

# 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 24, 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, January 24, 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:

- December 13, 2023: Motion was made by Daniel Edmiston to approve the minutes of December 13, 2023. The motion was seconded by David Durgin and was approved 4-0-1. Richard Clark abstained, stating that he had not attended that meeting.
- December 18, 2023: Motion was made by Richard Clark to approve the minutes of December 18, 2023. The motion was seconded by David Durgin and was approved 4-0-1. Daniel Edmiston abstained, stating that he had not attended that meeting.
- January 10, 2024: Motion was made by Richard Clark to approve the minutes of January 10, 2024. The motion was seconded by Daniel Edmiston and was approved 4-0-1. Guy Horne abstained, stating that he had not attended that meeting.

Town Planner Scanlan notified the Board of the ADA requirement regarding minutes posted on the website. Scanned copies will no longer be posted on the website. Unsigned, approved minutes that include a notification stating that signed copies will be made available for inspection

in the Town Clerk's Office will be posted online in order to be ADA compliant.

2. ANR Plans: N/A

3. Review Site Plan Approval Decision for the Dudley Housing Authority Parking Improvement Project

- Daniel Edmiston stated the Board had taken a brief look at the Approval Decision during the last Planning Board meeting. The Board chose to wait until Chairman Guy Horne was present so that he could voice his opinion.
- Guy Horne asked if the Board had received a letter from the independent reviewer that was hired by the Board. Town Planner Scanlan stated that it had been received and everything was in order.
- Richard Clark asked if there was a representative of the Dudley Housing Authority present; there was not.
- Richard Clark mentioned that the plan did not include EV charging stations. Guy Horne said that there wasn't a by-law regarding EV charging stations. Richard Clark strongly felt that this issue needed to be addressed in the future.
- David Durgin made a motion to approve the Site Plan for the Dudley Housing Authority Parking Improvement Project. The motion was seconded by Daniel Edmiston.
- Chairman Horne asked if there were any conditions. The Town Planner stated that there were two conditions that the Peer Review had recommended. The conditions are noted in the written decision on page 3. section V. Decision and Conditions, Comments #1 and #5.
- The motion carried 4-0-1. Richard Clark abstained.

4. Discussion of 5-Lot Common Driveway Site Plan, 126 Old Southbridge Road, Kabob Realty Trust: To Advise the Board of Appeals on the Issuance of a Special Permit

- Present for discussion: Owner/Developer Bob Coutre of Kabob Realty; Abutters MaryBeth and Richard Jolda, Old Southbridge Road and ZBA Member Steve Watroba
- Town Planner Bill Scanlan distributed site plan maps to the Planning Board members.
- Chairman Horne noted that the proposed driveway met the required 6% grade for the first 50', but after that the driveway was very steep.
- Bob Coutre stated that reducing the first 50' to 6% grade was what was asked of him at the previous meeting. He added that the new plan included a "T" for public safety vehicle turnaround and that the driveway width was 16'. He would re-grade at the bottom of the driveway to make room for mailboxes and a place for the children to stand while waiting for the bus. There would also be a 4' wide crushed stone walkway.
- The Planning Board compared the original plan approved by them with the newly submitted plan. Mr. and Mrs. Jolda expressed their concerns regarding water runoff from the driveway affecting their property and said that he had suggested a second driveway to reduce the water flow and traffic flow at the previous meeting. Mr. Kabob stated that it was not a possibility that he approved. Planning Board member Thomas Chojnacki suggested that the existing driveway could be modified so that the water flowed across the front of the Jolda property and did not go directly towards the property.
- Mr. Jolda inquired about the town bylaw allowing only two houses per driveway. Richard Clark, through the Chairman, asked the Town Planner if he were correct in stating that the sub-division rules and regulations did not apply. Town Planner Scanlan said that he was correct. Mr. Clark continued speaking, stating that the only thing regarding common driveways references the Zoning Board of Appeals, so effectively, there is no bylaw. He commented that it is one of the big holes that the Planning Board tried to plug at previous town meetings and it didn't go anywhere. He asked what a common driveway was and stated that it is like a private street. He voiced his concern over the future condition of the driveway saying that starting on day one, the driveway would be as good as it would

get. He reiterated that common driveways were a problem in Dudley as they went around the sub-division rules and regulations. He questioned the future potential number of homes that a developer could build using one common driveway. Mr. Clark hoped that at some point the Planning Board would propose another bylaw to be placed on the warrant for a town meeting to address this issue.

- Daniel Edmiston was in total agreement with Mr. Clark. He listed many problems that he saw with the proposed design of one common driveway such as washout, sediment, etc. The Planning Board had already approved the initial plan and was only being asked to provide a recommendation; it was out of the jurisdiction of the Planning Board and was now an issue for the Zoning Board of Appeals. Daniel Edmiston recommended that the applicant look into storm water management. He added that in his opinion, five houses using one driveway was not a common driveway but, he was not a member of the ZBA.
- The members gave individual recommendations, and all agreed that the current engineered plan should include storm water drainage. Daniel Edmiston suggested that the storm water should be dealt with on site.
- Town Planner Bill Scanlan suggested that Mr. Coutre contact the Conservation Commission to see what Storm Water Management would suggest.
- ZBA Member asked for clarification and asked how many lots would be serviced by the one driveway. Mr. Coutre stated that one common driveway would service (5) five houses. Mr. Watroba asked if the only modification to the original driveway would be that the driveway be widened. After further discussion, Steve Watroba stated that Mr. Coutre had two options. Option 1: Keep the original approved plan showing 3 driveways and there would be no need to go before the ZBA for a variance. Option 2: Going to the ZBA with the plan that he presented to the Planning Board which shows the existing driveway with modifications for five houses. He felt that without the proper drainage that the Planning Board had concerns with, the one driveway would be a hard sell. He stated that he was only one member of the ZBA but without the drainage being addressed, he would vote no. He further stated that plan would need to be an engineered plan.
- Mr. Coutre stated that he had decided to reduce the number of driveways for public safety purposes and now was unsure as to whether he would pursue his request with the ZBA.

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

- Owner Mike Chito was present. He told the Board that he had owned the property since the 1980's. It consists of 4 buildings with a total of 16 units. He explained that he was looking to see if the street name change was a possibility and what the process was. When asked if the current tenants were aware of the possible name change, he said that they were not aware at this time.
- Town Planner Bill Scanlan referred to State Law and noted that street name change was under the authority of the Board of Selectmen. He added that normally there would have to be a reason. For example, the name was like another street name.
- It was noted that Jean Street is a private way with private water and sewer.
- Richard Clark asked Mr. Chito what the benefit of changing the name would be. Mr. Chito explained that the sub-division had been approved in 1968 and the street was named after the previous owner's wife. Mr. Chito has owned the property for 45 years and would like the street name to reflect that.
- The Board suggested that Mr. Chito ask to be placed on the Selectmen's agenda to discuss the street name change.
- The Board agreed that the Selectmen have the authority to change the street name. Daniel Edmiston made a motion to send a letter to the Board of Selectmen informing them that Mr. Chito appeared before the Planning Board and the Board does not object to the name change. The motion was seconded by Thomas Chojnacki. The motion was

approved by unanimous vote 5-0-0.

6. Annual Update of Adult Marijuana Establishment, 35-37 Chase Avenue

- The owner/representative of this establishment was not able to attend the meeting.

7. Country View Estates (Eisenhower Drive) – Use of Escrow Funds for Sewer Pump Station Repair, Recommendation to the Board of Selectmen.

- The Town Planner presented the Board with two quotes for a pump station. The first quote was provided by Kats Pump Service Inc.; the second quote was provided by Patriot Pump Service LLC. Town Planner Scanlan said that there is a little over \$10,000 in escrow to make improvements and that the Board of Selectmen are authorized to expend money from escrow accounts. The Planning Board needs to make a recommendation to the Board of Selectmen to use the escrow money.
- Chairman Horne asked if Eisenhower Drive was being plowed. It was unclear.
- Richard Clark felt it was in the interest of the residents to get the pump installed and the Board could discuss betterments in the future for the road repair.
- Chairman Horne stated that the Water/Sewer Department wanted to get the pump installed as soon as possible.
- Daniel Edmiston made a motion to provide a letter to the Board of Selectmen stating that the Planning Board recommends paying for the sewer pump repairs on Eisenhower Drive based on the (2) two estimates that were provided and that the money should come from the escrow account. Richard Clark seconded the motion. The motion was approved 4-0-1 with Thomas Chojnacki abstaining.
- Chairman Horne requested that Town Planner Scanlan send letters to the property owners on Eisenhower Drive explaining the situation and the benefits of the betterment process.

8. Discussion of Short-Term Rental Bylaw Options

- Both Zoning and General Bylaws were drafted by CMRP for the Town to consider. During a joint meeting of the Board of Selectmen and Planning Board, held on December 18, 2023, the Selectmen deferred to the Planning Board to develop a by-law and bring it to the Board of Selectmen for review.
- Both options would allow the town to collect an additional tax for the town.
- A zoning by-law could specify zoning districts where they would be permitted. Either a special permit or site plan review could be required or some approval process where the abutters would be notified.
- The other option would be through a general by-law. The Selectmen as the licensing authority in the town would be responsible for these uses. The Selectmen would accept the applications and issue the short-term rentals license. The property 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 prior to the approval and issuance of the license. There would probably be an annual renewal so that if any issues came up, the Selectmen could address them at the time of the renewal.
- Chairman Horne asked if the Town Planner had a recommendation. Bill Scanlan recommended the General Bylaw. Under the Zoning Bylaw, any existing short-term rentals would be grandfathered. However, under the General Bylaw, all existing short-term rentals would have to come into compliance, have inspections and be subject to an annual renewal.

- Richard Clark stated that there were currently (6) six existing short-term rentals and if the Board did not recommend the General bylaw, those rentals would remain as they are. The General Bylaw would be the only way of assuring that they were inspected.
- Daniel Edmiston stated that he was in favor of the General Bylaw.
- Town Planner Scanlan said that he would work with the General Bylaw and bring it to the Planning Board for their review. The bylaw will probably be an article on the Spring Town Meeting.

## **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) – Discussed earlier during the meeting.
- d. Tobin Farm Estates – No updates.
- e. Lyons Estates – No updates.
- f. Sophie's Way – Town Planner Scanlan mentioned that the developer, Steve Watroba would like to swap out his covenant for a cash deposit for the Town. To do that, Jeff Walsh would have to go to the site and prepare an estimate. He and Mr. Watroba had planned to do that but there was a snowstorm, so they weren't able to evaluate the existing conditions. The Town Planner is expecting a letter from Graves Engineering in the next week or two that will include the costs of finishing the project. The reason for this is that under a covenant, the developer can't obtain a lot release until the binder pavement is down, but with a cash deposit to cover the expense of finishing the sub-division, it would be possible to release lots. Tom Chojnacki questioned whether it was possible to accept a cash deposit instead of having a covenant. The Town Planner said he would check it out further to be certain.

### 2. Inspections and Actions Associated with Site Plans

- Legacy Landing/Country Club Acres – No updates.
- SEP Solar, Oxford Avenue – Chairman Horne noted that an extension had been given to SEP Solar at one of the Board's prior meetings.
- JD&D, 24 Oxford Avenue – Thomas Chojnacki asked what was left to do on this project and stated that it looked complete. The Town Planner said that the developer had spoken with him about a year ago and had promised to wrap up the project, but he hadn't seen any work on the site in some time. Chairman Horne said that the site had been paved, the building is complete, the fence was repaired but he hadn't seen anything else. Town Planner Scanlan said that he would contact the developer. If it is complete, he will have a final inspection done by Graves Engineering.
- Stevens Mill – Richard Clark stated that the Town Administrator had been in communication with the developer, Camden Management Associates. Apparently, everything is pending on whether interest rates go up or down.
- Solar Project at the Landfill – Chairman Horne asked if the Board could receive and update on the status of the solar project. The Town Planner had not received an update since November of 2023; he will get an update for the Board.

### 3. Planner's Plate –

- Town Planner Scanlan said that he had already mentioned ADA compliance regarding the website.
- Town Planner Scanlan sent the Board information about the citizens planner training collaborative annual workshop. This workshop will be held at Holy Cross on March 16<sup>th</sup>; he encouraged any member that was interested to attend, stating that there would be a lot of good subject material.
- Chairman Horne asked if there had been a resolution to the Tanyard Road cul-de-sac that was discussed at a Selectmen's meeting. Town Planner Scanlan stated that the resolution was not to put in a cul-de-sac but to work on the intersection and to work with the budget that is available. Guy Horne stated that the town had received an extension until 2024 so that the project will have to be completed this year.
- Richard Clark stated that he hoped the need for a sidewalk would be addressed. Chairman Horne said that there would be a sidewalk grant that could be applied for the following year.

### 4. Comments from the Planning Board – Richard Clark stated that it was time to submit budgets for FY '25 and that the Planning Board budget was scheduled for review on February 5<sup>th</sup>.

### 5. Comments from the Audience – Steve Watroba wanted clarification on the possibility of swapping the covenant for Sophies Way for a cash deposit. Town Planner Scanlan said that he would be looking into it based on the comment made by Thomas Chojnacki.

## **Other Business**

1. Set Next Regular Meeting Date: The next meeting is scheduled for February 14, 2024. It was noted by the Board members that this is Valentines Day. Richard Clark stated that this was also the date that the Dudley Selectmen and the Charlton Selectmen would be meeting with the DCRSD to discuss the budget, and that some people may want to attend. The Board agreed to cancel the meeting and move the meeting to the date of February 7, 2024.
2. Approval of consultant vouchers / payment of bills: None.
3. Other Town Notices: Reminder to Complete Conflict of Interest Process
4. Other Correspondence

## **Adjournment**

Richard Clark moved to adjourn the meeting; seconded by David Durgin. Motion carried unanimously (5-0-0). The meeting was adjourned at 8:30 p.m.

## **Documents included:**

- Agenda
- Minutes: December 13, 2023; December 18, 2023; January 10, 2024
- Decision: Major Site Plan Review/Parking Improvements for Dudley Housing Authority
- 5-Lot Common Driveway Sit Plan, 126 Old Southbridge Road, Kabob Realty Trust
- 1968 Plan of Jean Street / Copy of MGL Chapter 85 § 3B
- Kats Pump Service Inc., Estimate 1355-Submersible Pump Station dated 12/12/2023.
- Short-Term Rental Bylaw Options: General and Zoning

- Invoice: Patriot Pump Services LLC
- Preliminary Design Set-Dudley Hill Road Sidewalk Improvements from Tighe & Bond

***Respectfully submitted,***

***Ora E. Finn, Clerk***

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***Guy Horne***

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***Richard Clark***

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***Daniel Edmiston***

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***Thomas Chojnacki***

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***David Durgin***

Approved and Signed: February 21, 2024