

TOWN OF DUDLEY

MASSACHUSETTS

PLANNING BOARD

DUDLEY MUNICIPAL COMPLEX, ROOM 308
71 WEST MAIN STREET, DUDLEY, MA 01571

DUDLEY PLANNING BOARD
Daniel Edmiston, Chairman
Richard Clark, Vice Chairman
Steve Watroba, Clerk of the Board
Louis Perrin, Member
William LePage, Member
Russell Giglio, Associate Member



DUDLEY PLANNING STAFF
William Scanlan, Acting Town Planner
Michelle Jervis, Acting Clerk
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Phone: 508-949-8014

Dudley Planning Board

August 12, 2020
Meeting Minutes

The regularly scheduled meeting of the Dudley Planning Board was called to order at the Dudley Municipal Complex, 71 West Main Street, Dudley, MA in Room 321 at 7:00 PM on Wednesday, August 12, 2020 by Chairman Dan Edmiston. Members present were: Richard Clark-Vice Chairman, Bill LePage, member, Steve Watroba – Clerk, William Scanlan-Acting Town Planner and Michelle Jervis, Acting Planning Clerk. Louis Perrin entered at 7:04pm. Russ Giglio, Associate Member was absent.

Chairman's Disclosure for Public Meetings:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's Executive Orders imposing strict limitations on the number of people that may gather in one place, although a quorum of the members of the Dudley Planning Board will be physically present for this meeting, no in-person attendance of members of the public will be permitted. The meeting will be live broadcast on Dudley Cable Access Television, Channel 192, and members of the public can also access the meeting online via YouTube. In the event of an unanticipated interruption in this broadcast, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Members of the public who wish to appear before the Board must make an appointment to appear on an upcoming agenda, by contacting Michelle Jervis at (508) 949-8001 or by emailing selectmen@dudleyma.gov. Placement on the agenda is not guaranteed however, and persons requesting to appear before the Board should not attend the meeting in person unless and until the appointment has been confirmed by the Board. Persons with matters appearing on the meeting agenda may request that they attend via virtual means, such as conference call, rather than via in person attendance. Such request should be directed to Michelle Jervis at (508) 949-8001 or by emailing selectmen@dudleyma.gov no more than 72 hours (not counting Saturdays, Sundays, or legal holidays) in advance, so that appropriate arrangements can be made.

However, persons or representatives with matters appearing on the meeting notice/agenda who wish to be physically present at the meeting must observe the following requirements:

1. Only ten people, including Board members and staff, will be permitted in the meeting room at one time. Satellite rooms will be available for overflow, and the meeting will be broadcast in real time in those satellite rooms. Total capacity in each room will be limited to 10 persons.
2. Persons who wish to participate in any particular matter on the meeting agenda will be asked to wait in a satellite room until that agenda item is reached, at which point attendees will be rotated between the main meeting room and the satellite room(s), as appropriate. Again, the total number of persons in any room, including the main meeting room shall be limited to 10 people at any one time.
3. Social distancing must be maintained in both the main meeting room and in satellite rooms. Face masks or coverings will be required in accordance with Governor Baker's May 1, 2020 COVID-19 Order No. 31, "Order Requiring Face Coverings in Public Places Where Social Distancing is Not Possible." A copy of that order can be found at <https://www.mass.gov/doc/may-1-2020-masks-and-face-coverings/download>
4. Failure to comply with these requirements may lead to an attendee's removal from the meeting.

7:00PM – Call to Order and Pledge of Allegiance

- a. **Approval of Minutes** of July 8, 2020 – Richard Clark motioned to approve the Planning Board Minutes of July 8, 2020. Bill LePage seconded. Vote 3-0-1 with Steve Watroba abstaining. Mr. Perrin entered the meeting.
- b. **ANR Plans** – 36 Pine Street – Billie Jean Theriault and Irene L. Martel Family Trust – Bill Scanlan stated that the surveyor was not available to come tonight but is available by phone with any questions. The purpose of the ANR is to split off a portion of parcel A owned by Martel to resolve an encroachment issue. There are no waivers to consider. **Richard Clark motioned to approve the ANR for 36 Pine Street, Dudley, MA. Bill LePage seconded. Unanimous 5-0.**
- c. **Discussion of Conservation District – Jean Davis** - The property owned by Ms. Davis and her sisters is located off of Dudley Oxford Rd and is designated as Chapter 61A land. Ms. Davis opted not to attend until her sister returns from overseas. Apparently she feels that others should not have been allowed to build homes in this Conservation District but they were, and it is a fairness question. Richard Clark raised concerns about the annual application for Chapter land and that someone must be renewing it each year. If they decide to take a portion of the property out of Chapter land they would have to pay five (5) years of back taxes, but she still cannot develop because of zoning. There are a few options such as rezoning to RES 87, allow one single family home, or allow single family homes on large lots. Richard Clark requested additional information.
- d. **Acceptance of Preliminary Plan, Butler's Way – Set date for presentation** – Mr. Scanlan stated that Butler's Way would be a new subdivision located off of Jaybee Ave with six (6) building sites. He would like feedback on the requested waivers for this project and the engineer will take them into account to be included in the definitive plan along with the Conservation Agent's comments. Members had several comments and concerns but will be provided with a peer review by Graves Engineering. A preliminary plan does not require a public hearing. **Richard Clark motioned to accept the**

preliminary plan of Butler's Way, to set a date for a presentation on Sept. 9, and to note that there are issues that need to be addressed. Steve Watroba seconded. Unanimous 5-0.

- e. **Follow Up Discussion on Misty Meadows - Request to patch potholes** - This issue came before the Board in a prior meeting. To review, Mr. Donahue, who resides on Misty Meadows Lane, requested the Town repair the large potholes in the road using the escrow money left by the developer. Town Counsel reviewed the request and stated that the \$11,000 left in the escrow account by the now bankrupt builder should not be used to fix the potholes in the road. If the money is used for such maintenance it would set a precedent for other unfinished subdivisions. An alternative is for the residents to pursue a betterment program to pay for upgrading the road, and the escrow funds could be used at that time. The road could then be considered for acceptance as a town road. All agreed that this would be the best interest of the Town and send their regrets to Mr. Donahue.
- f. **Review Complete Streets Policy** – Mr. Scanlan reviewed the Complete Streets Policy. The first step is for the Board of Selectmen to adopt the policy. CMRPC would then prepare a prioritization plan, which would allow the Town to apply for funding for a specific road project. We could be eligible for up to \$400,000. With this policy people of all ages, abilities and income levels will be able to efficiently and safely travel between home, school, work and recreation facilities and commercial venues. The Town would need to commit that when it receives money for a road project it would implement Complete Streets principles. Both the Town Administrator and the Selectmen are very interested in this program. Also Mr. Scanlan requested that the Planning Board take on the responsibility as the Complete Streets Committee. All agreed that they would like more time to review the policy and get their comments out to him and have it on the September 9, 2020 meeting.
- g. **Discussion of Possible Zoning Articles for Town Meeting** –

Mill Conversion Overlay District – Mr. Scanlan stated that the developer is still interested in going forward with the project. There were two sections, a waiver for mixed used and a waiver of affordable housing. This question was defeated at Town Meeting in June. He believes the applicant will be dropping the waiver for mixed use on the project. Steve Watroba stated that the EDC was in favor of this project and feels if there was some commercial use it would be a good idea. He is hopeful that someone prepares a video or presentation at Town Meeting to show voters the severity of disrepair this building is under and what the community would have if the project goes forward. Dan Edmiston thought that was a good idea and a great opportunity for the Town. Mr. Scanlan stated that the Board would have to have a public hearing at their second meeting in September.

115 Schofield Ave – Request to re-zone from IND 43 to IND 130. Mr. Scanlan stated that he has spoken to someone who would like to open a cannabis retail business at 115 Schofield Ave. Our bylaw states that cannabis retail is only allowed in IND 130 and the Mill Overlay District. He stated that the landowner can petition to rezone the property and believes a zoning map amendment will come forward. The difference between IND

43 and IND 130 is the lot size, no other differences. This is for discussion and no action was taken.

Planning Board suggestions for zoning amendments – Lou Perrin agreed to review the Subdivision Regs since they need to be updated. All thanked him for taking on this task.

h. Standard Business:

Discussion/Status Report: - Uncompleted/unaccepted subdivision streets:

- Pierpont Estates – Tony Cerqueira, developer, recently paved a section and would like to bring that to be accepted at the spring town meeting.
- Mr. Scanlan mentioned that he has spoken with the developer of Piasta Road and that street may also go forward for acceptance at Town Meeting.
- Country View Estates (Eisenhower Drive) - The Water/Sewer Superintendent informed Mr. Scanlan that they installed the riser for the station last week but he is concerned that one of the pumps may be failing so our electrician will inspect it.
- Tobin Farms - Guardrails have not been finished and the developer needs to complete them.
- Lyons Estates – Mr. Scanlan attended a pre-construction meeting and construction is underway. Graves Engineering will be inspecting periodically as will the Conservation Agent.

- i. **Inspections Associated with Site Plans** – Mr. Scanlan stated that Nexamp, after receiving several complaints, will be replanting the trees around its solar array in front of the high school at 55 Dudley Oxford Rd.

j. Planner's Plate:

CMRPC has included Dudley in CARES ACT funding for small business owners to receive up to \$10,000. These small businesses can have no more than 5 employees. Mr. Scanlan urged them to apply.

The Board approved and signed a voucher to release the remaining money from David Haynes escrow in the amount of \$251.68. Mr. Haynes sold the property to Galaxy Estates and they will be establishing a new escrow account in the amount of \$4,000. The check should be coming soon.

k. Adjournment:

Richard Clark motioned to adjourn at 8:40pm. Bill Lepage seconded. Unanimous 5-0.

Respectfully Submitted,

Michelle Jervis
Acting Planning Clerk