

TOWN OF DUDLEY

MASSACHUSETTS

PLANNING BOARD

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

DUDLEY PLANNING BOARD
Guy Horne, Chairman
Daniel Edmiston, Vice Chairman
Thomas Chojnacki, Clerk
Richard Clark, Member
David Durgin, Member



DUDLEY PLANNING STAFF
William Scanlan, Acting Town Planner
Ora Finn, Clerk

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PLANNING BOARD MEETING MINUTES

Wednesday, March 13, 2024 7:00 pm

Dudley Municipal Complex, Room 321A
71 West Main Street, Dudley, MA 01571-3264

Call to Order

A Public Meeting of the Planning Board was called to order at 7:00 PM on Wednesday, March 13, 2024, by Chairman Guy Horne. Members attending were Daniel Edmiston, Vice-Chairman, David Durgin, Richard Clark, and Thomas Chojnacki, Clerk. Town Planner William Scanlan was also present.

The Chairman announced that the meeting was being recorded.

- Pledge of Allegiance

New Business:

1. Approval of Minutes:

- a. February 21, 2024: Motion was made by Richard Clark to approve the minutes of February 21, 2024 as written. The motion was seconded by David Durgin and was unanimously approved 5-0-0.

2. ANR Plans: Jan and Kazimiera Chlebica, 6 Charlton Road, and Dawn Goddard as Representative of Joseph R. Goddard, 4 Charlton Road, to Create a Parcel to Convey to 4 Charlton Road

- Town Planner William Scanlan distributed copies of the ANR plan to the Board members.
- Joseph Duquette, Esq. was present on behalf of Dawn Goddard as a personal representative of the estate of Joseph R. Goddard. The purpose of the ANR Plan is to effectuate a variance that was obtained by the two owners of the property of 4 Charlton Road and 6 Charlton Road.
- Esq. Duquette offered a brief background as to why the ANR is needed. The property owners have been in a long-standing litigation over confusion regarding the drafting of a confirmatory deed between the parties which brought into question the actual ownership

of the parcel shown in the middle of the plan. To resolve the litigation, the parties agreed to cut off a portion, shown as parcel A, and reconvey parcel A back to the owner of 4 Charlton Road. This brought the property back into compliance with all but the frontage on Mill Street. The frontage was pre-existing, non-conforming at 85 feet; the reduction brought it to 73 feet. The ZBA approved the variance on February 1, 2024 and the appeal period lapsed on March 4, 2024. They are now looking to the Planning Board for plan endorsement to effectuate the variance.

- Chairman Horne asked if it was correct to say that the changes that were made were not able to correct the setbacks on the side. Esq. Duquette said that was correct and added that the lot area was not corrected.
- Chairman Horne asked the Board if anyone had other questions.
- Richard Clark asked if the Board did not approve the ANR, would the matter go back to the court to be resolved. Esq. Duquette reply was "most likely".
- Richard Clark made a motion to approve the ANR plan as presented for 4 and 6 Charlton Road. The motion was seconded by Thomas Chojnacki and approved by unanimous vote 5-0-0.
- The Board signed 2 copies of the mylar, and one was given to Esq. Duquette.

2. ANR Plans: Pierpont Estates, Lot Line Change Only, Depot Road Charlton, LLC

- Town Planner William Scanlan distributed copies of the ANR plan to the Board members.
- Developer Tony Cerqueira explained when he sold the house on Lot 12, he took approximately .5 acre off the lot because he was concerned that some of the lots would not perk. He reduced the price of the lot for the buyer, telling the buyer if he didn't need the land, and all the lots perked, he would return the land. The ANR is returning the land as he had promised.
- Chairman Horne reiterated that Lot 12 will now be 3.11 acres and Lot 11 will now be 2.08 acres. Mr. Cerqueira confirmed. Chairman Horne asked if the reserved half acre was in the back of the lot making Lot 11 shaped like an "L". Mr. Cerqueira confirmed that it was but, now the lot line will be straight again.
- Richard Clark made a motion to approve the ANR for Pierpont Estates relative to Lots 11R and 12R as presented.
- Daniel Edmiston noted that there were three waivers and asked if they needed to be accepted prior to the ANR approval.
- Chairman Horne stated that they had also missed the waivers regarding the ANR for 4 & 6 Charlton Road. He asked the Town Planner if another vote would be required to approve the waivers. Town Planner Scanlan stated that he believed another vote was not needed.
- Submission Checklist 6e: The topography of the land at a contour interval of two (2) feet. Elevations shall be referred to mean sea level.
- Checklist 6i: Evidence that each building lot to be created has adequate access, including access road to the site.
- Checklist 6j: A profile of the existing grade(s) of the proposed access to the lot.
- Chairman Horne asked Mr. Cerqueira if #26 was already built. He replied that it was. Chairman Horne reviewed the plan and stated that there wasn't an access issue and that there was 152 feet of frontage on each lot.
- Richard Clark made a motion to approve the waivers as indicated on the submission checklist 6e, 6i and 6j. Thomas Chojnacki seconded the motion; the motion was approved by unanimous vote 5-0-0.
- Richard Clark made a motion to approve the ANR for Pierpont Estates relative to Lots 11R and 12R as presented. Thomas Chojnacki seconded the motion; the motion was

- approved by unanimous vote 5-0-0.
- The Board signed 2 copies of the mylar, and one was given to Mr. Cerqueira.
3. Discussion with Tony Cerqueira regarding eliminating a streetlight on Pierpont Road
- Chairman Horne asked the location of the streetlight to be eliminated. Mr. Cerqueira said there were two lights side by side about 80 feet apart. The light is at the intersection of Pierpont Road and Noble Street. There is supposed to be a light at the intersection but because there is a light on the next pole, it already lights up the intersection.
 - Chairman Horne asked for the Board's thoughts and asked if they wanted to go on-site and look at the light during evening hours.
 - Daniel Edmiston stated that there was a plan drawn up and approved that included the light. He stated that before the Board votes on the matter, he believed that they should get some kind of information, possibly from the Chief of Police before they decide to eliminate a streetlight.
 - Chairman Horne said that the streetlight may not have been part of the original plan as the subdivision was approved approximately 18 years prior.
 - Richard Clark read the rules and regulations into the record regarding the number, style and placement of the streetlights will be directed by the duly elected Town of Dade's Planning Board and felt that the Board had some jurisdiction regarding the matter. However, there was no reference to the distance between lights. He felt that Daniel Edmiston's suggestion to look to Public Safety officials for their thoughts.
 - The Board agreed to ask the opinion of Public Safety.
4. Annual Update of Adult Marijuana Establishment, 35-37 Chase Ave. (invited)
- CEO Joseph Aluttico stated that the establishment is in its 2nd year of operation in Dudley but stated that the cultivation operation had slowed down. He hoped to start up the manufacturing part of the business by the end of the year. He has a partnership on the manufacturing side and feels that will help in the wholesale side of things. He added that it would create more jobs on top of what they currently have for their retail locations. It will also help to supply products to the rest of their stores; they currently have three stores in the state.
 - David Durgin inquired about the host agreement that is part of the special permit, specifically condition number 16 and asked if they had just stopped paying the fees. Mr. Aluttico said that there is a law, and the law says that the funds need to be used for adequate things and it needs to be proven that they were used appropriately. Mr. Aluttico stated that he and his representative had asked several times for breakdowns, and they hadn't received them. He said that they are not holding the money back and that the money is being placed on the side until the breakdowns are provided. He added that several towns are going through the same issues and that they are trying to run a business as well and they need to understand where their money is going. Both he and his attorneys have asked for the information and have not received the specific information that they have asked for.
 - Richard Clark stated that that was the impact aspect and asked if the host agreement was still in effect. Mr. Aluttico stated that it was. Mr. Clark asked what the amount of the impact was; Mr. Aluttico was not able to provide the information that evening. Mr. Clark asked if the non-payment was for the current year period. Mr. Aluttico said that it was and added that they had already paid approximately \$200,000 and asked the town for a rough breakdown of that and haven't received the information. Mr. Clark asked who they requested the

information from. Mr. Aluttico was not 100% certain but his attorney, Nick Adamopoulos from Lake Shore Legal had been handling the matter.

- Mr. Clark stated that he appreciated Mr. Aluttico attending the meeting but, in the past Attorney Adamopoulos had been present and Mr. Clark felt that the attorney would have been able to provide more complete information. Mr. Aluttico stated that Attorney Adamopoulos had a conflict and was not available that evening and that is why he attended.
- Mr. Clark asked about the manufacturing partnership. Mr. Aluttico stated that is was more of a licensing with companies throughout various states. There are a few companies where they will be licensing those brands. Their goal is to get their three stores up and running now that the market has corrected itself. Cultivation got hit hard in the state where pricing went down. He said it was not cheap to run these types of operations. Just to run a 30,000 square foot operation on a monthly basis is over a million dollars just for overhead. When the market comes down and prices start to strike where they shouldn't, it impacts overhead margins and your outcome.
- Mr. Clark pointed out that there was a site agreement or site plan that had been agreed to and hopefully the third party that is coming in will agree. Mr. Aluttico said the third party was in 100% agreement.
- Mr. Clark questioned the For Lease sign in front of the building and asked if that is how Mr. Aluttico found his partner or were they leasing the building. He replied no that they were licensing their products, and they were fully operating it. There is a portion behind the retail building that's already designed and already approved by the town. They will be moving forward with that portion which is approximately 8,000 square feet.
- Mr. Clark was still not clear on the portion of the establishment that was for lease. Mr. Aluttico confirmed that they had leased 35 Chase Avenue to the previous owners for storage purposes.
- David Durgin asked if Mr. Aluttico had records of how much was paid to the town for the host agreement. Mr. Durgin said the town stated that only \$95,000 was paid plus \$30,000 in the beginning. Mr. Aluttico stated that the town had been paid \$144,00 for just the host community agreement. Mr. Durgin asked about the local 3% excise tax; Mr. Aluttico did not know what that was, but he would obtain the information and provide it to the Board.
- Mr. Durgin inquired about the pledge that was made to the Dudley Women's Club for the Dudey Fun Zone. Mr. Aluttico said that he believed that there was a conflict because they were a cannabis company. They are legally unable to donate to build a playground. They are not allowed to put any type of marketing or donate to little leagues or anything similar. He went on to say that they have made multiple donations, set up multiple drives and done multiple clean ups in the town. They don't operate like a normal business and have many guidelines and rules that they must follow. Mr. Durgin said that it was good to clear up that issue.
- Mr. Clark said that the cannabis establishment had participated in clean ups, and it was located near the river. He wasn't certain about the current state of the river but stated that it was a good opportunity to assist in any needed cleaning. Mr. Aluttico said that they perform a monthly clean up that includes the entire road. Mr. Clark thanked him and employees. Mr. Aluttico mentioned that he had never seen so many nip bottles in his life. Richard Clark stated for the record that was a presentation before the Board of Selectmen regarding nips and that Mr. Aluttico could attest to the fact that that discussion went nowhere. Mr. Clark said that Earth Day was coming soon and mentioned that Greatest Hits could

possibly do something. Mr. Aluttico stated that they would be participating, and it had already been advertised.

- Town Planner Scanlan stated that when the Board approved the modification of the site plan, there was an issue of a water main on Chase Avenue. The result of the modification was that Greatest Hits did not need to upgrade the water main for the manufacturing process but, if they were to go to the cultivation process, which would require a great deal more town water, the main would have to be repaired. He asked what Mr. Aluttico's position was on the matter and how that might be handled. Mr. Aluttico replied that it is a town main and believed it wasn't up to his business to have to upgrade it. He said that if they were to do cultivation, they wouldn't use that much water and added that they wouldn't have an issue working with the town and restated that it was a town main and not on their property. Town Planner Scanlan understood Mr. Aluttico's position but said that the Water Commission had the opposite point of view so there might be some discussion required. Mr. Aluttico stated that he had to let the town know his position but would try to work with the town in their position.
- Richard Clark referenced the many discussions between Greatest Hits and the town and asked if there had ever been a resolution. Town Planner Scanlan said that it became a moot point as there didn't need to be an upgrade now. However, if supply became an issue, it would need to come up for discussion again. Mr. Aluttico agreed and said they were always willing to work with the town.
- Richard Clark stated that he believed it was stipulated in the written agreement with the town, that the information provided at this meeting was expected no later than January 31st. He asked if Mr. Aluttico would mark his calendar for January of 2025 and he also asked that Attorney Adamopoulos attend.
- Daniel Edmiston asked if all state licenses were up to date. Mr. Aluttico said that they were.
- David Durgin asked about the plan for the old, main mill. It is currently being utilized for storage.

5. Request for Extensions of the Fish Road Definitive Subdivision Plan.

- Jonathan Androlewicz, DJT Properties appeared before the Board to request a one-year extension to the Fish Road Definitive Plan. Chairman Horne stated that the current plan will expire April 5, 2024 and asked Mr. Androlewicz to confirm that he wished to have it extended until April 5, 2025. He said that was correct.
- Richard Clark asked if anything on the plan had changed. Mr. Androlewicz said that a major part of the plan was a cultivation site which was tied to the Greatest Hits company. There was a shift in the market which significantly changed his perspective and investment in doing that. He is still looking into doing that but at a significant reduction in scale. Now that the market is correcting itself, he is looking at the matter more heavily to determine what size building would make it feasible. The plan is to move forward at a reduced level based on the current business conditions. If for some reason it does not become feasible, he will come back to the Board to work out another solution for the lot use. It's a pretty large capital investment to put in the section of road. Originally the financing was to come from the cultivation site which has been delayed. Regardless of what happens, the access will always remain where it's agreed to the private way that DJT Properties owns off Fish Road. It may be a more restricted subdivision.
- Richard Clark made a motion to approve the one-year extension of the Fish Road definitive subdivision plan to expire on April 5, 2025. Motion was seconded by David Durgin. The following was discussed prior to the vote.
- Town Planner Scanlan asked about the sidewalk status of Fish Road. Mr. Androlewicz

stated that he had to follow up with the Highway Superintendent because it is technically a town job and DJT Properties was supplying the labor and materials. The town had to obtain the conservation and DEP approvals which were obtained last year. Mr. Androlewicz will get an update on the status and email the Town Planner.

- Daniel Edmiston asked if any work had happened yet. The reply was nothing had been done. Chairman Horne asked if Mr. Androlewicz intended on moving forward with the sidewalk; he replied yes because of the use of the pit which he plans on utilizing. Daniel Edmiston stated that he recalled that the neighbors were against the project. Because no work had commenced, he asked what the ramifications would be if the extension were not granted. Town Planner Scanlan stated that if the Board did not approve the extension, it would expire.
- Richard Clark stated that he recalled one of the big issues was the water in terms of wells and there was testing being done. Mr. Androlewicz stated that they had agreed once construction began, they would test all the neighbors' wells. They did a test on one of the closest neighbors which was a required condition of approval from the Board. Chairman Horne stated that if the extension were approved, all conditions would remain.
- Daniel Edmiston stated that the subdivision consisted of road improvements and that there were no lots or houses. Mr. Androlewicz stated that road improvements included a cul-de-sac for fire apparatus and installation of a 10,000-gallon cistern. Daniel Edmiston stated that typically with a sub-division the road gets built first; there has been no activity for the past year. Past issues with neighbors were discussed and it was stated that the issues were resolved prior to approval.
- The motion made by Richard Clark and seconded by David Durgin to approve the one-year extension was approved by majority vote 4-1-0 with Daniel Edmiston opposing. Two copies of the extension approval form was signed by the Board.

6. Discussion of Shared Driveway Standards Zoning Amendment. Set Date for Public Hearing

- Town Planner Scanlan stated that the Board had previously discussed changing the special permit granting authority from the ZBA to the Planning Board. Town Planner Scanlan offered the Board that option which is why he was presenting two options of the amendment. The first version has the language that had been previously brought to town meeting and did not pass. The second version was if the Board wanted to change the granting authority.
- Chairman Horne noted that the version before the Board included only nine items and that there should be more. Town Planner Scanlan stated that he believed a page was missing.
- The Board discussed the pros and cons of changing the granting authority from the ZBA to the Planning Board. Daniel Edmiston stated that since plans had to go before the Planning Board for approval, he felt that it would streamline the process if the Planning Board were the granting authority rather than having the applicant appear before two different Boards. He said that the process would take longer, and it made more sense to him for the applicant to be required to attend only one meeting. Chairman Horne asked if Mr. Edmiston would be opposed to having the ZBA be the authority. Mr. Edmiston suggested an open discussion with the ZBA to learn their thoughts on the matter. Chairman Horne asked if the Town Planner could send the ZBA a letter; Town Planner Scanlan stated that the ZBA met monthly and there was a time constraint because of the required public hearing. He offered that he could advertise the public hearing and include the change and then the ZBA would have an opportunity to weigh in on the subject during the public hearing process.
- Chairman Horne suggested to advertise approval by both Boards. Town Planner Scanlan said it would be possible that the Planning Board could approve the site plan

and the ZBA would approve the special permit. This could all be discussed during the public hearing. David Durgin's agreed that it would be more efficient for the Planning Board to issue the special permit because they were already creating ANR plans and then the applicant would not have to go the ZBA for the shared driveway approval.

- Richard Clark expressed that he would like to see the bylaw enacted at some point and did not have an opinion one way or the other as to who should be the granting authority. Town Planner Scanlan said he thought the Board should propose the change and then if the ZBA were opposed, they would revert to the ZBA being the granting authority. He suggested the date of April 24th, 2024, for the public hearing. Daniel Edmiston said that he may not be able to attend the meeting on that date.
- Chairman Horne stated that it was important to convey to the public that it is typically developers and not homeowners that seek a special permit for a shared driveway. Without the bylaw in place, it allows developers to pretty much do what they want versus giving them some kind of direction. Town Planner Scanlan suggested that the Board could also change the number of lots that could be serviced by a common driveway. Discussion continued and the Town Planner said his thought was to cap the number of lots at three (3). There is currently no limit; the bylaw states "more than two lots" requires a special permit from the ZBA. David Durgin stated that if you put more restrictions on, the voters would be less likely to approve the bylaw amendment.
- Chairman Horne stated that the Board should move forward with the language that included the Planning Board as the granting authority keeping the two lots or more language.
- The public hearing date will be April 24th, 2024, and the Town Planner will inform the ZBA. No motion or vote was required at this time.

7. Discussion of Draft Short-Term Rental Bylaw. Possible vote to forward to the Board of Selectmen.

- Town Planner Scanlan stated that he had tried to capture all the comments that were made at the last meeting when the STR bylaw draft was discussed in detail. He placed it on the agenda again to see if the Board had any second thoughts or if they were ready to move the bylaw forward.
- Richard Clark expressed concern that there was a lot of material to review during a town meeting. Chairman Horne noted that this would be a town bylaw and not a zoning bylaw. Town Planner Scanlan said there would be a separate article to enact the room occupancy tax.
- The two separate articles were discussed as to whether you could have one bylaw in place without the other. Town Planner Scanlan stated for an example, you could have the tax bylaw without having the STR bylaw in place so that the STR would be taxed but not regulated with a bylaw. STR would still have to register with the State and when they paid their State Excise, they would include the town tax if the Town were to have a bylaw in place.
- Both the STR bylaw article and the tax bylaw article will be sponsored by the Board of Selectmen at the town meeting if they choose to go forward with it.
- Resident Joyce Nierodzinski of Lakeview Avenue had questions and concerns about the proposed bylaw. She asked if the bylaw would include leases, tenants at will and hostels. The STR bylaw would be for Airbnb, 30 days or less. Ms. Nierodzinski was concerned that this proposal was just a way for the town to get more money. The Board explained that the fees would cover the inspections that would be required. She stated that the State already had guidelines for STR and now that the town had a full-time Health Agent, the agent could oversee the State guidelines.
- Ms. Nierodzinski said that she felt there hadn't been enough information provided to the

public. Chairman Horne explained that the Planning Board had been tasked with writing a bylaw draft from suggestions provided by CMRP. He then explained the process of placing the bylaw on the town meeting warrant for the voters to approve or not.

- After a brief discussion about providing information to the public prior to a town meeting, Richard Clark stated that the STR bylaw proposal had been discussed at several of the Planning Board meetings. He encouraged the townspeople to look at the calendar and agendas posted on the town website and to review the videos of the meetings.
- Chairman Horne added that the Board had also met with the Board of the Selectmen and that the meeting had been televised. During that meeting, the representative from CMRPC explained everything. Chairman Horne stated that this was a matter of trying to be proactive rather than reactive. There are currently six (6) STR registered in Dudley.
- Ms. Nierodzinski stated that she felt the fees would trickle down to the people that are renting. Town Planner Scanlan stated that the fees for the local taxes would be paid for by the renters then the proprietor would forward the collections to the State. The fees would not impact the proprietor.
- Ms. Nierodzinski had mentioned that she first heard about this at a Board of Health meeting. David Durgin, for clarification, said that the Board of Health has its own rules and regulations for renters who rent from a landlord. Those rules and regulations would not be discussed at a town meeting; they would be discussed at a Board of Health meeting the following week.
- Town Planner Scanlan stated that 6% of the STR rental fee would be minimal to the renter.
- Richard Clark made a motion to advance the proposed bylaw to the Board of Selectmen for their opinions and action. Thomas Chojnacki seconded the motion. The motion was approved by unanimous vote. 5-0-0

8. Role of the Planning Board as the Complete Streets Committee.

- Richard Clark stated that he was invited to participate in a Zoom meeting on February 28th with the Town Planner, Fire Chief, Police Chief, Town Administrator and two representatives from Tighe & Bond. He stated that the meeting was not recorded nor were minutes taken. The purpose of the meeting was to discuss the intersection at Airport Road, Dudley Hill Road and Tanyard Road. Two items were discussed at the end of the meeting. The first was that the Police Chief was going to check into something with regards to the schools and the kids going through the intersection. The second was Tighe & Bond was going to work on an estimate as to what the cost would be if the sidewalk were on the side of the golf course as opposed to opposite side. Mr. Clark later received an email from the Town Planner indicating that there was consensus and that they would go forward with the plan as presented. Mr. Clark did not recall taking a vote on anything. He summarized by stating that somewhere, which he was not party to, a consensus was reached. He added that there was a posting for the March 11th Selectmen's meeting which was to be a joint meeting of the Planning Board and the Board of Selectmen. A few days after the original posting, the agenda was revised, and the Planning Board participation was deleted. At that meeting Mr. Clark learned that there is a Shared Streets Committee. He is aware that there is a Complete Streets Committee of which the Planning Board is the committee. Mr. Clark stated that the Town Administrator made several references to the committee and mentioned the members of the Planning Board and further stated that the committee's work is finished. Mr. Clark submitted that he understood that to mean that the Board no longer has a role, and they should consider disbanding. Mr. Clark stated that Town Administrator Ruda has submitted many signed documents to the State referring to the Complete Streets Committee. Mr. Clark will be submitting a request for public records, attempting to find out what the minutes and agendas were. It appears to Mr. Clark that there are two

committees. One being the Complete Streets Committee that was agreed to by the town and signed by the Board of Selectmen in September of 2020. The other being the Shared Streets Committee. Mr. Clark is not certain what the Shared Streets Committee's function is and how it works in conjunction with the Complete Streets Committee.

- Town Planner Scanlan said that perhaps it was time to revisit the Complete Streets Policy that was approved by the Board of Selectmen that established the Planning Board as the Complete Streets Committee and gave various charges to the Planning Board to investigate how to make our streets safer and more accessible to people. The Board should review and see what has been accomplished, what has worked well and what they need to improve.
- Chairman Horne asked the Town Planner if the complete streets program was the program that received a \$400,000 grant to do all the sidewalks on Mason Road from the Fire Station up past the school; the Town Planner responded yes, it was. Chairman Horne asked that because they received that grant, would they have to wait three years before they could reapply. Town Planner Scanlan thought it was a four-year waiting period. Chairman Horne stated that the new grants had been elevated to \$500,000 however they would have to wait four years. He reasoned that the committee would not necessarily need to be disbanded.
- Richard Clark checked with the State with regards to the Shared Streets Committee and received a reply from Amber Valencourt, the community grants coordinator, Highway Division Massachusetts Department of Transportation. Ms. Valencourt stated that a community does not need a committee for any of their grant programs. Mr. Clark stated that the town does need a committee for the complete street grants. According to the State Department of Transportation, a Shared Streets Committee is not required. Mr. Clark had additional emails from CMRPC and a person from Mass Planners indicating that the Shared Streets Committee does not have any standing or recognition with regards to applying for grants; it's not a necessary function.
- Town Planner Scanlan stated that he felt part of the problem was that the complete streets program calls for a citizen committee to oversee the process; the shared streets program does not. So, as a result, it became a staff function so the Town Administrator, Town Planner, Highway Superintendent, and the Police Chief were working with Tighe & Bond on the intersection improvement. You could call it a committee, but it is not intended to be the same kind of public body as the Complete Streets Committee,
- Chairman Horne asked if the amount of grant money available was the same for the Shared Streets Committee as it is for the Complete Streets Committee. Town Planner Scanlan said that the Shared Streets Committee received \$177,000 and that it is still significant money.
- Chairman Horne said that he had watched the Selectmen's meeting and the project that they were proposing would cost upwards of \$400,000, so the remaining \$200,000 more or less would come from Chapter 90 money. Town Planner Scanlan said that the Selectmen could authorize use of Chapter 90 money for the project.
- Town Planner Scanlan stated that the Planning Board had worked with CMRPC on a prioritization plan and identified over 20 specific projects that needed to be done. If they had waited to only use the complete streets program, it would take forever to get all the work completed. Occasionally other programs come up where the State has grant money, and the town considers where they might direct that money to make improvements in the town that best fit the program.
- Richard Clark reiterated that the Town Administrator did not mention the policy of the Complete Streets Committee but rather stated that it was completed and no longer needed. Mr. Clark felt that there were some good things about the plan for the intersection at Tanyard Road had but questioned if it was the best plan. There had been a different option that might have been more impactful and the one that is approved

- might be acceptable to the largest number of people.
- Chairman Horne said that Dudley does not have many sidewalks so one sidewalk is better than no sidewalk. Additional sidewalks could be added in the future. Mr. Clark stated that he has attended many meetings and has always been on the record as an advocate for sidewalks. He felt that the two committees could work together rather than eliminating one.
- Town Planner Scanlan stated that it should be placed on the agenda and discussed at the next meeting. Chairman Horne stated that there were other programs such as the safe routes to school and it hadn't been approached yet. Town Planner Scanlan said that they were doing the sidewalks in the vicinity of the Stevens Mill under the Mass Works Grant that they received. It is another example of a funding source that they pursued and were able to get.
- Chairman Horne asked the Town Planner if they needed the Board of Selectmen's approval for the complete streets because the Selectmen are also the Highway Commissioners. The Town Planner replied that the Complete Streets Policy was signed and approved by the Board of Selectmen, so the Planning Board does have their support. Chairman Horne stated that he did not see an ending date for the committee on the policy. Town Planner Scanlan said he did not see anything either and that it asks for the Planning Board to stay involved and to monitor things, identify deficiencies and continue to work on improvements. And further, to make sure that town projects comply with complete streets standards.
- Mr. Clark stated that he wanted the Planning Board to have a place at the table and to let the Board have a voice.
- Chairman Horne asked if the Board could vote to request that the Board of Selectmen invite the Planning Board to have a joint meeting on any meeting that involves sidewalks in the future. Richard Clark would also like to ask for clarification from the Board of Selectmen on what they see as the Planning Board's role going forward. Town Planner Scanlan stated that the Board should review first and decide what the Planning Board's role should be and then have a discussion with the Selectmen. Richard Clark stated that he thought their role was clear as written in the policy that was created in 2020.
- Chairman Horne said that the policy was in their packets so they could read and review it because it is four years old.

Standard Business

1. Discussion/Status Report on finishing construction of, and acceptance of, uncompleted/unaccepted subdivision streets, including:
 - a. Pierpont Estates - No updates.
 - b. Rocky Hill Estates – No updates.
 - c. Country View Estates (Eisenhower Drive) – The Town Planner stated that the Board of Selectmen had an item on their agenda to use the Country View Estates escrow to fix the sewer pump station. It was tabled because the amount that is available is not enough to finish the project. The Water and Sewer Commission had decided that they would not add any additional money of their own to the project. Richard Clark stated that he thought it now went back to the betterment process. Chairman Horne asked the Town Planner if letters could be sent to the homeowners on that street so that they could explain the situation. Thomas Chojnacki said that he thought that a Sewer Commissioner suggested taking the issue to Town Council regarding the developer who walked away from the sub-division. Chairman Horne said that at some time the residents on the street are going to want the street accepted and he felt that they should provide an explanation to the homeowners about their situation. He asked the Town Planner to invite the residents to a future meeting when the Board does

not have a public hearing. The Board could explain the betterment process and see what they want to do. He added that Selectmen Sullivan was adamant that the roadway needs to be looked at because a length of time had passed and there was some cracking in the pavement. Richard Clark said the Board's focus had been on the sewer pump, but it was certainly a package in terms of the road being accepted and perhaps there may be other issues in play; the longer it's delayed, the cost will increase. Richard Clark also suggested that developer Mr. Heney be invited as well. Thomas Chojnacki said he would like to invite the Water and Sewer Commissioners as well. David Durgin suggested that the Board ask Graves Engineering to determine what exactly needs to be done because an as-built will be needed. Town Planner Scanlan said that he was disappointed as he had hoped that this matter would be resolved before the spring. Because it would cost more money than was available, it would take another year to sort it out. Chairman Horne said that with luck, they could get the betterment into this year's fall town meeting.

- d. Tobin Farm Estates – No updates.
- e. Lyons Estates – No updates.
- f. Sophie's Way – No updates.

2. Inspections and Actions Associated with Site Plans

- Legacy Landing/Country Club Acres – Richard Clark recused himself from the Planning Board and moved to the podium to speak as a resident. Mr. Clark has spoken with some of the residents, and they have a list of issues to address with the developer. He recalled that the Planning Board had granted 21 waivers, and he is not certain where the issues would stand. His fear is that the situation might become like what has happened with Eisenhower Drive where you have a contractor who is not in town and is working elsewhere on other projects, leaving behind something that is less than what it should or could be. One of the issues is that the homeowners were told they would have natural gas and they have propane tanks instead. Some of the concrete work is not what it was supposed to be; it's what was advertised versus the reality. It is a private road, so the town would not be accepting the street, but the homeowners are town residents. Chairman Horne stated that there is not a lot the Planning Board can do on their behalf because basically, it is a condominium complex. Richard Clark said the residents have a homeowner association and he did speak with a member in an unofficial capacity. Mr. Clark told them to pay attention to the Planning Board meetings and to attend the meetings if there are issues where the Board be of help to them. As a courtesy to any resident, the Board would be available to hear their concerns. Chairman Horne stated that he couldn't recall if there was a covenant for Country Club Acres; Thomas Chojnacki thought the developer might have paid cash security. Town Planner Scanlan said he would check. Chairman Horne asked if the developer had requested a final inspection by Graves; Town Planner Scanlan replied that he had not. An extension was requested, and the Board had approved a one-year extension. Chairman Horne asked that the Town Planner let the Board know when the covenant would expire and what they had for holdings for the sub-division.
- SEP Solar, Oxford Avenue – No updates.
- JD&D, 24 Oxford Avenue – Town Planner Scanlan said that there was to be a pole hearing with National Grid to supply power to the site. The pole hearing is scheduled for April. He believes that should be the last item that needs to be done so hopefully the project will be completed.
- Stevens Mill – No updates.

- Solar Project at the Landfill – No updates.

3. Planner's Plate –

- Town Planner Scanlan reminded Board members Guy Horne and Thomas Chojnacki that they were up for re-election and that nomination papers were available at the Town Clerk's office for anyone who wished to run for the position. Nomination papers are due April 22, 2024.
- He also stated that the Board of Selectmen would be hosting a workshop on April 8, 2024, regarding the Fun Zone to discuss what type of equipment would need to be purchased. The overall plan has not changed; the new plan includes both active and passive space. The project will be completed in two phases. The first phase will be to develop the active space. While this is being accomplished, the Town will seek grants to complete Phase 2.

4. Comments from the Planning Board –

- Richard Clark stated that Gateway was another committee that the Board had an opportunity to interact with; they meet monthly in the mornings. He added that things could be accomplished collectively as opposed to individual efforts.
- CMRPC would be holding their quarterly meeting on March 14, 2024; the meeting can be attended via ZOOM.

5. Comments from the Audience –

- Gregory Chojnacki of Eagle Drive addressed the Planning Board with many concerns. He stated that he was part of a local group of citizens called the Dudley Patriots who were attempting to achieve tax breaks for older residents. He inquired about the solar project at the landfill and asked the cost of 1 kw hour to build.... Planning Board member David Durgin stated that it does not cost the town anything. Chairman Guy Horne stated that his questions were for the Selectmen and the Planning Board had only approved the design plan.
- Mr. Chojnacki stated that residents on Eagle Drive are having problems with water due to PFAS and the town is doing nothing to help. David Durgin said that the town wants to install water lines down Eagle Drive to resolve the issues that the residents are having with PFAS in their wells. Mr. Chojnacki, who is the developer of Eagle Drive, stated that it was his original plan to install both water and sewer lines in his development but, due to a water moratorium, he was prevented from doing so. He further stated that the town would have to tear up the road to install water lines and he won't allow it.
- Mr. Chojnacki wanted information on Stevens Mill and asked how much it was costing to rehab the Mill. The Board explained that the project was being done by a private developer, but the town had agreed to tax reductions.
- Mr. Chojnacki asked about the bridge on Brandon Road that had been out of use for quite some time. Richard Clark stated that the Selectmen had discussed a temporary bridge but, due to the expense, that solution was some time away and that the Town was trying to obtain grants for its repair. Mr. Chojnacki intends to have an article placed on the spring annual town meeting warrant regarding this matter.
- Mr. Chojnacki expressed other concerns such as a construction business on Oxford Avenue and the marijuana facility located on Chase Avenue. The Planning Board advised that he

voice his concerns to the Board of Selectmen.

Other Business

1. Set Next Regular Meeting Date: The next meeting is scheduled for March 27, 2024.
2. Approval of consultant vouchers / payment of bills:
 - Graves Invoice #38872, Sophie's Way Completion Estimate, \$1,520.03
 - Graves Invoice #38840, Pierpont Estates Completion Estimate, \$1,048.06

A motion was made by Richard Clark to approve both Invoice #38872 in the amount of \$1,520.03 and Invoice #38840 in the amount of \$1,048.06 payable to Graves Engineering, Inc. The motion was seconded by David Durgin. The motion was approved 5-0-0.

3. Other Town Notices: Town Planner Scanlan noted that the ZBA approved the Shared Driveway Special Permit for Old Southbridge Road, Kabob Realty. One driveway will service five house lots.

Adjournment

Richard Clark moved to adjourn the meeting; seconded by David Durgin. Motion carried unanimously (5-0-0). The meeting was adjourned at 9:05 p.m.

Documents included:

- Agenda
- Minutes: February 21, 2024
- ANR Plan: 4 Charlton Road including Certificate of No Appeal
- ANR Plan: Pierpont Estates, Lot Line Change
- Shared Driveway Design and Standards Article (Original and Proposed)
- Dudley Complete Streets Policy
- Short-Term Rental General Bylaw-Draft
- Invoices (2): Graves Engineering, Inc. - \$1,520.03 and \$1,048.06

Respectfully submitted,

Ora E. Finn, Clerk

Guy Horne

Richard Clark

Daniel Edmiston

Thomas Chojnacki

David Durgin

Minutes: March 13, 2024

Approved and Signed: April 10, 2024