

PLANNING BOARD MEETING
THURSDAY, JUNE 23, 2022
RESOURCE ROOM

Attendance: Vice-chair Jacob Schultzberg, Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman (remote), Matt Benoit Director of Community Development

Absent: Chair Tracy Sharkey

Vice-chair Jacob Schultzberg called meeting to order at 7:04 PM.

1. (7:04 PM) (0:10) Citizens Forum: Call for Public Comment
NONE

(7:04 PM) (0:39) Mr. Benoit asked to have item 4. b. Additional Business, Modification to July 2022 Meeting Schedule

Mr. Benoit suggests having a planning board meeting on June 30, 2022, for some items on the agenda that would be beneficial to meet with the conservation commission next week and then come to the planning board.

(7:08 PM) (4:00) Motion to add a meeting on June 30, 2022, at 7:00 PM made by Mike Zwicker, seconded by Ernie Marks. Roll call vote – Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

2. (7:08 PM) (4:33) ANR's:
 - a. (7:08 PM) (4:35) CRG Services Management LLC – 105 & 123 Gilboa Street
Todd Morey with Beals Associates to present plans, there are currently 5 lots and two different owners (four lots are owned by the town of Douglas and the last lot is owned by KTKT). Mr. Benoit stated that he reviewed the ANR, and it does meet all the criteria.
(7:11 PM) (7:30) Motion to endorse the ANR plan made by Ernie Marks, seconded by Mike Greco. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.
 - b. (7:12 PM) (8:02) Michael Martinsen – 16 Prentice Court
Mike Martinsen joined remotely and stated that the purpose of the ANR is to take two small parcels (A & B) from his uncle's property (16 Prentice Court) and add it to Mr. Martinsen's property (17 Gilboa Court). Mr. Benoit stated to the board that this is a pre-existing non-conforming lot with minimum frontage on Prentice Court, but the frontage is not changing, and the lot size is still in conformance with the regulations of the zoning district. The parcels labeled as A & B are back land and are properly labeled as not building lots, so Mr. Benoit does not see any issues with the plan as provided.
(7:16 PM) (12:44) Motion to endorse the ANR plan made by Mike Zwicker, seconded by Ernie Marks. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.
3. Public Hearings:
(7:17 PM) (13:30) 7:00 PM Public Hearing Continued from 5/26/2022: Sutton Douglas Development – Application for Definitive Subdivision (DEF-220215) Mumford Rd & 5 Forest St – Possible Votes

Wayne Belec with Land Design Collaborative with Tim Flynn of Flynn Build and Develop, also remotely Jeff Walsh from Graves Engineering per Mr. Benoit's request to discuss closeout of his peer review. Mr. Walsh stated that he reviewed the second set of plans for supporting stormwater management on June 6, 2022, and issued a letter in June 22 stating he sees no issues with the plans and their previous review comments were addressed. There are three items that Mr. Walsh would like to point out to the board:

1. To make sure the street light locations and the actual street light bases, wiring, lamp, luminaires, etc. are consistent with the town requirements so that if and when this is brought forward for public acceptance the street light locations and the lighting equipment is consistent with the town's requirements.
2. The subdivision rules and regulations call for granite curbing at the radii of the intersections at Duval Road in Sutton, and it looks like it is bituminous curbing.
3. A drafting issue that the road stationing gives the contractor an understanding of where it's located on the road

They would like to do the bonding in phases, and the board is agreeable to that. Mr. Benoit asked what the estimated time frame for the transferring of the portion of land that is proposed to be donated to the town or protected in perpetuity through a trust. Mr. Belec responded that he and Mr. Flynn would defer to the board when the town would be happy with receiving the land. The board is in agreement that they would like to see the land transfer happen at the onset of the project. Mr. Belec stated that as soon as the plans are endorsed and the mylars are recorded they will begin the process with council and Mr. Benoit. Mr. Benoit also brought up the paving questions that some residents had, the board would like to see the road paved up to the intersection. Mr. Flynn responded that they would be amenable to paving 20 linear feet from side to side in the three directions.

(7:48 PM) (44:38) Motion to close the public hearing made by Ernie Marks, seconded by Mike Zwicker. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker all in favor, Meg Schlesman abstains.

The board will add Sutton Douglas Development to the June 30th agenda at 7 PM for a vote.

(7:50 PM) (46:37) 7:05 PM Public Hearing: Maria Asacker – Application for Accessory Apartment (AA-220531) – 6 Ledgestone Road – Possible Votes

Thomas Revane with Revane Builders representing the applicant Ms. Asacker and they are in the process of constructing a new home and Ms. Asacker has decided she wanted to finish off a small area in the basement for her mother to live with her for the summer months. None of the original plans that were approved for the house have been changed. Mr. Benoit reviewed the application for the accessory apartment for 792 square feet and it does fit the criteria under the town's regulations.

(7:58 PM) (54:28) Motion to close the public hearing made by Ernie Marks, seconded by Mike Zwicker. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(8:00 PM) (56:51) Motion to endorse the accessory apartment made by Mike Zwicker, seconded by Ernie Marks. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(8:02 PM) (58:02) Mr. Schultzberg requests to take Item 5. a. Ongoing Development: ASD Wallum Lake Solar, 269 Wallum Lake Road (SPR-181002)-Stormwater System Update out of order.

Mr. Benoit gave an overview of the agenda item. There has been ongoing stormwater issues and the town hired Jeff Walsh with Graves Engineering to do an analysis of the system to identify the issues and the company then gave the town some revisions that are in the boards packets tonight, and Mr. Walsh has then reviewed those revisions. This is to keep the public informed of the project and progress. Mr. Walsh stated that he was told from the residents there is a lot of water leaving the solar site, he did find an error in the hydrology modeling system and the new engineer corrected the issues with a new design. Mr. Walsh feels that these new changes will make a big difference in the current stormwater issues from the solar site. Mr. Benoit asked the board when they want to get AMP Solar in to discuss when to start the modifications. And to retain the services of Mr. Walsh to conduct the final inspection of the work once it's finished. The board would like to put them on the agenda for June 30th.

(8:16 PM) (1:12:28) 7:10 PM Public Hearing: McIntyre Loam, Inc. – Application for Earth Removal Permit (ER-220601) and Site Plan Review (SPR-220601) – 0 Davis Street (Near 100) – Possible Votes

Thomas McIntyre with McIntyre Loam and Mike Dryden with Allen Engineering present to discuss plans. The applicant does have a site plan that is the functional equivalent to a building permit. The lot is 21 acres located within the industrial district, and the scope of work is 12 of the 21 acres and the goal is to create a level surface. They do have to cross the gas transmission line to access this site and they are currently working with the owner of that easement to get approvals to cross. The applicant does have 9 waiver requests and they are as follows:

1. A bond is required for an earth work permit, and they are requesting a waiver for bonding.
2. A waiver for the 100-foot buffer of the existing public way or adjacent property
3. Waiver for excavation not for building purposes or buildings with 100 feet of wetlands resource areas, they would like to go within 50 feet. They will bring this before the conservation commission on Monday to discuss this.
4. Waiver for excavation less than 10 feet above annual high-water table, they are requesting to go within 4 feet
5. Waiver on using the top and subsoil for restoring, they need the site to remain a gravel site for the foreseeable future.
6. Waiver for the excavation area to exceed 10 acres, they need a waiver for 1.25 acres.
7. Waiver for restoration, again the site will be a gravel site, with the exception of side slopes. They will loam and seed the slopes and permanently stabilize them
8. Waiver for another restoration requirement.
9. Waiver for real estate taxes, when this deal happens the back taxes will be paid at that time.

Mr. Zwicker asked how this project will start without a road. Bob Minarik Economic Development Project Facilitator stated that the road has been started. Mr. Zwicker suggested to make a condition that nothing can be sold from the property until the road is completed and accepted and or done to a certain point that is agreed upon. The town had a peer review started by McCarty Engineering, who not present at the meeting tonight and the board would like Mr. Dryden to go through all the comments.

1. The discrepancy on the plans between intermittent versus perennial stream; has been corrected.
2. The driveway into lot 6 should comply with 6.18 of the subdivision rules and regs.; this was waived as part of the definitive subdivision
3. There was a contour labeled incorrectly; that was rectified.
4. They had a six-inch berm and the engineer requested it to be 2 feet; they made it 2 feet

5. Suggesting the applicant provide an exhibit depicting the layout of the landscape yard and bins, etc.; there will be no bins
6. Provide an exhibit depicting the schematic rock crushing operation; that will move as dictated so they don't want to put something on a plan and be locked down to it, as long as they stay within the work limits.
7. The 3 proposed sediment basins are depicted in areas of 5 to 18 foot cuts in elevation; it could take 10 years to get to that stage; they suggest that they could protect any open areas of excavation with erosion controls
The board suggests a yearly check-in of the site, even by a drone.
8. The remaining 5 comments are stormwater, and the applicants will put them in writing along with the previous comments that were gone through.

Beverly Flansberg 53 Monroe Street was questioning what the hours of operation will be. The applicant stated the hours of operation will be 7-5 Monday – Friday, 7-3 Saturday and closed on Sunday, and the occasional night drops when there are road construction projects going on. Ms. Flansberg is also concerned about traffic flow. The applicant responded that it would highly unlikely that trucks will travel on Monroe Street. Ms. Flanagan also has concern about the noise. Mr. Benoit suggests doing a sound study for a year once the project is in operation and maybe do a bond and see if the noise level is above DEP standards and then if there are issues there would be conditions to add sound barriers. Mr. Benoit suggests that the board put together a draft decision and see what the conservation commission has to say and decide at the next meeting.

(9:08 PM) (2:04:40) Motion to continue the public hearing to June 30, 2022, at 7:05 PM made by Mike Zwicker, seconded by Ernie Marks. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(9:10 PM) (2:06:01) 7:15 PM Public Hearing: Pyne Sand & Stone/Bedoian Sand & Gravel – Application for Earth Removal Permit (ER-220531) 1 Lackey Dam Road – Possible Votes

John Federico with Guerriere and Halnon, Inc. and with him tonight is Andy Leonard and Murray Bristol (remote), present to represent the applicant and request a new earth removal permit that would allow them to get everything down to a build-up quote. They also would be seeking a waiver request for the 100-foot setback to a property line. Marjorie Hutnak 101-103 North Street would like to know how they were going to be from her property line, and it will be sloped off, Mr. Federico responded that they would not go past the wetlands and she will have a good buffer between the project and her property line, they estimate more than 500 feet away. Mr. Leonard stated that nothing is changing in terms of expanding the footprint.

(9:26 PM) (2:22:37) Motion to continue public hearing to June 30, 2022, at 7:15 PM made by Mike Zwicker, seconded by Aaron Socrat. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

Additional Business:

(2:23:18) Bond Release – Bella Woods

John Cosma present requesting a bond release for the project. This project is a residential compound with a private way. Leonard Engineering sent a letter to the board dated June 17, 2022, stating that the road was built in accordance with the plan, the only thing missing is an as built plan for the town's records. Mr. Benoit also wanted to check that the homeowner's association was recorded and established, and it was in 2018. Mr. Benoit's recommendation to the board it to make a motion to release the bond for \$69k and release the remaining lots pending receipt of the as built plan.

(9:29 PM) (2:25:20) Motion to release the bond of \$69k and the lots pending the receipt of the as built made by Ernie Marks, seconded by Mike Greco. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(9:30 PM) (2:26:00) Reorganization

Board will hold off until Chair Tracy Sharkey is present.

(9:30 PM) (2:26:14) Open Meeting Law Chapter 22 of the Acts of 2022; exp. July 15, 2022

This is the zoom requirement for alternative means of communicating due to COVID 19. The selectmen make the decision to keep it, but Mr. Benoit wanted to see if the board wanted to make a recommendation to the select board to keep it going. The board is in support of the continuation of having remote participation for meetings.

(9:32 PM) (2:28:05) CMRPC Delegate Nomination

The board nominated Meg Schlesman to be the delegate

(9:33 PM) (2:29:07) Motion to have Meg Schlesman be the CMRPC delegate made by Ernie Marks, seconded by Mike Zwicker. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(9:35 PM) (2:31:27) Associate Member Applications

There are two applications, one for Richard Preston (36-year resident), Mr. Benoit recommends favorably that the board consider nominating him for the associate member spot. The second application is from Joseph Fitzpatrick, and Mr. Benoit spoke to Mr. Fitzpatrick about joining the conservation commission because he would like to make the members an odd number, Mr. Fitzpatrick said he would do that.

(9:38 PM) (2:34:33) Motion to recommend favorably Richard Preston as applied made by Mike Zwicker, seconded by Ernie Marks. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(9:39 PM) (2:35:08) AA Extension – 64 Birch Street

Motion to endorse the AA extension application made by Ernie Marks, seconded by Aaron Socrat. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(9:40 PM) (2:36:00) AA Extension – 74 Pond Street

Motion to endorse the AA extension application made by Ernie Marks, seconded by Aaron Socrat. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

Signatures:

(9:43 PM) (2:39:05) Sleepy Hollow Subdivision – Corrective Document

There was a title defect, the towns original document that was lot release for all of the lots referenced the wrong book and page. Mr. Benoit wanted to not only get the issue corrected for lot 10 but all the other lots as well, and he spoke to the attorney involved and asked him to give an encompassing document that would correct all of the issues. This essentially replaces the original lot release of 2018 with the new one and references the correct book and page so there is not title defect for any of those lots moving forward.

(9:44 PM) (2:40:52) Motion to support the corrected document made by Ernie Marks, seconded by Mike Zwicker. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

Ongoing Development:

(9:45 PM) (2:41:18) 93 Davis Street (SPR-200428)

Capital Cannabis has an unfinished parking lot, that was supposed to be finished in April or May of this year. The applicant is intending to apply for a special permit for a drive-thru and the applicants' reason for not finishing the parking lot is pending that application. Mr. Zwicker would like to know what the board can do about this and stated that a drive-thru has nothing to do with the original plan of finishing the parking lot. The board is going to go to town council for next steps with this project getting finished, and get a time frame from the applicant as to when she plans on doing the permit for the drive-thru.

(9:56 PM) (2:52:39) Motion to adjourn meeting made by Mike Zwicker, seconded by Aaron Socrat. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

Upcoming Meetings: June 30, 2022, July 28, 2022 & August 25, 2022

Respectfully submitted,

Stephenie Gosselin, Recording secretary