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Webster Planning Board
Meeting Minutes
January 27, 2020

A meeting of the Webster Planning Board was held on Monday, January 27, 2020 in the Selectmen's Meeting Room, 2nd Floor, Webster Town Hall, 350 Main Street, Webster, MA.

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

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

2. **Action Items**

a. **Approval of Draft Meeting Minutes** – December 16, 2019 — The Board reviewed the minutes. Some edits were submitted by Mr. Eaton and Ms. Cody via email. Mr. Klebart provided some edits.

Motion to approve the meeting minutes of December 16, 2019 as drafted and edited made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed 5-0.

b. **Elect a Clerk**

Ms. Morgan explained what would be expected by anyone serving in the role of Clerk such as signing approved meeting minutes, reading public hearing notices and drafting any correspondence required by the Board. Meeting minutes would still be the responsibility of staff. In the event that the Clerk were absent, one of the other officers (Chairman or Vice Chairman) would assume the duties. Mr. Morin stated that he would be interested.

Motion to elect Mr. Morin Clerk of the Planning Board made by Ms. Cody, seconded by Mr. Klebart. Motion passed unanimously 5-0.

Chairman LaFramboise noted that agenda items would be taken out of order to accommodate those attending for the public hearing.

3. **Public Hearings**

a. **Modification of a Special Permit and Site Plan Approval — 30 Worcester Road — Curaleaf Massachusetts Inc. (Applicant), FHP of Webster MA-CP, LLC (Owner); expansion of parking area. The site is located within and Industrial (I) zoning district. The site is located in an Industrial (I) zoning district.**

Chairman LaFramboise opened the public hearing. Stephen Balcewicz from B.C. Engineering presented the plan. He reviewed the proposed parking area with the Board. Twenty parking spaces are proposed in one of the parking areas, 19 regular spaces and one van accessible space. They are anticipating 89 employees so they need a larger parking area. The required amount of spaces is 1.5 per employee, 58 spaces. The area near Worcester Road will be restriped for 8 regular spaces and 2 handicap spaces. Existing utilities will remain and there will be no new utilities. An additional 20 spaces are proposed in the gravel area. All spaces on existing pavement will be striped. Mr. LaFramboise asked if the site has security. There is currently one entrance and another proposed near the handicap spaces. Mr. LaFramboise noted that people will continue to park in the gravel spaces as the other spaces around the back of the building are not convenient. Ms. Morgan stated that she has seen cars parked in the gravel area to the northeast of the main entrance. There are 72 total spaces on the plan. Ms. Morgan stated that a parking analysis and

table needs to be provided on the plan. Mr. Balcewicz reviewed the parking analysis presented on the plan set. There are 6 loading docks at the back of the building – four of which are being closed and two will be used in the future. Currently there is no employee access in the back of the building. There are temporary shipping containers in the back that will be removed. There are 3 docks near the existing entrance, all being used. Two-way traffic is marked on the plan in pink. The location of the berms could change the flow of water from sheet flow to concentrated flow, which causes erosion. Mr. Eaton stated that parking doesn't have to be paved and that it is easier to meet the landscaping requirements if parking is more linear. Ms. Morgan noted that a building permit is required to start work on the interior of the building, but a Certificate of Occupancy won't be issued unless this modification to the Special Permit / Site Plan is satisfied. No changes to the lighting is proposed. Ms. Morgan requested the colors on the plan be changed to gray scale to make it easier to read. The entrances were discussed further. It is expected that the employees will enter on the mezzanine level, into the locker room. Security cards are required for access. There will be a separate handicap only entrance. There were no further questions regarding the parking areas. Mr. Balcewicz will submit a written waiver request regarding paving.

Motion to accept the Applicant's written request to continue the public hearing to February 24, 2020 at 6:30 p.m. made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0.

4. Discussion

a. Curaleaf - 30 Worcester Road - Marijuana Cultivation: Special Requirements - Annual Reporting pursuant to the Special Permit Conditions set forth in Section 650-90 of the Webster Zoning By-Law. The Special Permit was approved in June 2016.

Gary Stein and Brian Gaultier from Curaleaf were present to provide an update to the Board. There were 2 license updates for the adult use program submitted that explains the modifications to corporate filings, facility updates and charities. They have the support of the Cannabis Control Commission (CCC). The property owner is no longer Curaleaf. Mr. Stein will provide the new owner information to the Board. There are 2 units, Unit A and Unit B, with 50,000 square feet and there will be 8 large grow rooms using the same footprint, with separate locker rooms and bathrooms. There will also be a freight elevator. Unit B is occupied on the plan and Unit A is the new expansion.

Brian Gaultier provided an update on the odor control issue. They sealed off the vents. Unit A had some vents left open. Odor was leaving Unit B, moving through Unit A, and out into the Price Chopper lot. They had to seal up as much as possible. They use Eco-Air units with UV and titanium oxide to clean the air inside. These units are designed to handle the terpenes from the plants, which volatilize and produce odor. Units circulate air inside the building. They are beta testing other options. One option for outside the building is landfill misters. Odor mitigation is an ongoing process. Working with Mr. Stein, the Board scheduled a tour of the facility for the Board on February 3, 2020 at 5:00 p.m.

2. Action Items - Continued

e. Draft Decision - Special Permit Application — 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). The public hearing closed on 12/16/19.

Mr. Eaton provided an update. He met with the KFC/Taco Bell maintenance crew to see assess the exterior lighting. They can dim the façade lighting along the side of the building facing the parking lot. He recommended no façade lighting along the drive through which will help prevent light seeping off the property onto the abutting residential property. There are approximately 9 façade lights. Ms. Morgan spoke with a representative from Tennessee regarding the Board's options. This item was tabled to February 24, 2020 for the final decision.

5. Staff Update

- b. **Camile Road** – Ms. Morgan noted that the research of past Planning Board meeting minutes did not provide any information regarding any agreement between the Town (either the then engineer or the Planning Board) with regards to a modified cul-de-sac design. The project developer, Mr. Ceppetelli has maintained that an agreement was reached to allow him to construct the existing hammerhead at the end of Camile Road. Research at the Town Clerk's office showed that no new information could be obtained beyond what was already in the Planning Department files as no additional minutes exist. Mr. Eaton noted that the issue of accepting the road was complicated by the fact that Kate Lane is accessed off Sutton Road by approximately 1,000 feet. Kate Lane is owned by Lenny Tremblay and Camile Road is owned by Chuck Ceppetelli. The question at hand is who is responsible for fixing the infrastructure along that stretch of Camile Road to access Kate Lane. If either developer wants to have their road accepted by the Town they will need to solve that problem and fix the infrastructure. Ms. Morgan noted that she and Mr. Eaton, along with other Town staff, will continue to work with both developers to come up with a solution.

At 7:52 p.m. Mr. Morin requested that the Board take a quick break which the Board agreed to. The meeting continued at 7:56 p.m.

2. Action Items - Continued

- c. **Draft Decision - Modification of a Special Permit and Site Plan Approval - 0 Bigelow Road (off Harry's Way and Bigelow Road) - Solar Project; Bigelow Road Solar LLC (Applicant), Webster Dudley Sand & Gravel (Owner) - new access road and relocation of utility interconnection. The site is located in a Business without Sewer (B5) zoning district. Assessor ID 23-A-3 and 18-B-1. The Special Permit & Site Plan were approved on 7/16/18. The public hearing closed on 12/16/19.**

Mr. LaFramboise asked if the Board wanted to review and add language to the draft decision or move forward with review and vote thereon. Mr. Klebart stated that he had read the draft decision was ready to act on it. The other Board members agreed.

Ms. Morgan reviewed the format of the draft noting that it was slightly different than past decisions in that they were addressing a modification of a previously approved Special Permit and Site Plan Approval. Findings specific the modification decision are included in the draft. Unless modified by this new decision, all previously approved conditions would remain in full force and effect.

After review the Board found that no changes or edits were required for Findings F1 through F13.

The Board reviewed the one waiver request which is specific to the utility connection. The Zoning By-Law requires that all interconnections to the electrical grid be place underground. The Board reviewed the Applicant's request as drafted. Mr. LaFramboise noted that the Applicant had not provided a written

request for the waiver but had presented that information verbally during the course of the public hearing.

Ms. Morgan noted that this same waiver was granted as part of the original Special Permit but that the interconnection was to be made via Harry's Way. The utility poles associated with that interconnection would be visible mostly on a portion of the site that would have no visual impacts to the residential area to the south of the site along Genevieve Lane. The new, proposed interconnection would replace the previous approved location with poles that would be partially and seasonably visible from the residential area. Residents oppose this visual intrusion.

The Board discussed the merits of above ground vs. below ground interconnections. National Grid prefers above ground interconnections which increases the number of utility poles required to transfer the solar energy generated from the facility to the electrical grid. Their preference is for maintenance and emergency access reasons. The Applicant prefers this option for cost reasons – underground connections are expensive to install. It was noted that neither the Applicant nor National Grid had submitted any documentation to verify these claims. All information was received verbally from the Applicant during the public hearing process.

The Board reviewed the pros and cons of granting the waiver. Concerns were raised about the visual impacts to the residential neighborhood to the south along Genevieve Lane. In addition, the Board noted that this issue should have been identified and vetted during the public hearing process for the original Special Permit. However, all members of the Board agreed that the solar project was suited to the site given the nature of the existing conditions. It was noted that the new access road requires approval from the Conservation Commission given the proximity to Mill Brook. Additional planting would be required in addition to the restoration and planting work required under the original approval by the Commission.

All things being considered, the Board agreed that the proposed change in location for the utility interconnection was appropriate given the site conditions and other mitigating factors such as additional landscaping. The Board further acknowledged that already permitted use of the land for a solar facility was appropriate and that proposed above ground utility interconnection did not substantially alter the intent of the original approval.

Vote of the Board: Motion to grant the waiver request made by Mr. Klebart, seconded by Mr. Dostoler. Motion **Passed**, 4-1 by roll call – Mr. Klebart – **AYE**; Ms. Cody – **AYE**; Mr. Morin – **AYE**; Mr. Dostoler – **AYE**; Mr. LaFramboise – **NAY**. Waiver request **GRANTED**.

The Board reviewed and voted upon Findings F14 through F32 as follows:

- F14. Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed by majority vote, 3-2.
- F15. Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. Motion failed 2 – 3.
- F16. Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0.
- F17. Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.

- F18. Motion to approve this finding as written made by Mr. Morin, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.
- F19. Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0.
- F20. Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.
- F21. Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.
- F22. Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0.
- F23. Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously, 5-0.
- F24. Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Klebart. Motion passed unanimously, 5-0.
- F25. Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0.
- F26. Motion to approve this finding as written made by Mr. Morin, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.
- F27. Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5-0.
- F28. Motion to approve this finding as written made by Ms. Cody, seconded by Mr. Morin. Motion passed unanimously, 5-0.
- F29. Motion to approve this finding as written made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0.
- F30. Motion to approve this finding as written made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0.
- F31. Motion to approve this finding as written made by Mr. Dostoler, seconded by Mr. Morin. Motion passed unanimously, 5-0.
- F32. Motion to approve this finding as written made by Mr. Klebart, seconded by Mr. Dostoler. Motion failed, 1-4.

Mr. LaFramboise asked if the Board had any further edits or additions. There were none. He asked the Board to take a roll call vote.

Motion to approve with conditions the Modification for the 0 Bigelow Road Special Permit and Site Plan Approval made by Mr. Klebart, seconded by Mr. Dostoler. Motion passed unanimously, 5-0 to (by roll call vote: Mr. Klebart – AYE; Ms. Cody – AYE; Mr. Morin - AYE; Mr. Dostoler – AYE; Mr. LaFramboise).

- d. Draft Decision - Special Permit & Site Plan Application - Recreational Marijuana Retail Store 70 Worcester Road; Munro Associates, LLC (Applicant); Webster Plaza Realty LLC (Owner); Assessor ID 88-B-40-0. The site is located in Business without Sewer (B5) zoning district. The public hearing closed on 12/16/19.**

Town Meeting had approved the by-law for which this Special Permit is pursuant to. The Attorney General's office is reviewing the material. This item was tabled to February 24, 2020 at 6:30 p.m.

5. Staff Update

- a. **Solar By-Law Working Group:** Mr. Morin noted that the group has met once and the next meeting is Thursday.
- c. **CMRPC – Local Planning Assistance – Potential Projects.** Ms. Morgan noted that all requests for use of those hours have to be approved by the Planning Board. Presently the Town of Webster has a total of 16 hours available. She was seeking input on ideas to explore. She noted that this could be discussed at the February meeting.
- d. **Project Updates**
 - **Site Work / Erosion Controls – United Medical Waste, 56 Worcester Road:** Ms. Morgan noted that she had been coordinating with the project owner, David Ryan. Photos were shown at the last meeting. She went to the site today and took pictures of work done to date and compared them to the last photos. Mr. Eaton had reviewed the photos and found the work acceptable. Ms. Morgan noted that the project owner has indicated that they plan to submit a new application necessitated by the fact that they found more ledge than expected and that they need to redesign the project. If no new application is submitted, Ms. Morgan will circle back to review the site in the spring to determine how to proceed regarding a potential stormwater permit.
 - **Site Clearing / Stormwater Permit – 13-15 Old Worcester Road:** Ms. Morgan noted that the property owner has been notified by the Building Commissioner multiple times about their current violation of the Stormwater By-Law. The Town Administrator spoke with the owner and was told that an application would be filed with the Planning Board. Ms. Morgan noted she had been told by the owner's engineer that a filing would be forthcoming, likely to be heard by the Board in March. She will continue to follow up.

6. Adjournment

Motion to adjourn made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously 5-0. The meeting was adjourned at 8:46 p.m.

Minutes Approved: 

Date: 3-3-20

Daniel Morin, Planning Board Clerk

EXHIBITS

- Action Item 2C: Draft Decision - Modification of a Special Permit and Site Plan Approval - 0 Bigelow Road (off Harry's Way and Bigelow Road) - Solar Project; Bigelow Road Solar LLC (Applicant), Webster Dudley Sand & Gravel (Owner) - new access road and relocation of utility interconnection. All material relating to this item can be found in the Office of the Town Clerk and the Planning Department.
- Action Item 2D: Draft Decision - Special Permit & Site Plan Application - Recreational Marijuana Retail Store 70 Worcester Road; Munro Associates, LLC (Applicant); Webster Plaza Realty LLC

(Owner). All material relating to this item can be found in the Office of the Town Clerk and the Planning Department.

- Action Item 2D: Draft Decision - Special Permit Application — 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. All material relating to this item can be found in the Office of the Town Clerk and the Planning Department.
- Public Hearing 3A: Modification of a Special Permit and Site Plan Approval — 30 Worcester Road — Curaleaf Massachusetts Inc. (Applicant), FHP of Webster MA-CP, LLC (Owner) -
- Discussion Item 4A: Curaleaf - 30 Worcester Road - Marijuana Cultivation: Special Requirements - Annual Reporting pursuant to the Special Permit Conditions set forth in Section 650-90 of the Webster Zoning By-Law. All material relating to this item can be found in the Planning Department.
- Staff Update 5B: Camile Road — Planning Board Meeting Minutes. All material relating to this item can be found in the Planning Department.
- Staff Update 5C: CMRPC — Local Planning Assistance — Potential Projects. All material relating to this item can be found in the Planning Department.
- Staff Update 5D: Project Updates: Site Work / Erosion Controls - United Medical Waste, 56 Worcester Road; Site Clearing / Stormwater Permit — 13-15 Old Worcester Road; Site Clearing / Stormwater Permit — 0 Douglas Road. All material relating to this item can be found in the Planning Department.