

PLANNING BOARD
THURSDAY, AUGUST 24, 2023
RESOURCE ROOM

Attendance: Chair Tracy Sharkey, vice chair Jake Schultzberg, Meg Schlesman, Aaron Socrat, Rich Preston, Mike Greco, Mike Zwicker, Matt Benoit Community Development Director

Absent: Ernie Marks

Chair Tracy Sharkey calls the meeting to order at 7:01 PM.

1. (0:10 TS) ANR's: Orange Street (7 Lots) – Byron Andrews with DiPrete Engineering (104 Mendon St., Uxbridge) and the property owner Chris Bettencourt (New Sherborn LLC, 41 Mystic Valley Rd, Uxbridge) is looking to create 7 ANR lots on the west side of Orange Street and the lots have a minimum of 90,226 square feet which meets the town requirements and minimum frontage is 202 feet. Matt Benoit asked Mr. Andrews for one revision along the roadway to label the edge of the dirt road versus the edge of the right-of-way for clarity and otherwise the plan conforms to all the town's requirements for subdivision regulations. The Board also asks that the Perry Street Extension be labeled correctly on the plan as well.
(5:50 TS) Motion to endorse the ANR as submitted pending the amendment change of the proper legal verbiage of Perry Street made by Jake Schultzberg, 2nd by Mike Zwicker. The vote passed unanimously.

Additional Business:

2. (6:40 TS) 123 Gilboa Street – Request for extended work hours
Bob Minarik, Economic Development, 107 Cedar St, Douglas, is before the Board tonight on behalf of Clayco who the developers of the Cubes at Gilboa with two requests is. First is a previously approved extension of hours to work on Sunday for the steel erection and the roofers, and due to all the recent rainy weather, they are running behind schedule and will need an extension till the end of October, which adds an additional month.
(8:10 TS) Motion to grant the one-month extension to the end of October made by Jake Schultzberg, 2nd by Mike Zwicker. The vote passed unanimously.
The second request is for the concrete floors, that they need to start the pour at 3 AM and finish at 1 PM, and then they have the afternoon to finish the floors. Their current hours are 7 AM to 5 or 6 PM, they need to do roughly 25 pours which would be over 3 to 4 weeks so they are looking for a possible 6 week period of four floor pours. The roof must be done before the concrete pours start. Mr. Minarik stated it would most likely be the months of September and October for the 3 AM pours.
(17:55 TS) Motion to amend the hours of operation start time to 3 AM for indoor operations only for concrete pours not to commence until the bridge opens through October 21, 2023, excluding Sundays made by Mike Zwicker, 2nd by Jake Schultzberg. The vote passed unanimously.

Public Hearings:

3. (18:35 TS) 7:00 PM Public Hearing: Susan Leonardi, Application for Accessory Apartment (AA-230727) (Established Accessory, New Owners), 78 Pine Street – Possible votes
Susan Leonardi the applicant stated that her son is living in the accessory apartment.
(20:55 TS) Motion to close the public hearing made by Jake Schultzberg, 2nd by Mike Greco. The vote passed unanimously.
(21:00 TS) Motion to grant the special permit for the accessory apartment made by Mike Zwicker, 2nd by Jake Schultzberg. The vote passed unanimously.

4. (21:30 TS) Public Hearing Continued: 392 N.E. Main Street, LLC, Application for Site Plan Review (SPR-230425), 392 Northeast Main Street – Possible votes

Mr. Quinn, the engineer for the Planning Board stated the site must be handicap accessible and he spoke to the applicant about putting that on the plans, per the bylaw the site has to be handicapped accessible. Mr. Quinn also took note that light was being cast on the adjoining property and they are going to eliminate the light on that side of the building. One other issue he asked them to address is stormwater and he asked the engineer to show him that the area of impervious has not increased on the site and to do a pre and post development hydrologic analysis to show this. Tim Callahan, 3 Lackey Dam Road, Douglas and Emerson Clause with Landmark Associates, 8 Charles View Road, Hopedale, and Peter Lewandowski the engineer were present to answer questions, and showed the plan and stated that the impervious is marked on the plan. Mr. Quinn stated he still needs to see the accessibility addressed. Matt Benoit spoke to the ADA compliance officer which is the town's Building Commissioner about possibly conditioning approval to finalized under his purview and the plans to be submitted to the Board prior to issuance of a building permit and Mr. Frasier agreed with the idea of being able to have that freedom to instill his ADA appliance expertise on the plan if the applicant would be amenable to that condition. The applicant agreed with the request. There was discussion about the curb height and the hours of operation. Mr. Benoit stated that he isn't sure this is in the purview of the Board, but there is a 15-foot setback for the parking but the site is already paved right to property line, if there is a pre-existing grandfathering here for any sort of parking that would be in the purview of the ZBA or at least a zoning determination form the code enforcement, and doesn't think the planning board has the ability to waive this. Ms. Sharkey stated that the waiver request must be found in the site plan approval section and the section needs to be specifically waived by motion of this board.

(43:40 TS) Motion to close the public hearing made by Mike Zwicker, 2nd by Rich Preston. The vote passed unanimously.

Mr. Benoit asked if the Board would like to apply a bond to this project, and some of the Board responded that they would like to, and Ms. Sharkey stated that this Board approved the conditions of the actual location of the property and it's up to the zoning enforcement officer to make sure it meets the plans and conditions that the Planning Board sets forth in their permit in order to open. Mr. Zwicker is concerned about things not getting finished and not having any recourse. Ms. Sharkey still feels it is not up to the Planning Board but should be in the hands of the building inspector. This will be held to the standard conditions along with the following conditions set forth by the Board as follows:

- Mr. Quinn's recommendation to eliminate a light on the plans that is casting light onto a neighboring parcel.
- The ADA accessibility to be finalized with the ADA compliance officer and any amended plans because of his determination to be submitted to the Board prior to the issuance of the building permit.
- Deliveries to be only during business hours.
- Seek a determination form the Zoning officer about section 5.1.5; Ms. Sharkey stated that she does not think the Board needs to seek a determination from the Zoning officer. Ms. Sharkey also is wondering about a condition to make sure the curb maintains vertical curbing and snow storage annually. Mr. Zwicker brought up the bond issue again because how is the Board going to make sure this happens without having a bond in place. Mr. Callahan suggested making it part of the stormwater management line.
- The conditional approval that the parking area will be regraded to 2% of the accessible spaces.

(49:50 TS) Motion to approve the site plan with the conditions as previously stated and discussed made by Jake Schultzberg, 2nd by Mike Zwicker. The vote passed unanimously.

5. (50:35 TS) Public Hearing: Zoning Modifications to Douglas Zoning Bylaws – Amendment of Section 6.8 Residentially-Scaled and Commercially-Scaled Solar Energy Systems – Possible votes
A complete text of the proposed zoning articles can be obtained and/or reviewed during our normal business hours at the town clerk's office and Douglas Planning Board both located at 29 Depot Street, Douglas, MA. Mr. Benoit reviewed that the solar bylaw was passed at a town meeting and it did have to go to the Attorney General for comment period and they did reply with a comment period after the bylaw was adopted and they made some further recommendations and changes that the town should make because of a case law that finalized right in between the Douglas town meeting and their determination. Mr. Benoit gave it directly to Town Counsel and all the red lines that are presented in the board members packet is all recommendations straight from Town Counsel.

(55:08 TS) Motion to close the public hearing made by Mike Zwicker, 2nd by Aaron Socrat. The vote passed unanimously.

(55:20 TS) Motion per M.G.L. c. 48 section 5 to recommend favorable action from the Planning Board at fall town meeting 2023 made by Mike Zwicker, 2nd by Rich Preston. The vote passed unanimously.

6. (55:50 TS) Public Hearing: Second Generation Partners, LLC – Application for Earth Removal Permit (ER-230803) and Site Plan Review (SPR-230803), 100 Davis Street, Assessors Map 168, parcels 9, 10 & 11.1 – Possible votes

The project description involves clearing and grading for outdoor storage of construction materials. Rob Knapik with Allen Engineering on behalf of the applicant and stated this relates to lot 1 & 2 on Legacy Circle which is on Davis Street, and a couple years ago the board approved a definitive subdivision called Peter Michael Business Park which included Legacy Circle and 6 or 7 lots. The activity since then has been the construction of the Legacy Circle using a binder course, the drainage has been installed there is activity on several of the lots. McIntyre Loam and Gravel has obtained a permit from the board to conduct soil processing on lot 9, and activity going on adjoining lots 3 & 4. The permit that is before the board tonight includes the construction of no building the installation of no utilities and no pavement and that is because the applicant seeks to lease lots 1 & 2 to a company called Bridgewell Mats that needs a site to store the mats used for the heavy construction industry for temporary use and they need about 2 acres of flat compacted gravel for storing the mats. Mr. Knapik showed the Board the plans, went over the drainage and stormwater, and stated that they did receive a comment letter from the Board's reviewing engineer. There was discussion about having restroom facilities on site because the reports states that they will be provided, and Mr. Knapik stated that there will not be any and he also spoke with Mr. Flemming of Bridgewell Mats and he stated that it wasn't necessary to have the facilities on site. Ms. Sharkey would like to leave it as required by applicable laws and regulations. The Board discussed that they would like to see at the two construction entrances for them to have a radius and be paved. The Boards consultant stated that the plans look good and just stated that there is a significant number of waivers that the Board should review. The waivers are as follows:

- Requirement of a bond – The Board feels that there is enough significant work that needs to be done to require the bond. Mr. Zwicker stated his concern for no vegetation planting along Davis Street to stop material from the site going onto Davis Street. Mr. Knapik stated that although it is not shown on the plans there is a strip of vegetation on the portion of the right-of-way currently that they are not altering. There back and forth discussion about the vegetation need and Ms. Sharkey would like to know if the applicant would be open to

- proposing a sufficient buffer of vegetation, knowing that this could be developed in the future with industrial uses. Mr. Knapik stated that he will take that request back to the applicant and would also like the Board to keep in mind that the site is a compacted gravel surface and if the movement of silt by wind onto Davis Street is a concern of the Board's he is wondering if a silt fence would be a better mechanism for preventing that.
- A waiver to permit the earth removal to take place right up to the buffer. Ms. Sharkey stated that typically, if the work is that close they would request permission from the Board of Selectmen, so the Planning would receive a letter from the Select board authorizing the closeness.
 - Ground water excavation, they did testing and found no groundwater to a depth of about 10 feet, and the test pits are in the stormwater basin. They are requesting the waiver because the stormwater basin will be excavated and they did not dig down that excavation plus another 10 feet. The Board is going to get clarification from Town Council on the towns earth removal bylaw
 - That the top and sub soil requiring that it be stockpiled and used to seed and loam, they will be using some of the top soil to stabilize slopes and they are requesting a waiver for all of the top soil be stockpiled. Ms. Sharkey stated that and if the use ceases it will have to be restored
 - A waiver for the restoration of parts of the site, again because this is more in line with a mining operation. Ms. Sharkey asked them to modify the plans to show the finished surface and dust control, and the cease in operations and within a certain time will be restored.
 - Waiver for loam and seed and tree and shrub planting, and Ms. Sharkey stated that the Board might modify that to just the loam, seed, and have the applicant propose something to the Board for a vegetative buffer.
 - Waiver for outdoor lighting, there is no intent on using the site by the tenant other than during daylight hours.
 - Landscaping plan, the Board stated if they submit a sketch for a landscaping plan so they would not need to request a waiver.
 - Commercial sign waiver, the tenant does not need one.

Mr. Knapik stated that they would add to the plan that the perimeter will be stabilized with loam and seed, and he also went over the other recommendations and comments, they also discussed operation hours. Jeremy Flansberg 63 Monroe St and 73 Davis St stated that his first concern is the address number of 100 Davis St not being very accurate of a location and that he would like to see some kind of shrubs to block the pile of mats and other things on the site and the hours of operations and working weekends and holidays. Beverly Flansburg stated that when the original project started there was supposed to be signage and there is still no signage. Ms. Sharkey asked Mr. Benoit if he could check into the concern of lack of signage. Mr. Flansburg also asked if there would be any blasting on this site. Mr. Knapik stated that there will be not blasting, and to address the other concerns he stated that lot 1 & 2 do not yet have an address assigned by the assessor, the board has addressed the shrubbery concerns, they are amenable to the hours the board has suggested and the tenant does not anticipate working weekends or holidays but if someone ends up needing mats on or over a weekend it would only be a truck coming to load the mats and leave and as far as the signs go he will check to see about the signs. The exaction work to be finished to what is shown on the plans should take about a month.

(2:03:35 TS) Motion to continue the public hearing to September 14, 2023, made by Jake Schultzberg, 2nd by Rich Preston. The vote passed unanimously.

Additional Business:

7. (2:04:05 TS) Fee Schedule Adjustments for FY24

Mr. Benoit stated as discussed at a previous meeting the issue is the checks bouncing back and forth between applicants, the T&G, etc., the town takes in a \$200.00 check and holds it till the ad is finalized by the Telegram and the check gets given back to the applicant and ask them for a new check with the determined amount of the ad and sometimes the town does not receive the second check. In Mr. Benoit and Jen Couture opinions, they recommend that the town just make it a flat \$200.00 advertising fee. There is also an issue with the mailing fee; currently the Planning Board is eating all mailing costs like certified mailings. Ms. Sharkey stated that the understanding in the past for the mailing fees was encompassed in the application fees. Mr. Benoit stated that the consensus from the Zoning Board is to adopt the \$200.00 ad fee and set the mailing fee at the USPS rate for certified mailings, and would like to get the Planning Boards consensus. The Board agrees on the \$200.00 ad fee and will set the fee per abutter at \$20.00. Mr. Benoit wanted to just bring this before for the Board for them to discuss and he will double check if there needs to be a formal public hearing for the fee modification.

(2:11:00 TS) Motion to schedule a public hearing to modify the fee schedule made by Mike Zwicker, 2nd by Jake Schultzberg. The vote passed unanimously.

Ongoing Development:

8. BW Solar @ Oak St, (SPR-200203 & SR-200203) – Update

Mr. Zwicker recused himself, and Mr. Benoit stated that there has been some stormwater runoff issues that were affecting some private citizens and since then the solar company have implemented a series of basins and modifications to the site and it is functioning very well and the Boards consultant stated that it was functioning accordingly also. Mr. Frasier gave Blue Wave a verbal authorization to proceed with phase 2 and 3. Shirley Mosczynski 16 Oak St asked if phase 3 has been reviewed by the engineer that was working for the town in this project. Mr. Benoit is not sure but he will make sure that they do review it and provide a report stating that it is functioning properly, but it is a different engineer than before.

Mr. Preston asked if the Board would be interested in doing a master plan, and Mr. Benoit stated that he had brought that up at a staff meeting and would like to see that get done but is waiting for the Conservation Agent position to be filled, and Mr. Benoit would suggest using consulting services in the master plan. Ms. Sharkey suggested asking CMRPC what they would charge and for how many hours.

9. (2:17:40 TS) Meeting Minutes: May 25, 2023,

Mr. Benoit will review the minutes for corrections.

(2:22:30 TS) Mr. Benoit stated that the July 20, 2023, meeting was not recorded and Mr. Benoit drafted the minutes from memory.

(2:23:55 TS) Motion to adjourn the meeting made by Mike Zwicker, 2nd by Jake Schultzberg. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin