

PLANNING BOARD
THURSDAY, DECEMBER 8, 2022
RESOURCE ROOM

Attendance: Chair Tracy Sharkey (remotely), Vice chair Jake Schultzberg, Ernie Marks, Aaron Socrat, Meg Schlesman, Rich Preston, Mike Greco, Mike Zwicker, Matt Benoit Community Development Director

Vice chair, Jake Schultzberg called the meeting to order at

1. (7:02 PM) (0:10 TS) Citizen's Forum: Call for Public Comment: NONE
2. (7:02 PM) (0:22 TS) ANR's: 28 Main Street

Jeff Stefanik land surveyor at Guerriere & Halnon asking for an endorsement for an ANR for a boundary line adjustment at 28 Main Street, this is two existing lots where the lot line is being adjusted with the existing house getting one acre and the rest of the land going into the state agricultural preservation program. Mr. Benoit verified that this meets the boards 3 criteria of both parcels having adequate frontage, lot size, and are on a passable road.

(7:03 PM) (1:34 TS) Motion to endorse the ANR made by Tracy Sharkey, seconded by Mike Greco. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

3. (7:04 PM) (2:25 TS) Additional Business:

- a. (2:33 TS) 123 Gilboa – Site Plan Modification Request – Possible Votes

Todd Morey with Beals Associates representing the applicant, they are finding some unsuitable materials in some pockets of excavating like excess boulders and organic materials. They have decided to take those materials and put them on some of the non-structural slopes because they cannot be left under the building site areas and cover them up with a foot of topsoil and then do surface planting on top. The issue now is that all those areas are used up and in the event that they find more of those materials while digging, they would like a contingency plan. They have found a site that is outside the original footprint that has suitable soil so they would like to mine that and put the unsuitable soil back there and then they would recover it, restore it and replant the area. The reason behind this is they do not want to truck these unsuitable offsite and do not want to import fresh materials.

(7:09 PM) (7:00 TS) Motion to approve the contingency plan minor change provided that any modifications moving forward are added to an as-built plan made by Aaron Socrat, seconded by Mike Greco. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

- b. (7:10 PM) (8:40 TS) 470 NE Main Street – Bond Release & 53G Close Out – Possible Votes

Tom McIntyre for KTKT and McIntyre Loam is requesting to close out the earth removal permit and release the bond and close the 53G account now that the warehouse has been approved, also asking to waive any requirement as to an as built. Mr. Benoit recommends closing out the permits and releasing the bond for \$100,890 dollars.

(7:12 PM) (10:40 TS) Motion to release the bond with no as built required made by Tracy Sharkey, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

(7:13 PM) (11:12 TS) Motion to return the 53G account money back to Mr. McIntyre made by Tracy Sharkey, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

- c. (7:14 PM) (12:00 TS) 466 NE Main Street – Upton Site Remediation Close Out – Possible Votes

Gene Bernard from Cover Technologies along with Bruce Haskell environmental engineer both joined remotely stated that the towns independent site reviewer did a site walk with them and verified that the slopes had been stabilized and wrote a letter to that effect and noted the differences in the final grades of the plan and that the grading was consistent with the original plan as submitted with all drainage going towards the drainage basin and the basin being permanently stabilized. The basin is approximately double the size of the original proposed basin for more than adequate storm water storage on site and the site is at a permanent grade as far as their work is concerned. Mr. Benoit stated that the town's peer review consultant deemed the work sufficient and the request is to close out the earth permit and to release the \$50k dollar agreement associated with the permit.

(7:16 PM) (14:08 TS) Motion to close out the earth permit and release the \$50k associated with the earth permit made by Tracy Sharkey, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

Ms. Schlesman pointed out a correction to the peer review letter referencing the incorrect address to be corrected.

Mr. Benoit stated that they noticed when they went on site that the current operation has encroached onto the storm basin and he recommends sending a letter to the property owner explaining what they should be doing and make sure that they keep the storm water system free of debris moving forward, and the building inspector would be the one to enforce this but Mr. Benoit thinks that the board should vote on this as well.

(7:18 PM) (16:25 TS) Motion to address the concerns made by Mr. Walsh in a letter to the property owner made by Tracy Sharkey, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

d. (7:19 PM) (17:40 TS) Whitin Heights Bond Reduction Request – Possible Votes

Mr. Benoit gave an update that Whitin Heights put the top course down on their subdivision roadway and they are asking for a partial release of the bond for the work that has been done. The town asked Leonard Engineering, who has been overseeing the project, to do a review of their bond reduction estimate and the letter just came in today. The letter states that they are satisfied with the calculations that were provided; \$65,413.05 can go back to the developer with the total bond remaining at \$23,798.02.

(7:22 PM) (20:00 TS) Motion to reduce the bond of \$89,211.07 by \$65,211.07 to a remaining total amount of \$24,000 made by Tracy Sharkey, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

e. (7:22 PM) (20:50 TS) ER200827 – Pyne Sand & Stone, St Denis Cemetery (withdrawn) – 53G Close Out per request of applicant – Possible Votes

The town has \$1,951.36 in respective accounts for a project that was withdrawn.

(7:23 PM) (21:20) Motion to return the funds totaling \$1,951.36 to their source made by Tracy Sharkey, seconded by Ernie Marks. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

4. Ongoing Development:

(7:24 PM) (22:00 TS) Sleepy Hollow (DEF-160316) – Bond Reduction Request – Possible Votes
Mr. Benoit updated the board that a lot of the road was done and the reduction was for 35% reduction of the overall bond that currently exists this was reviewed by Leonard Engineering and they are satisfied with the numbers provided.

(7:25 PM) (23:55 TS) Motion to reduce the bond of \$304,034.51 by \$104,034.51 to a remaining total of \$200,000 made by Tracy Sharkey, seconded by Mike Zwicker. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

Additional Business

f. (7:27 PM) (25:00 TS) AA Extension – 31 Royal Crest Drive – Possible Votes

g. AA Extension – 7 Mechanic Street – Possible Votes

h. AA Extension – 112 Maple Street – Possible Votes

(7:27 PM) (25:10 TS) Motion to approve 31 Royal Crest Drive, 7 Mechanic Street, and 112 Maple Street for accessory apartment extension made by Mike Zwicker, seconded by Ernie Marks. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

i. (7:28 PM) (26:10 TS) Earth Removal Bylaw – Discussion

Mr. Benoit provided the board with the language that went to town meeting and the first draft that was sent to the Town Counsel for the board to review and possibly be prepared to have feedback for the next meeting on this. Mr. Zwicker suggests that they keep the removal and the fill as two separate things. Ms. Sharkey also suggested that residential developments that are associated with earth removal still needs to be a definition or a section that addresses if you are applying for an earth removal permit and you have a planned subdivision in the future that should be addressed within there, so you are not restoring before you have to build the houses. The board discussed back and forth their opinions on how to present this bylaw. This will be kept on the agenda to discuss and get it ready for spring town meeting.

j. (7:35 PM) (33:05 TS) FEMA Flood Maps Bylaws – Discussion

Mr. Benoit was contacted by a representative of FEMA stating that all the municipalities in the non-coastal Quinebaug Watershed must adopt some changes to their zoning bylaws at spring town meeting. Mr. Benoit will look into whether the town can apply for technical assistance with this.

k. (7:38 PM) (36:40 TS) Modification to Subdivision Regulations – Discussion

Mr. Benoit will go over this at the next meeting when everyone has their own copy of the regulations in front of them.

4. Ongoing Development:

a. (7:40 PM) (38:20 TS) ASD Wallum Lake Solar, 269 Wallum Lake Road (SPR-181002) – Update In 2021, there were some washouts that took place down below the solar farm that could have been from the solar array so the town hired a consultant to review the stormwater infrastructure and he found some changes that needed to be made. The solar developer over the summer made those changes and there was a site walk on September 7th to confirm those changes and unfortunately, the letter that was issued by the consultant on November 23rd got lost in the shuffle. All of the modifications that they asked for done and the only note is they felt that the vegetative cover under the solar arrays themselves has been improved but could be thicker, the stormwater system seems to function properly and better than it ever has. The update is that the stormwater system is designed, as it should be.

5. Staff Updates:

(7:45 PM) (43:10 TS) Correspondence – Walnut Street Letter of Intent

There is no action here, just to make sure the board received the letter. Ms. Pepka on Walnut Street is looking to sell some land that is in chapter and must notify the town per the requirements of first right of refusal. Insufficient information was provided to us, so the

Select board recently sent out a letter asking them to submit all of the information that's required as part of that process.

Ongoing Development:

b. (7:46 PM) (44:50 TS) 93 Davis Street (SPR-200428)

Mr. Benoit spoke with Town Counsel about this as the board requested and Town Counsel stated that if the board wishes the board could have the building commissioner enforce a request of the board. Therefore, it is not an action the board can take but they can ask the building commissioner to take action, and it would require a full vote of the board for any action that the board proposes. Mr. Marks stated that he stopped by there this week and spoke to the owner and her previous engineer is no longer working for her and she has hired a new engineer who is developing a set of plans for the engineering of the parking lot and the drive-through. Mr. Marks suggestion is waiting to see the new plans and go from there. Mr. Zwicker would like to see in the future that there is a bond until every single item is complete in the project so as not run into this sort of issue again. Mr. Socrat suggested having Mr. Benoit send the owner a letter on behalf of the board affirming and acknowledging their understanding and glad she has hired a new engineer and are eagerly awaiting results from that to put this in writing, and to remind her of the requirements she has previously agreed upon with the board.

(7:49 PM) (47:34 TS) Motion to have Mr. Benoit send a letter on behalf of the board stating the previous comment from Mr. Socrat made by Mike Zwicker, seconded by Aaron Socrat.

Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker all in favor, Tracy Sharkey abstained.

5. (7:51 PM) (49:00 TS) Minutes: October 13, 2022 – Possible Votes

The board will hold off on voting so they can review them.

Upcoming Meetings: January 12, 2023 & January 26, 2023

6. (7:52 PM) (50:15 TS) Motion to adjourn the meeting made by Mike Zwicker, seconded by Mike Greco. Roll call vote – Ernie Marks, Aaron Socrat, Meg Schlesman, Mike Greco, Mike Zwicker, Tracy Sharkey all in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary