

APPROVED 8/25/2022

**PLANNING BOARD MEETING
THURSDAY, JUNE 30, 2022
RESOURCE ROOM**

Attendance: Chair Tracy Sharkey, Mike Greco, Ernie Marks, Aaron Socrat, Mike Zwicker, Meg Schlesman, Matt Benoit Director of Community Development

Absent: Vice-chair Jake Schultzberg

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

- 1. (7:01 PM) (0:07) Citizen's Forum: Call for Public Comment**
- 2. (7:01 PM) (0:16) ANR's: Christopher & Anne Colonero – 300 & 306 Main St**

Rich Gosselin surveyor for the applicants, this is a transfer of back land from one property to another. Mr. Benoit stated that the comment he had previously was to eliminate the common lot line between the two soon to be combined parcels and that has since been revised on the plan.

(7:02 PM) (1:12) Motion to endorse the ANR made by Ernie Marks, seconded by Mike Greco. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.
- 3. Public Hearings:**
 - a. (7:02 PM) (1:35) 7:00 PM Public Hearing Continued from 6/23/2022: Sutton Douglas Development – Application for Definitive Subdivision (DEF-220215) Mumford Rd & 5 Forest St – Possible Votes**

Wayne Belec with Land Design Collaborative, and Tim Flynn with Flynn Build and Develop gave an update for the board, and they are present to discuss any conditions with the decision before they have a final vote. Mr. Socrat asked what the plan was for the donation of the land. Mr. Benoit stated that they have to work that around town meeting schedule. The conditions reads that the land shall be conveyed to the town of Douglas no later than December 2023 and recorded at the Worcester Registry of Deeds no later than March 2024.

(7:04 PM) (3:45) Motion to approve the definitive subdivision plan made by Mike Zwicker, seconded by Mike Greco. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker all in favor, Meg Schlesman abstained.
 - b. (7:07 PM) (6:17) 7:05 PM Public Hearing Continued from 6/23/2022: McIntyre Loam, Inc., - Application for Earth Removal Permit (ER-220601) and Site Plan Review (SPR-220601) 0 Davis Street (Near 100) – Possible Votes**

Tom McIntyre the applicant and Mike Dryden with Allen Engineering present to update board. They went before the conservation commission and got approval for the project, and they have addressed all the comments in the last correspondence from McCarty Engineering and DEP. They have provided the board members with the response letter with the addressed comments. They have received a letter from McCarty Engineering stated that they have adequately addressed all the comments. Lynn Rosac 50 Conservation Drive asked about the 150 acres from the Sutton Douglas Development project, Chair Tracy Sharkey responded that was addressed at the last meeting and the public hearing has been closed since, and they cannot take any public comment on that item anymore.

(7:10 PM) (9:25) Motion to close the public hearing made by Mike Zwicker, seconded by Aaron Socrat. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

The waivers requested are as follows:

They are in section 6.1.6, subsection 1, 3, 4, 6, 7, 9, 10, 11, 12, and section 6.1.7, the area of excavation must be restored for loam and seeding

(7:13 PM) (12:10) Motion to grant waivers listed above made by Aaron Socrat, seconded by Ernie Marks. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

(7:13 PM) (12:44) Motion to grant the earth removal permit made by Aaron Socrat, Ernie Marks.

A friendly amendment to include an approval for site plan review made by Aaron Socrat, seconded by Ernie Marks. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

c. **(7:14 PM) (13:35) 7:15 PM Public Hearing Continued from 6/23/2022: Pyne Sand & Stone/Bedoian Sand & Gravel – Application for Earth Removal Permit (ER-220531) 1 Lackey Dam Road – Possible Votes**

Board received a request for a continuance in their packets.

(7:15 PM) (14:00) Motion to continue public hearing to July 28, 2022 at 7:00 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.

(7:15 PM) (14:45) Items not reasonably anticipated 48 hours prior to meeting

Board has a cease-and-desist order for requesting resolution of the matter with the planning at their earliest convenience, board also has a letter from Attorney Jeff Efrin. Mr. Benoit updated the board that this was a definitive subdivision that the board approved back in 2017 for Sleepy Hollow aka Joseph Road, currently under. There were some concerns raised from abutters about earth removal and the town has been working with the applicant over the course of the last several months to come to some sort of resolution as to how this should proceed. The boards question when the order was made to cease-and-desist was is this going to alter or cause for change the approved stormwater system plan. They asked the developers to prove that there doesn't need to be any impact to the stormwater system. The applicants engineer sent the town a letter that the town then sent to a consultant and have not received a response yet.

The board has an issue with the cease-and-desist because there is not violation listed and the board doesn't not have the letter signed by town council to review.

Mr. Benoit responded that it is a determination made by the building inspector and confirmed by town council in the letter.

James Pyne the applicant stated that seven weeks ago there were concerns and complaints from an abutter and they meet with the building inspector and the town planner to try and make peace and there would another complaint and then another. They have until July 16, 2022 to have the cease-and-desist resolved or it can never be resolved or extended by anybody. Elizabeth Mainini the engineer for the project with Guerriere and Halnon joined remotely stated that the drainage analysis very specifically indicates on the drainage plans that the grading of the lots was considered in the drainage evaluation, they couldn't show the final grading for the lots on the subdivision plans because the way of the earth removal regulations are written, however all of the drainage analysis is clearly documented as being done in accordance with the final grades that were going to be in place per the final lot design. She feels that there is not basis that the stormwater analysis didn't incorporate the grading of the lots. The letter submitted by Ms. Mainini dated June 21, 2022 supports the evidence needed to determine that there is no impact to the subdivision approval stormwater or drainage infrastructure. Mr. Marks asked why the board was not notified that there was going to be a cease-and-desist order, so that they could have discussed whether it was

something they thought should happen. The board agrees that they do not agree with the issuance of the cease-and-desist order and would like to see it lifted tomorrow so the applicant can resume activity not waiting to get the peer review letter.

(7:43 PM) (42:07) Motion that the planning board has resolved this matter and finds evidence of no impact to stormwater drainage infrastructure recommends the building commissioner lift the cease-and-desist order effective immediately. If peer review determines negative impact to the stormwater system the applicant shall appear before the board at the next meeting to propose necessary improvements made by Mike Zwicker, seconded by Aaron Socrat. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker all in favor, Meg Schlesman abstains.

4. Addition Business:

a. Reorganization – board will pass over

b. **(7:53 PM) (52:27) Modification to 2022 Meeting Schedule**

The board will not have a second meeting in July.

c. **(7:53 PM) (52:45) Property Bounds: Preservation Park – update**

Mr. Benoit stated that the project was completed last week, there were some troublesome bounds.

5. **(7:54 PM) (53:47) Meeting Minutes: March 24, 2022, April 14, 2022, April 28, 2022, May 12, 2022 & May 26, 2022 – Possible Vote**

(7:55 PM) (54:10) Motion to approve meeting minutes of March 24, 2022, made by Mike Greco, seconded by Mike Zwicker. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker all in favor, Meg Schlesman abstains.

(7:55 PM) (54:41) Motion to approve meeting minutes of April 14, 2022, made by Mike Greco, seconded by Aaron Socrat. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker all in favor, Meg Schlesman abstains.

Upcoming Meeting: July 28, 2022 & August 25, 2022

(7:59 PM) (58:27) Motion to adjourn the meeting made by Aaron Socrat, seconded by Mike Greco. Roll call vote – Aaron Socrat, Ernie Marks, Mike Greco, Mike Zwicker, Meg Schlesman all in favor.

Respectfully submitted,

Stephenie Gosselin, Recording secretary