

**APPROVED 11/9/2023**

PLANNING BOARD MEETING  
THURSDAY, SEPTEMBER 14, 2023  
RESOURCE ROOM

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

Absent: Ernie Marks (excused)

Tracy Sharkey called the meeting to order at 7:02 pm.

1. (0:10 TS) 7:00 PM Public Hearing Continued: Second Generation Partners, LLC – Application for Earth Removal Permit (ER-230803) and Site Plan Review (SPR-230803), 100 Davis Street – Possible votes

The Board received the revised plan and the peer review report in their packet. Rob Knapik with Allen Engineering representing the applicant to go over the comments and their response. Mr. Knapik went over the comments: The question about needed facilities, the client and tenant's view is that because the site is staffed on an as needed intermittent basis, they don't feel that facilities are necessary, but as mentioned by the board they would not be opposed to a condition for facilities being provided in accordance with any applicable laws. The board has asked that the entrance be paved to the right of way and the revised plan shows the pavement of Davis Street and Legacy Circle, as it exists and the proposed pavement from the Legacy Circle edge of pavement to the right of way and the construction entrance. They have provided a 30-foot radius turn for trucks. For the dust control issue, he showed the board the proposed resolutions and stated that the applicant would not be opposed to having a portable watering device kept on site and used as needed for the dust control. The applicant would need to provide letters of permission from each abutting landowner and the road commissioner for the earth removal with the 100-foot buffer. Mr. Knapik stated that two of the abutters are the applicant. They discussed the waiver for the 10-foot ground water to the stormwater basin and **it will be 4 ½ feet. The board went through the waivers.**

- Waiver for bond requirement – The board discussed that they would like to require a performance bond. They are more concerned about site stabilization rather than restoration. Mr. Benoit suggested to the board to waive the bond currently for restoration and they could condition the approval and ask for a dollar amount for stabilization. Mr. Knapik asked that they also have a condition that if there is another project ready to take the site over that would not necessitate the stabilization and that they would not have to stabilize the site. The board agrees to this request.
- Waiver request for within 100-foot of existing public way – the board discussed making it subject to the grant from the Board of Selectmen who are the road commissioners.
- Waiver for section 6.1.66 for no excavation shall be made at less than 10 feet above the annual high-water table as established from test pits and soil borings Waiver for a grant, not stock piling.
- Waiver request for all top and sub soil stripped from operation areas to be stockpiled and seeded with an erosion control seed mix used in restoring area.
- Waiver for restoration to be carried on simultaneously with excavation.
- Waiver for retained subsoil and topsoil shall be spread over the disturbed area to a minimum of 4 inches.
- Waiver for site shall show outdoor lighting.

- Waiver for site plan to include a landscaping plan.

Mr. Socrat feels that there should be a port a john on site and Ms. Sharkey stated that it would be up to the zoning enforcement officer to decide. Jeremy Flansberg, 63, 42, 46 & 53 Monroe St, and 73 Davis St, stated that he feels that the 100 Davis St address is a big concern for him because it is not accurate, and is very upset about the dust and how much is coming on his property, also concerned about the earth removal and distance from all his properties, concerns about mosquitoes, and the signs have not been put up yet. Ms. Sharkey spoke to and addressed Mr. Flansberg's concerns. Mr. Flansberg's concern about the inaccurate address was addressed by Mr. Knapik stating that the project site is identified as Lot 1 and Lot 2 of Legacy Circle, and the address of the applicant is 100 Davis St and maybe that is where the confusion is. Mr. Benoit also stated that when they advertised it, they put every address associated with this site and Legacy Circle is not an accepted way so there are lot numbers that don't have property addresses assigned by the building department yet. Mr. Knapik will get the addresses for public safety.

(55:50 TS) Motion to grant the waiver for requirement for a performance bond and condition the stabilization bond sufficient to loam and seed the entire disturbed area if the operation ceases to exist within 1 year, and no further building designs or contracts are on the table and providing a new use is not currently under review by a regulatory authority, made by Mike Zwicker, 2<sup>nd</sup> by Jake Schultzberg. Rich Preston opposed all other members in favor.

(57:05 TS) Motion to grant the waiver for no excavation within 100-foot of existing public way pending the approval from the Board of Selectmen (road commissioners) and the abutters within 100-feet, made by Jake Schultzberg, 2<sup>nd</sup> by Aaron Socrat. The vote passed unanimously.

(57:45 TS) Motion to grant the waiver within the stormwater basin and verify the bottom of the basin is not within 10 feet and pertains to test pit #1 on drawing, made by Mike Zwicker, 2<sup>nd</sup> by Mike Greco. Rich Preston opposed all other members in favor.

(59:05 TS) Motion to grant the waiver for stockpiling top and sub soil and seeding with erosion control, made by Jake Schultzberg, 2<sup>nd</sup> by Mike Zwicker. Rich Preston opposed all other members in favor.

(1:00:05 TS) Motion to grant the waiver for restoration alongside the excavation, made by Jake Schultzberg, 2<sup>nd</sup> by Mike Zwicker. The vote passed unanimously.

(1:00:45 TS) Motion to grant the waiver for retained subsoil and topsoil shall be spread over the disturbed area to minimum 4 inches, made by Jake Schultzberg, 2<sup>nd</sup> by Mike Greco. Rich Preston opposed all other members in favor.

(1:01:10 TS) Motion to grant the waiver for site shall show outdoor lighting, made by Jake Schultzberg, 2<sup>nd</sup> by Mike Zwicker. The vote passed unanimously.

(1:01:25 TS) Motion to grant the waiver for site plan to include a landscaping plan, made by Jake Schultzberg, 2<sup>nd</sup> by Mike Zwicker. The vote passed unanimously.

(1:02:15 TS) Meg Schlesman joined the meeting.

The board went over the conditions as follows:

- Clarify stabilization
- Facilities as determined by the building inspector.
- 15-foot buffer designated or delineated by a professional before any work commences and can be inspected by the building inspector
- Signage and lot number for trucks entering.
- \* The board requests to have communication within a couple days that the signs have been installed.
- Portable watering device be kept on site for dust control.
- Verification of the level of groundwater at the stormwater basin.
- Emergency number for the company to be reached, specifically for dust control issues.

(1:05:55 TS) Motion to close the public hearing made by Jake Schultzberg, 2<sup>nd</sup> by Mike Zwicker. The vote passed unanimously.

(1:06:05 TS) Motion to grant the earth removal special permit and site plan approval with conditions as previously mentioned, made by Mike Zwicker, 2<sup>nd</sup> by Jake Schultzberg. Rich Preston opposed, Aaron Socrat, Mike Greco, Mike Zwicker, Jake Schultzberg all in favor.

2. (1:08:40 TS) 392 Northeast Main Street - Mr. Benoit stated that upon discussing and drafting the decision there were concerns with ADA compliance from the building commissioner. Ken Frasier the building commissioner has some safety suggestions for the board, and he ran them by the applicant who is agreeable to all the items suggested as are as follows:

- For the board to seek a determination as whether this is waivable for section 5.1.7, he determined it is not, a special permit is needed from the planning board for relief from the side lot setbacks for parking. The applicant has already filled out an application and is hoping to appear at a future meeting for that.
- Mr. Frasier wanted to promote a crosswalk to business because the sidewalk is on the opposite side of the street but in order to put a crosswalk there has to a sidewalk of either end so he was wondering if the board would consider adding a sidewalk just in the front of the building.
- There was a light on the side of the building that was removed by the board because of the neighboring property, and Mr. Frasier would like that light to be there for security purposes with a shielded light.
- Adding a 3-foot expansion to the handicap space for van accessibility, which will not impact the other parking spaces.

Mr. Frasier is asking the board to consider these conditions be implemented into the decision by way of a modified motion. Ms. Sharkey has some concerns about adding the sidewalk and what it will affect, and they have already designed and redesigned the whole project. She asked Mr. Benoit if the special permit from the planning board could be considered a minor modification. The board discussed the sidewalk issue and would like more information and some time and maybe a plan showing the sidewalk to see what it would look like.

(1:19:10 TS) Motion that the proposed changes for safety would be considered minor modification to their previous approval, made by Mike Zwicker, 2<sup>nd</sup> by Aaron Socrat. The vote passed unanimously.

3. (1:20:00 TS) Hawk Hill Farms (RC-210701) A letter from Joseph and Meg Schlesman for the commencement of the required and approved work on the private road at Hawk Hill Farms. They are requesting that the board consider allowing the site work on Lot number 9 to be performed concurrently with the roadwork. This has an old no built covenant, and the town does not have a bond so if the site work is completed and then abandoned then the town would inherit a half-developed lot. Mr. Benoit's opinion is that the request is a little early in the process, normally the road would be brought to a certain standard and the town would be bonding it and then releasing the lots and then the developer would be repairing the roadway as they go. Ms. Schlesman stated that what they would be looking for is to be able to start the excavation for the septic and the foundation. Ms. Sharkey stated that in order to get any permits they will need to get a release from the no build covenant, so the Schlesmans will need to post a bond to trade to release the no build covenant. Mr. Benoit will work establishing a bond amount for the next meeting and draft a lot release in advance.
4. (1:26:30 TS) MS-4 Update – Discussion  
Nick, the town's MS-4 consultant, was unable to attend tonight's meeting due to a last-minute schedule change and Mr. Benoit stated they are looking to have a meeting in October or November.
5. (1:26:45 TS) Master Planning – Discussion  
At the request of board member, Rich Preston Mr. Benoit would like to add this to the agenda to start the discussion of Master planning or updated the town's Master Plan. One of the steps in the matter is getting volunteers for the subcommittee.  
(1:28:25 TS) Motion to have Mr. Benoit to reach out to other regulatory boards and commissions to join the Master Plan subcommittee, made by Jake Schultzberg, 2<sup>nd</sup> by Mike Zwicker. The vote passed unanimously.  
Rich Preston stated that he has an original Master Plan that he can get and try to have it digitized so the board can review it. Mr. Zwicker, Jake Schultzberg and Meg Schlesman stated that they would be interested in joining the subcommittee. The board will engage CMRPC to the mapping portion. Meg Schlesman as the CMRPC delegate stated that she attended her first meeting and it seems that there is financial help for towns looking to do this and additional number of hours for review of plans, and Mr. Zwicker stated that it would be good to have town council as a part of this as well.  
  
(1:36:10 TS) Mr. Benoit at the request of Mr. Wojcik stated for the record that Ernie Marks has an excused absence and has been ill recently and would like to see if the board would like to send him a care package. The board will put a package together.  
(1:36:50 TS) Motion to authorize a care package for Mr. Marks not to exceed \$100, made by Mike Zwicker, 2<sup>nd</sup> by Rich Preston. The vote passed unanimously.
6. (1:37:25 TS) Meeting Minutes: May 25, 2023, June 22, 2023 & July 20, 2023 – Possible votes  
(1:44:45 TS) Motion to approve the June 22, 2023, meeting minutes as amended and revised, made by Jake Schultzberg, 2<sup>nd</sup> by Mike Greco. The vote passed unanimously.  
(1:45:33 TS) Motion to approve the July 20, 2023, meeting minutes as written, made by Mike Greco, 2<sup>nd</sup> by Rich Preston. The vote passed unanimously.  
  
(1:46:10 TS) Motion to adjourn the meeting made by Jake Schultzberg, 2<sup>nd</sup> by Aaron Socrat. The vote passed unanimously.

Upcoming Meetings: September 28, 2023 & October 12, 2023

Respectfully submitted,

Stephénie Gosselin