Webster Planning Board
Meeting Minutes
May 20, 2019

A meeting of the Webster Planning Board was held on Monday, May 20, 2019 in the Large Meeting Room of the Gladys E. Kelly Public Library at 2 Lake Street, Webster, MA.

Present: Chairman Paul Laframboise, Vice Chairman Michael Dostoler, Members Cathy Cody, Tom Klebart, Dan Morin and Associate Member Christella Gonsorcik. Also present: Ann Morgan, Town Planner, and Chuck Eaton, CME Associates.

1. Call to Order: Chairman Laframboise called the meeting to order at 6:34 p.m.

2. Action Items
   a. Approval of Meeting Minutes – April 29, 2019: This item was tabled to the next meeting.

   b. Approval Not Required Plan – Lower Gore Road – Assessor ID 63-A-10-0; Estate of Kathleen Baca (Owner); Andrew Baca (Applicant)

      The attorney for the Applicant was present to discuss the application. The property is being split into two large lots for various family members. Ms. Morgan noted that the plan met all the requirements.

      Motion to endorse the ANR plan for Lower Gore Road made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously 5-0.

   c. M.G.L. Chapter 91 Waterways Simplified License – 31 Wakefield Avenue – Request for Comments from MassDEP – construct and maintain structure for non-commercial docking / access to navigable water, Kenneth A. Morey (Applicant)

      The Applicant was not present. Ms. Morgan reviewed the application. Mr. Eaton noted that there were no comments from an engineering perspective as no information was provided. Mr. Laframboise asked for an overview of the process by which these application are presented to the Board. Ms. Morgan reviewed the MassDEP process for the simplified licenses. MassDEP seeks comments from Town boards and the public through Town boards (Planning, Selectmen, and Conservation). These applications do not require a public hearing, just an opportunity for the public and town officials to review and forward comment.

      After review of the material the Chairman asked if the Board or the public in attendance had any comments. None were received. Ms. Morgan noted that no comments from Town Departments or the public were received prior to the meeting.

      Motion to forward “no comment” on this matter to MassDEP made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0.

   d. M.G.L. Chapter 91 Waterways Simplified License – 59R Wakefield Avenue – Request for Comments from MassDEP – maintain existing structure for non-commercial docking / access to navigable water, Nancy Tabor (Applicant)

      The Applicant was not present. Ms. Morgan reviewed the application. Mr. Eaton stated that he had no comments as no information was provided. After review of the material the Chairman asked if the Board or the public in attendance had any comments. None were received. Ms. Morgan noted that no comments from Town Departments or the public were received prior to the meeting.
Motion to forward “no comment” on this matter to MassDEP made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0.

c. Request for Determination of Minor Modification – Golden Heights (Assessor ID 17-D03-0) – Create eight (8) new parking spaces, Webster Housing Authority

Ms. Morgan briefly reviewed why this request was before the Board. The Housing Authority is seeking to expand one of the parking areas by eight additional spaces. Town staff were unable to determine which municipal body originally approved the development’s site plan however it was agreed that a modification would have to be considered as the proposed expansion triggered the site plan requirements set forth in the Zoning By-law. The modification request was forwarded to the Planning Board for their consideration. The Applicant is seeking a determination of minor modification. She noted that this would set a clear future path for the Housing Authority to undertake other site improvements that require Town review and approval.

Kevin Quinn, Quinn Engineering, and David Dupont, Chairman of the Webster Housing Authority, were present to discuss the project. He noted that the Authority was seeking to construct additional parking in three phases. Additional parking expansion would be pursued in the future but there were no funds at this time to do so. They reviewed the current proposal including the location and rationale for siting it that particular location. The need for additional parking has risen because many of the tenants now have more than one car. The site was built out at a time when the parking calculations were lower than today’s requirements which has caused a need for more parking for the tenants.

Mr. Eaton had reported that he had visited the site earlier in the day and found the stormwater system to be adequate for this particular expansion. However, he had observed that some of the pipes at the inlet and outlet of the forebay and the inlet pipe to the basin were overgrown with woody vegetation which should be removed and the area mowed. He further noted that the emergency access driveway from North Main Street had significant overgrowth would should be cleared to allow for the safe and adequate access for emergency vehicles, specifically Fire Department trucks. It was also noted that future parking expansion proposals would require Planning Board review. Mr. Quinn and Mr. Eaton discussed the various options for paving materials that might lessen the impacts of additional stormwater.

The Board requested additional information including an overview of the parking plan for the entire site. They further requested additional information regarding the capacity of the stormwater system to absorb additional on-site parking. No public input, written or verbal, was received on the matter.

Motion to determine that the requested parking expansion is a minor modification and to grant the modification with the conditions that the recommendations from CME Associates regarding the clearing of the basin areas and the emergency access road be incorporated into the approval made by Mr. Morin, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.

The Board requested that Mr. Eaton submit a site visit report to be included in the project file and that it be forwarded to the Housing Authority.

3. Public Hearings

a. Action Item 2A: Special Permit – 148 Gore Road – Electronic Message Sign – Nayef Moussa (Applicant), Elias Moussa (Owner), Assessor ID 60-D-15-0, site is located in a Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.
Mr. Nayef Moussa and Joel Perry, Graphics Unlimited, were present to discuss the application. They are seeking a permit for a four foot by eight foot electronic message sign to be installed on an existing monument sign. The site is located in a Business without Sewer (B5) zoning district. Electronic message signs are not permitted in said zone. The whole sign structure was damaged by a snow plow the previous winter. The original monument sign structure had two regular signs which were within the allowed type and size and in compliance with the zoning by-law. They want to change one sign to an electronic message sign. It will be the same size and in the same location as the previous sign. Mr. Moussa noted that the upper sign will be the same as before. He added that Indian Ranch at 200 Gore Road had a large electronic message sign center and that what he was proposing was smaller.

Mr. Laframboise asked about the types of images and messages to be displayed on the sign. It was noted that content was restricted to the information relating to the restaurant on site and that no advertising for others is allowed. Mr. Moussa stated that they would adhere to the requirements of the Zoning By-law and understand that requirement. Mr. Laframboise stated that the only exception would be public service announcements for emergency services such as Amber Alerts. Mr. Perry explained the process by which such messages can be posted on the sign via a smart phone app.

Ms. Gonsorciak asked about brightness of the sign. Concerns were raised that the sign might be too bright at night thereby being a distraction to passing motorists and a nuisance to residential properties in the vicinity. Mr. Perry noted that they would adhere to the requirements of the Zoning By-law with regards to allowable brightness adding that the new signs were equipped with technology that automatically adjusts the brightness based on the ambient light surrounding the sign. He added that the new display screens projected information and images similar to a television screen which improves the clarity and quality of the information. This sign would be similar in nature to the electronic sign at the Dudley Town Hall.

Ms. Gonsorciak asked the location of the sign as it relates to the road. It was noted that motorists travel at a high rate of speed in that area. The sign is situated in such a way that the line of sight leaving the parking lot is partially blocked by the location and height of the sign. The Board suggested and Applicant agreed to eliminate one parking spot on each side of the sign.

Mr. Dostoler noted that there was a need to protect the sign to avoid future damage and to ensure that no one parks directly next to the sign for safety reasons. The Board recommended a 10 foot setback from the sign with some form of raised structure or barrier. Mr. Moussa agreed to provide a raised landscaped area to extend 10 feet on either side of the sign and that would eliminate the existing parking space that currently exists. It would be landscaped as well. He stated that he would work with Mr. Perry to submit information to Planning Department with more detailed information about the landscaping area. Mr. Eaton noted that if they chose to add bollards that they need to be steel pipe and not lolly columns. The Board agreed that such a submittal would be acceptable if it met the intent of the discussion during the public hearing.

Mr. Laframboise asked if there were any comments from the public. Ms. Morgan noted that a number of Town departments had responded to a request for comments. Six departments responded that they had no comment. No other comments from the public were received in the office. No comments were made during the public hearing.

Motion to close the public hearing and to grant the special permit with the standard conditions and to issue the special permit once the material regarding the removal of two parking spaces, one on each side of the sign, and the installation of raised landscape area around said sign to be installed prior to
sign installation is submitted and deemed acceptable by staff was made by Mr. Klebart, seconded by Mr. Morin. Motion passed unanimously, 5-0.

b. 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 10 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). (Continued from 4/29/19)

Ms. Morgan noted that Mr. Dostoler would be recusing himself from voting on this matter due to a conflict of interest in that his mother in law is an abutter to the site. Ms. Gonsorciak has been appointed a voting member.

Ms. Morgan reviewed the surety mechanism noting that the Special Permit, if granted, would include a condition that would require Town Counsel to advise the Town on the form and final amount to be verified to protect the Town's best interests. This would have to be approved and signed by all parties prior to the issuance of building permits.

Mr. Klebart expressed concern about wildlife habitat, specifically the migration / movement patterns. He was worried that the large, fenced in site would be excessively prohibitive in allowing animals to move through the area. Mr. Turner reviewed the site fencing plan noting that it would be elevated 6 inches off the ground and would enclose the entire project for security reasons. Mr. Klebart doubted that larger animals such as fox and coyote could pass under the proposed six inch gap. He suggested that a wildlife corridor be carved out of the center / most narrow portion of the site (see approximate location attached). This would require that site be split into two, a corridor be created between the two and that the solar arrays in that corridor be removed. It was noted that this would create the need for two more access points into the secure array areas so that emergency equipment could access what would now be the lower part of the array. Mr. Eaton noted that, in the past, the Fire Department has preferred the fewest number of access points requiring locked gates as that does slow down emergency response times. Mr. Laframboise asked Ms. Morgan to review the concept with the Fire Chief and receive his comments for the next meeting.

Alicia Zukowski, 5 Cranberry Road, updated the Board about this application’s progress through the Conservation Commission noting that an Order of Conditions had been issued on April 4th which stipulated that no solar panels could be situated within the 50 foot buffer of any wetlands. Mr. Turner noted that they would comply with all the conditions issued by the Conservation Commission. Ms. Zukowski asked if there were any plans to offer some protection to the Town that would ensure that the project would not expand in the future. She suggested that the remaining portion of the site be donated to the Town for conservation purposes. Mr. Turner stated that not such plans to do so were being considered. Ms. Zukowski stated that she had been researching Aries Power whom Mr. Turner represents. She couldn’t find any information Mr. Turner’s or Aries Power’s experience with projects of this size and scope. She stated her belief that this project would be better suited elsewhere as it will be impacting a residential neighborhood which should be avoided.

Ellie Doros, 10 Juniper Lane, asked if there would be any blasting to which the answer was no. Mr. Turner reviewed the method by which the solar panels were mounted and how the supports
were installed onto ground mounted foundations. No blasting required. Ms. Doros raised concerns about the potential for the water table to rise once all the tree removal and clearing was complete. Mr. Turner noted that the stormwater management system was designed to address this issue. He stated that the system was designed to capture peak rates and he doesn’t expect any negative impacts to the water table elevations.

Edward Doering, 14 Abbey Road, stated that his property abuts the site and that he had not received any notification. Looking at the site plan with Mr. Turner it was determined that his property was outside the range of the required 300 foot abutter notification area. Mr. Doering stated that while not an immediate abutter, his property was due south of the project. He expressed concerns about his property being negatively impacted by a large scale solar installation given the proximity of the project to his neighborhood. He expressed concerns that his property values would decrease and that he had no faith that the water table would not rise after the project was built.

Ms. Cody asked Mr. Turner if this was his first solar project to which Mr. Turner replied no. He reviewed the number of projects that he has worked on directly but noted that this was his first project that he will build / operate / and likely own. Of the two dozen projects cited, Ms. Cody asked how many were completed and built. Mr. Turner replied one dozen. Mr. Laframboise asked for more information about his project history experience.

Mr. Turner stated that he continues to work out the details on the PILOT (payment in lieu of taxes) agreement with the Town. He anticipates that he will be future owner of the site and is working with the current landowners in exploring various options including leasing.

Mr. Turner requested to continue the hearing to the next meeting. Motion to continue Juniper Lane Solar project to June 24, 2019 at 6:30 p.m. made by Mr. Klebart, seconded by Mr. Morin. Motion passed unanimously 5-0.

c. Solar Project - 0 & 153 Upper Gore Road - BWC Chamberlain Pond LLC c/o BlueWave Solar - Applicant; Janet S. Konkel Revocable Living Trust, Janet S. Konkel Trustee (0 Upper Gore Road - Assessor ID 52-A-1) and Victor J. Stefanik, Jr. (153 Upper Gore Road - Assessor ID 53-B-4) - Owners; Proposed 6 megawatt-AC solar project on 133 acres off Upper Gore Road; both properties are zoned Agricultural Single Family Residential (ASFR) within the Lake Watershed Protection (LWP) district. (Continued from 4/29/19)

Mr. Rich Riccio, Field Engineering, Attorney Thomas Reidy, John Mancini and Brian Hunt of BlueWave were present to provide the Board with an update. They reviewed the additional viewshed material requested at the last meeting as well as other project updates submitted in a presentation format. Additional drone images were taken from Bates Crossing and Loveland Road which they felt demonstrated that the visual impacts of the project would be insignificant. Mr. Klebart asked what the tree height was used to model the tree line. Mr. Hunt stated 30 feet.

Mr. Riccio reviewed the ongoing work with the Conservation Commission. They last met on June 3rd and discussed such issues as the solar panel drip lines and site hydrology.

Mr. Klebart noted that he would like to make a site visit and asked if he could have access. Mr. Hunt stated that he could and noted the easiest access point. He asked if there were any plans to donate a portion of the site to the Town. Attorney Reidy stated that approximately 56.8 acres of the undeveloped
portion of the site would be placed under a conservation restriction, the holder of that restriction still unknown at this time, potentially the Conservation Commission.

Mr. Laframboise asked if there any new comments or requests for additional information from the Board or the public. None was received. Mr. Laframboise asked Ms. Morgan what their procedural options were at this point in time. She reviewed the past procedure of closing and making a decision at the same time. She recommended a second option which would allow staff to draft a “neutral” decision, taking into account all input during the hearing and presenting the conditions for granting as presented in the Webster Zoning By-law for the Board to review and vote upon at a later date. The Board has 90 days from the close of the public hearing to make and file a decision with the Town Clerk. This approach would allow the Board to evaluate and vote upon each condition for granting and as well as crafting project specific conditions if the Special Permit is granted.

Motion to close the public hearing and to direct staff to draft a decision taking into consideration all material received during the entire public hearing including all written and verbal comment received was made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0.

4. Discussion Items

a) Dunkin’ Donuts – 2 locations – 128 Main Street, 170 Thompson Road (Webster Crossing) – Ms. Morgan noted that she had spoken with Michelle Maria of Karlee Management. Ms. Maria requested additional time to finalize the items that the Board requires. This item was tabled to the next meeting.

b) Gladys E. Kelly Public Library – As Built Plan – Mr. Eaton reviewed the few remaining items requiring attention before the final as built plan can be accepted. The two items include an adjustment to an outlet structure and bringing the sidewalk grades along the Negus Street exit into compliance with ADA requirements.

c) Sutton Road Estates – Camile Road – Ms. Morgan noted that town staff have been working with Mr. Cepeletti to move this project to completion because he seeks to have the development and its roadway accepted at Town Meeting. She reviewed the process noting that the Board would have to make a determination of completeness which includes a final engineering review to determine if the infrastructure was built according to plan and if the infrastructure was in good condition. Mr. Cepeletti would like the hammerhead turn around at the end of Camile Road to be included as part of that process and to have the Town accept it. The hammerhead turn around was originally built as a temporary measure for a number of reasons including that Mr. Cepeletti claims that the then Town Engineer, Scott Charpentier, had said that it would be fine and that Mr. Cepeletti remembers a Planning Board meeting where the Board agreed to this. Ms. Morgan noted that any changes to the original design, which called for a cul de sac in accordance with the Subdivision Rules and Regulations, would have required a formal vote of the Board and a modified plan would have to be signed and filed with the Worcester District Registry of Deeds (WDRD). She stated that she is working on reviewing past meeting minutes to determine if any formal vote was taken. This information is required to help set a path to resolve the issue. Mr. Eaton noted that he has looked through his notes and hasn’t found any evidence that such a vote or agreement was made.

Ms. Cody asked what the Board would need to do if it agreed that the hammerhead turn around was sufficient. Ms. Morgan noted that Mr. Cepeletti would have to apply for and receive a waiver from the Subdivision Rules and Regulations, revised / modify his plan to show the agreed upon solution, have the Board sign the modified plan, file the plan with the WDRD, file a completed Form G (inspection report) and then submit a request for determination of completeness. If he receives a favorable determination then he can submit a citizen’s petition to have Town Meeting accept the infrastructure. Inspections by engineering and DPW will be required.
Mr. Laframboise provided an overview of the history of the project noting that the original intent was to have Oakwood Lane (Pinewood Estates, owned by John Szeredy) connect with Camile Road which explains the excessive length of Camile Road. Over time the agreement between the two developers has deteriorated and there appears to be no immediate solution or agreement to complete the intended connection. Mr. Laframboise suggested that Mr. Szeredy be invited to a future meeting to discuss the matter.

d) Engineering Update – Mr. Eaton provided an update on some of the Planning Board projects still open / under review. Long Subaru on Sutton Road is finished and has submitted an as-built plan. The 108 Thompson Road project is finishing up some site work including a stormwater basin problem, specifically the trash rack which appears to be broken. They also need to clean out the bottom of the basin. They also have some outstanding work items for the Conservation Commission. Once these items are complete then he can proceed with the as-built plan review.

Mr. Dostoler asked if there were any updates on the approved site plan for the miniature golf enterprise at Mohegan Bowl on Thompson Road. Ms. Morgan stated no, no new information and no contact from the property owner.

Mr. Eaton asked about what was happening at Lake Pizza on Thompson Road. It appears that a patio was being built but construction has ceased. Ms. Morgan noted that construction had commenced without a building permit so the contractor was issued a stop work order by the Building Department. It was then discovered that they were not following the approved site plan. The contractor and the business owner, Lake Pizza, have been working with Town staff to resolve the issues. They have been instructed to come to the Planning Board to discuss the situation and see if the changes can be approved as a modification to the site plan already approved and on file. Until such time as the issue is resolved, construction of the patio will remain halted. The business owner intends to submit material for review at the June 24th Planning Board meeting.

5. Staff Update
   a. Planning Board and CMRPC appointments/term expiration –Ms. Morgan noted that Mr. Dostoler’s and Mr. Klebart’s appointments are due to expire on June 30th. They need to submit a letter / email of interest to be reappointed to the Selectmen. Ms. Cody and Mr. Klebart are the Planning Board representatives to CMRPC. Their terms are due to expire. The Board will need to vote to reappoint at their July meeting.

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

7. Adjournment

Motion to adjourn made by Mr. Klebart, seconded by Mr. Morin. Motion passed unanimously, 5 - 0. The meeting was adjourned at 9:05 p.m.

Minutes Approved: [Signature]

Chairman Paul Laframboise

Date: 7/22/19

EXHIBITS
- Action Item 2A: Approval Not Required Plan – Lower Gore Road – Assessor ID 63-A-10-0; Estate of Kathleen Baca (Owner); Andrew Baca (Applicant). All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.
- Action Item 2B: M.G.L. Chapter 91 Waterways Simplified License – 31 Wakefield Avenue – Request for Comments from MassDEP – construct and maintain structure for non-commercial docking / access to navigable water, Kenneth A. Morey (Applicant). All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.

- Action Item 2C: M.G.L. Chapter 91 Waterways Simplified License – 59R Wakefield Avenue – Request for Comments from MassDEP – maintain existing structure for non-commercial docking / access to navigable water, Nancy Tabor (Applicant). All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.

- Action Item 2D: Request for Determination of Minor Modification – Golden Heights (Assessor ID 17-D03-0) – Create eight (8) new parking spaces, Webster Housing Authority. All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.

- Public Hearing 3A: Special Permit – 148 Gore Road – Electronic Message Sign – Nayef Moussa (Applicant), Elias Moussa (Owner). All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.

- Public Hearing 3B: 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 10 megawatt solar project on 60 acres off Juniper. All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.

- Public Hearing 3C: Solar Project - 0 & 153 Upper Gore Road - BWC Chamberlain Pond LLC c/o BlueWave Solar - Applicant; Janet S. Konkel Revocable Living Trust, Janet S. Konkel Trustee and Victor J. Stefanik, Jr. (Owners); Proposed 6 megawatt-AC solar project on 133 acres off Upper Gore Road. All materials associated with this application are on file in the office of the Town Clerk and the Planning Department.