morgan noted that Condition #1 outlines the three groupings of signs – the main façade which is now established as facing East Main Street; two secondary signs for the facades facing the parking lot and over the customer entrance; and the sign on the rear façade facing the rear property line. The Board discussed each and determined that the main façade and secondary signage over the main customer entrance and facing into parking lot were acceptable and could be approved. The fourth sign facing the rear property line was not and would be denied. The condition was edited to reflect this consensus.

Motion to grant the Special Permit with the conditions of approval as edited made by Ms. Cody, seconded by Mr. Morin. Motion passed unanimously 4-0.

- c. Site Plan Endorsement – Burger King - 128 East Main Street; JSC Management Group (Applicant); Cedar-PC Plaza LLC (Owner); Assessor ID 15-E-5-0.

Mr. Eaton reviewed the as-built plan as submitted and had no further comments or issues. Ms. Morgan noted that a simple majority vote was required. Motion to endorse the as-built plan and to authorize Ms. Morgan to sign it on behalf of the Board made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously 5-0.

- d. As-Built Plan Review – 5 Cudworth Road – Loading Bay Expansion and Parking Lot – 5 Cudworth Road, LLC (Applicant/Owner)

Mr. Eaton reviewed the plan including the development of the truck parking area on the north side of the site. He noted that additional lighting was added to the building which has caused some light spillage onto Cudworth Road which is not allowed under the By-law. Mr. LaFramboise noted that the area is zoned industrial and that there are no residential uses in close proximity to the site. It was further noted that the northern portion of the site abuts the Town's transfer station which is shielded by a wooded area between the two properties. Mr. LaFramboise stated that he had no objections to the light spillage onto Cudworth Road. Ms. Morgan noted that the issue could be addressed in the future if it became a problem. There were no objections from the Board.

Ms. Morgan noted that additional signage had been installed which was not on the approved plan. This signage is primarily for directional purposes which is allowed. However, the signs contain company branding which now exceeds the total allowable square footage for site signage. The property manager has been made aware of the situation and has agreed to eliminate the company branding. She stated that the facility is still operating under a temporary certificate of occupancy. The signage would have to be corrected in order for them to receive a final certificate of occupancy.

Mr. LaFramboise asked if there were any objections to proceeding with vote under the condition that the signage was addressed. There were no objections.

Motion to approve the as-built plan as submitted under the condition that the signage was adjusted made by Mr. Dostoler, seconded by Ms. Gonsorcik. Motion passed unanimously 5-0.

- e. Site Plan Endorsement – 64 Worcester Road – Medical Waste Transfer Facility – United Medical Waste Management Inc. (Applicant); Kunkel Bus Company, Inc. (Owner)

Ms. Morgan noted that the Applicant's engineer was continuing to coordinate with Mr. Eaton on a number of outstanding issues including a final approval from MassDOT regarding the entrance. The Board tabled this item to the March meeting.

3. Public Hearing

- a. Site Plan Application for Convenience Store, Gas Station and Car Wash and Special Permit for Signage – 137 East Main Street – Nouria Energy Corporation (Applicant); PMG Northeast LLC (Owner); Assessor ID 24-F-11; 24-F-12; site is in a Business 4 (B4) zoning district.

Mr. LaFramboise opened the public hearing. Mr. Morin read the public hearing notice. Present representing the Applicant were project engineer Jesse Cokeley of Colliers Engineering, Tom Healy of Nouria Energy Corporation and Pat Doherty of Midpoint Engineering were present representing the Applicant. They reviewed the application noting that it is a redesign from the previously approved site plan. The plan calls for a convenience store, gas pumps and a car wash. No elements currently on site will remain. They are eliminating the previously approved fast food service use and drive thru lane and adding an emergency by-pass lane which will enable people to leave the car wash queue by pulling between the convenience store and the car wash structure. There will be eight fueling stations each with two pumps. The entrance / exit onto East Main Street has been shifted eight feet to the east. The entrance / exit from Worcester Road remains the same from the previous design. Mr. Cokeley noted that they were still working on addressing the recent peer review comments.

Mr. Eaton provided an overview of his recent peer review comments and asked Mr. Cokeley to discuss the parking spots near the gas pumps and if they would impede two-way traffic on the site. Mr. Cokeley reviewed the all the parking on site and the site circulation plan. The two parking spaces near the Worcester Road entrance / exit are for employee parking and would not impact site circulation. Mr. Eaton asked if they were proposing a concrete slab for gas pump area and if the proposed canopy would cover all the fueling stations to which the answer was yes. Ms. Gonsorcik asked about the emergency by-pass lane proposed between the convenience store and the car wash. She noted the plan indicates that there are two employee parking spaces proposed for the end of this lane along the front the building and asked how that would work. Mr. Eaton noted that the Applicant calculated employee parking requiring a total of six spaces. Two are located at the end of the by-pass lane. Mr. Cokeley stated that if there were cars parked in those spots, the person wishing to move through the by-pass lane would have to ask the employees to move. Mr. LaFramboise stated that such a plan was not convenient and unlikely to be safe. Mr. Cokeley noted that the parking requirements don't address or indicate if they could count the parked vehicles at the fueling stations (16 total) as part of their calculations. Ms. Morgan noted that this was a unique situation in that the customers using the gas pumps are parked and that some of the patrons might also use the convenience store during the same trip to the site. The Town's regulations are silent on this. Mr. Cokeley asked the Board to consider allowing them to count these as parking spaces. Mr. Doherty noted that if the Board allowed the fueling stations to be considered parking spaces then it was likely that they could eliminate the two parking spaces near the Worcester Road entrance / exit. Mr. Eaton agreed that the Town's regulations are silent regarding the possibility of considering the fueling stations as parking spaces. He reiterated that a total of six employee parking spaces are required and that the plan only shows two parking spaces at the end of the by-pass lane.

Mr. Eaton asked about the design of and access to the garbage enclosure. Mr. Cokeley reviewed the plan noting that the dumpsters would be fully enclosed. Access to the enclosure would require the

garbage truck operator to move through the car wash lane and back into the garbage enclosure area. Garbage pick-up would be scheduled in off hours to avoid site circulation conflicts. Mr. LaFramboise asked if there was enough space in the drive-thru lane to provide adequate access and turning area for garbage trucks. Mr. Cokeley noted that the lane width is 12 feet and that there was additional apron space to back onto the concrete pad where the garbage enclosure would sit.

Ms. Cody asked about the gas pumps and if vehicle access was to be one or two-way. Mr. Cokeley stated that there was no restriction, and that people can access the pumps from both sides in either direction.

Mr. Eaton asked Mr. Cokeley to review the proposed truck circulation plan and the proposed site circulation as it pertains to fuel delivery. Mr. Dostoler asked how the fuel delivery trucks would access the site. Mr. Cokeley reviewed the truck turning diagram. Fuel trucks would access the site via the East Main Street entrance. The Board requested that additional information and analysis be provided as the current diagram shows the truck lane as crossing under the canopy and around one of the fuel pump locations.

Mr. Eaton noted that there is some light trespass off the site onto the abutting property which currently houses a Chinese restaurant to the north of the site. Mr. Cokeley confirmed that there is some light spillage but that it is common in the area given all the lighting along East Main Street, Worcester Road and from the Price Chopper plaza.

Mr. LaFramboise commented on the number of proposed fueling stations – 8 pumps with 2 fueling stations each for a total of 16 locations – which seems like a lot for this site. Mr. Healy stated that they needed to maximize the site with future changes in mind. Future changes might include providing hybrid charging stations.

Mr. LaFramboise asked if the Board had any other questions or comments. There were none.

Motion to continue the public hearing to the next meeting on March 28, 2022, made by Ms. Gonsorcik, seconded by Mr. Morin. Motion passed unanimously 5-0.

4. Discussion Items

Pinewood Estates / Oakwood Drive – Release of Lots – Kevin Szeredy, Kris Fontaine and Joyce Szeredy were present at the meeting to discuss their subdivision. Ms. Morgan reviewed the situation explaining that there are a total of three lots that haven't received a lot release. Two of the lots are still owned by the developers and they're seeking to release them so that they can sell them to offset the costs of expenses for finishing the subdivision so that it can be eligible for acceptance by Town Meeting. Ms. Fontaine and Mrs. Szeredy explained that the completion process and the costs have been overwhelming and that they are just looking for a way forward. Selling their final two lots would be instrumental in paying future costs. They noted that they are close to completing the roadway and other infrastructure and have been working with an engineering firm to complete the modified subdivision plan which is one of the major steps to moving the project forward.

Ms. Morgan noted that the previous Board had approved a covenant for all the lots but that it was never recorded at the Registry of Deeds and cannot be considered valid at this time. No surety was posted with the Board which would ensure that the infrastructure could be completed by the Town in the event

the developer walks away from the project. The third lot is owned by others but would also need a lot release. She noted that a number of lots in the subdivision have been developed and that people have been living in those houses for a number of years. There is no record of lot releases for those lots and the department records have no information as to how that happened.

Mr. LaFramboise and the Board agreed that this is a difficult situation and would like to see the completion move forward. Ms. Morgan noted that Town Counsel has not provided any direction on what would be in the Town's best interests but suggested that the Board approve the release of lots contingent upon Town Counsel advice. There were no objections.

Motion to approve the release of the remaining two lots owned by the developer contingent upon advice from Town Counsel made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously 5-0.

Ms. Fontaine asked about the next steps. Ms. Morgan stated that she would draft the necessary documents if Town Counsel advises such.

5. Staff Update

- a. Engineering Update – CHA Companies: Mr. Eaton noted that he had recently been out to the Goya warehouse expansion project and had filed an inspection report. Site preparation work continues and construction is expected soon.
- b. Staff Report – Curaleaf Odor Mitigation, 30 Worcester Road: Ms. Morgan noted that the Town has received a written complaint from Price Chopper which is an immediate abutter to the site. She noted that Attorney Nick Adampoulos and Richard Young of Curaleaf were present to provide an update. Mr. Adamopoulos noted that they continue to provide the weekly updates to the Board and the Town. He submitted a document entitled “Curaleaf Odor Mitigation Plan” to the Board. He provided an overview of changes made through January 2022 including building pressurization control measures which are expected to be completed by March 18, 2022. Additional measures are expected to be completed by August 2022 including exhaust air treatment, internal air treatment, and re-evaluation of pressure to ensure that all units are working correctly and to make adjustments as needed. Ms. Morgan noted that Curaleaf has been notified that they need to continue to work with the Board of Health to receive the necessary permits. Mr. Adamopoulos stated that he has met with the new Town Administrator, Rick LaFond, and has offered a tour of the facility and to review the ongoing efforts. Mr. LaFramboise asked if Curaleaf had reached out to Price Chopper. Mr. Adamopoulos stated that he had spoken with them today and will continue to address their concerns. Mr. LaFramboise thanked them for their efforts noting that this should have been taken care of a while ago.

7. **Next Meeting Date** - Monday, March 28, 2022, at 6:30 p.m., Webster Town Hall, Board of Selectmen Meeting Room.

6. Adjournment

Motion to adjourn the meeting made by Ms. Gonsorcik, seconded by Mr. Morin. Motion passed unanimously 5-0. The meeting was adjourned at 7:56 p.m.

Minutes Approved: _____


Daniel Morin, Clerk

Date: _____

5/23/22

EXHIBITS

- Application packet submitted and stamped by the Town Clerk on January 11, 2022; includes the following documents:
 - Building Plans; prepared by Phase Zero Design, dated January 11, 2022; 24”x 36”, 8 sheets.
 - Certified Abutters List; dated December 20, 2021; 4 pages.
 - Form; Application for Site Plan Approval and Special Permit; dated January 5, 2022; 5 pages.
 - Narrative Summary; prepared by Colliers Engineering & Design CT, P.C; dated November 11, 2021.
 - Site Plans; prepared by Colliers Engineering & Design; 137 East Main Street Lot 11-12; dated January 10, 2022; 24” x 36”; 13 sheets.
 - Stormwater Pollution Prevention Plan; prepared by Colliers Engineering & Design; dated January 10, 2022; 182 pages.
 - Traffic Impact Study; prepared by Colliers Engineering & Design; dated January 11, 2022; 73 pages.
- Town of Webster Planning Board Public Hearing Notice; stamped by Town Clerk on February 2, 2022; 1 page.
- Correspondence; Comments submitted by Town of Webster Fire Department; dated and received February 2, 2022; 1 page.
- Correspondence; Comments submitted by Town Assessor; dated and received February 2, 2022; 1 page.
- Correspondence; Comments submitted by the Conservation Department; dated and received February 3, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Health Department; dated and received February 7, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Water and Sewer Department, dated and received February 9, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Highway Department, dated and received February 8, 2022; 1 page.
- Correspondence; CHA Consulting Inc.; Engineering Review, re: Proposed Gas Station & Convenience Store 137 East Main Street; dated February 18, 2022 and received on February 22, 2022; 5 pages.
- Truck Turn Exhibit; prepared by Colliers Engineering & Design; dated January 10, 2022; 24” x 36”; 1 sheet.
- Correspondence; 137 East Main Street Map 24F, Lot 11-12; Colliers Engineering & Design; dated February 25, 2022 and received February 28, 2022; 6 pages.