

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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## Dudley Planning Board

September 9, 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 321A at 7:00 PM on Wednesday, September 9, 2020 by Chairman Dan Edmiston. Members present were: Steve Watroba, Clerk and Bill LePage, member. Also present were William Scanlan-Acting Town Planner and Michelle Jervis, Acting Planning Clerk. Richard Clark, Vice-Chair, Louis Perrin, member and Russ Giglio, Associate Member were 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](mailto: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](mailto: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**

#### **New Business:**

- A. **Approval of Minutes** – Bill LePage motioned to approve the Minutes of August 12, 2020 as presented. Steve Watroba seconded. Unanimous 3-0.
- B. **ANR Plans: 71 Mason Rd., Linda J. Selig Slap (property sold to Nicholas Oliveri)** – Norman Hill, representing Land Planning, Inc. came before the Board. The property is located at 71 Mason Road. On one of the lots there is a barn with an existing foundation, which will be removed. The plan is to build three (3) homes in the rear of the property. Also a common driveway is proposed for Lots 3 and 4. Richard Clark called Mr. Scanlan to voice his concerns about Mason Rd since the road is very narrow with bikers/walkers. Mr. Scanlan stated that in reviewing an ANR plan, the Board must endorse the plan if the lots have the minimum frontage for the district and adequate access. Mr. Hill stated that all of the homes will be connected to water/sewer and that he has submitted the wetlands and topo to Conservation to certify the accurate wetland lines. He will also be filing a Notice of Intent with Commission for the three houses and will change a Note on the Plan reflecting the lots are in Dudley and not Grafton. **Steve Watroba motioned to approve the ANR Plan for 71 Mason Rd. as submitted. Bill LePage seconded. Unanimous 3-0.**
- C. **Discussion of Preliminary Plan, Butler's Way for six (6) lots, with access off Jaybee Ave.** – Peter Lavoie from Summit Engineering came before the Board. His company has prepared the Plan for Westcott Custom Houses, builder Scott Butler, and has reviewed correspondence and comments submitted by Jeff Walsh, Graves Engineering, Inc. (GEI) dated 9/8/20 who visited the site on 9/2/20. Mr. Lavoie stated that he has revised his Plans to reflect the concerns of Mr. Walsh and he went on to review them with the Board.

Zoning By-Law – He has changed on the Plan the Build Factor on Lot 6. The maximum factor is 23 and he had revised it to show a build factor of 19.61;

On Lot 2 he has revised the sidelines for the northerly side of the eastern setback line of Lot 2 that was 12 feet from the property line to the required 15 feet. They are now correct.

Subdivision Rules & Regulations: GEI stated in its report that there was a waiver requested to allow the road cross section as proposed on the plan. The Plan propose a typical berm/curb-and gutter system with catch basins between station 0+00 (intersection of Jaybee Ave\_ and station 1+40+/-, near the high point of the road at station 1+33. From Station 1+40+/- to the cul-de-sac, the road cross section consists of no berm/curb and no catch basins. Instead Stormwater runoff is proposed to be captured in roadside swales due to high groundwater, and he recommends the Planning Board solicit comments from the Highway Department. The swales will not allow sidewalks to be constructed now or in the future, yet in GEI's opinion the waiver request from "Section V.C. Sidewalks" to allow the project to have no sidewalks is not ideal. The provision of a sidewalk on at least one side of the roadway promotes better separation of pedestrian and vehicles by allowing pedestrians to travel outside of the vehicle travel lanes. Steve Watroba stated that he is more concerned about the Stormwater drainage than sidewalks and would like the Highway Superintendent to provide his opinion as well as Water/Sewer Superintendent. GEI also stated that Cape Cod Berm is required on both sides of the roadway up to station 1+40+/- . Mr. Lavoie stated berms will be on both sides of the roadway until they get to the swale.

In the report GEI recommends a pipe be installed and maintained across each driveway. To provide adequate ground cover over the pipes, the swales will have to be deeper than desired, roughly 2-1/2 feet deep. Mr. Lavoie stated that each driveway will have a pipe under it.

General Engineering Comments: - GEI stated that the proposed water main and sewer main are too close. Mr. Lavoie adjusted it on the Plan.

Mr. Lavoie stated that he has amended the plan to note that the site consists of 3.38 acres of a wooded area.

General Comments: GEI commented that the Plan need to be revised to reflect it is in the Preliminary Plan process and not the Definitive Plan as stated. Mr. Lavoie revised the note as well as the scale. Mr. Lavoie will be asking to go before the Water/Sewer Department as some point to review the proposed water/sewer utilities.

Hearing the Board's concerns that it is not in favor of the swales, Mr. Lavoie said he would revise the Preliminary Plan to remove the swales and show catch basins, manholes, and stormwater pipes for the next meeting.

- D. Lyons Estates:** Request of developer to substitute HDPE pipe in lieu of reinforced concrete pipe in culvert. Tom Revane, Developer, came before the Board requesting permission to replace the RCP Concrete pipes to plastic piping. Mr. Scanlan spoke with

the Highway Superintendent and he has no concerns. **Bill LePage motioned to approve the change from RCP concrete pipe to a dual wall plastic pipe. Steve Watroba seconded. Unanimous 3-0.**

- E. Review and Possible Vote on Draft Complete Streets Policy – Bill Scanlan stated that the Complete Streets Program is a three phase process. The Policy first must be approved by the Planning Board and adopted by the Board of Selectmen. It is intended to promote the use of roadways for all types of transportation. If a road is redesigned we would use the Complete Streets principles. The document sets forth the town's commitment. At a previous meeting the Planning Board agreed to be the Complete Streets Committee, which will oversee the policy. After the Board of Selectmen vote it goes to Department of Transportation (DOT) for approval. Once approved we will work with Central Mass Regional Planning Commission (CMRPC) to schedule meetings and develop a Prioritization Plan to identify the appropriate locations in town to implement the policy. All of the town departments will work together on this policy. All agreed to wait until a full quorum is present.

**Standard Business:**

- A. Pierpont Estates – Antonio Cerqueira, Depot Road Charlton, LLC, has gone as far as he can to get lots released from the Covenant so he and has started work at the stream crossing to seek two more lot releases. Jeff Walsh, Graves Engineering did an inspection report of the work completed to-date at the stream crossing. Steve Watroba requested that he would like things done in phases. Items on Phase 1 have not been completed. Dan Edmiston wants to make sure the crossing is complete before any other lots are released, then approve Phase 1 and Phase 2.
- B. JD&D Construction – 24 Oxford Ave. Pre-Construction Conference – Bill Scanlan stated that there was a preconstruction meeting with the owners of 24 Oxford Ave., Dariusz and David Ochocki. They are revising the building plans, reducing the size to avoid having to sprinkler the building. A revised site plan will be submitted in the near future.
- C. Dudley Solar – 55 Dudley-Oxford Rd – An October 2017 inspection report was submitted with a few minor items. The developer will complete these items before the final inspection. He has replanted two missing trees around the parameter and will be requesting to release the escrow funds for the project.

**Planners Plate:**

- A. The Town Planner stated that the Town has received two zoning bylaw changes for Town Meeting on October 19, 2020. For the revised MCOA amendment, there is no waiver provision for mixed use and a community event center will be proposed. The other zoning change would be for 115 Schofield Ave to change the zoning from IND 43 to IND 130 for a proposed cannabis retail store. He will be requesting an opinion from town counsel on the issue of spot zoning. Also we will be having a Public

Hearing, both in-person and with remote participation on September 30, 2020 @ 7pm for these amendments.

- B. Bill Scanlan sent out the subdivision regulations to all members to review. Members agreed to review them and get comments back to him. This will be covered at the first meeting in October. Also consultants from Center of Living and Working conducted a survey of the town buildings for an ADA Plan. They will be working with the town on deficiencies and help to apply for funding. Finally, the Jericho/Brandon Area infrastructure project led by Tighe and Bond is in the works. There will be a public meeting in October for neighbors to come and tell of drainage problems etc. The engineers should complete the plan by the end of the year. The deficiencies may be repaired by grant funds so we need to identify the highest priorities.

**Other Business:**

- A. The next Planning Board meeting is scheduled for Wednesday, September 23, 2020 @ 7pm. The Public Hearing on the zoning articles will be on Wednesday, September 30, 2020.
- B. An escrow account has been requested to be released by Forefront Solar, property on Partridge Hill Rd owned by Durrschmidt. This solar overlay district designation for the property was defeated at town meeting and nothing was spent. Bill LePage motioned to release the escrow for Forefront Power, LLC since the solar project did not move forward. Steve Watroba seconded. Unanimous 3-0.

**Adjournment:**

Steve Watroba motioned to adjourn at 8:45pm. Bill LePage seconded. Unanimous 3-0.

Respectfully Submitted,

Michelle Jervis  
Acting Planning Clerk

