

MINUTES

WEDNESDAY – JANUARY 11, 2017 - 7:00 P.M.

(Town Offices – First Floor, Meeting Rooms A&B)

MEMBERS PRESENT: William Oelfke (Chairman), Sarah Widing (Vice Chairman), Janet Tice, John Gailey, Barbara Yocum (Associate Member)

MEMBERS PRESENT VIA SPEAKERPHONE: William Lampros

Chairman Oelfke called the meeting to order at 7:00 pm, and announced that Mr. Lampros will be participating in the meeting remotely, via speakerphone.

CONTINUED PUBLIC HEARING – 17 Leominster Road

Victor Manougian, representing Verizon Wireless, stated that two options were considered for altering the roof design for the telecommunications facility equipment enclosure – using a flat rubber roof, or a corrugated steel roof. In both cases, there would be a slight pitch to the roof. After viewing renderings of both options, it was decided that the corrugated roof would be the better option. Ms. Tice asked who would be responsible for any required maintenance to the equipment enclosure. Tom Johnson, of ProTerra, replied that the applicant must maintain all the equipment associated with this project, including the enclosure.

The applicant also included renderings that showed natural boulders around the equipment enclosure, rather than bollards, as was depicted in earlier photos. Ms. Tice expressed a preference for the bollards over the boulders. Other Board members agreed.

Mr. Oelfke asked if there were any comments from the public. Being none, Ms. Widing made a motion to close the Public Hearing for the telecommunications facility at 17 Leominster Road. Ms. Tice seconded the motion. Motion passed, unanimously.

Ms. Tice made a motion to approve the Special Permit for the telecommunications facility at 17 Leominster Road, with the following conditions:

- Compliance with the Massachusetts Historical Commission (MHC) and the National Environmental Policy Act (NEPA)
- The clock faces and mechanisms will remain intact

Mr. Gailey seconded the motion. Motion passes, unanimously, 5-0. Mr. Lampros did not vote as he was absent for the portion of the Public Hearing conducted on December 28, 2016. Ms. Yocum was eligible to vote as the Associate Member.

Ms. Widing made a motion to approve the Site Plan Review for the telecommunications facility at 17 Leominster Road. Mr. Gailey seconded the motion. Motion passes, unanimously, 4-0, since Ms. Yocum was not eligible to vote on the Site Plan Review.

DISCUSSION – Apple Orchards Parcel K

Mr. Lampros noted that when the Apple Orchards subdivision was permitted, the bond amount required of the developer for Phase 1 included funds for the capping and maintenance of Parcel K. Mr. Oelfke stated that the total remaining in the bond for Phase 1 is approximately \$28,000, which is not likely to be sufficient to complete work on Parcel K, if necessary. Mr. Lampros added that Parcel K may increase by as much as 50% based on possible future development in the subdivision. He was adamant that neither the residents of Apple Orchards, nor the Town, be held responsible for capping costs.

Mr. Oelfke read a letter submitted by the Planning Board in 2006 to the Town Treasurer, approving the release of some bond funds to the developer, but retaining \$60,000 for Parcel K. He added that apparently a major portion of that \$60,000 was subsequently released to the developer.

Mr. Lampros noted that the original developer of this subdivision is no longer involved. In fact, he stated that Apple Orchards has changed ownership several times since its original permitting.

Mr. Oelfke reported that he has discussed this situation with the Town Administrator, who noted that there may be mitigation funds available under the state brownfields program. John Hume, from the Montachusett Regional Planning Commission, stated that under certain circumstances, state funds are available. He suggested that the Town may be able to apply for those mitigation funds in order to determine the type of contamination present, and how it should be handled.

Ms. Tice asked if development continues at Apple Orchards. Mr. Lampros replied that the subdivision was permitted for 110 units, and approximately 65 have been built to date.

Mr. Oelfke reported that he will ask the Town Administrator about possible legal remedies, as well as attempting to determine why the bond balance for Phase 1 has been depleted. He will suggest a joint meeting with representatives from the Board of Health, the Department of Public Works, and the Treasurer's Office.

DISCUSSION – Master Plan Comments

Mr. Oelfke stated that tonight's meeting was an opportunity for the Planning Board to provide feedback to MRPC regarding the Draft Master Plan. He suggested that a public input session be conducted during the Planning Board meeting scheduled for February 22. John Hume, of MRPC, noted that the Open Space and Recreation Plan (OSRP) element may not be complete by that time, but would like to keep to that schedule, in order that the implementation can begin in a timely manner.

Betsy Colburn Mirkovic, 32 Brown Road, has been working on the OSRP with the Open Space Committee. She commented that some aspects of the Master Plan which impact the OSRP, including demographic data, and environmental justice issues, must be updated. She expects most of the OSRP to be ready by February 22.

Ms. Yocum reported that she has read through approximately 75% of the draft so far, and has been noting edits, such as inconsistent formats, grammatical errors, and factual errors (dates, etc.).

Ms. Tice stated that up-to-date and accurate information is required in order to draw appropriate conclusions. She especially noted that it is unclear when the Shirley prison population is included in different sections. She also pointed out that this draft apparently does not reflect the latest zoning changes that were voted in 2015.

During the discussion of Economic Development Goals, there was agreement that Goal number 12, which recommends creation of an optional overlay district, be deleted.

There was some discussion of the need for a professional planner in Shirley. Mr. Oelfke noted that some communities share a planner. He suggested that the Plan include a recommendation for hiring a part-time planner, to help with the implementation of the Master Plan elements. Ms. Tice agreed, adding that the Master Plan lists many tasks under the responsibility of the Planning Board. The Planning Board has neither the manpower nor expertise to accomplish all of those tasks.

Ms. Tice also stated that the current draft document contains a lot of data, but seems to be missing a 'big picture' view of Shirley, and lacks a guide for pulling together various aspects to improve the town.

Mr. Oelfke stated that MRPC should make recommendations, and suggest goals, based on the data they have accumulated. He noted the importance of commercial development in Shirley, as long as it's situated appropriately, and is of the type that is acceptable to the residents. He suggested that the Economic Development Committee work more closely with the Planning Board to encourage favorable development.

It was repeated by several Board members and Ms. Mirkovic, that Shirley has unique characteristics, which would be better suited to small businesses rather than the existing large truck- and automobile-focused industries. It is important, however, to retain the culture and character that draws residents to the town, with the expectation that it will remain the same type of community as it is today.

Mr. Oelfke suggested that each Board member continue to review the Master Plan draft, and submit edits and corrections to the Planning Board clerk, who will consolidate the comments and forward them to Mr. Hume to create the next version of the Plan.

Ms. Tice referenced a section of the plan which recommends the development of a comprehensive permitting guidebook, which could be used by anyone who is proposing a project in Town. She asked if District Local Technical Assistance funds could be used to create such a tool. Mr. Hume agreed that creating that document does fall within the criteria for DLTA funds, and suggested that the town could submit a proposal to MRPC for that use. He added that the request must come from the Board of Selectmen.

APPROVE MINUTES

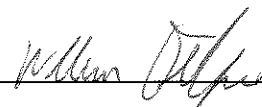
Ms. Widing made a motion to accept the December 28, 2016 meeting minutes, as presented. Seconded by Mr. Gailey. Motion passes, 4-0.

OTHER BUSINESS

The Planning Board clerk reported that TRC has submitted a Stormwater Management Report, as was requested at the December 14, 2016 meeting, when approval was granted for alterations due to erosion concerns at the solar facility at 56 Walker Road. It was suggested that a peer reviewer be engaged to check the work that is being done at that location.

ADJOURNMENT – M/S/V to adjourn this meeting at 9:10 pm.

Minutes prepared by: Pat Wojtas, Interim Land Use Clerk

Accepted:  January 25, 2017