

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, January 10, 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 7:04 PM on Wednesday, January 10, 2024, by Daniel Edmiston, Vice-Chairman. Members attending were David Durgin, Richard Clark, and Thomas Chojnacki (arriving at 7:09 pm) Town Planner William Scanlan was also present. Absent: Guy Horne

The Vice-Chairman announced that the meeting was being recorded.

- Pledge of Allegiance

Vice-Chairman Edmiston asked if the Board would agree to wait to approve the minutes until the next scheduled meeting when Chairman Horne would be present. The Board agreed and the approval of the meeting minutes was tabled.

New Business:

1. Approval of Minutes:
 - a. December 13, 2023: tabled until January 24, 2024
 - b. December 18, 2023: tabled until January 24, 2024
2. ANR Plans: N/A
3. Re-appointment of Ellen LaPrise and Mark Marzeotti as Members of the EDC (Economic Development Committee), Term to Expire 6/30/2025.

Town Planner Scanlan stated that the EDC was created through a town bylaw and consisted of seven (7) members, (2) of which were appointed by the Planning Board. He explained that the appointment term was for three (3) years but the appointments before the Board would expire in two and a half (2.5) as there was a delay in placing this item on the agenda.

After a brief discussion, Richard Clark made a motion to appoint both Ellen Laprise and Mark Marzeotti to the EDC; terms to expire on June 30, 2025. The motion was seconded by David Durgin and was approved by unanimous vote. (4-0-0)

4. Discussion with Mike Chito about changing the name of Jean Street.

Mr. Chito was not present. Bill Scanlan provided background information on the subdivision stating that four (4) buildings of four (4) units each and was approved by the Planning Board in 1968. The Town Planner provided the Planning Board with a copy of MGL Chapter 85, Section 3B (Changing of Name of Way) and read the law into the record. Jean Street is a private way. MGL states that the authority to change the name of a street lies with the Board of Selectmen. The Planning Board agreed to extend an invitation to Mr. Chito to appear at the next meeting so that he could explain his reasons for asking for the street name change. This item was tabled until the January 24, 2024, meeting.

5. Request to Release Lot A13 on Bona Drive from the Covenant, Gregory Chojnacki

Mr. Chojnacki was not present. Bill Scanlan stated that Mr. Chojnacki had paid Three Thousand Dollars (\$3,000) in accordance with the covenant and had also provided a signed certificate of release from the Town Treasurer/Collector stating that there were no back taxes due or liens on the property. Town Planner Scanlan had driven to the location and stated that he saw no impediments and that conditions have been met to release the lot as buildable.

Thomas Chojnacki stated that he would abstain from the vote. Richard Clark made a motion to release Lot A13 Bona Drive; the motion was seconded by David Durgin. The motion was approved (3-0-1). Bill Scanlan stated that this form needed one signature to be notarized. Richard Clark agreed to have the Town Clerk notarize his signature the following day.

6. Request for Reduction of Cash Security for Pierpont Estates

Present: Tony Cerqueira – Developer of Pierpont Estates

Per the request of the Dudley Planning Board and the developer, Graves Engineering, Inc generated an updated engineer's opinion regarding construction cost estimates for Phase I, Phase IIA, Phase IIB, Phase IIC, Phase IID and Phase IIE; these phases encompass the entire subdivision. The Town Planner explained that the estimate is very detailed, and the amount required should the Town need to complete the road would be Eighty Thousand Seven Hundred Dollars (\$80,700). Tony Cerqueira stated that the current amount being held by the Treasurer is One Hundred Eighty-two Thousand Dollars (\$182,000).

Town Planner Scanlan said that the final phase had been completed and that the road would be completed in the Spring. The completion of the road would be ready for Town approval at the Spring 2024 annual meeting. Tony Cerqueira said that he had received and reviewed a copy of the letter from Graves Engineering. The Planning Board had granted an extension to complete the project with an expiration date of June 2025. Mr. Cerqueira stated that the sidewalk and road were finished and that he had items on a punch list that needed to be finished. He was confident that everything would be completed in time for the Spring 2024 meeting.

Town Planner Scanlan pointed out that listed on the opinion letter, page 2, bullet 3, Graves Engineering noted that they had included a line item entitled Potential Road and Curb Repairs (10% of the top course). This added line item was to account for potential repairs required for

the top course pavement because they were not contacted or informed that the top course paving operations were being conducted and they were not observed by a representative of Graves Engineering.

Town Planner Scanlan stated that all remaining funds will be returned to Mr. Cerqueira once the road is accepted by the Town.

Richard Clark made a motion to reduce the cash security to the amount of Eighty Thousand Seven Hundred Dollars (\$80,700). David Durgin seconded the motion; it was unanimously approved (4-0-0).

Vice-Chairman asked the Board if he could veer from the agenda to discuss a possible solution to receiving information at the last minute prior to a meeting. He suggested that all requests could be made in person at a meeting of the Planning Board. This would give the Planning Board members two weeks' notice of an item coming before the Board. The Town Planner stated that there was a current policy that information be provided to him one week prior to the meeting so that he could forward it to the members for their review. It was the overall consensus of the Board that they would like to have more time to review documents and visit sites if need be.

7. Review Site Plan Approval Decision for the Dudley Housing Authority Parking Improvement Project and Possible Vote to Sign.

Richard Clark asked if any EV charging stations were included in the proposed improvements. The Town Planner said that the DHA had not included any in their proposal and that the Planning Board had not asked for any during the Public Hearing. Vice-Chairman Edmiston said that the subject of EV charging stations should be brought up for future discussion. Richard Clark felt that the required size of the parking spaces should also be brought up for future consideration.

Vice-Chairman Edmiston stated that during the Public Hearing, the Planning Board had two conditions and asked the engineers to include these. Those conditions have been addressed. Due to the absence of Chairman Horne, the Vice-Chair asked the Board if they wished to table the approval until the next meeting. The Board agreed to table the approval until January 24, 2024.

8. Begin Discussion of Short-Term Rental Bylaw Options.

Town Planner Scanlan summarized the following. Two separate bylaws were presented. One a General Bylaw, the other a Zoning Bylaw. Both bylaws are similar with the primary difference being that if the zoning bylaw were approved, zoning districts would be designated, regulating where short-term rental use might be prohibited or granted as a matter of right. This could potentially be a disadvantage because any existing short-term rentals would be grandfathered.

The other option would be the general by-law. The Selectmen as the licensing authority in the town would be responsible for these uses. The Selectmen would issue a license and the short-term rentals would be subject to inspections by the Building Inspector, Board of Health, Fire Department, etc., to ensure that the property was brought up to code and safe for the renters. CMRPC already has drafts of both zoning and general by-law outlined. The issuance of a short-term rental license would involve a public hearing and would be renewed annually.

Richard Clark was in favor of the General Bylaw. Vice-Chairman Edmiston asked for

clarification on the process and that the Planning Board were being asked to make a recommendation to the Board of Selectmen. The Selectmen would then make the final decision on which bylaw would move forward for a town meeting vote. Vice-Chairman Edmiston felt that the Board should wait until Chairman Horne was present to vote on who would be the best entity to oversee the short-term rentals. The Board was in agreement.

The item was tabled until the January 24, 2024, meeting.

Standard Business

1. Discussion/Status Report on finishing construction of, and acceptance of, uncompleted/unaccepted subdivision streets, including:
 - a. Pierpont Estates – Discussed earlier in the agenda with the request for reduction of cash security.
 - b. Rocky Hill Estates – Discussed earlier in the agenda with the request to release Lot A13 on Bona Drive.
 - c. Country View Estates (Eisenhower Drive) – The Sewer Department is looking into repairing the Sewer Pump Station and bringing it up to town standards. The Town does not have enough money to repair both the sewer pump and the road. Town Planner Scanlan stated that he feels the repair of the sewer pump is critical. Once again, the option of betterments on the properties of Eisenhower Drive was discussed to repair the road.
 - d. Tobin Farm Estates – The Town Planner is waiting for Graves Engineering to provide an estimate and it is hoped that this will be ready for acceptance at the Fall 2024 Town meeting.
 - e. Lyons Estates – It may not be ready for Spring 2024 acceptance, but all the lots had been sold.
 - f. Sophie's Way – Town Planner informed the Board that he had spoken with developer Steve Watroba. Mr. Watroba was unable to get the binder course down for the road due to issues with National Grid. Mr. Watroba has a buyer that would like to start building right away. Mr. Watroba is willing to put up a cash security to cover the cost. The Planner asked for the Board's thoughts on the matter. After some discussion, it was agreed that the Planner would contact Graves Engineering and ask them to provide an estimate to the Planning Board.
2. Inspections and Actions Associated with Site Plans
 - Legacy Landing/Country Club Acres – No updates.
 - SEP Solar, Oxford Avenue – No updates.
 - JD&D, 24 Oxford Avenue – No updates.
 - Stevens Mill – No updates.
 - Solar Project at the Landfill – No updates.
3. Planner's Plate –
 - Town Planner Scanlan informed the Board that the developer of property owned by Kabot Realty, located on Old Southbridge Road had provided an updated plan to the ZBA and Planner regarding a special permit to use one common driveway to service a total of five (5) lots. This item would be placed on the January 24, 2024, agenda for discussion.

- An update on the proposed alterations to the Tanyard Road/Dudley Hill Road, Airport Road intersection was provided to the Board. Tanyard Road will become a one-way and the entrance to the Dudley Golf Course will be narrowed.

4. Comments from the Planning Board –

- Richard Clark informed the Board that CMRPC was holding a meeting on reducing Climate Pollution on January 11, 2024.
- Richard Clark spoke about the Fun Zone and that there was a possibility for grant money. He will forward a newsletter.

5. Comments from the Audience – None

Other Business

- Meeting Schedule
 - The next Planning Board meeting is scheduled for January 24, 2024.
- Approval of consultant vouchers / payment of bills.
 - A motion was made by Richard Clark to approve payment of \$102.90 to Stonebridge Press for Legal Ad for the Dudley Housing Authority Public Hearing. The motion was seconded by Thomas Chojnacki. The motion was unanimously approved.
- Other Town Notices
 - Town Planner Scanlan informed the Board that the Town Clerk notified all employees and committee members that they must complete their online Ethics Acknowledgement Form.
- Other Correspondence – None

Adjournment

Thomas Chojnacki moved to adjourn the meeting; seconded by David Durgin. Motion carried unanimously (4-0-0). The meeting was adjourned at 8:25 p.m.

Documents included:

- Agenda
- Minutes: December 13, 2023 & December 18, 2023
- 1968 Plan of Jean Street / Copy of MGL Chapter 85 § 3B
- Certificate of Performance / Tax Collector-Treasurer Sign Off Sheet for Lot A13 Bona Drive
- Pierpont Estates / Graves Engineering, Inc. Letter of Opinion Construction Cost Estimates
- Decision: Major Site Plan Review/Parking Improvements for Dudley Housing Authority
- Short-Term Rental Bylaw Options: General and Zoning
- Invoice: Stonebridge Press
- Ethics Acknowledgement email from Town Clerk

Respectfully submitted,

Ora E. Finn, Clerk

Guy Horne

Richard Clark

Daniel Edmiston

Thomas Chojnacki

David Durgin