

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
planner@dudleyma.gov
Phone: 508-949-8014

Dudley Planning Board

September 30, 2020

Public Hearing

Meeting Minutes

The Public Hearing 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 30, 2020 by Chairman Dan Edmiston. Members present were: Richard Clark, Vice-Chair (entered at 7:14pm); Steve Watroba, Clerk and Bill LePage, member. Also present were William Scanlan-Acting Town Planner and Michelle Jervis, Acting Planning Clerk. Louis Perrin, member called in remotely. 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:

Louis Perrin requested to participate remotely under MGL Chapter 39§23D adopted 2/4/2013 and in accordance with 940 CMR 29.10(5). It was determined by the Chairman that the following factor made his physical attendance unreasonable € geographical distance. **Steven Watroba motioned to allow Louis Perrin to participate in the Public Hearing. William LePage seconded.**

Roll Call Vote:

Dan Edmiston, Aye

Steven Watroba, Aye

William LePage, Aye

Public Hearing on Mill Conversion Overlay District Amendment – Definitions, Use Chart.

Chairman Edmiston opened the Public Hearing at 7:00pm. Carolyn Murray, attorney from KP Law, Inc. was in attendance and opened the Hearing explaining the Zoning Amendment – Mill Conversion Overlay District –Definitions, Use Chart. She explained that back at our Spring Town Meeting in June the Planning Board voted favorably on the amendment for the Mill Conversion Bylaw change but it failed the 2/3 vote needed at the town meeting. Based on feedback from the voters and working over the summer, a revised zoning amendment has been crafted and will be before the voters at the October 19, 2020 town meeting. This new amendment allows for a little more flexibility for the commercial uses in a residential use in a Mill Overlay District. The permitted uses, by special permit, would be a restaurant, retail sales or service, business or professional offices, bank or financial office, indoor commercial recreation and two new uses have been added to the Mill Conversion Bylaw Amendment and the Use Table of an Event Center and Community Facility, In June there was a proposed change to amend in respect to affordable subsidized housing was defeated so the new amendment would require the applicant the ability to ask for a waiver of that 10% subsidized housing from both the Board of Selectmen and the Planning Board based on certain criterion of a proposed Mill Conversion Project. Finally the bylaw amendment will state that the Planning Board must act on

a special permit application within 90 days of the close of the public hearing and not the submittal of the completed application, which is consistent with Mass General Laws.

The next speaker was Attorney Steven Madaus representing Camden Properties, the developer interested in revitalizing the mill. He reiterated what Town Counsel spoke about the Mill Conversion Bylaw Amendment. Also this project will take a lot of money and there are investors interested. The flexibility by waivers will benefit both the developer and the town, since the town will retain the oversight of the project. There will be public meetings for any resident who has questions can attend and feels this amendment to the current bylaw will protect the town. Commercial investments have taken a hard hit during this pandemic but residential investing is still favorable. Andrew Weddle provided everyone with photo rendering of the mill when completed. The mill would have 154 units, one and two bedroom units similar to the Loray Mills project in Gastonia, SC and West Village Lofts in Greenville, SC. Paul Joseph, who was participating remotely, asked if anyone has any objection to the proposal. There were no questions or comments from participants. The Public Hearing closed at 7:30pm. **Steven Watroba motioned for the Planning Board to recommend the amendments to the zoning articles presented. Richard Clark seconded.**

Roll Call Vote:

Dan Edmiston, Aye

Steven Watroba, Aye

William Lepage, Aye

Richard Clark, Aye

Louis Perrin, Aye

Public Hearing on 115 Schofield Ave – change of zoning from INS43 to IND 130.

By petition of the landowner – Thomas Kokosinski (originally submitted by prospective purchaser Dariusz Ochocki) to re-zone property at 115 Schofield Ave, to IND 130. The property is currently zoned INS 43. Property is also known as Assessors Map 124, Parcel 12. Dan Edmiston opened the hearing at 7:47pm. In attendance was Dariusz Ochocki, prospective buyer of 115 Schofield Ave. and Michaela Mann, potential owner of Biss Botanicals. - Michaela Mann, who is a potential tenant for 115 Schofield Ave. came before the Board to discuss her plan to open a retail marijuana store at this location. She stated that she grew up in Middleboro, MA and explained her values. If the retail store came to fruition, she would hire residents of our community. These residents would need to be approved by the Cannabis Commission and would need to be having registered background checks. Her company's name is Biss Botanicals. A copy of her proposal is attached to these minutes. Regarding the question about spot zoning, the Board of Selectmen requested a rationale. Ms. Mann stated that the principal difference between the two zones is square footage. The parcel is 4.4 acres or 191,664 square feet. A commonly stated definition is that spot zoning is a "singling out" of a property for different treatment from the surrounding property, or for the benefit of the owner. When determining whether a proposal is actually spot zoning "factors most often considered are whether the spot zoning is compatible with the surrounding area and whether spot zoning serves as a public purpose. The compatibility of spot zoning with its surrounding area is a concern with its impact on neighbors. 115 Schofield Ave has only two abutting neighbors; and she believes the possible adult-use establishment aligns appropriately with the surrounding area because like

our abutters, we intend to provide services for public utilization/sales and are not impacting any residential areas. Furthermore, 115 Schofield Ave. is sandwiched between BUS-15 districts to the north and south, along with two different areas of mill conversion overlay districts. Note that the mill conversion district allows, with a special permit, adult us marijuana dispensaries. This furthers the argument that a zoning amendment would be compatible with the surrounding areas. Attorney Murray, Town Counsel, stated that spot zoning is singling out a parcel for special treatment. The size does not matter. Since the zones remain as IND the Board could consider this request and it would withstand a legal challenge. William Scanlon stated that back in 1969 the town enacted zoning. Since that area is the older part of town it made sense to zone it industrial since it was the prevailing lot pattern at that time. The uses are virtually the same. The Public Hearing closed at 8:16pm. **William Lepage motioned to recommend at town meeting the zoning at 115 Schofield Ave be changed from IND 43 to IND 130. Steven Watroba seconded.**

Roll Call Vote:

Dan Edmiston, Aye
Steven Watroba, Aye
William Lepage, Aye
Richard Clark, Aye
Louis Perrin, Aye

Adjournment:

William Lepage motioned to adjourn at 8:28PM. Bill LePage seconded.

Roll Call Vote:

Dan Edmiston, Aye
Steven Watroba, Aye
William Lepage, Aye
Richard Clark, Aye
Louis Perrin, Aye

Respectfully Submitted,

Michelle Jervis
Acting Planning Clerk

Daniel Edmiston: _____

Steve Watroba: _____

William LePage: _____

Richard Clark: _____

Louis Perrin: _____

