

**Webster Planning Board
Meeting Minutes
May 23, 2022**

A meeting of the Webster Planning Board was held on Monday, May 23, 2022 in the Board of Selectmen Meeting Room, 2nd Floor, Webster Town Hall, 350 Main Street, Webster, MA.

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

Absent: Chairman Paul LaFramboise, Member Christella Gonsorcik.

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

1. Call to Order: Vice Chairman Dostoler called the meeting to order at 6:39 p.m. He noted that agenda items would be taken out of order.

3. Action Items

a. Approval of Meeting Minutes – January 31, 2022; February 28, 2022; March 28, 2022; April 25, 2022.

Mr. Dostoler asked if there were any edits. There were none. Motion to approve the meeting minutes of January 31, February 28, and March 28, 2022 as drafted made by Mr. Morin, seconded by Ms. Cody. Motion passed unanimously, 3-0.

The draft meeting minutes of April 25, 2022 were tabled to the next meeting.

b. Annual Signature Form for Worcester District Registry of Deeds Plan Department - Ms. Morgan stated that this form is filed with the Registry annually for the purposes of verifying authorized signatures of ANR (Approval Not Required Under Subdivision Control) plans. She noted that this task should be tabled until the Board of Selectmen complete the reappointment process at their June 13th meeting. Two Planning Board members, Ms. Gonsorcik and Mr. Dostoler, are scheduled for reappointment and those new dates need to be listed on the annual form. The Board tabled this item to the next meeting.

c. Appointment to the By-Law Review Committee - Ms. Morgan noted that the Chairman is required to make the appointment. This item was tabled to the next meeting.

g. M.G.L. Chapter 91 Waterways WVs24 General License Certification application - 24 Point Pleasant Road - Assessor ID 48-A-48-0 - Melanie Fish Amir, Trustee (Applicant/Owner) - Residential Dock.

Ms. Morgan provided an overview noting that several Town departments had reviewed the application and had no comment on the matter. Multiple submissions were made by Karen Bartholomew, 30 Point Pleasant Road, which will be forwarded to MassDEP. It was noted that the crux of Ms. Bartholomew's argument was that the proposed dock would be situated on filled land that the Applicant / Owner did not own and was considered State land.

Michael and Melanie Amir (Applicant / Owner) were present to review the application. They noted that they had received the necessary approvals from the Conservation Commission. Mrs. Amir stated that they were able to demonstrate that the dock would not be on the filled land but on their actual property which was presented at the Conservation Commission. Mr. Amir stated that the Conservation Commission and the Conservation Agent have told him that he could put the dock into the water this

summer as it can take up to six months for MassDEP to issue a permit. Ms. Morgan noted that the Conservation Commission does not have the authority to authorize docks and when they can be installed. MassDEP issues the dock permits, not the Conservation Commission. The Amirs were advised to talk to MassDEP about the matter so that they didn't get into any trouble. Ms. Morgan reviewed the process applicants must go through to obtain a dock permit. Applicants are required to submit their applications to the Conservation Commission for review and approval. The role of the Conservation Commission is to review the application as it relates to the Wetlands Protection Act. That documentation is part of the MassDEP permit process. Public comment opportunity is provided by the Planning Board. The Planning Board has no authority or jurisdiction over the matter.

No additional comments were received. The Board found that they had no comment on the matter. The Board instructed staff to submit a memo to MassDEP regarding the proceedings.

- d. Site Plan Endorsement - 64 Worcester Road - Medical Waste Transfer Facility - United Medical Waste Management, Inc. (Applicant); Kunkel Bus Company (Owner). Mr. Dostoler asked if the site was still being cleared to which Mr. Eaton stated no. Mr. Eaton noted that MassDOT was still reviewing the proposed curb cut. This will also dictate what happens with the swale in the right-of-way along with the sidewalk. He expects that information should be forthcoming soon.

2. Presentation: Municipal Vulnerability Preparedness (MVP) Plan Presentation and Public Listening Session.

Ms. Morgan showed the prepared presentation on the screen for all to see. The Town was awarded a grant for \$22,000 to prepare a plan to be submitted to the State. Tighe & Bond was retained to guide the Town through the process. Once completed and accepted by the State, the Town will be eligible for a variety of State grants and funding including from FEMA and MEMA. Ms. Morgan provided a background of the MVP program and noted the Core Team which included Town Staff and Hilary King, Central Mass MVP Regional Coordinator. The Plan addresses natural hazards, climate change, impacts to the community and how to become resilient over time. Examples of natural hazards were reviewed. There was a pre-workshop survey and people could rate the natural hazard concerns and how concerned they were. Data was provided for observed climate changes in temperature, sea levels, storms, etc. Impacts associated with increased levels of precipitation or drought include flooding, concerns about food production, drinking water supply, and impacts to the ecosystem. Impacts due to rising temperatures include Heat related illnesses, disease, health of the ecosystem including plants and animals, crop production, drought and wildfires. Impacts related to an increase in extreme storms (blizzards, Nor'easters, hurricanes) include public safety concerns including increased injuries, economic damages, business disruption, property and infrastructure damage and impacts on natural resources. Climate change amplifies all these risks and more. A website link to the State's Hazard Mitigation and Climate Adaptation Plan is provided in the presentation. Town staff attended a four hour work session which included identifying community asset including people, businesses, economy, infrastructure, and the natural environment. People and societal assets identified include public education facilities / resources, buildings that support community needs, vulnerable populations and senior support services. Infrastructure assets identified are public water and sewer, municipal buildings, transportation corridors, culverts, bridges and dams. Economic assets identified included essential goods (food, pharmacy, building supplies, fuel), large employers, such as Mapfre, can partner with the Town to allow use of their parking area for staging during disasters. Other assets include Town support

services and Tri-Valley services which provides services to seniors, people with disabilities and other community based services on a regional level. Environmental assests identified include wetlands / water bodies, open space / conservation, parks / recreation areas and forests. The workshop was held at the senior center. The objectives were: engage, connect, prioritize, and implement. Through that process a number of key issues / assets were identified as priorities such as the wastewater treatment facility. The current emergency operations center, presently located at the Police Station, needs a backup plan / location. The intersection of Upper Gore, Lower Gore and Rawson Road, a primary evacuation route, needs to be addressed. These and other priorities identified need mitigation plans which will require funding. Natural resources identified as priorities include a Town-wide tree inventory and management program which would reduce downed wires and other hazards associated with extreme weather events. Beaver dams also need to be addressed. The Town's Code Red system needs to be evaluated for chain of command in posting material. The Town's by-laws and regulations need to be assessed and modified to build in resiliency measures and include best management practices. The types of mitigation actions include prevention, property protection, public education / awareness, natural resource protection and green infrastructure, structural project and emergency services protection. Specific examples identified in the workshop were reviewed. The next steps for the project were reviewed. The Draft MVP Summary of Finding Report will be posted on the Town's website. Comments are due by June 30th and should be submitted to Ms. Morgan. After June 30th, the report will be finalized and submitted to Massachusetts Office of Energy and Environmental Affairs.

Jeffrey Faulkner, senior project manager for Tighe & Bond was present and addressed the Board and audience. He noted that the Town received a grant and that his company was retained to assist the Town with completing this project. The Town can apply for grants once the report is approved by the State. Next year, in the spring, there will be a number of action grants available. He noted that the purpose of tonight's listening session was to assist the public in understanding the process and to get feedback. He asked if there were any questions. Mr. Dostoler asked if there a certain amount of money allocated for grants. Mr. Faulkner noted that, in the past, approximately 3-5 million dollars have been available. More money has been made available this year due to federal stimulus funds. Mr. Dostoler asked about the average amount of funding awarded to each town. Mr. Faulkner noted that it has varied depending on the nature of the projects submitted.

There were no further questions or comments from the Board. There were no questions or comments from the audience.

3. Action Items - Continued

- f. Draft Decision: Special Permit Application for Signage – 137 East Main Street – Nouria Energy Corporation (Applicant); PMG Northeast LLC (Owner).

Ms. Morgan noted that a Special Permit requires a minimum of four eligible voting members to proceed. There are not enough members present this night given the absence of Mr. LaFramboise and Ms. Gonsorcik. Mr. Dostoler asked if the Associate Members could be appointed to which the answer was no. Associate members have to be appointed voting members before the hearing opens which was not done or needed in this case when the hearing opened. Ms. Morgan noted that the two hearings scheduled for tonight will also face the same issue and that the Board has two choices - continue those hearings to the next meeting or appoint the Associate Member as voting members. Mr. Dostoler asked

the Board if they wished to proceed by appointing the Associate members as voting members for the two public hearings scheduled for later in the meeting to which the answer was yes. Mr. Dostoler appointed Associate Members Jason Piader and Caroline Fritz as voting members specifically for the applications to be heard later this evening. Ms. Morgan noted that the Board could proceed with the Site Plan decision for 137 East Main Street as it only required a majority vote of 3 members.

- g. Draft Decision: 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).

Ms. Morgan provided an overview the draft decision along with the draft conditions approval should the Board opt to approve the Site Plan. Minor edits were made to some of the language.

Motion to approve Findings F1 through F17 as edited made by Ms. Cody. Motion passed unanimously, 3-0.

Motion to approve Findings F19 through F22 as edited made by Ms. Cody. Motion passed unanimously, 3-0.

Motion to approve the site plan with conditions made by Ms. Cody. Motion passed unanimously, 3-0.

Motion to direct Ann Morgan to sign the Decision on behalf of the Board made by Mr. Morin, seconded by Ms. Cody. Motion passed unanimously, 3-0.

2. Public Hearings

- a. Special Permit Application for Lot Coverage exceeding 40% - 70 Bates Point Road - Hadeer Shaikhly (Applicant / Owner); Assessor ID 50-A-37-0; site is located in both Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.

Mr. Dostoler had earlier in the meeting appointed Associate Members Jason Piader and Caroline Fritz as voting members to hear and take action on this application due to the absence of Chairman LaFramboise and Member Christella Gonsorcik. Mr. Dostoler opened the public hearing. Mr. Morin read the public hearing notice.

Lesley Wilson from H.S. &T. Group, and Glenn Krevosky from EBT Environmental Consultants, were present for the meeting. Ms. Wilson had the Applicant on her phone, but Ms. Morgan advised that he could only listen and not comment via telephone. She explained that this was not a hybrid meeting and participation was in-person only.

Ms. Wilson explained that the new proposed home is larger than the existing home. They also propose a pool and a driveway with an attached carport. The amount of proposed impervious area is 58.9% and only 40% is allowed. This project is also currently before the Conservation Commission. Mr. Krevosky stated that they have added a Cultec system to the plan to handle the water from impervious surfaces. The testing showed that there was no groundwater up to 10 feet and a perc test was done to determine the water table. Mr. Eaton has not reviewed the updated plan yet as the drainage and stormwater information had not been submitted by the Applicant. Ms. Morgan advised that if the Conservation Commission requires changes, the plan would have to come back before the Planning Board for review again. She recommended continuing the hearing to the next meeting in June. Mr. Krevosky added that there will be no septic system.

Mr. Piader asked about risks associated with the pool spilling into the lake and asked how that would be mitigated. Ms. Wilson stated that it is an infinity pool and there is a spill-catching unit at the edge of the pool. There were no further questions from the Board.

Mr. Dostoler asked if there were any comments from the audience. Mr. Frank Yacino, 72 Bates Point Road, had questions regarding the retaining wall and the construction phasing. He was also concerned with leveling the earth and if it is safe enough to put a pool in there. Ms. Wilson noted that the construction will begin at the Lake side of the property and move towards the road. The existing house will be torn down and the retaining wall will be repaired after the house is razed. Mr. Yacino was concerned about the wall, the sewer line and the row of trees on the side of the lot adjacent to his property. There were no further questions from the Board or the public.

Motion to continue the hearing to the next meeting on June 27, 2022 made by Ms. Cody, seconded by Mr. Morin. Motion passed unanimously 5-0.

- b. Special Permit Application for Signage and Site Plan Approval Application for a self-storage facility with retail showroom and parking area to be located at 70 Worcester Road; Amerco Real Estate Company (Applicant / Owner); Assessor ID 88_B_42-41_

Mr. Dostoler had earlier in the meeting appointed Associate Members Jason Piader and Caroline Fritz as voting members to hear and take action on this application due to the absence of Chairman LaFramboise and Member Christella Gonsorcik. Mr. Dostoler opened the public hearing. Mr. Morin read the public hearing notice.

Michael Scott, from Land Design Collaborative, and Josh Alexander from U-Haul were present. Ms. Morgan shared the plans on the screen for all to see. They are proposing to renovate the old K-Mart building. The main building will be used for self-storage and there will be a retail store where customers can purchase moving supplies. They are also proposing to re-stripe the parking lot in front of the building. The north section of the parking lot will be used for staging equipment. A customer entrance will be located on the right. Parking will be reduced, but it will still exceed the required number of spaces. Vehicles will not be stored in the building. No changes to drainage are proposed as the area is already paved and there is existing drainage. Four to five employees will be on site and the hours of operation are 7:00 a.m. – 7:00 p.m. Monday through Saturday and 9:00 a.m. – 5:00 p.m. on Sundays. There are three drive-in bays where safety inspections on the trucks will be done, no fluids will be changed and no hazardous materials are allowed in the storage units. They have applied for a special permit for signage because there is 360 square feet of proposed signage on the front of the building, which exceeds the allowable square footage.

Mr. Morin asked about signage on the roadside. There is an existing pylon sign on the road and Ms. Morgan stated that they are entitled to a permit from the building department to replace existing signage in kind. Mr. Scott stated that landscaping can be added to the front, but there will be no digging near utilities. They will request a waiver from the landscaping requirement. Mr. Piader asked how the sign on the building will be illuminated? Mr. Scott noted that the sign will not be backlit and they could use gooseneck lights. They will provide a full lighting and metrics plan. Ms. Morgan stated that graphics shown on the main façade should be included in the sign square footage as it is branding which is considered signage. They are proposing five signs and will require waivers. Mr. Dostoler stated that the amount of signage square footage should be considered due to the size of the building and visibility from the road. Mr. Morin agreed and added that the old K-Mart sign was also very large.

Mr. Eaton stated that the regulations require a certain amount of landscaping and that could be discussed at the next meeting. Mr. Eaton noted that he had met with the applicant and the engineer to review the technical comments.

Motion to continue the hearing to the next meeting on June 27, 2022 made by Mr. Morin, seconded by Ms. Cody. Motion passed unanimously 5-0.

5. Staff Update

a. Engineering Update - CHA Companies – Mr. Eaton visited 13-15 Worcester Road and stated that construction has started in the front of the lot and they need erosion controls in the middle of the lot. He will go back with the plans. Ms. Morgan stated that they need to be at the next meeting if they are in violation. Ms. Cody asked about the awning at Mike’s Crunchies and Munchies. It is considered a temporary structure and Ms. Morgan stated it is allowed for 6 months. After that, the structure would have to be removed or the owner would have to apply for a building permit.

b. Staff Update – None.

6. **Next Meeting Date** - Monday, June 27, 2022 at 6:30 p.m., Webster Town Hall, Board of Selectmen Meeting Room.

7. Adjournment

Motion to adjourn the meeting made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously 3-0. The meeting was adjourned at 8:52 p.m.

Minutes Approved: 
Daniel Morin, Clerk

Date: 6/28/22

EXHIBITS

Item 2: Presentation - Municipal Vulnerability Preparedness (MVP) Plan Presentation and Public Listening Session.

- Town of Webster Municipal Vulnerability Preparedness Planning Listening Session, May 23, 2022; prepared by Tighe & Bond; color; 35 slides.

Public Hearing 3A: Special Permit Application for Lot Coverage exceeding 40% - 70 Bates Point Road - Hadeer Shaikhly (Applicant / Owner).

- Application packet submitted and stamped by the Town Clerk on March 2, 2022; includes the following documents:
 - Certified Abutters List; dated February 23, 2022; 3 pages.
 - Form; Application for Special Permit; dated February 21, 2022 and received on March 2, 2022; 3 pages.
 - Special Permit Site Plan 70 Bates Point Road, Webster MA; prepared by H.S. & T. Group, Inc.; dated February 21, 2022; 24”x36”; 2 sheets.

- Concept Photos; submitted March 2, 2022; color; 7 pages.
- Town of Webster Planning Board Public Hearing Notice; stamped by Town Clerk on March 10, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Police Department; dated and received March 15, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Health Department; dated and received March 15, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Fire Department; dated and received March 15, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Building Department; dated and received March 16, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Conservation Department, dated and received March 17, 2022 1 page.
- Correspondence from CHA Consulting, Inc., 70 Bates Point Road Engineering Review; dated March 18, 2022 and received on March 21, 2022; 1 page.
- Email Correspondence from Hadeer Shaikhly, Applicant; Request to Postpone Opening of Public Hearing; received April 25, 2022; 1 page.
- Planning Board Sign In Sheet; April 25, 2022; 1 page.
- Special Permit Site Plan 70 Bates Point Road, Webster MA; prepared by H.S. & T. Group, Inc.; dated February 21, 2022 and revised May 16, 2022; 24"x36"; 7 sheets.
- Planning Board Sign In Sheet; May 23, 2022; 1 page.
- Correspondence; Comments submitted by EBT Environmental Consultants, Inc.; dated and received May 31, 2022; 15 pages.
- Correspondence from Hadeer Shaikhly; List of Abutters in Support of the Plan; dated and received May 31, 2022; 2 pages.
- Revised Plan Set; Special Permit Site Plan 70 Bates Point Road, Webster MA; prepared by H.S. & T. Group, Inc.; dated February 21, 2022 and revised through May 16, 2022; 24"x36"; 4 sheets.
- Correspondence; Drainage Report; prepared by H.S.&T. Group; dated May 20, 2022 and received June 1, 2022; 5 pages.

Public Hearing 3B. Special Permit Application for Signage and Site Plan Approval Application for a self-storage facility with retail showroom and parking area to be located at 70 Worcester Road; Amerco Real Estate Company (Applicant / Owner)

- Application packet submitted and stamped by the Town Clerk on April 13, 2022; includes the following documents:
 - Certified Abutters List and associated documents, signed by the Assessor, dated December 29, 2021 and received April 13, 2022; 4 pages.
 - Application for Site Plan Approval or Modification of a Site Plan Approval, dated April 11, 2022 and received April 13, 2022; 7 pages.
 - Parking Assessment; prepared by David Pollock for AMERCO Real Estate Company; received April 13, 2022; 1 page.
 - Application Plan Set; 70 Worcester Rd., Webster Massachusetts; Prepared by Land Design Collaborative and stamped by Jarvis Land Survey, Inc.; dated March 25, 2022 and received April 13, 2022; 24" x 36"; 14 sheets.
 - Project Description; prepared by Michael J. Scott, P.E., Land Design Collaborative; dated April 11, 2022 and received April 13, 2022; 2 pages.

- Traffic Study; submitted by AMERCO Real Estate Company; dated March 31, 2022 and received April 13, 2022; 2 pages.
- Public Hearing Notice; stamped by the Town Clerk on April 26, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Police Department, dated and received April 27, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Fire Department, dated and received April 27, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Health Department, dated and received April 27, 2022; 1 page.
- Correspondence; Comments submitted by the Town of Webster Water and Sewer Department, dated and received May 4, 2022; 1 page.
- Correspondence from CME re: Proposed U-Haul and Self-Storage Facility 70 Worcester Road, Engineering Review; dated September 21, 2021; 5 pages.
- Correspondence from Land Design Collaborative; U-Haul Moving & Storage 70 Worcester Road Webster, MA; dated May 23, 2022; 1 page.
- Public Hearing Sign In Sheet, May 23, 2022; 1 page.