

APPROVED 11/9/2023

PLANNING BOARD
THURSDAY, SEPTEMBER 28, 2023
RESOURCE ROOM

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

Absent: Ernie Marks (excused)

Tracy Sharkey called the meeting to order at 7 pm.

1. (0:15 TS) ANR's: 502 Southwest Main St – Ahronian – Possible votes
Mr. Benoit stated that this is a simple transfer of land and both parties signed the application.
(1:00 TS) Motion to endorse the ANR for 502 Southwest Main St, made by Mike Zwicker, 2nd by Jake Schultzberg. The vote passed unanimously.
2. (1:20 TS) 7:00 PM Public Hearing: Douglas Planning Board Fee Schedule Amendments – Possible votes
This is a hearing to consider amending the Planning Board regulations governing the fee schedules for all permitting applications, advertisements, and abutter mailings. A copy of the proposed fee schedule and regulation can be viewed in the Community Development department.
(2:15 TS) Motion to open the public hearing made by Jake Schultzberg, 2nd by Rich Preston. The vote passed unanimously.
Mr. Benoit went through the changes with the board for a flat advertisement fee of \$200.00 and basing the abutter mailings on the USPS certified mailing rates and regular mailing rates. The other change is to the M.G.L. c. 44 53 E1/2 accounts that are being eliminated because the town does not have a town engineer anymore so they don't use these accounts, everything will be going through the 53G accounts.
(5:25 TS) Motion to close the public hearing made by Mike Zwicker, 2nd by Aaron Socrat. The vote passed unanimously.
(5:45 TS) Motion to accept the new fee schedule as amended, made Mike Zwicker, 2nd by Aaron Socrat. The vote passed unanimously.

Additional Business:

3. (6:10 TS) 123 Gilboa Street – Request for Extended Work Hours
Bob Minarik, Economic Development director, with a request for extension for Clayco (the warehouse developer). They would like to change the hours from 3 pm to work till 5 pm only on Sundays for the roofers only, until October 31, 2023. The board previously granted extended hours to the structural steel workers, and they are now done.
(8:05 TS) Motion to grant the extended hours to 5 pm on Sundays until October 31, 2023, made by Mike Zwicker, 2nd by Rich Preston. The vote passed unanimously.
4. (Potential Alternate/Associate Planning Board Member – Possible votes
Mr. Benoit stated that the potential alternate associate Planning Board member, Mike DeRose, is present, and they received an application, and the board has one vacancy for an associate member. Mr. DeRose has been a resident of Douglas for 25 years, and he is a recently retired engineer and would like to volunteer to help the town in any way he can. The board will offer a

favorable recommendation to the Board of Selectmen for Mr. DeRose to join the Planning Board.

(11:55 TS) Motion to recommend Mike DeRose to the Board of Selectmen for the alternate associate Planning Board member position, made by Mike Zwicker, 2nd by Jake Schultzberg. The vote passed unanimously.

5. (12:35 TS) Meeting Minutes: May 25, 2023

(16:50 TS) Motion to approve the meeting minutes of May 25, 2023, as amended, made by Meg Schlesman, 2nd by Jake Schultzberg. The vote passed unanimously.

6. (17:00 TS) 7:15 PM Public Hearing: Pyne Sand & Stone Company, Inc. – Application for Earth Removal Permit (ER-230906), Site Plan Review (SPR-230906) & Special Permit (SP-230906), 93 Cliff Street – Possible votes

The applicant is requesting an earth removal permit and a site plan review and a special permit for outdoor manufacturing and processing. The project consists of constructing a new material processing and rock crushing facility.

(18:45 TS) Motion to open the public hearing for 93 Cliff Street under the earth removal permit, site plan review, and special permit for outdoor manufacturing and processing, made by Jake Schultzberg, 2nd by Rich Preston. The vote passed unanimously.

Andy Leonard from Pyne Sand and Stone to speak to the potential development at the Pyne Sand properties and the abutters. They are working with Ron Anger and Fran Beaupre, looking for another property so they can keep in business and keep 35 people employed working. David Feist, the project civil engineer from CMG explained to the board the proposed project and location site, which involves 8 separate parcels located in the northwest corner of the town on the border of the Oxford and Webster town lines. The lower half of the property is currently owned by Fran Beaupre and is permitted for a scrap recycling facility in an industrial zone and surrounded in Douglas on both sides by industrial zones, with a residential zone to the north in Oxford and a conservation district zone on the opposite side in Webster as well as a residential zone in the corner. All eight of the properties are zoned in Douglas with an access road from Cliff Street and have 3 existing industrial buildings, there are 2 truck scales on the property. The drainage for the site stormwater was designed as a land use high potential pollutant load for the existing scrap recycling facility. They had Ecotec go out to the site and re-flag the wetlands and had a local landscape company survey the property and provide the existing conditions mapping to evaluate the project. They also did a series of soil test pits on the property because of the earth removal permit, as well as 5 bedrock soil borings located throughout the property. The stormwater basins seem to be holding up well. The proposed project I, the industrial part will pretty much stay as is with the buildings and the scales and the disturbance area will be about 24 acres in total for the project in two separate parts. One being the crushing tower with the sorting and stone processing in the front portion that will be about 16 acres with a draw pond with sediment basins. The rest of the project will take about 10 to 20 years to expand to what is shown on the plans. They have also added additional stormwater basins and stormwater management to the site and Graves Engineering is currently reviewing their stormwater design. The lower part of the project, which is about 8 acres, is proposed to be a recycling facility to sort asphalt, brick, and concrete materials with a separate stormwater system. They have made an effort to keep all the new development outside of the 100-foot buffer zone. Mr. Benoit suggested that they come before the Conservation Commission for an RDA, to determine whether conservation needs to go any further. The other comments from tech review are as follows:

- The Fire department asked that a noxbox access be put up front.
- If there are stockpiles on the edge of the buffer zones, they are protected from discharge into the wetlands.
- Mr. Benoit also raised the question whether the traffic study is necessary.

The Boards comments:

- What will be the general impact to the neighboring residents with noise, etc. Mr. Leonard responded that they are currently doing a noise analysis for DEP, and they compare what it is now and what potential levels will be and what is allowable.
- The Board asked about the requested 24-hour operation hours. Mr. Leonard responded that is only for emergency situations if the town of Douglas has needs during a snowstorm or any other emergency situations. The Board asked for a base line of the hours of operation for a normal workday. The general workday hours are from 7 am to 4 pm, but sometimes the workers get there for 6 am and occasionally will have to work till 7 pm and on Saturdays till noon, sometimes 3 pm.
- The Board requested an area view of the site, Mr. Benoit pulled it up on Google Maps.
- The Board asked about the requested waiver. The applicant is requesting one waiver for landscape. They are suggesting that the 300-foot existing wooded area is more than adequate for the required 20-foot landscape buffer. The Board asked if they are applying to Oxford and Webster for the project, the applicant responded that they have not and have not been contacted by either town. Mr. Benoit asked that the applicant in the process to produce abutters lists for both Oxford and Webster so those residents could be notified. Ms. Sharkey stated that she doesn't know how the Board can grant a waiver from property in another town, but as far the property in Douglas goes, they don't need a waiver. The applicant needs to find out what Oxford's bylaws are on this matter. Mr. Preston's concern is restoration versus excavation and having too much open area regarding dust control for the neighboring properties. Mr. Leonard responded that their intention is to put in an irrigation system that covers the whole property. They would like to keep it a subdivision and possibly extend the road at some point in the future for possible future development. Mr. Benoit suggests that in addition to notifying the two other towns with abutter lists that the Board send an additional letter after the opening of the hearing giving them the date of their next hearing and ask for their comments in advance of the meeting. Ms. Sharkey would prefer that the applicant reach out to the other towns and supply evidence that there are no comments from the towns. Attorney David Dupont who represents the Estates of Thomas Smith who is the personal representative of Emerson & Earlene Smith, are the direct abutters to the project, and are in opposition to this project, the family currently uses this as a conservation area and hunting and other outdoor activities. This project will change the use of this land area and the neighborhood for the abutters as to what it is now. One of the heirs to the estate spoke to how this industrial project will severely impact and disturb all the surrounding properties and residents and the noise alone is a huge concern, and they have worked had for over 60 years to keep these surrounding woods as natural. The Board stated that this project has made it this far because they cannot deny an industrial project in an industrial zone that has been zoned industrial since 1970 and no one has made any move to change the zoning in those years. Mark Smith a resident of Sutton has concerns about digging and affecting and contaminating the neighboring properties wells and is concerned about the noise as well. The applicant offered to have their wells tested. The Board confirmed to the Smith heirs that all the abutters within 300 feet of the project have been notified by certified mail. None of the Smith land is currently protected under conservation restrictions. Mr. Schultzberg was wondering if the applicant can get some distances from

their current location on Lackey Dam Road and Gilboa Street from the near by homes to their facility and compare what the distance difference would be, the applicant stated that they would be happy to provide that information. The Board is going to continue the public hearing and wait for the peer review to respond back to the application.

((1:09:40 TS) Motion to continue the public hearing to October 12, 2023, made by Rich Preston, 2nd by Mike Zwicker. The vote passed unanimously.

7. (1:10:05 TS) 2024 Meeting Schedule – Possible votes

The Board would like to move their meetings back to Tuesday nights and Mr. Benoit stated that they would just have to make them the off weeks of the Selectboard and Finance Committee.

(1:10:55 TS) Motion to request to the Planning Board meetings on Tuesday made by Mike Zwicker, 2nd by Aaron Socrat. The vote passed unanimously.

The Board discussed the dates for the 2024 meetings.

(1:14:55 TS) Motion to adjourn the meeting, made by Jake Schultzberg, 2nd by Meg Schlesman. The vote passed unanimously.

Upcoming Meetings: October 12, 2023 & October 26, 2023

Respectfully submitted,

Stephenie Gosselin