

**APPROVED 9/14/2023**

PLANNING BOARD  
THURSDAY, JUNE 22, 2023  
RESOURCE ROOM

**Attendance:** Vice chair Jake Schultzberg, Ernie Marks, Meg Schlesman, Aaron Socrat, Rich Preston, Mike Greco, Mike Zwicker, Matt Benoit Community Development Director

**Absent:** Chair Tracy Sharkey

Matt Benoit calls the meeting to order.

1. Mr. Benoit calls for nominations from the board for chairperson of the planning board. Mike Zwicker nominates, Tracy Sharkey for chairperson, Aaron Socrat nominates Jake Schultzberg for chairperson.  
(1:10 TS) Motion to appoint Jacob Schultzberg as chairperson of the planning board made by Aaron Socrat, seconded by Rich Preston. Mr. Socrat asked if Mr. Schultzberg will accept the nomination, Mr. Benoit asked Mr. Schultzberg if he would accept the nomination. Mr. Schultzberg stated that he knows that Ms. Sharkey is up for the nomination and said it is whatever the board wants.  
(2:10 TS) Motion to nominate Tracy Sharkey as chairperson of the planning board made by Ernie Marks, seconded by Mike Zwicker. In light of Mr. Schultzberg, and the rest of the board's opinion, Mr. Socrat withdraws his nomination for Jake Schultzberg as chairperson.  
Roll call vote - Jake Schultzberg, Ernie, Marks, Meg Schlesman, Aaron Socrat, Mike Greco, Mike Zwicker, all in favor, Rich Preston, not in favor.  
(3:45 TS) Mr. Benoit will accept nominations for vice chair. Mike Zwicker nominates Jake Schultzberg, no other nominations. The nomination window is closed.  
(4:00 TS) Motion to nominate Jake Schultzberg as a vice chair, made by Mike Zwicker, seconded by Rich Preston.  
Roll call vote - Jake Schultzberg, Ernie, Marks, Meg Schlesman, Aaron Socrat, Rich Preston, Mike Greco, Mike Zwicker, all in favor.
2. (4:20 TS) July public meeting schedule change - possible votes  
Mr. Benoit will be absent the day of the scheduled July 28, 2023 meeting and would like to move the meeting to July 20, 2023. Mr. Benoit reached out to Ms. Sharkey, and she said July 20 works for her. The board agrees on the schedule change.  
(5:00 TS) Motion to move the July 28 meeting to July 20 made by Ernie Marks, seconded by Mike Zwicker. The vote passed unanimously.
3. (5:33 TS) Citizen's forum: call for public comment: NONE
4. (5:45 TS) ANR's:  
247 Yew St, David & Claudia Sherman - possible votes  
Margaret Bacon, Allen engineering, representing the Sherman's who own about a 14-acre parcel. They are subdividing out a 2-acre lot with 200-foot frontage and eventually build a house. Mr. Benoit stated it meets all the criteria of the towns ANR.

(7:55 TS) Motion to endorse the ANR for 247 Yew St. made by Mike Zwicker, seconded by Ernie Marks. The vote passed unanimously.

(8:10 TS) 74–80 Yew St, Judie Valliere - possible votes

Margaret Bacon, Allen, engineering, representing Ms. Valliere who owns all the abutting properties. The applicant would like to rearrange her current lot lines where her current dwelling is to have all her buildings on one parcel. The applicants' long-term plan is not to develop any of the land but to donate it to land trust in the future. Mr. Benoit stated that it meets all the ANR criteria.

(12:15 TS) Motion to endorse the ANR for 74–80 Yew St. made by Mike Zwicker, seconded by Ernie Marks. The vote passed unanimously.

**Public hearings:**

5. (12:40 TS) 7:00 PM Public hearing: Anthony Jennings, application for accessory apartment (AA-230525), 12 Meetinghouse Lane - possible votes

Public hearing is now open, Mr. Jennings is looking to get a special permit for an accessory apartment above his three-car garage. Mr. Benoit stated the comments that had come up were whether the utilities had to be tied into the main house, and they found out the septic did not, the water was a question at the building commissioner had. In addition, since Mr. Benoit does not have an answer to that he suggests that if the board is going to approve that they condition it to the water being signed off by the proper town entity prior to the issuance of the permit. The other comment was a discrepancy with the square footage on the application. It was 860 ft.<sup>2</sup> in on the plan it was more. Mr. Jennings stated that the actual square footage of the apartment is 860 square feet, and the site plans show the septic being tied into the tank. He also talked to national grid, and they highly recommended instead of drawing 400 amp from his house, doing another separate 200. Mr. Zwicker stated that all the accessory apartments are one meter and thinks that it should stay that way. Mr. Jennings also stated that for the water he would like to draw right from the well because of his filtration system in his house, he does not want to disrupt the water pressure in his main house. Mr. Preston asked about the single meter comment, and Mr. Zwicker responded that the town made that because the accessory apartments are only supposed to be for family and that would stop misuse of the accessory apartments. Mr. Benoit stated that the town bylaws do not actually mention a single meter, but rather hold it to the purview of the commissioner. A resident on Meetinghouse Lane stated his concerns about the property being on low-level property, and in the event of a power failure of the septic system would have no means to function. Mr. Schultzberg suggested the resident go through the building commissioner with his concern if the special permit ends up passing. Mr. Benoit's recommendation because of the utilities and all the unknowns if it were to move forward for the board to condition as such that the utilities are acceptable to the building inspector.

(31:20 TS) Motion to close the public hearing made by Rich Preston seconded by Aaron Socrat. The vote passed unanimously.

(32:00 TS) Motion to approve the accessory apartment with the condition that the utilities are acceptable in the opinion of the building commissioner made by Ernie Marks, seconded by Mike Zwicker. The vote passed unanimously.

6. (36:40 TS) 7:15 PM Public hearing continued: 392 N. E. Main Street, LLC, application for site plan review (SPR-230425), 392 Northeast Main Street - possible vote  
The applicant requested to continue to the next July meeting. Mr. Bowman stated that they did not have their plans updated in time with the peer reviewer's comments.  
(38:05 TS) Motion to continue the public hearing to July 20, 2023, at 7:00 PM made by Ernie Marks, seconded by Aaron Socrat. The vote passed unanimously.
  
7. (38:40 TS) 7:30 PM Public hearing: McIntyre and Loam, Inc., application for a special permit (SP-230530), Legacy Circle, lots 3 & 4 - possible votes  
The project consists of outdoor manufacturing use including processing loam, and other organic materials including mixing them by screening mechanisms, as well as the use of heavy machinery required to accomplish the same, the public hearing is now open.  
McIntyre Loam stated that they did not have the room they thought they were going to so they are asking for a special permit to use lots 3 & 4 for screening materials. Mr. Benoit stated one of the comments that came up from the fire department was there going to be any fuel storage on site, and there will be no fuel stored on the site. Dust control may be an issue so Mr. Benoit stated that the board might want to consider dust control conditions. In addition, because the least of these lots is for temporary use, Mr. Benoit also recommends if this is approved that they issue a special permit to the applicant and non-transferable so that it does not stay with the land after the applicant is done leasing. Mr. Zwicker asked if there is a plan set in place for heavy rains and washout into the road. The applicant stated that they haven't had a washout, yet this year and they are not using the front part of the lot, it is 3 or 4 feet lower than the road and there's a drain there. The plan is to be out of those lots by March 1, 2024.  
(47:10 TS) Motion to close the public hearing made by Ernie Marks, seconded by Aaron Socrat. The vote passed unanimously.  
(47:35 TS) Motion to approve the special permit with the standard conditions and additional conditions that the permit and to the applicant and is nontransferable and the applicant is responsible for dust control made by Mike Zwicker, seconded by Mike Greco. The vote passed unanimously.
  
8. Additional business:
  - a. (49:50 TS) Request for modification of special permit - 269 Wallum Lake Road: AMP Solar - possible votes  
Amp solar rep, Lawrence Cook joined the meeting via zoom with consultant Alice Webb, Mr. Benoit stated that amp solar is looking to close out their permit with the building department, and an issue that was flagged was vegetative cover and the concern was that some of the cover has not taken seeding, so they mixed it with grass seeding. Mr. Benoit wanted an opinion from a landscape specialist on this, so Alice Webb provided that documentation. Lawrence Cook wanted to make the board aware that amp solar has recently re-branded as Pure Sky Energy so future correspondence may come in under the new name. Alice Webb stated that where the pollinator mix was seeded is adequate because the grass seed used is good for shaded areas and the mix that was on the plan she does not recommend because it needs a lot of sunlight. Mr. Benoit opinion is that the modification is minor in nature and is happy with the seed mix results. The board agrees

that this would be a minor modification.

(1:03:20 TS) Motion to accept this request as a minor modification for the pollinator mix made by Rich Preston seconded by Mike Zwicker. The vote passed unanimously.

The board agrees they would like to see that the site is fully stabilized before they take a vote. Lawrence Cook stated he is OK with waiting until the fall, his main goal today was finding out if the pollinator mix was acceptable.

b. (1:07:40 TS) AA-extension, 14 Shady Lane

Mr. Benoit stated nothing has changed; the board upon its discretion previously approved this over 900 square-foot accessory apartment.

(1:08:15 TS) Motion to approve the accessory apartment extension for 14 Shady Lane made by Ernie Marks, seconded by Mike Greco. The vote passed unanimously.

c. (1:08:35 TS) Subdivision regulations

Mr. Benoit stated the town's, MS4 stormwater permit was renewed by the board of selectmen on Tuesday, and speaking with the representative, the town is going to have to strongly consider discussing a lot of the stormwater component elements and how they would be implemented into either the towns, subdivision regulations or zoning bylaws. Mr. Benoit would like to know if the board would like to have the town stormwater consultant come in and discuss with the board. Some of the things the board might want to consider adding.

9. Ongoing development:

a. (1:13:20 TS) The Cubes at Gilboa and McIntyre loam Inc. (SPR-220215) - they have started to put up some walls and pouring concrete on the bridge, the project is moving along.

b. (1:14:35 TS) BW Solar @ Oak St, (SPR-200203 & SR-200203), Update - Mike Zwicker recused himself. This site is under construction, and they have not established the entire stormwater infrastructure yet and because of the recent heavy rains, some of it has washed into the tire wash, which Mr. Benoit received photos from an abutter. The consultant recommends some slight modifications to the stormwater, so Mr. Benoit is in contact with the solar developers to rectify the situation. There has been changes with the consultants that started the project so currently Corey and Doug are handling the stormwater, and Art Allen is handling anything involving the wells.

c. (1:17:50 TS) Earth removal @ Pyne Sand & Stone (ER-14-0129, ER-220531), update - Mr. Preston brought up concerns about dust control at the last meeting, and Mr. Benoit did a site visit and there are a few open permits at the site that are also permits with other surrounding towns. Mr. Benoit spoke to Pyne and the day of the complaints about the dust. They had water trucks, and they were doing their best to control the dust, but it had been a period of no rain. Mr. Benoit said they are going to keep their eyes on this site. The board mentioned the possibility of somehow getting drones to fly over these big sites like Pyne and the Cubes so they can get an idea of what it looks like in the activity. Mr. Benoit is going to do a little research and see how the site has been policed in the past, and what consultant are currently tied to these permits.

10. Signatures:

- a. (1:24:30 TS) registry of deeds (ANR's) - signature required - Mr. Benoit stated someone signed over all the signatures so this needs to be resigned because the registry has to be able to see each signature.

Ongoing development:

- d. (1:25:05 TS) Whitin Reservoir Estates (MOD-120906) - they would like to put their road on for public acceptance in the spring, there's only \$25K left in the bonds to button up the last items on the road. The board would like someone to take a site visit and make sure all the catch basins are working and clean on the site.

11. (1:27:15 TS) Miscellaneous: time sensitive items, not reasonably anticipated before meeting - possible vote

Mr. Benoit spoke about adding this item to the agendas moving forward to be able to cover any emergency that comes up.

12. (1:27:50 TS) Meeting minutes: March 23, 2023, April 13, 2023, & April 27, 2023 - possible vote

(1:28:10 TS) Motion to approve the meeting minutes of March 23, 2023, as written made by Mike Greco, seconded by Ernie Marks. The vote passed unanimously.

(1:28:45 TS) Motion to approve the meeting minutes of April 13, 2023, as written made by Mike Greco, seconded by Ernie Marks. The vote passed unanimously, Mike Zwicker abstains.

(1:29:40 TS) Motion to approve the meeting minutes of April 27, 2023, as amended made by Mike Greco, seconded by Rich Preston. The vote passed unanimously.

(1:31:35 TS) There is correspondence from Graves Engineering, and they did an as built plan review for the Blackstone Valley Logistics Center, and they were some minor changes to the plans. Mr. Zwicker asked if there was any news on the Sutton Douglas Project, and Mr. Schultzberg suggested, adding that to the agenda, Mr. Benoit stated the last he heard they were looking to start late July. He also asked if there was any news on the Dunkin' Donuts moving to the new site that was approved and Mr. Benoit stated he has not heard any news on that. Mr. Zwicker also asked if there was any news on the approved Webster Douglas project on Route 16. Mr. Benoit got an update yesterday and the original engineer was asking how to submit to the board a request for an extension of their approval, their permit would expire this November; they had apparently been working with DEP about Water for quite some time.

Upcoming Meetings: July 20, 2023 & August 24, 2023

(1:35:00 TS) Motion to adjourn made by Mike Zwicker, seconded by Aaron Socrat. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin