

PLANNING BOARD
WEDNESDAY, MARCH 13, 2024
RESOURCE ROOM

Attendance: Chair Jake Schultzberg, Vice chair Meg Schlesman, Mike Derose, Rich Preston, Mike Greco, Matt Benoit Community Development Director

Absent: Ernie Marks, Mike Zwicker, Aaron Socrat

Jake Schultzberg called the meeting to order at 7 pm.

1. (0:30 TS) ANR's: NONE

Public Hearing:

2. (0:35 TS) 7:00 PM Public Hearing: Town of Douglas/Highway – Application for Special Permit on a Scenic Road (SR-29) Tree Removal – 37 Oak St – Possible votes

This is a request to remove 3 dying trees along 37 Oak Street. Adam Furno the acting tree warden stated that the resident at 37 Oak St approached the previous tree warden with concern over the dead trees; they were evaluated by a tree arborist and recommended they be removed. Lisa Moczynski 60 Oak St stated she would like to see the town do more to maintain the trees on this road along with the stonewalls and to make sure residents adhere to the scenic road bylaw. Mr. Schultzberg responded that if anyone sees any activity that should not be happening to report it to the Community Development department, and they can issue a cease-and-desist notice. They discussed having a scenic road sign put up and Mr. Furno stated that they have put signs up and they are stolen, so they are working on a solution for that. They discussed making the residents on scenic roads aware of the bylaws.

(10:10 TS) Motion to close the public hearing made by Rich Preston, 2nd by Mike Greco. The vote passed unanimously.

(10:25 TS) Motion to approve special permit with the following conditions that all three trees be removed as discussed during the public hearing, no new driveway openings are being proposed, any disturbance to any part of the existing stone walls located along the subject area shall be repaired to their original condition, no work shall be done until applicable provisions of the public shade tree law M.G.L. c. 87 have been complied with made by Rich Preston, 2nd by Mike DeRose. The vote passed unanimously.

Signatures:

3. (11:35 TS) Decision – SP-240108 – 17 Depot – The conditions on top of the standard conditions are:
 - Stumps at the driveway entrance shall be removed and disposed of properly and any damage to the sidewalk should be repaired at the expense of the applicant under the supervision of Douglas Highway Department
 - The applicant shall apply for building permits to construct retaining walls as needed to secure erosion for the driveway.
 - The applicant shall apply for and obtain a driveway-opening permit for the Douglas Highway department.
 - Construction vehicles should not park within the right of way during construction when practical.

The applicant reviewed the decision and agreed with it.

Additional Business:

4. (14:15 TS) AA – Extension – 16 Franklin St – Possible votes

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(15:05 TS) Motion to grant the accessory apartment extension for 16 Franklin St made by Meg Schlesman, 2nd by Mike Greco. The vote passed unanimously.

Public Hearing:

5. (15:55 TS) 7:15 PM Public Hearing: New Sherborn, LLC – Application for Special Permit on a Scenic Road (SR-30)

The request is to remove portions of a stonewall and to install driveways in front of Map 266 Lot 13 subdivision Lot 10 and Map 266 Lot 13 subdivision Lot 11, both located on Orange Street. Kevin Demurs with DiPrete Engineering on behalf of the applicant and Chris Bettencourt with New Sherborn LLC to answer any questions. Mr. Demurs stated that lots 10 & 11 are legal lots with no variances requested with BOH approvals for both lots and currently pending with the Conservation Commission for an RDA. The driveways will both be approximately 12 feet in width to enter the site. Mr. Benoit stated that a site walk was conducted with the Conservation Agent on Friday and determined that they are in proximity to wetlands across the street, so they have filed a request for a determination of applicability for the driveway openings. Hal Davis 80 Orange St stated that there have already been trees removed and would like to see the plans for what it will look like after the work is complete. Mr. Bettencourt responded that he had met with Mr. Benoit and Mr. Wojcik prior to any work and was told that removing any trees on the lot was within their jurisdiction to do so as a private owner and did not do any driveway tree cutting. Mr. Schultzberg stated they he would like to see pictures of the current state of the stonewall before the board votes on this. Kristen Inman 19 Orange St stated that she filed complaints about the scenic road violations and claims nothing has been done about them and feels that they already have enough room for entrance onto the lot and does not need to disturb any other area. Mr. Benoit responded that there was a complaint filed and they went out to the site and lot 11 was more than 100 feet from the wetlands and he called Mr. Inman to let him know that and lot 12 was recently widened and Mr. Faneuf stated that a filing with the Conservation Commission needs to happen. Mr. Bettencourt responded to the complaint as well and asked the Inman's for permission to go on their property to flag the wetlands that Mr. Faneuf requested, and they said they would give permission as long as they were present. Jeff Inman 19 Orange St stated that he has since changed his mind about allowing the flagging on his property to be done and would request that they use the old logging road as a point of entry and a shared driveway instead of disturbing any more of the stonewall. Melissa Svitil 72 Pine St stated that she was asked for access to her property, and she has decided to decline the request and spoke about the disturbance to the scenic road already done. Haley Walsh 41 Orange St stated her concern about how the process was overlooked by the contractors. Mr. Bettencourt stated that they have followed the process with the town and have had many meetings and hired engineers for the property help and nothing has been done that was not through the proper channels. Lisa Moczynski 60 Oak St would like to request that for future scenic road issues that the tree warden be invited to the meetings. Mr. Bettencourt stated that Adam Furno was at the pre-meeting he had with Mr. Wojcik and Mr. Benoit prior to any work being done. Hal Davis stated that he would like to see a conceptual plan for the restoration of the stonewall. The Board is requesting from Mr. Bettencourt pictures of the site currently, where the proposed entrances are located, where they have already accessed from, and what the entrances will look like when construction is complete. Mr. Bettencourt is happy to provide that and also, he is looking for some feedback on what the Boards and towns preference is on how to handle the entrance on the lot that will need either a retaining wall or additional width. Mr. Benoit stated it is permissible to do a common driveway for 2 lots. There was discussion about further development on the 275 acres of the rest of the land.

(55:05 TS) Motion to continue the public hearing to March 27, 2024, at 7:15 pm made by Rich Preston, 2nd by Meg Schlesman. The vote passed unanimously.

6. (57:10 TS) 7:30 PM Public Hearing: Zoning Modifications to Douglas Zoning Bylaws – Amendment of Section 6.8 Residentially-Scaled and Commercially-Scaled Solar Energy Systems – Possible votes

Mr. Benoit stated that solar bylaw was adopted two falls ago and then they received comments from the Attorney General’s office in the spring and the revisions made it to the town meeting floor but they did not get voted on, so they had to advertise the public hearing for the same amendments to get it on the spring town meeting warrant. The amendments were reviewed by Town Counsel and have not changed since the proposed at the last public hearing.

(1:03:05 TS) Motion to close the public hearing made by Mike DeRose, 2nd by Mike Greco. The vote passed unanimously.

(1:03:40 TS) Motion to recommend favorable action at spring town meeting in accordance with M.G.L. c. 48 section 5 for the amendments to the new section 6.8 residentially scaled and commercially scaled solar energy systems made by Rich Preston, 2nd by Meg Schlesman. The vote passed unanimously.

Additional Business:

7. (1:05:05 TS) Master Plan – the first meeting is next Wednesday, Mr. Benoit had a call with the CMRPC consultant, and Mr. Preston joined the call. They are getting the ball rolling with the grant application process even though they are still waiting for funds to be accepted at town meeting.

Ongoing Development:

8. (1:06:35 TS) The Cubes at Gilboa & McIntyre Loam, Inc. (SPR-220215)

Ariel Leclerc with SWCA Environmental Consultants provided the stormwater reports in the board members packets dated March 7 and another March 11 and Haley Ward provided a report February 20, to which Beals and Associates provided a response letter. Mr. Benoit stated that currently the Uxbridge Conservation Commission is generating an enforcement order for the entire property, which in his opinion is extreme and suggests that this board send a letter to the Uxbridge Con Com asking them to not shut down the entire property outside of their jurisdiction and only focus on the area of concern. Ms. Leclerc stated that they issued a cease and desist, and Uxbridge feels that since their wetlands are being impacted that they now have jurisdiction over the whole project. The only work currently going on is fixing the stormwater infiltration basin, which is the cause of the problems. Ms. Leclerc showed the board the plans so they could see where the jurisdiction should lie. The board discussed the Uxbridge cease and desist order and what they are going to decide, Mr. Benoit stated that the Douglas Con Com is going to address this at their next meeting as well. The board decided to draft a letter to the Uxbridge Con Com and have Town Counsel review it.

9. (1:20:30 TS) BW Solar @ Oak St, (SPR-200203 & SR-200203)

Jason Smith with Blue Wave, Greg Morehouse with Mill Creek Renewables and Pat Mahan with J Bates & Son present and Mr. LaRosa with Weston & Sampson online and Jeff Murphy with Beals & Thomas to discuss and answer questions. They gave their response to the Haley Ward report to Doug Bush at Haley Ward, but he has not had a chance to review it. They went over the response with the board and Doug Bush with the work that is being done to the stormwater basins, the site entrance, and other requests from Haley Ward they are taking care of. They are hoping to have basin 2 completed by the end of next week, weather permitting. Mr. Benoit suggests that the board should weigh heavily on the response and comments from the towns peer review and engineers for the stormwater management and anticipation for Mr. Murphy's revised plans for basin 1 is something that the town's peer review will give direction towards whether they should consider it a major or a minor modification of the site plan. Mr.

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Benoit took a site walk on the property Thursday morning, met Mr. Murphy to see how everything was functioning, met with some neighbors, walked their property, and looked at the drainage issues on their property. Meg Schlesman asked about the yellow pylons (turbidity curtains) and Mr. Smith responded that they are there to catch the turbidity and let the water flow through and they are functioning properly.

10. (1:51:00 TS) Open Session for Topics not reasonably anticipated 48 Hours in Advance of the Meeting.

Mr. Benoit provided an article for a general bylaw for stormwater management and the BOS asked to get the Planning Boards comments on this. Mr. Benoit asked if they could take it and review and submit comments via email would be helpful to get this approved at the next BOS meeting on the 26th. This has since been put in the Conservation Commissions jurisdiction.

11. (1:53:25 TS) Community Preservation Act – Mr. Benoit stated that they are looking for volunteers, which is the committee that would be established to implement a fee to the tax base to anyone who has real property. Mr. Benoit sent the board members some correspondence that shows all the towns and cities in the Commonwealth that have a Community Preservation Act adopted. Lisa Moczynski stated that they just met at the Open Space Committee's regular meeting, and they have a person who has agreed to come from Mendon to share what this can do for the town. To establish this committee, it will have to go to the ballot as well as to town meeting to meet 2 a month potentially. This would help fund affordable senior housing. Mr. Schultzberg and Mr. Preston stated they would be interested in volunteering.

12. (1:59:00 TS) Meeting Minutes: January 10, 2024 & January 24, 2024 – Possible votes
The Board will review and vote at the next meeting.

(2:00:30 TS) Stormwater Bylaw Discussion – Selectman Fitzpatrick asked the Board to consider modifying this to include some of the denser neighborhoods. The town's stormwater consultant asked that they put this forth as is and then make amendments at a future town meeting as needed. The Board will review it.

Upcoming Meetings: March 27, 2024 & April 10, 2024

(2:02:35 TS) Motion to adjourn the meeting made by Mike Greco, 2nd by Rich Preston. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin