

PLANNING BOARD  
WEDNESDAY, JANUARY 24, 2024  
RESOURCE ROOM

Attendance: Chair Jake Schultzberg, Vice chair Meg Schlesman, Aaron Socrat, Rich Preston, Mike Greco, Mike Zwicker, Mike DeRose, Matt Benoit Community Development Director, Brandon Faneuf Conservation Agent

Absent: Mike DeRose, Ernie Marks

Jake Schultzberg called the meeting to order at 7 PM

1. ANR's – 342 Maple St/Yew St, Tetreault  
Mr. Benoit reviewed the ANR and it meets all the requirements.  
(3:50 TS) Motion to endorse the ANR for 342 Maple St/Yew St made by Mike Zwicker, 2<sup>nd</sup> by Mike Greco. The vote passed unanimously.

Additional Business:

2. (4:30 TS) 2023 Draft Annual Report – Possible votes  
Mr. Benoit stated the annual report is based on permits taken and includes the ongoing subdivisions under construction and some that are approved. The Board discussed the report and made amendments to the draft.
3. (6:50 TS) Maple Heights, Isabella Drive  
Les Stevens is looking to purchase the remaining lot that is held in surety for a road that was part of a subdivision that was under construction and part of a homeowner's association, and the town is holding a lot in surety for the road to be finished. Mr. Stevens is proposing a release of the lot and a commitment to finish the road prior to receiving an occupancy permit. The form has been reviewed by Town Counsel and he does not have an issue with the performance provided for signature. Mr. Stevens explained that the reason for the request is because the road only has the topcoat left to be finished and he didn't want to do the topcoat before the construction of the home and have machinery and trucks destroy the roadwork. There was also a request to have 6 bounds instead of the required 10 because it seemed excessive for the length of the road. Jude Gauvin with OHI Engineering showed the board the plans for the proposed bounds. The board has no issue with the proposed 6 bounds.  
(13:45 TS) Motion for release of the covenant as written and for the 6 bounds to be installed made by Mike Zwicker, 2<sup>nd</sup> by Aaron Socrat. The vote passed; Meg Schlesman abstained.

4. (14:55 TS) Master Plan

There has been no meeting scheduled yet.

Ongoing Development:

5. (15:25 TS) Hawk Hill Farms (RC-210701)  
Meg Schlesman recused herself for the discussion.  
Jude Gauvin with OHI Engineering consultant for the applicant and stated that they are proposing a release from the covenant to build the home and put off planting the arborvitae until the spring and hold the certificate of occupancy until the arborvitae are put in and the final coat of pavement is installed at the beginning of the road. There were 21 bounds proposed and they are asking to allow 9 bounds to be put on the project side of the road.  
(19:35 TS) Motion to release the covenant on Hawk Hill Farms Road per signed off by Town Counsel with the 9 proposed bounds made by Mike Zwicker, 2<sup>nd</sup> by Aaron Socrat. The vote passed unanimously.

6. (20:25 TS) The Cubes at Gilboa & McIntyre Loam, Inc. (SPR-220215)  
Brandon Faneuf the Conservation Agent updated the board that there was a major erosion and sediment event on December 18, 2023, storm cause water to fill up the basin and it overtopped the road and went down the hill and eroded the slope and at the bottom of that slope is a wetland that is in Uxbridge. There is something wrong with the basin because it's only supposed to hold water for 72 hours and it is still holding water. JR Venagro as of today is pumping out the water from the wetland so they can get in there starting tomorrow with equipment to start scraping out the silt material that has gone into it and start the restoration process. Douglas and Uxbridge are taking care of their respective sides, the actions that the Conservation Commission has taken so far is issuing an enforcement order with fines of \$1400.00 dollars until they submit a restoration plan. They would like the restoration plan to go to a civil engineer not only for the cleanup effort and the wetland but to find out what went wrong and that they can fix it. Mr. Faneuf reached out to Haley Ward, and they are in the process of procuring them through the 53G process and have the applicant pay for them to do a peer review of everything.

Signatures:

7. Decisions – Pyne Sand & Stone, 93 Cliff St  
Mr. Benoit stated that they have a draft decision, and he received the feedback from Town Counsel today, and they are still looking for a vote of approve one way or the other with conditions and then he can finalize the conditions with Town Counsel. Andy Leonard with Pyne Sand stated that they are fine with the written conditions.  
(39:05 TS) Motion to approve the special permit pursuant to section 9.3 for the outdoor manufacturing use for 93 and 69 Cliff Street made by Mike Zwicker, 2<sup>nd</sup> by Rich Preston. The vote passed unanimously.  
(39:40 TS) Motion to approve the earth removal special permit pursuant to section 6.1 and 9.3 of the Douglas Zoning By-laws for 93 and 69 Cliff Street with conditions made by Mike Zwicker, 2<sup>nd</sup> by Aaron Socrat. The vote passed unanimously.  
(40:10 TS) Motion to approve the site plan approval under section 9.4 of the Zoning by-laws for 93 and 69 Cliff Street made by Rich Preston, 2<sup>nd</sup> by Mike Greco. The vote passed unanimously.

Ongoing Development:

8. (41:20 TS) Blue Wave Solar @ Oak St, (SPR-200203 & SR-200203)  
Mike Zwicker recused himself from the discussion.  
Jeff Murphy with Beals and Thomas on behalf of the applicant shared the site plan with the board. Mr. Faneuf described the issue and stated that the Conservation Commission issued an enforcement order with fines of \$200.00 a day until the Conservation Commission is satisfied the issue is resolved. The Board discussed with Mr. Faneuf what improvements have been made and what still needs to be done. Things have improved since the December storms but there are continuing problems. The Conservation Commission has also required a to date as built progress plan showing existing topography and how that lines up with what was approved. Doug Bush with Haley Ward understands that their job is to make sure that what is being put in place on site complies with what has been proposed on the plan. He stated that the basin looks to be constructed as it should but at this point, it is difficult to tell if everything is working as designed on the plans and the stormwater report. Doug Bush is more concerned about the current issues at the entrance of the site than the project being reengineered. Greg Morehouse with Mill Creek Renewables showed an overhead view of the basin at the entrance. Doug Bush discussed the issues of the basin and what is going on with it at the moment and the temporary plan that is in place of sediment basins. The board and engineers discussed back and forth with the ultimate solution should be. The enforcement order focuses on the back of the property where the sediment and water went into the wetlands not for the entrance basin issues. Mr. Preston

asked if they opened up more area and created more runoff in different directions beyond what their retention ponds could control at this point. Mr. Morehouse responded no to that question and explained that exposed soil and under construction and large areas regraded and opened up so in the interim the runoff rates will be higher than under the final conditions when the entire site is vegetated. Doug Bush made a suggestion for how to proceed with fixing the issue in the meantime. Mr. Morehouse stated that their plan is to go in with minimal impact, install the basins, and then start working on the grading. They feel the most recent improvements should significantly help when the next rainfall comes, and Mr. Faneuf stated that he thinks it is a big improvement that what was there before. The project is still currently in a cease and desist for all new work and Mr. Faneuf would not recommend opening up any new soil in the wintertime. Mr. Faneuf suggested that part of the restoration plan for the infiltration basin is to scarify all the sediment off the bottom and after it has been drained, do an in-situ infiltration testing across different parts of the basin. Shirley Mosczynski 60 Oak St stated her concern of the soil that has been imported and that it is going into Manchaug Lake and the board stated that the soil is being tested. Lisa Mosczynski, 60 Oak St, stated that the slopes are not stable, and her concern is that the board has not made the site visit they said they would do and since then there was another storm on the 13<sup>th</sup>. Mr. Bush said that the section referenced has not been stabilized but that they are continuing to build it and suggests getting them stabilized ASAP. Mr. Morehouse responded that they would have it taken care of as soon as possible. The project manager with Blue Wave stated that she was informed that there are erosion control mats down on the entire slope off basin 5 as of the end of last week, and today they were enforcing and bmps around any loose soil on sites. The board just asked for confirmation of the stabilization. Lori Hough, 41 Oak St, would like to know how many trees were removed, and how many solar panels does the design have. She also would like to know how many and how deep are the foundations under the solar panels, and what they will be growing and what exactly are the animals that will be there. Mr. Schultzberg stated that the site plan would have the foundation and panel information and the intended use going forward. Mr. Morehouse stated that the solar panel count is 6,024 and he will get the information for how many trees have been removed from the site. Phyllis Charpentier entire with Manchaug Pond Foundation wanted then to be aware that not only is this impacting Manchaug Lake but also affecting Stevens Pond and there were reports of impact on Parker Court through Kings Campground and is concerned that the cold-water fishery stream near the area will be affected eventually as the rainfall season progresses. She also stated that the water level for Manchaug Lake is high. Mike Zwicker, 46 Oak St, stated his frustration and concerns of the impacts to his property and all the surrounding areas due to this project. The board discussed how they should move forward at this point; they know that the driveway of Oak Street needs to be addressed as soon as possible. Mr. Benoit suggested that the board can ask for a redesign of the basin in that area, the peer review engineer suggested a redesign in his letters in December after the storm events.

(2:20:25 TS) Motion for the applicant's engineer to do a redesign of basin one and the temporary structures involved with controlling stormwater runoff in the roadway to Oak Street and that onsite in situ infiltration testing of those basins occur, made by Aaron Socrat, 2<sup>nd</sup> by Rich Preston. The vote passed unanimously.

Charla Kroll was asking where basin 5 is discharging and was told that the Conservation is handling that.

(2:27:25 TS) Mr. Preston would like to know if they could settle a meeting for the Master Plan Committee and asked to put up something at the library and online looking for residents to join the committee. They discussed the name of the committee being the Master Plan Update Study

Committee. Mr. Preston also asked if they wanted to expand it to the Historical Commission and the Cultural Council and Police, Fire, and Highway and see if they are interested in joining. March 6 or 20 are available for a meeting.

The Board would like to schedule a site walk for the Blue Wave Solar Oak St site, and Mike Zwicker recused himself from the site walk. Mr. Benoit will set up the site for Saturday morning.

(2:35:50 TS) Motion to adjourn the meeting made by Mike Zwicker, 2<sup>nd</sup> by Meg Schlesman. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin