

**Webster Planning Board
Meeting Minutes
February 24, 2020**

A meeting of the Webster Planning Board was held on Monday, February 24, 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, 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 6:30 p.m.

2. Action Items

a. Approval of Draft Meeting Minutes – January 27, 2020 — Mr. Klebart contributed some edits.

Motion to approve the meeting minutes of January 27, 2020 as drafted and including the edits from Mr. Klebart made by Mr. Dostoler, seconded by Ms. Cody. Motion passed unanimously, 5-0.

b. Draft Decision – Special Permit & Site Plan Application – Recreational Marijuana Retail Store – 70 Worcester Road; Munroe 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.

Ms. Morgan provided an update. Town Meeting had approved the by-law for which this Special Permit is pursuant to. The Attorney General's office is reviewing the material. The applicant agreed to extend the deadline for the Board to make a decision to May 1, 2020.

Motion to extend the application deadline to May 1, 2020 made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously 5-0.

c. 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.

This item will be taken up after the public hearing. There was no one present in the audience and no objections were made to move the agenda item to later in the meeting.

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

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.

Clerk Daniel Morin read the public hearing notice. Steven Balcewicz from B.C. Engineering and Gary Stein from Curaleaf were present. Chairman LaFramboise opened the public hearing and thanked Curaleaf for the tour of the facility on February 3rd. A copy of the traffic study, waiver request for the

landscaping in the parking area, and response to the engineering comments were submitted. The applicant has also filed a Notice of Intent with the Conservation Commission. Items from the latest engineering letter were reviewed. Based on regulations there should be 3 handicapped spaces. There is one existing space on page 1 of the plan set. They are proposing a retaining wall and 2 more van accessible spaces, for a total of 3 spaces, with a door for the lower spaces and an existing door for the upper existing space to use. Mr. LaFramboise noted that a handicapped person may not be able to access the upper level. Mr. Eaton stated that they are required to have 3 handicap spaces based on the total number of parking spaces required. The handicap spots are located close to the doors. Mr. Eaton noted that meets the intent of the Architectural Access Board's law. More handicap spots can be added in the future if necessary. The height of the wall at level A is 4.4 feet high. The fence is a concern since the wall is over 4 feet and requires review from the Building Inspector. There are no plantings shown at the ends of the parking bays as required by Town regulations. The intent of the regulation is to provide shade and pervious areas for the parking lot. Planting details are on the plan and Ms. Morgan recommended obtaining surety to guarantee landscaping is established. The applicant can also request a waiver for this. Existing parking on the western portion of the site needs to be striped. There is an existing driveway which is not wide enough to accommodate two-way traffic. The Fire Chief requires 20 feet to allow for a fire truck to turn around. They will remove part of the gate and widen the driveway.

Mr. Eaton asked about sedimentation erosion controls. The 50 ft and 100 ft buffer zone lines are shown on the plan. Erosion controls will be used where they are widening the driveway and doing tree work. There is concern about the dirt from the driveway washing downhill. Mr. Balcewicz will add a silt fence. Mr. LaFramboise asked what they are doing as far as corrective action for the sediment now? There is gravel and weeds in the area to the north of the entrance. They have cleaned and placed a silt sack there, which will be removed after construction. A rip rap check dam will be added as a temporary means of slowing the water. Water will be released into the swale to drain into catch basin. They are removing the bituminous and planting lawn. That area will have a check dam. There are 2 pipes at the headwall. One is a 12 inch pipe coming from their property and the other is a 6 inch diameter pipe. There were turbidity issues that were problematic and inherited from the previous property owner. Mr. Eaton had no further questions. Ms. Morgan noted that the Board can leave the hearing open to receive additional comments. Potential conditions of approval, including those specific to paving and tree planting, would be put into a draft decision. Mr. Balcewicz requested for the meeting to be held open. They are meeting with the Conservation Commission soon and they will have notes regarding the catch basins.

Mr. LaFramboise asked if there were any comments from the audience. There were none.

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

- b. Special Permit/Site Plan Approval/Stormwater Permit – 137 East Main Street – PMG Northeast LLC, 2359 Research Court, Woodbridge, VA 22192 (Applicant/Owner); 6 pump gasoline service station with a 3,825 square foot convenience store. (Assessor ID 24_F_11-12_0). The site is located in a Business with Sewer (B4) zoning district.**

Clerk Daniel Morin read the public hearing notice. Chairman LaFramboise opened the public hearing. Brian Levey from Beveridge and Diamond, attorney for PMG Northeast LLC, Gary Killfeather from PMG Northeast LLC, Jesse Cokeley, project manager from Maser Consulting and Jeff Fiori, traffic engineer were present to discuss the project. They are looking to demolish and redevelop this site into

a new gas station and convenience store. The site is located at the intersection of East Main Street and Worcester Road. The proposed convenience store is 3,800 square feet with a drive-thru component. There will be a gas station canopy with double sided pumps (12 pumping stations total). Eighteen parking spaces will be provided and there will be 2 curb cuts. The canopy will be across the front of the site and the drive-thru in the rear. The existing car wash will be eliminated. The grade drops to the existing catch basins. A new trench drain on the Worcester Road side will be added. Native species will be used for plantings. On the neighboring property to the north, the neighbor's curb is over the property line, for which a waiver can be requested. They may need to work with the Zoning Board of Appeals for a variance, as 5 feet is required in the bylaw. Ms. Morgan stated that she would look into the matter and get back to the Applicant. The lighting plan was reviewed. Dark Sky compliant LED light fixtures will be used. Decorative gooseneck fixtures are proposed for on the building. There is some light spillage onto the neighboring property in the driveways, about 5 foot candles. A traffic study was done. The busiest times are morning, evening and Saturday midday. There will be a small amount of new traffic. Fifty to sixty cars are expected during peak hours. The drive-thru lane can accommodate 10 vehicles. There will be parking in the front. Left turns may be restricted onto Worcester Road for safety reasons. Ms. Cody asked about delivery trucks. They will enter from East Main Street side which is wider for delivery and fuel trucks. Mr. Dostoler asked about the location of the fuel storage tanks. They are located in front of the canopy and are on sheet 3 of the plan. They will be relocated from the northern side to the eastern side of the site.

Technical comments were addressed. The lighting may not be an issue since it is a commercial zone, not residential but still needs to be reviewed. The Town calls for 24 foot curb cuts, and if they are needed for large trucks, mountable curb or a rumble strip is used. The location of the underground tanks can be adjusted to work with the curb cuts. They will be keeping the total driveway cuts as existing, but reversing them. Mountable curb is an option for the entrance to Worcester Road. Attorney Levey asked about the 24 foot driveway maximum in the subdivision regulations. Mr. Eaton stated that is a mix of regulations; public improvement requirements listed within the subdivision rules and regulations. Changing the timing of the traffic lights was discussed. Mr. Eaton spoke with the Water and Sewer Department which wants the existing service connection to be videoed. The applicant should coordinate with them. Mr. Klebart asked about the signage. The final brand is not known at this time; it may remain a Gulf station. A full signage breakdown will be submitted with the revised plans. Conceptual signage was submitted. There is a sign centered over the front entrance and one rectangular sign on the side with the drive-thru. Ms. Morgan will check the regulations. An analysis should be done and they can submit waiver requests from the maximum allowable sign square footage if needed. They may replace the signage with the same size as existing, but if changes are made then it won't be grandfathered in. Issues related to the peer review comments regarding the stormwater permit can be addressed before the next meeting on March 30th.

Mr. LaFramboise asked if there were any comments from the audience. There were none.

Motion to accept the written request to continue the public hearing to March 30th, 2020 made by Mr. Dostoler and seconded by Ms. Cody. Motion passed unanimously, 5-0.

4. Public Meeting

- a. Site Plan Approval Application – 17 Loveland Road – Joseph Seraphin, 17 Loveland Road, Webster, MA (Applicant/ Owner); Rebuild existing garage and add a new living unit above. (Assessor ID 46-A-53-0). The site is located in both Lake residential (LR) and Lake Watershed Protection (LWP) zoning districts.**

Dave Chappell represented the applicant/ owner, Joseph Seraphin. Modified plans were distributed to the Board. The peer review comments were reviewed. The recharge system proposed has a capacity that exceeds MA stormwater requirements and can handle the runoff from the garage roof. Test pit notes and a graphic scale has been added to the plan. Peer review comments have been addressed. The ground surface can be conditioned to be loamed and seeded. More grass will be planted between the asphalt and the building. The pavers will be removed, but replacement has not been decided. The driveway will not be removed. There is currently 40% - 44% impervious area. Runoff can be reduced by removing impervious area. Mr. LaFramboise stated that this site is on a peninsula and therefore the impervious surface should be less than 40% and would like the finished landscaping plan to reflect that. It was further noted that the applicant must follow the requirements of the Lake Watershed Protection (LWP) zone for which the site is also located. Mr. Chappell noted that the applicant can work with Mr. Eaton before the next meeting. Ms. Morgan stated that the applicant is seeking a special permit for use and will be before the Zoning Board of Appeals (ZBA). The Planning Board has to provide a recommendation to the ZBA for that meeting. Ms. Morgan noted that since the site plan is still under review that she would write a memo to the ZBA outlining the progress and outstanding issues related to the application.

The Board and Mr. Eaton discussed the amount of impervious area required to be infiltrated. Ms. Morgan suggested that Mr. Eaton draft an analysis for the Board.

Mr. LaFramboise asked if there were any comments from the audience. There were none.

Motion to continue to the next meeting to March 30, 2020 at 6:30 p.m. made by Mr. Klebart, seconded by Ms. Cody. Motion passed unanimously, 5-0.

5. Discussion

- a. **71 East Main Street – Site Lighting Update** – Ms. Morgan and Mr. Eaton visited the site and they are in compliance. Asking them to take down the lights in the back may be arbitrary and capricious. Mr. Eaton has requested that they turn off the lights in the back and they complied. Ms. Morgan will send the applicant a certified letter with the next steps. Mr. Klebart asked if there are any safety issues with regards to the lighting. The parking lot lights provide sufficient light in the drive-thru. There are no safety issues.
- b. **Lighting Standards – Site Plan Review** - Mr. Eaton submitted a memo to the Planning Board regarding light spillage standards, which can be adopted as a policy. Ms. Morgan recommends placing this policy on the Planning Board meeting agenda to allow for public comments. This would be on the April meeting agenda to accommodate for advertising.

Motion to move forward with adopting the policy and holding a public meeting made by Mr. Dostoler and seconded by Mr. Klebart. Motion passed unanimously, 5-0.

5. Staff Update

- **Solar By-Law Working Group** – The working group will be meeting again next week.
- **CMRPC – Local Planning Assistance – Potential Projects** – This item is tabled to the next meeting.
- **Conservation Commission Public Meeting on February 27th – Wetlands Setback Policy Revised Draft** – The Conservation Commission and Town Counsel made revisions to the policy and this will be discussed at a public meeting on February 27th. A policy is a recommendation until there is a By-Law.

At 8:40 p.m. the Board took a quick break. The meeting continued at 8:48 p.m.

2. Action Items - Continued

- c. **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. LaFramboise asked if the Board wanted to review and add language to the draft decision or move forward with review and vote thereon. The Board opted to proceed with making a decision.

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 Special Permit for signage at 71 East Main Street 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).

6. Adjournment

Motion to adjourn made by Mr. Dostoler, seconded by Mr. Klebart. Motion passed unanimously 5-0. The meeting was adjourned at 9:00 p.m.

Minutes Approved: _____



Date: 2-27-20

Daniel Morin, Planning Board Clerk

EXHIBITS

- Action Item 2B: 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.
- 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) - All material relating to this item can be found in the Office of the Town Clerk and the Planning Department.
- Public Hearing 3B: Special Permit / Site Plan Approval / Stormwater Permit – 137 East Main Street – PMG Norheat LLC (Applicant/ Owner) - All material relating to this item can be found in the Office of the Town Clerk and the Planning Department.
- Public Meeting 4A: Site Plan Application – 17 Loveland Road – Joseph Seraphin (Applicant/ 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) - All material relating to this item can be found in the Office of the Town Clerk and the Planning Department.
- Staff Update: CMRPC — Local Planning Assistance — Potential Projects. All material relating to this item can be found in the Planning Department.
- Staff Update: Conservation Commission Public Meeting on February 27th – Wetlands Setback Policy Revised Draft. All material relating to this item can be found in the Planning Department.