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# 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, February 21, 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, February 21, 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. January 24, 2024: Motion was made by Richard Clark to approve the minutes of January 24, 2024 as written. The motion was seconded by David Durgin and was unanimously approved 5-0-0.

#### 2. ANR Plans: N/A

#### 3. Annual Update of Adult Marijuana Establishment, 35-37 Chase Ave. (invited)

- The establishment owner was not able to attend. He will be placed on the agenda of the next Planning Board meeting.

#### 4. Discussion of Acceptance of Cash Security in Lieu of the Covenant for Sophie's Way Subdivision

- Developer of Sophie's Way, Steve Watroba, explained to the Planning Board that he is under contract for one of the lots on Sophie's Way. The buyer sold his house last July;

he and his family have been living with relatives and is anxious to start building their house. Under the current covenant there is a restriction that says Mr. Watroba needs to have the binder coat down and the underground utilities in. The reason that the binder coat was not down is because his contractor suggested that they not put the binder coat down until they trench for the utilities. The contractor was concerned that if they hit any large rocks on the side of the road, the removal of the rocks could end up damaging the road. Because of delays with National Grid, they couldn't get the utility work done and then it was well into November and the asphalt plants had closed. According to the contractor, the asphalt plants are not scheduled to open until the second week of April. Mr. Watroba would like to get permission from the Planning Board to change the security from the standard covenant that is currently in place, to cash security. This was discussed at the previous meeting and the Board said that he could move forward with having Jeff Walsh go to Sophie's Way, do an inspection, figure out what needed to be done and verify what was already done and to provide an amount of how much it would cost to complete the subdivision. Jeff Walsh provided an amount up to \$123,000 and explained to Mr. Watroba that the amount includes all the work being done at prevailing wage. The prevailing wage was used so that if Mr. Watroba were to walk away from the subdivision, this amount would cover what the Town would pay to cover the contractors to finish the project. Jeff Walsh also included a 20% contingency which covers increases in the cost of materials. Mr. Watroba stated that he is willing to move forward with the cash security as suggested by Mr. Walsh and stated that he already has the financing in place so that he can draw the \$123,000 that would be required. If the Planning Board were to agree to the cash security, he would like something in writing to assure that the cash security would guarantee the lot releases. If he can't get the lot releases, there would not be any point in switching from a covenant to a cash security. The Building Inspector cannot issue a building permit until he has verification from the Planning Board that the lots are released.

- Chairman Horne expressed his concerns that if the Board were to release the lots and the lot owner was able to finish building his house before the road was paved and the utilities were installed, the person would be unable to obtain an occupancy permit. Steve Watroba stated that even if the building were to begin this week, it would not be possible to finish the house to a point where they would be requesting an occupancy permit before the end of April. Chairman Horne asked if the contractor was already scheduled for the end of April to do the paving work. Mr. Watroba stated that the contractor was scheduled and added that National Grid also received approval from the Board of Selectmen to move poles. The work that National Grid handles has all been paid for. Mr. Watroba has an engineering design. Mr. Watroba clarified for Planning Board member David Durgin the location of the pole which is to the left of the lot being built on. The lot is straight up in the middle and back.
- Member Thomas Chojnacki stated that Mr. Watroba was not able to put in utilities until the road binder was down because they would need to measure 2' from the road for the utility installation. Mr. Watroba said that he could install the utilities prior to the road binder because the utilities are in the right of way to the side of the road, and they are not in the paved area. Thomas Chojnacki stated that National Grid requires the road binder to be down first. Mr. Watroba stated that that was not what he was told by the engineer from National Grid.
- Member David Durgin asked Mr. Watroba if he had approval from the Water/Sewer Department. Mr. Watroba said yes and that he already had all the tie-ins.

- Member Richard Clark asked when the buyers of the lot would begin building. Mr. Watroba said that they were in the process of working with the builder who had purchased the ANR on Sophie's Way. The builder does not have any current plans for the ANR lot and may end up going to the build on the lot in question. The person who is purchasing the lot in back wants to use the same builder. That deal can't be closed either as it would be difficult for the builder to guarantee that he is going to build on a lot that the gentleman does not technically own yet.
- Thomas Chojnacki commented that Chairman Horne had stated that lots couldn't be released until the binder was down and the utilities were installed. Town Planner Scanlan addressed the Board and referred to a handout that he had provided to the Board. The handout was a partial copy of the Subdivision Rules and Regulations, Page 26, Section 19. The section covers this situation where a subdivider wants to change the covenant for another form of security, they are allowed to do so, and it sets forth the standards to which that happens. In this case, Mr. Watroba wants to exchange the covenant and put up a security. The Town Planner went on to say that he felt Mr. Watroba had fully complied and had Jeff Walsh identify the work that remains to be done including an estimate of \$123,000 and Mr. Watroba wants to provide a check which would be cash given to the Town Treasurer. The final paragraph of Section 19 states that "The Planning Board in consultation with its professional staff, consulting engineer, and other municipal departments, will make a determination on the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant." So, there is nothing in that section that says if you put up cash, you must have the pavement in. The pavement is only required if you have a covenant.
- Mr. Watroba referenced item #8 on the current covenant which states that "nothing herein shall prohibit the developer from varying the method of securing the construction of ways and installation of Municipal services and from time to time or from securing by one or in part by another of the methods described in MGL Chapter 41, Section 81U." Mr. Watroba had a copy of the MGL law if the Board wished to see it.
- Richard Clark commented that it was simply trading one type of security for another. Mr. Watroba assured the Board that he would not be making any changes to the original subdivision plan.
- Town Planner Scanlan asked if the homes had foundations or slabs. Mr. Watroba responded that they would probably be foundations and that there was no indication of any problem with high water table. The Town Planner asked if the ground was frozen, would Mr. Watroba have to wait to do the work. Mr. Watroba said that he had just spoken with his excavation contractor who said that he was ready to go to the site when Mr. Watroba was ready to begin.
- Thomas Chojnacki inquired about releasing the lots per MGL. Mr. Watroba read parts of MGL Chapter 41, Section 81U into the record. The Town Planner added that it was the purpose of the covenant to prevent building on any lots until the binder and the utilities are in place. Since Mr. Watroba would be exchanging the covenant for cash, the covenant would not apply anymore. Section 19 states that the Planning Board can release the lots once the subdivision is secured by the cash. Mr. Watroba added that the estimate includes the cost of paving and the installation of underground utilities.

- Mr. Watroba stated that if he were to receive a favorable vote, he would bring in the security. The Treasurer would verify that the money was in the bank account and all four lots would be released. The \$123,000 security deposit would stay in the town account until enough of the project has been completed, where Mr. Watroba thinks that it is worthwhile having Jeff Walsh return to do another inspection. He would then submit a request in writing to have the amount of the security reduced commensurate with whatever work has been done.
- David Durgin asked when Mr. Watroba would have the balance of his money returned stating usually it is when the road is accepted by the Town. Mr. Watroba said he would receive it when he provided the Planning Board with the as-built plan and that even though Sophie's Way is a private road, that part of the process isn't different. The only difference being that it would not have to go to the Town Meeting for approval. Jeff Walsh or the town engineer would still have to verify that it's completed according to the design as submitted in the approved subdivision plan. He feels that he should have most of the project done by the Fall except for the final coat of asphalt. He has been told that the binder coat should winter over the course of the season before the topcoat is done. That would be the only thing that would push the project completion into 2025.
- David Durgin asked if the security would void the covenant that is in place. Mr. Watroba replied that it would replace the covenant. Mr. Durgin asked the Town Planner if anything would be added to the covenant. The Town Planner replied that there would not be anything added and that they would be changing the covenant for cash.
- Mr. Watroba stated that the written decision is recorded, and that document remains valid after the covenant is removed in lieu of the cash security.
- Richard Clark moved to accept the cash surety in lieu of the covenant for Sophie's Way subdivision totaling \$123,000. Daniel Edmiston seconded the motion. The motion was approved by unanimous vote 5-0-0.
- Mr. Watroba asked the Town Planner to supply written documentation regarding the release of the covenant so that it could be recorded with the Registry. The Town Planner agreed to provide a written document of the covenant release once the \$123,000 was received and verified by the Town Treasurer.

5. Duplicated agenda item #3.

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

- The Town Planner stated that this subdivision had a 2-year approval and the time was nearing expiration. Mr. Androlewicz is currently out of town but will be attending the next Planning Board meeting.
- David Durgin asked if the expiring approval was just for the cul-de-sac or did it include the grow facility. Town Planner Scanlan stated that the grow facility was a special permit for a 3-year duration.
- Chairman Horne asked if that was a 2-lot subdivision and if there was to be a sidewalk installed on one side. Town Planner Scanlan replied that Chairman Horne was correct. Chairman Horne asked if any work had been done. Thomas Chojnacki stated that no

work has been done yet. Town Planner Scanlan stated that Mr. Androlewicz was working with the Highway Superintendent on an issue with the sidewalk, but he didn't know where that stood currently. He believed that they wanted to put it in the right of way of the road and not on private property.

Richard Clark asked if anything else was due to expire. He inquired about Jesse Road and asked if he was correct that the approval for Jesse Road would expire sometime in the summer. Town Planner Scanlan stated that the Board had given one year but he believed the developer may have had an issue with the sewer moratorium.

Town Planner Scanlan also spoke about JD & D on Oxford Avenue stating that he had contacted them. He believes the owner is waiting for National Grid to provide power, but he thought most of the work was completed.

#### 7. Discussion of Re-Submission of Shared Driveway Standards Zoning Amendment.

- Town Planner Scanlan stated that Richard Clark had requested that this item be placed on the agenda for discussion. The issue came up when the Planning Board reviewed the common driveway on Old Southbridge Road.
- Richard Clark stated that an article had been placed on the town meeting warrant in 2022. Town Planner Scanlan said that he took the same article from 2002 to present it to the Board so that they could adjust it if they wanted.
- Richard Clark stated that the article had received a majority vote in favor of accepting the bylaw but did not receive the required 2/3 majority vote. He is concerned and his opinion is that common driveways are an attempt to create a "cheap" street and to circumvent the rules and regulations that the Planning Board are responsible for. He feels that Dudley would not want to have a situation that he had seen in other towns regarding private streets that are not maintained. He stated that there could potentially be issues with emergency vehicles traveling over unmaintained driveways or roads. He also referenced a comment from a previous meeting from Daniel Edmiston regarding storm water management.
- Chairman Horne asked the Town Planner for his professional opinion. He said that in all the years he had been on the Planning Board, the only people he had seen come before the Board for a common driveway had been developers. It is not typical to see a resident, homeowner, or property owner request to build a common driveway. Town Planner Scanlan said that it can vary; someone could divide a lot and need to do a common driveway and propose it to the Planning Board so it could depend on the situation. Thomas Chojnacki added that with the price of houses, people are doing it more and more.
- Chairman Horne felt that the article that had been presented before was fine and asked the Board if they wanted to move forward with the article as written or change it. Richard Clark stated that he would like to move forward with the article but added that if any Board member saw anything that they thought might be objected to at the town meeting, perhaps the language could be altered.
- Chairman Horne said one of the questions that had come up at town meeting was, what would happen to all the existing common driveways. The Town Planner stated that they would be grandfathered. Chairman Horne noted that they had attempted to explain that

before during the town meeting. Richard Clark said that he would be willing to address the question if it was asked. He believes that this article would take care of a gap. He referred to the people that had appeared before the Planning Board for a recommendation on a common driveway, but the recommendation had no standing. The Board offered their recommendation, but the people needed to go before the Zoning Board of Appeals which meant that the Planning Board had no real involvement.

- Town Planner Scanlan said that the bylaw would be under the jurisdiction of the ZBA if it were to be approved at the town meeting. Richard Clark understood but at least there would be a bylaw in place.
- David Durgin said they could change it to a special permit under the jurisdiction of the Planning Board. Town Planner agreed saying that it could be done as a zoning amendment.
- Chairman Horne stated that the way it is currently written, it is a right for two houses, and you only to go to the ZBA if you want to put more than two houses on a common driveway. David Durgin said that it should be going through the Planning Board because the Board oversees the roads and it's technically a road that they would be putting in.
- Steve Watroba spoke from the audience and asked if there was a provision that limits the maximum length for a common driveway. Richard Clark replied yes, it shall not exceed a distance of 500 feet. Town Planner Scanlan said that the clause says 500 feet "unless", so he thought it could be greater than 500 feet if a person were to get permission from the Fire Chief. Chairman Horne said that if you are building a common driveway and there is a turnaround, he didn't think there would be an issue. However, if they had to back up the fire truck 500 feet, he believes they would be a problem.
- Chairman Horne asked the Board if they would like to place the article on the May town meeting warrant. Richard Clark moved to present at the May town meeting a zoning amendment regarding shared driveway standards and to establish design standard for shared driveways. The motion was seconded by David Durgin. The motion passed 4-1-0 with Thomas Chojnacki voting against. Richard Clark said he was disappointed and felt that it may cause some confusion among the voters that the Board was not unified in proposing the article.
- Town Planner Scanlan asked if the Board wanted to propose the same language. The response was yes. The Town Planner noted that the Board would have to have a public hearing and the Board can modify the article as they go forward through the process. Chairman Horne said somebody may have a different idea and it would be good to get the public's input. Richard Clark added that it could also be amended on the town meeting floor.

## 8. Discussion of Draft Short-Term Rental Bylaw

- Richard Clark commended the Town Planner for all the work he had done on the proposed general bylaw. He appreciated the added information and the explanations provided for the betterment of the bylaw. Town Planner Scanlan said that there were several questions in the model that he thought needed to be addressed based on Dudley's circumstances.
- It was decided that the Board review the proposed bylaw one section at a time.

Chairman Horne asked if the bylaw would require a public hearing. The Town Planner said that it didn't because it was a general bylaw. He added that it is not a Planning Board sponsored article. Once the Board has reviewed and approved the proposed bylaw, it will go to the Board of Selectmen, and they will sponsor the article. The Planner had suggested a joint process, but the Selectmen preferred and trusted the Planning Board to write the bylaw.

- Richard Clark stated that a question was raised by Selectman Johnson as to whether the cost of creating a bylaw would outweigh the benefit, but that was based on the number of Short-Term Rentals that he understood existed in the Town.
- Steve Watroba was in the audience and added that he believed Selectman Johnson thought by having the bylaw, the town might be trying to legislate something that doesn't need to be dealt with. Mr. Watroba said the argument could be made that you don't wait until there's a problem before you have something in place that will help you deal with the problem.
- Richard Clark had a question about Section 3, paragraph d. "Multifamily. Only one of the dwelling units within a multifamily building may be registered as a Short-Term Rental". Town Planner Scanlan said that the model bylaw has that language that he highlighted in yellow. He added his comment (highlighted in blue) questioning is that too restrictive to only allow one per multi-family dwelling if you have a lot of units in a building. You would be allowing only one family to do an STR. He asked what the Board's feelings were on the subject, stating that if they liked the model language, they could leave it or they could change it.
- Richard Clark questioned the definition of multi-family asking how many could that be? Town Planner Scanlan said that a multi-family building is three or more. Richard Clark responded that the "more" is open ended and unlimited. Town Planner Scanlan said that if you had a 12-unit building or a 30-unit building, you would only do one. It was noted that there are not many 30-unit buildings in Dudley; apart from the Mill building, most are 4 or less. Chairman Horne stated that if anyone had a problem with the bylaw, a change could always be made later. He added that if somebody wanted to rent out their apartment or condo for a half or full year, this bylaw would not affect them. Short-Term Rentals have a cutoff period of 30 days but unlimited in the number of times that it can be rented.
- Richard Clark had a question about Section 3, paragraph k. "Upon enacting this bylaw, owners and operators shall have six months (6) to bring short-term rentals into compliance...". Richard Clark felt that people should be given an opportunity to appeal because the Board has heard many times that people were, for example, waiting for National Grid. Chairman Horne stated that the six months was basically to make sure that the rentals were ADA compliant and had smoke detectors, etc. David Durgin questioned if the rentals had to be ADA compliant and felt that would be tough to comply with. Town Planner Scanlan said that there is no grandfather protection under a general bylaw so, any short-term rental would have to be brought into compliance with the bylaw. There would be inspections that would take place. He wasn't certain that STRs had to be ADA compliant, but the general bylaw as presented was neutral on the subject, but if the State Code requires that, then it would have to be. Richard Clark added that it may be cost prohibitive but if someone needed a STR to be ADA compliant, they would specifically look for a rental that was ADA compliant.

- Town Planner Scanlan said that he had added to paragraph k (highlighted in red) the following: “Upon adoption of this by-law, the Board of Selectmen shall notify all owners of existing short-term rental units of the need to submit an application to register their units. Applicants shall follow the procedures contained in this bylaw”. He thought that there should be a process to let them know that they would have to come into compliance. Richard Clark asked if there was an application form; the Town Planner said no, there was not but they could work on that.
- Steve Watroba said that the American Disabilities Act has a provision regarding short-term rentals saying that STR does not need to be ADA compliant if it does not contain more than five rooms for rent and is occupied by the owner of the establishment.
- Richard Clark stated that there were several items on the next page (Section 7) that might come up as concerns or issues. He cited loud noises, and the need for smoke detectors, etc., and asked the Town Planner who one would see to lodge a complaint. Town Planner Scanlan said that complaints like those would probably go to the Building Inspector. The Planning Commissioners agreed that some complaints may go to the Board of Health or the Police Department.
- Steve Watroba asked if the bylaw was still leaning towards having a permitting process where the Selectmen would grant a permit and it would come up for an annual review. If there had been multiple complaints, the Selectmen could either not renew the permit or revoke it.
- Richard Clark addressed Section 8-Occupancy Requirements: “The maximum number of Occupants in a Short-Term Rental shall be two for each bedroom, plus an additional two total”. Mr. Clark wanted clarification if this would be enough to accommodate parents with small children. Town Planner Scanlan said that the two for each bedroom plus two additional would be four allowed in each bedroom.
- Chairman Horne had a question on Section 10-Ineligible Units, paragraph b. “No new Accessory Dwelling Units (ADUs may be permitted for the purpose of becoming a Short-Term Rental”. He asked if someone built an in-law apartment in their house and then afterwards didn’t need the in-law apartment, would they not be able to use it as a STR. The Town Planner stated that he was questioning that as well and was wondering how the Board felt about that section. The Zoning bylaw requires occupancy of one of the units by the homeowner, so any accessory dwelling unit in existence before the adoption of the bylaw could be rented out as a short-term rental. This text would prohibit anything being developed after this bylaw is adopted.
- Steve Watroba said that the city of Boston has a regulation that says you can put an access dwelling unit on your property but one of the stipulations is you cannot use that accessory dwelling unit as a short-term rental.
- The Town Planner asked how the Board felt about the provision and said he could go either way. Chairman Horne referenced the example of the in-law apartment and felt that it was not a bad idea for someone to be able to rent the space out part-time and felt that that could be permissible. The Town Planner felt that it was a good point. He added that the Zoning Bylaw does not allow detached accessory dwelling units. It must be within the home. Chairman Horne stated that it is not allowed at this time, but it is something the Board may want to talk about because many people are building tiny houses.



- Richard Clark Section 10-Ineligible Units, paragraph e. “Properties designated as Problem Properties, including a property that has previously had a license revoked or denied”. He asked if that was placing it on the property or the owner. He interpreted that as the property would no longer be eligible for a STR permit even though there may be a change in ownership. Town Planner Scanlan read the definition of “Problem Property”. It defined it as a property that includes violations of building, fire, zoning, health, or sanitation codes and often presents itself as a health hazard for public safety concern. Richard Clark added that a permit can be revoked or denied but those things can be remedied. He felt that the section did not provide for remediation process. The Town Planner suggested that verbiage could be added to include a clause “until deficiencies are corrected” or something similar.
- Richard Clark commended the Town Planner for bringing the bylaw forward and he is hoping that it meets with the approval of the Selectmen.
- Chairman Horne asked if this bylaw was the one that was put forth by the Central Mass Regional Planning and the comments that are written on the right-hand side were those of the Town Planner. The Town Planner stated that the comments in red were from Jane Wyrick of CMRPC; they were in her model, and she was raising those issues for the town to think about. The comments highlighted in blue (P1) are from him.
- Chairman Horne asked the Planner if there were any other sections that he wanted to call attention to. The Planner pointed out Section 2. Definitions, paragraph k. Short-Term Rental. The model says that the rental can’t be for less than two (2) days which means that you couldn’t stay for just one night he thought that seemed rather restrictive. He said there might be many situations where someone wanted to stay for just one night and if you didn’t allow it, you would be affecting the viability of the homeowners, so he wanted to change it from two (2) to one (1) day.
- Chairman Horne stated that the Planner had also increased the total duration of days allowed from not more than twenty-four (24) to thirty-one (31). The Planner stated that the model was inconsistent with paragraph d. Occupancy where it read 30 days; the State law allows for 31 days. That’s why he decided to go with those numbers.
- The Town Planner discussed Section 3. Short-Term Rental Registration, paragraph b. The model has a limit on the number of STRs per town and he didn’t see the need to limit them townwide. He stated that you could limit the number of STRs but you could run into a situation if there were a demand for a lot of STRs but you had limited the amount to twelve, you would be keeping people out if there is not enough availability.
- Town Planner Scanlan asked the Board if they wanted the STR renewal to be something other than annually. Chairman Horne stated that he thought an annual renewal was good because if anyone happens to fall into violation, it will provide the chance to identify the issue very quickly rather than having two years. David Durgin asked how complaints were dealt with currently. He stated that there was a recent complaint regarding an Airbnb regarding a dog that was often off its leash and going into the neighbor’s yard and he wondered who would handle that complaint. Town Planner Scanlan stated that many STRs do not allow pets but, if they do, he felt that it was up to the property owner to establish proper control of the dogs.
- Town Planner Scanlan spoke about Section 7, paragraph b. CMRPC had proposed one vehicle parking space per lawful bedroom and stated that it seemed reasonable to him.

- Chairman Horne spoke about Section 3, paragraph I Fees. The draft as written called for a \$400 fee for the initial application and \$200 for each annual renewal. Town Planner Scanlan proposed \$400 as follows: \$100 for processing and \$100 each for 3 department inspections, fire, building, health. He said that there was no science to the suggestion and if the Board thought the suggested fee was too high or too low, it could be adjusted. His logic was to have three inspections; three inspections at \$100 each seemed right to him and to cover the overhead of processing the applications.
- Chairman Horne reiterated that the initial fee of \$400 was for a first-time application. He stated for clarification that if the property changed hands and the new owner wanted to apply for a STR permit, the new applicant would have to pay the \$400 fee. The Town Planner stated that he had not considered that but would include the language if the Board wanted. Richard Clark agreed that the new property owner should be considered a new applicant. The Town Planner said he would add the language that if a new owner came for a STR application, they would be considered a new applicant.
- The Planner stated that regarding Section 14. Penalties, he basically went with what was proposed on the model except that he suggested \$300 for the 2<sup>nd</sup> offense and each subsequent offense, no matter the length of time, not just the 12-month period. Failure to register a STR in accordance with the bylaw would result in the issuance of a cease-and-desist order is something that the Planner suggested. He stated that he didn't know how else one would get that situation under control.
- Chairman Horne asked if someone didn't cease-and-desist, would they be paying a daily offense fee and would that be the standard building code violation. The Town Planner replied yes that it was a non-criminal disposition. The Board discussed the amount of the violation fees. The Planner said that he would look at the town bylaws to see if there was a fine schedule, but the fees would be whatever the bylaw set forth.
- Section 19. Room Occupancy Excise and Community Fees were discussed. Chairman Horne asked if that was the maximum fee allowed by the State. The Planner replied yes, it is 6%. There is also a second Community Impact Search charge of 3% which he didn't think was necessary. He didn't know how one would quantify community impacts from these and felt it would be difficult to justify an impact fee. Chairman Horne gave an example of the Police and Fire needing to respond to repeated response to an STR but stated that it would work itself out with the Chiefs going to the Selectmen saying that there was an ongoing problem.
- David Durgin asked what percentage the State received. The Planner stated that it was 5.7% and then he described the process in which the State collected the money.
- Richard Clark to the Chairman, stated that changes were made from the way the bylaw was originally presented and that the Board would leave it to the Planner to make the changes and then the Board could revisit the discussion of the bylaw at the next meeting before they would vote on their recommendation. Chairman Horne agreed saying after that, it would go back to the Board of Selectmen and asked the Planner if the Board would present it to the Selectmen. The Planner stated that it would be up to the Selectmen but, he could pass that along to the Selectmen if they wanted to have another discussion with the Planning Board.

## **Standard Business**

1. Discussion/Status Report on finishing construction of, and acceptance of, uncompleted/unaccepted subdivision streets, including:
  - a. Pierpont Estates – The Town Planner has had discussions with developer Tony Cerqueira about trying to get the streets accepted at the annual town meeting. He has given Mr. Cerqueira the required information so it is possible that it may be ready to be placed on the May town meeting if everything is completed. Jeff Walsh will need to do the final inspections, get the as-built plans submitted, etc. Then the normal process would be to go to the Selectmen for the layout. Chairman Horne asked if there was an issue or any reason that it could not be on the May warrant, could it be placed on the Fall warrant. The answer was yes.
  - b. Rocky Hill Estates – No updates.
  - c. Country View Estates (Eisenhower Drive) – The Town Planner stated that the Board had voted to use the remaining escrow to fix the pump station. He believed that this item was on the Selectmen's agenda for their March 11<sup>th</sup> meeting; they would vote to spend the money for that purpose. Richard Clark asked if it would be a joint meeting. The Planner responded no, not officially but he could ask the Administrator. Chairman Horne suggested that the Planner could post a notice that the Planning Board would be meeting so if more than three members wanted to attend, they could. Richard Clark mentioned that he drove by the development after the last snowstorm, and it had been plowed although he didn't know who plowed the street. He then asked if that was it in terms of the escrow. Chairman Horne said that they would have to approach the residents and see if they wanted to do the betterment, get the as-built completed and have the road accepted so they wouldn't have to worry about these things anymore unless they wanted to maintain the road themselves. The issue with the school buses picking up the children regarding the size of the cul-de-sac and the mounded area was also mentioned.
  - d. Tobin Farm Estates – No updates.
  - e. Lyons Estates – The Planner spoke with the engineer on the project and sent him information on street acceptance. He believes that they will try to finish the construction this fall, wait over the winter for the pavement to settle and then come back in the spring for acceptance for Lyons Estates.
  - f. Sophie's Way – Discussed earlier. Agenda Item #4
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 – Richard Clark stated that the Town Administrator had been in communication with the developer, Camden Management Associates. The issue is still high interest rates.
  - Solar Project at the Landfill – It appears that the work is continuing; Chairman Horne said that it appeared to be close to completion and asked if there was an expected conclusion date. The Town Planner stated that the two-year permit expires on June 8, 2024.
3. Planner's Plate –
  - The Economic Development Committee is working on a Gateway plan for the area on West Main Street from the French River to basically Dippin Donuts. There is a community survey

that has been posted on the town website. He told the Board members to feel free to respond to the survey and encouraged residents watching the meeting to do the same. Richard Clark asked if hard copies of the survey were available. Town Planner Scanlan said there were some in the town hall and at the library.

- He also mentioned the Shared Streets and Spaces Project for the Airport Road and Dudley Hill Road area. The plan has been revised and the new plan is on the website. The new plan eliminates the dead end of Tanyard Road which was the issue at the Selectmen's meeting. It will be discussed at the Selectmen's meeting of March 11, 2024, so people can attend and comment on the revised plan.
- The planner is hoping to bring St. Anthony Road forward for acceptance at the spring annual town meeting. He is waiting for the survey so that the as-built plans can be done. It may be coming before the Board for review.
- Richard Clark inquired about updates on the Fun Zone. Town Planner Scanlan said that they are working with Michael Radner on a plan for that area which would include a new playground and a new sort of passive open space with a community gathering space. Mr. Radner is finishing up the final schematic design for that with a cost estimate. Chairman Horne asked if it was one of the three designs that were displayed in the town hall foyer. Town Planner Scanlan said that it was a combination of the three; none of the designs stood out so they are trying to make it so it works the best way possible. Chairman Horne asked if the fundraising was close to where it needed to be. Town Planner Scanlan said that the plan would be to take the plan and the cost estimate and apply for a State Grant. He believed that the Town had received a large donation from the Nancy Vajcovec estate which would be enough to cover the local match for this project. The project would probably break out into phases. Phase 1 would be the actual active playground space and then go back for Phase 2 which would be sort of the passive area. He was hopeful that the Town would get the project under construction perhaps in 2025.

#### 4. Comments from the Planning Board –

- Richard Clark offered full disclosure and stated that he had spoken with the Town Planner prior to the meeting and told him that he had been speaking with two members of CMRPC and would be meeting with them the next day at the town hall at 10:30 am. The discussion was to focus on the Fun Zone and some grant options that they might possibly have available to the town. There are no guarantees, but he has been exchanging emails over a period of time, and there seems to be something that they think may fit or have some application. The CMRPC quarterly meeting will be March 14<sup>th</sup>.
- Mr. Clark has also been in touch with CMRPC asking them what the possibility might be of them doing something with the eight dams that the Town of Dudley owns. This is something that was triggered by what he had seen happening in Rhode Island in terms of some of their dams. "The Industrial Revolution so called in the United States begins here in New England thanks to our rivers and the dams that were on the rivers." In Rhode Island they had been able to take some of the existing dams and produce actual clean energy/hydro power as a result. From what he understands, the dams in Dudley may not be as pristine as we might like them to be but, it seems that it might be worth just looking at it in a general sense at least to see if there is any possibility. The last he heard, there is apparently a mill town caucus. He wasn't sure what the outcome was but he thought it included other towns, many of them in the Blackstone Valley having access to the river that was once called the hardest working river in America.

- Chairman Horne stated that the Planner had sent out information on the CMRPC annual Citizen Planner Training Collaborative. He spoke with Mr. Clark who is unable to attend. He asked if anyone else was thinking about attending on March 16<sup>th</sup>. David Durgin said that he might like to attend. Chairman Horne also expressed an interest in attending. Planner Scanlan confirmed that each person should sign up and he would speak with the Treasurer about issuing the check for the registration fee.

5. Comments from the Audience – None

**Other Business**

1. Set Next Regular Meeting Date: The next meeting is scheduled for March 13, 2024.
2. Approval of consultant vouchers / payment of bills:
  - Quinn Engineering Invoice #2 for Peer Review of the Dudley Housing Authority Site Plan, \$885.50. A motion was made by Richard Clark to approve Invoice #2 in the amount of \$885.50 payable to Quinn Engineering. The motion was seconded by Thomas Chojnacki. The motion was approved 4-1-0 with Daniel Edmiston voting No. Daniel Edmiston stated that he felt that the Planning Board should not be assessed the amount of \$300 for printing costs. He didn't remember the drawing set being that large and most people today use a computer screen. Richard Clark asked if that was something the Board should pursue with Quinn Engineering going forward. Daniel Edmiston said that they didn't use that company all the time. Town Planner Scanlan stated that there would be other invoices from them. Chairman Horne asked the Planner to let Quinn Engineering know that the Board will be questioning the blueprinting cost.
3. Other Town Notices: Reminder to Complete Conflict of Interest Process
4. Other Correspondence - None

**Adjournment**

Richard Clark moved to adjourn the meeting; seconded by David Durgin. Motion carried unanimously (5-0-0). The meeting was adjourned at 8:21 p.m.

**Documents included:**

- Agenda
- Minutes: January 24, 2024
- Graves Engineering Opinion: Construction Cost Estimate for Sophie's Way
- Proposed Article for Shared Driveway Design and Standards
- Short-Term Rental General Bylaw-Draft
- Invoice: Quinn Engineering - \$885.50

***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***

***Minutes: February 21, 2024***

***Approved and Signed: March 13, 2024***