

TOWN OF DUDLEY

MASSACHUSETTS

PLANNING BOARD

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

DUDLEY PLANNING BOARD
Guy Horne, Chairman
Richard Clark, Vice Chairman
Steve Watroba, Clerk of the Board
Thomas Chojnacki, Member
Daniel Edmiston, Member



DUDLEY PLANNING STAFF
William Scanlan, Acting Town Planner
Thu Vo, Planning Clerk
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Dudley Planning Board

January 26, 2022 @ 7:00 pm
Meeting Minutes

A Public Meeting of the Planning Board was called to order at 7:00 PM on Wednesday, January 26, 2022, by Guy Horne, Chairman, Members present were Richard Clark, Vice-Chairman, Steve Watroba-Clerk to the Board, Thomas Chojnacki, Member, Daniel Edmiston, Member, and William Scanlan-Acting Town Planner.

A. New Business:

1. Approval of Minutes: December 8th, 2021 and January 12th, 2022

Richard Clark moved to approve the minutes of December 8th, 2021. Daniel Edmiston seconded. 5-0-0 Unanimous.

Richard Clark moved to approve the minutes of January 12, 2022. Steve Watroba seconded. 3-0-2 Thomas Chojnacki and Daniel Edmiston abstained. Motion Passed.

2. ANR Plans – Dennis Parda, Woodmere Road/West Main Street

The applicant would like to subdivide his existing lot 1 into 3 lots (creating lots 2 & 3). Lot 2 is divided by a zoning boundary with BUS 15 on the east and LI 43 on the west. Lot 3 is zoned entirely LI 43. The Board asked the applicant to contact his engineer about adding topography, wetlands, and a driveway profile, or to seek waivers from the Board. The applicant was invited back when the plan is updated or with a request for waivers.

3. 7:15 PM: Continuation of the Public Hearing on the Redevelopment of the Stevens Mill

John Gumpert (the applicant) and Matt Mrva (from Bohler Engineering) summarized the changes to development plans for the Stevens Mill, including the new access on Mill Street and the conceptual rendering of the proposed Riverwalk. The applicant is no longer requesting a parking space waiver with the additional overflow parking area shared with Tri-Valley.

The Board requested that the applicant finalize the easement for the Riverwalk for public access. The plan also shows the walk continuing off the applicant's property as it approaches West Main

St. The applicant's attorney, Steven Madaus, indicated he will research the issue of making the walkway accessible to pedestrians from West Main Street.

The Town Planner asked if the development of the Riverwalk, which is in the flood plain of the French River, will be subject to the Flood Plain section of the Zoning Bylaw. Mr. Mrva stated he will determine if that is the case and act accordingly.

The Board and applicant agreed to continue the hearing to February 23rd, 2022, at 7:15 PM.

4. 8:00 PM: Continuation of the Public Hearing on the Fish Road Definitive Plan

The plan now identifies 7 waiver requests. The Board asked the engineer to revise the text of the waivers as noted in the Graves Engineering peer review and to address the other comments in the report. The Town Planner asked that the engineer inscribe the waivers on the plan as a permanent record. The applicant, Jonathan Androlevich, reiterated his intent to build a sidewalk on Fish Road from the intersection with West Dudley Road up to the turn-off of the gravel pit access road.

Paul Lyons of 15 Fish Road stated the Plan shows the extension will only provide access to the dwelling and barn. He asked if it is possible for the Board to notify the residents if changes are proposed that would provide access to other uses. The Board felt that it would be possible to put in a condition into the decision that such a change would be considered a modification of the plan for which notice could be given to near-by properties.

The Board and applicant agreed to continue the hearing to February 9, 2022, at 7:15 PM.

5. 8:15 PM: Public Hearing for a Marijuana Cultivation Special Permit, Fish Road, LLC, 40 Fish Road

Chairman Horne opened the hearing and read the legal notice.

Attorney Nicholas Adamopoulos summarized the project, noting benefits to the Town in terms of revenue and economic development. He touched upon the security plan, traffic study, odor memo, energy memo and pump test/water quality results provided to the Board.

Paul LaFramboise, president of LaFramboise Water and Well Drilling Service, explained that they did a 72-hour pump test on an existing well near the end of Fish Road. The point of the test was to determine if pumping at that well would have a noticeable effect on drawing down the water level of near-by wells. Mr. LaFramboise stated the test showed that the pumping did not affect the water level of adjacent wells. This means the actual pumping wells located over 600' away would also not affect the residents' wells. However, water quality samples revealed the presence of arsenic in the water, which he explained is common in the groundwater in this area. The arsenic will need to be removed before it can be applied to the marijuana plants. In addition, a DEP water supply permit will be required if there are 25 or more employees working on the premises. Jonathan Androlevich, the applicant, is aware of this requirement and stated that if the cultivation canopy is expanded with a second phase, it will certainly trigger the need for the DEP permit.

The Town Planner noted an inconsistency in the traffic study where it states in some places there will be 20 employees and in other places 30 employees. This could affect the trip generation numbers in the report.

Steve Watroba mentioned a concern with dirt coming off the trucks upon entering Fish Road when leaving the access road to the gravel pit. The applicant agreed to pave the last part of the driveway if the Board requires it to eliminate this problem.

Mary Plant of 34 Fish Road had concerns over the arsenic found in the 40 Fish Road well water and how it would affect her well. She also asked if the facility would be subject to town-wide water restrictions. The Board explained that this only applies to customers with public water. Owners of private wells are not subject to the mandate. The Board asked if the applicant would agree to a condition to test the residential private wells on Fish Road once the new wells are in place. Mr. LaFramboise said they would take readings before pumping begins to assess background levels in order to detect change once pumping begins. He did not expect the water levels to change more than a few inches.

Paul Lyons of 15 Fish Road found the traffic study lacking. It does not account for delivery vehicles and recreational vehicles, with off-roading a popular activity in this area with the rail trail close by. He believes there will be more than 8-10 vehicle trips at peak hours that the traffic study suggests. Mr. Adamopoulos noted employee shifts will be staggered to non-peak hour times. He stated that delivery vehicles will be about the size of UPS vans. He explained state regulations require vehicles to have GPS systems and allow no deviations from routes. Marijuana transport requires notification to the local police, are scheduled in advance, and occur during the day. With trip generation rates low, the Board decided not to require a peer review of the study.

The Board asked about the types of insurance that is required. Mr. Adamopoulos described the insurance in place for both the operator and the landowner, as well as that required by the Cannabis Control Commission. He agreed to supply the insurance certificates to the Board.

Mr. Lyons also had concerns with the arsenic found in the well water and wondered if the facility would discharge water containing arsenic into the ground. The grow facility will have an arsenic filter to remove arsenic before watering the plants. Mr. Androlewicz noted that the discharge water would then also be free of arsenic before it is directed to a tight tank, which will be emptied regularly and the water trucked offsite. Mr. LaFramboise suggested all residents test their wells because even if they had tests when the homes were built, arsenic has only been regulated by DEP in the last 10 years.

Mr. Edmiston noted that the water report did not have a clear conclusion. He asked if the Board could hire an expert to review the study and provide a quick summary of what it means. The Board agreed and Mr. Androlewicz agreed to cover the cost. The Town Planner will find a qualified consultant to review the report. The Board also discussed placing a condition in the decision that the applicant provide a copy of the well reports for the facility wells to be sure there is no impact on the residents' wells from the actual pumping rates.

The Board decided not to require a peer review of the odor mitigation plan. Instead the decision can contain conditions that if odor is detected outside the facility the operator will be required to take immediate actions to modify the odor controls to prevent future releases.

The Board is waiting for the peer review report from Graves Engineering. The Board and applicant agreed to continue the hearing to February 9, 2022, at 7:30 PM.

6. Discussion with Residents of Fish Road of a Possible Zoning Map Change

Elynne Ey of 36 Fish Road proposed that the house lots along the road be rezoned to residential. She would like this to be presented in the next Town meeting with the support of the Planning Board. Currently the lots are in IND 130. The Board suggested placing the lots in RES 43 since most of the lots are under two acres.

B. Standard Business:

1. Discussion/Status Report on finishing construction of, and acceptance of, uncompleted/unaccepted subdivision streets, including:

- a. Pierpont Estates – n/a
- b. Rocky Hill Estates – n/a
- c. Piasta Rd – Waiting for Jeff Walsh’s second review of the As-Built plan.
- d. Country View Estates (Eisenhower Drive) – n/a
- e. Tobin Farm Estates –Jeff Walsh will review the status of completion and put together a cost estimate of construction and engineering.
- f. Lyons Estates – n/a

2. Inspections and Actions Associated with Site Plans:

- Legacy Landing/Country Club Acres: n/a
- SEP Solar, Oxford Avenue: n/a
- JD&D, 24 Oxford Ave: n/a

3. Planner’s Plate:

- The Town Planner suggested the Board make time at the next meeting to discuss zoning amendments for this year’s Town Meeting.
- Mr. Scanlan mentioned the Town is considering an application under the shared streets and spaces grant program for the Airport Road / Dudley Hill Road intersection.

4. Comments by Planning Board: n/a

Daniel Edmiston left at 10:00 PM.

5. Comments by Audience: N/A

6. Other Business

The Board set the next meeting for Feb. 9th at 7:00 pm at the Dudley Municipal Complex, Room 321A.

Approval of consultant vouchers/payment of bills:

- Graves Engineering – SEP Solar Pre-Construction Conference, \$344.25
- Graves Engineering – Review of Fish Road Definitive Plan, \$1,557.50

Richard Clark moved to approve payment as presented, Thomas Chojnacki seconded. Vote 4-0-0 Unanimous.

7. Adjournment

Richard Clark moved to adjourn at 10:15 PM. Steve Watroba seconded. Vote 4-0-0.

Respectfully submitted,
Thu Vo, Clerk

Guy Horne

Steve Watroba

Richard Clark

Thomas Chojnacki

Daniel Edmiston