

PLANNING BOARD MEETING
THURSDAY, AUGUST 11, 2022
RESOURCE ROOM

Attendance: Chair Tracy Sharkey, Vice-chair Jake Schultzberg, Ernie Marks, Mike Greco, Meghan Schlesman, Mike Zwicker, Aaron Socrat, Richard Preston, Matt Benoit Community Development Director

Chair Tracy Sharkey called meeting to order at 7:01 PM

1. (7:01 PM) (0:10) Citizens Forum: Call for Public Comment: NONE
2. (7:01 PM) (0:20) Additional Business:
 - a. AA Extension – 14 Marilyn Dr
Mr. Benoit did not have any issues with the extension, it meets all the requirements.
(7:02 PM) (1:00) Motion to grant the extension for the accessory apartment special permit for 14 Marilyn Drive made by Mike Zwicker, seconded by Jake Schultzberg. Roll call vote – Ernie Marks, Mike Greco, Meg Schlesman, Mike Zwicker, Jake Schultzberg all in favor.
 - b. (7:02 PM) (1:24) Bond Estimate – Woodland Road Extension
Mr. Benoit stated that the bond estimate was received back in December and was determined by the board that there was still some corrective work that need to be done in the old cul-de-sac. Mr. Benoit's only recommendation to the board is that the bond is for \$29k and that round it up to an even \$30k. This request is to establish a bond for the remaining work on the extension.
(7:04 PM) (3:23) Motion to set the bond amount to \$30k for Woodland Road extension made by Mike Zwicker, seconded by Ernie Marks. Roll call vote - Ernie Marks, Mike Greco, Meg Schlesman, Mike Zwicker, Jake Schultzberg all in favor.
3. (7:04 PM) (3:54) Public Hearings:
 - a. (7:04 PM) (3:58) 7:00 PM Public Hearing: JMT Sleepy Hollow, LLC. – Application for Earth Removal Permit (ER-220718) 22, 24, 26 & 28 Joseph Rd – Possible votes
(7:06 PM) (5:13) Motion to open public hearing made by Jake Schultzberg, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Mike Greco, Meg Schlesman, Mike Zwicker, Jake Schultzberg all in favor.
Applicant is present and is requesting to be exempt from applying for the earth removal permit per the bylaw based on section 6.1.3.1a. The peer review response from the applicants engineer regarding the drainage was dated June 21, 2022, and the peer review from McCarty in response to that dated July 6, 2022. Jim Woodward at 19 Monroe St stated that he thinks that there is already earth removal going on at those sites currently and if it is not he would like to know what signifies earth removal. There was a back-and-forth discussion on the concerns of the resident that seemed to be an unclear understanding of what is currently going on, on the site. Dennis Mahalik voiced the same concerns as the previous abutter about the town gave a permit to them and that they are going ahead doing work before it was approved. Meghan Mahalik 48 Davis Street stated that her house is being destroyed by the sand that comes from the site when the wind blows. She spoke to Mr. Benoit, and he had given her the dust prevention plan submitted back on April 15, 2022 by the applicant. Ms. Mahalik stated that there was also a condition that the applicant was going to give \$250 a month for interior cleaning and \$100 a month for exterior pressure washing and they have not received that yet. The applicant representative stated that they will do, they had been under a cease-and-desist order and they have now just currently started work up again. Mike Hendrickson 137 Maple

Street, is speaking for his daughter-in-law that lives at 17 Monroe Street and stated that he thinks it has become a dangerous environment for her children with the steep grade on the property line and asked if the board would go and look at the property for themselves. Chair Tracy Sharkey stated that there is proposed 6-foot fence going up behind house 17 and also the board also has a peer review response on safety. The abutters concern is that the proposed fence is not a good enough safety precaution. Chris Pavao 21 Monroe Street stated that he has been on many construction sites and never has he ever seen a town or city allow such a steep grade behind new construction without some sort of retaining wall or barrier put up. He asks that they have to cut their grade at least 20 feet from the abutters property lines and install a proper retaining wall, he has already seen severe amounts of erosion coming down the hills. Jim Woodward 19 Monroe Street stated that he feels the board is not being fair and doing what needs to be done to help the residents of Douglas. Meghan Mahalik stated that there was also a condition of putting up a 4-foot vinyl fence that has not been done either. The condition reads that separate from the dust prevention plan Pyne Sand will provide a vinyl fence on the property line of 19, 21, and a portion of 17 Monroe Street, and upon further discussion with Mr. Benoit and Mr. Frasier the building inspector they preferred a 6-foot chain link fence to be put up which was incorporated into the new current plan. Mr. Frasier asked the applicant to prove that the slope was safe and it has since been peer reviewed and agreed upon that the slope was safe. There was also a peer review done on the erosion issue with what to spray on the slope to stop the erosion.

(7:46 PM) (45:35) Aaron Socrat joined the meeting.

Mr. Zwicker asked why the fence is only on part of the property on #17, the applicant stated that because that was where the grading ended but they would work with them and extend it if that was what the board wanted. Jim Woodward 19 Monroe Street, asked if town council has reviewed all the town council from the past findings. Attorney Winner responded that he has reviewed all the documents from the past but is not sure what the abutter is referring to when he says findings. The specific issue that Mr. Woodward was referring to that previous town council said shouldn't be taking place, Mr. Benoit said the document that the previous town council was referencing was construction of a roadway. Mike Hendrickson 137 Maple Street asked if it was necessary for them to do the earth removal or is it just so they have a better environment to do their construction. The applicant responded that they are removing the earth in order to grade the lot to be able to put a house on the lot according to the approved plans. Chris Pavao 21 Monroe Street asked who approved the plan. The Chair responded that they are in front of the board tonight for approval for earth removal and they currently have a building permit and that is why there is currently work being done.

Mr. Zwicker asked town council for some clarification on the legality of this request for earth removal. Attorney Winner responded that the matter has already been approved by the building inspector and was issued a building permit and now the applicant is before the board requesting an earth removal waiver because he received a cease-and-desist order due to the amount of earth removal the construction of the house required. So they needed to apply for an earth removal permit in order to release the cease and desist order so that the board could consider the question that Mr. Zwicker is asking. Mr. Benoit suggests asking the abutters what they are looking for as a concession for this project. If the project gets shut down, then they are left with a giant sand pit with the current issues they are facing. So what would the abutters like to see happen to try and make all parties happy. Chair Tracy Sharkey went through all the concerns and what is being proposed to remediate those concerns. The 6-foot fence for safety

purposes, the seed mix spraying on the slope for the erosion control, and instead of a 2 to 1 slope it will be a 2 ½ to 1 slope, and for dust control they will spray. Mr. Pavao 21 Monroe Street brought up again his suggestion that there needs to be some sort of retaining wall, he is very concerned about his property and the erosion issues that he doesn't think spraying seed mix will help. The applicant stated that Geotech evaluated the slope and there was a discussion about a retaining wall and the Geotech preferred that there was not a retaining wall but only discussed at a meeting with the building commissioner and Mr. Benoit not in the report from Geotech. The slope will start 10 feet away from the property line. Chris Pavao 21 Monroe Street asked if this gets approved tonight and down the road something happens with the erosion and his property is damaged and stuff ends up in his neighbor's yard, he wants to know who is responsible for that. Attorney Winner responded that unfortunately that would be something he would have to discuss with an attorney of his choosing. For an overview the applicant is looking for an exemption from the earth removal permit and to waive the fee for the application.

(8:24 PM) (1:23:54) Motion to close the public hearing made by Jake Schultzberg, seconded by Ernie Marks. Roll call vote – Ernie Marks, Mike Greco, Meg Schlesman, Mike Zwicker, Jake Schultzberg all in favor. Aaron Socrat abstains

Mr. Benoit stated that there was a previous fee of \$3500 paid by the applicant for further peer review of the application itself, it is up to the board whether they think they will need additional peer review done.

(8:26 PM) (1:25:00) Motion to grant the waiver for the application fee made by Jake Schultzberg, seconded by Mike Greco. Roll call vote – Ernie Marks, Mike Greco, Meg Schlesman, Mike Zwicker, Jake Schultzberg all in favor. Aaron Socrat abstains

The conditions for the exemption for the earth removal permit included, that grading will be at least 5-feet from the property lines, the fence would be least 1-foot from the property line, each lot will have its own pole sets to signify separate fences, reiterate strict enforcement on the previous conditions for dust control and would like to recommend that the checks be sent for the agreed upon monthly amounts for inside (\$250) and outside (\$100) cleaning of the abutters homes until the slopes are stabilized, the board would also like to see additionally a 3-foot silt fence be put up as soon as possible for the dust control, and have the fence for lot 17 go all the way to the property line, for the applicant to engage a consultant to ensure that it is build to the approved plans, and for the trash a debris issue to be taken care of, the chain link fence be vinyl coated black or green, require an as built, slope stabilization as stated in the May 24, 2022, McCarty correspondence, with a date of October 15 that everything should be stabilized.

(8:43 PM) (1:42:53) Motion to waive the bond fee made by Jake Schultzberg, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Mike Greco, Meg Schlesman, Mike Zwicker, Jake Schultzberg all in favor. Aaron Socrat abstains

Motion to waive number three of the special permit section 6.1.10 made by Jake Schultzberg, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Mike Greco, Meg Schlesman, Mike Zwicker, Jake Schultzberg all in favor. Aaron Socrat abstains

(8:49 PM) (1:48:03) Motion to waive all sections of 6.1.10 except 2, 7, & 11 made by Jake Schultzberg, seconded by Mike Zwicker. Aaron Socrat abstains, all other members in favor.

(8:51 PM) (1:50:00) Motion to grant the special permit with the waiver in accordance with 6.1.10 with previously stated conditions made by Ernie Marks, seconded by Mike Greco. Aaron Socrat abstains, all other members in favor.

- b. **(8:51 PM) (1:50:48) 7:15 PM Public Hearing Continued from July 28, 2022: National Grid – Application for Scenic Road Special Permit (SR-220609) Oak Street – Possible Votes**

Mike Zwicker recuses himself. Chair Tracy Sharkey asks that the applicant address the concerns of the board from the previous meeting. Chair Tracy Sharkey has confirmed the abutters have all been notified, the representative for National Grid stated pole 17 was moved out of the middle of the stone wall opening, and pole 18 was able to be moved far enough away from the tree to have to remove the tree, the other concern was with pole 20 and they are seeking to keep that design as is. John Deeter 50 Oak Street questioned whether the brush and poison ivy will be sprayed on Oak Street like it looks like was done on West Street because of the wells was concerned about what product would be used if any, and would like to have something in writing to say what will be done to repair his lawn when the pole in front of his house is moved and that all electrical will be set back up on the new pole. Chris Knight from Blue Wave stated that he would be happy to discuss his concerns after the meeting. Mike Zwicker 50 Oak Street questioned why pole 20 is not going to be moved. National Grid rep stated that they prefer to keep the poles in a straight line instead of jogging across the road and they would have to add another pole directly across the street from the one that is already there with 2 more guide wires on it. Mr. Zwicker argued that there are two poles just like that right up the street. Jesse Mosczynski 45 Oak Street would like to see the safety issues addressed for Mr. Deeter's and Mr. Zwicker's property and he is ok with pole going across the street on his property. National Grid rep stated that they will have to move some the stone wall in order to add the pole across the street, but other than that there is nothing stopping them from adding the pole. Shirley Mosczynski 60 Oak Street stated that she believes that with the addition of this pole it puts two other neighbors in the position of not being notified of the changes within so many feet. The board says it is not in their jurisdiction to say whether a pole should be moved or not if it doesn't have anything to do with the scenic road issues.

(9:12 PM) (2:11:01) Motion to close the public hearing made by Ernie Marks, seconded by Aaron Socrat. All members in favor.

Mr. Benoit had brought up the concern about the transformers, and the National Grid rep stated that there will one less transformer in the public way than there currently is now.

(9:14 PM) (2:13:10) Motion to grant the special permit to upgrade overhead conductors and replacing and relocating 24 poles on Oak Street with the conditions previously stated made by Ernie Marks, seconded by Mike Greco. All members in favor.

(9:15 PM) (2:14:58) Motion to adjourn made by Jake Schultzberg, seconded by Mike Greco. All members in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary