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**TOWN OF CHARLTON**

**Minutes of Special Selectmen's Meeting/EDC Roundtable  
 Thursday – March 13, 2014 at 6:00pm**

**Present:**

Board of Selectmen: Chairman – Frederick C. Swensen, Vice-Chairman – David M. Singer, Clerk – Joseph J. Szafarowicz and Member – Brent Sellew. Also in attendance: Town Administrator – Robin L. Craver.  
 Board of Health: Willard Stevens, Matt Gagner and Nelson Burlingame.  
 Finance Committee: Dan Prouty, Douglas Stepien, Peter Cooper, Frank Morrill and Dana Murphy.  
 EDC: Mike Jacobs, Jay Detarando, Bill Fontaine and Rich Cayer.  
 Building Department: Curtis Meskus.  
 Planning Board: Peter Starkus and John McGrath.  
 Conservation Agent: Todd Girard  
 Municipal Building Committee: Russell Jennings  
 Water/Sewer Commission: Rob Lemansky  
 Ted's Package Store: Ted Mroczkowski

1. Open Meeting. Finance Chair Frank Morrill asked everyone to go around the table and introduce themselves. Mr. Morrill stated that the reason for this meeting stemmed from the last Finance Committee meeting where they talked about not having enough money. From that discussion they talked about new growth and how do we get more businesses to come into town. A number of suggestions, issues and questions came up, therefore a round table meeting has been set up. Vice-Chairman Singer stated that there's no reason all these boards can't work together so that we are all on the same page.
2. Review the Site Plan Review process. John McGrath reviewed how the zoning bylaws came about. He reviewed the various types of developer projects. He stated that in the case of Ted's Package Store, it was an administrative type of project because it was on property that was already developed. Different types of projects demand different types of process. When someone has a plan together, they come in and talk to the Town Planner who works with them on what they need. Mr. McGrath stated that some cases it could take six weeks before it's approved, others one or two Planning Board meetings. Mr. Mroczkowski was asked how long it took for his process and he stated about six weeks. Mr. Singer stated that it sounds like some of the timetable is on the client side. Mr. McGrath stated that usually there is a punch list and it is faxed both to the Town Planner and the owner. The engineers work back and forth and a lot of the punch list items are just small things, however, on a big plan there are often 7 or 8 items. It depends on how fast the applicants engineer turns it over. Mr. Fontaine asked Mr. McGrath what triggers a site plan? Mr. McGrath stated it depends on what they are doing. He stated that most of the time consuming stuff is the DEP and EPA regulations. Mr. Meskus stated that there are seven major use categories in our zoning. If you stay in the use, it's ok, but if it goes out of a category of business, no. There is a table describing the percent change in square footage. Mr. Meskus stated that as the Zoning Enforcement Officer, those questions are referred to him and he speaks with the Town Planner. Mike Jacobs from the EDC stated that we want to attract businesses. They try to make the process goes as pleasantly as possible. He feels it is important from a public relations standpoint. He asked if you feel that the person walking in understands where the town is coming from? Do they get the full picture of what they are up against and that the Town is with them to make it work in a streamlined way? Mr. McGrath stated that we have a developmental guide book. Do they

have a face to face with everyone, not that he knows of. He knows that they meet with Alan Gordon the Town Planner and Mike Andrade from the Peer Review board comes in or someone from Graves Engineering. Mr. Jacobs asked what if a developer comes in with an expensive plan and they feel that they meet all the codes. What would come up with Graves Engineering that they would typically face? Mr. McGrath stated that if they did everything to regulation, there would be no questions. Stormwater Management is the number one issue that comes up with site plan review and sometimes traffic on Rt. 20 which is tied into Mass DOT. Ted's had two of these traffic issues which is very rare for them to allow it. Mr. Jennings stated the it depends on who you hire. If you want to go with someone who charges less, you will end up paying more in peer review. He said his company did theirs in eight months. He said working with the Planning Board and Alan has been a great experience. He sees the necessary evils that the town faces. As a developer, he would like to see lower fees and would be willing to look into that and support it.

3. Evaluate the Peer Review process. Chairman Swensen stated that one of the questions that came up during a peer review process was, if plans are done by a licensed engineer wouldn't it be the job to see that they get approved rather than have a peer review present? He asked if anyone could answer this. Could you have anywhere from 1, 2, 3, 4 engineering firms to compete on this peer review issue? Mr. McGrath stated that for peer review so everyone has an understanding, under Mass Subdivision Control Laws for over 100 years, Planning Boards have had direct authority to hire technical engineers. Over 20 years ago, the cost was shifted from the town paying for it to the developer paying for it. By having the review process, it reduces the likelihood of appeal by abutters such as in the case of excess water run-off. Chairman Swensen stated that what he heard and what's been questioned was the making of changes through peer review. Mr. McGrath asked after the Planning Board has approved the plans, are they changed? No, that has never happened in Charlton unless the developer is changing the street layout or adding more houses. Mr. Mroczkowski things the drain in his second parking lot, that happened after the peer review process. He stated that the Planning Board already approved the plan then they made them put in the long drain in the parking lot. Mr. McGrath asked Mr. Mroczkowski where it was. He stated right next to the driveway that is blocked off. Mr. Mroczkowski stated that he didn't have the money for it and the contractor footed the bill for it. Mr. Morrill said that during the last discussion, a question was asked. If the engineer for a septic system and the peer review board have agreed, who is liable? Mr. McGrath stated that they both have to agree. Mr. Prouty stated that he's been doing this for 40 years and Sturbridge is the only town he's heard complaints. In Ted's case, he's told he has to do something when he's in the middle of building and then have to wait for a Planning Board meeting. Why is the Peer review guy there doing inspections and Ted's is paying for that. Mr. McGrath stated that they want to make sure what they approved is being done. They are looking at the infrastructure below ground. Mr. Morrill asked if there is an appeal process? If that person says they need a drain, we know they have to agree. Where is the protection for the developer? Mr. McGrath stated that all this is the first time he's heard of this. He said legally, Ted had every right to say that's not on the plan that the board approved. Mr. Morrill asked if there is some kind of arbitration? Mr. Jennings stated that it's ultimately up to the Planning Board to state that they are not following the state law and to stop. So the approach is to go back to the Planning Board. Mr. Singer asked if they would have to wait two weeks for the next Planning Board meeting. Mr. McGrath stated that usually, it doesn't even come to waiting for a vote. Mr. Morrill stated that he would like to move on to another issue. Mr. Burlingame stated that he hears a lot of things. His board is elected and he hopes that if there is a conflict that he hopes the boards will make a good decision. Mr. Mroczkowski stated that he didn't get home court advantage but expected respect and didn't get it. Chairman Swensen asked can we have more than one engineer so they can choose who they want. Mr. McGrath stated that they asked around about that, and other towns all use one engineer. They do have several peer review engineers as back up. Mr. Prouty stated that he's been doing this for years. IPG did \$50 million in a business and there was no peer review. He can't afford to get in a situation like Ted did.

Chairman Swensen stated that moving on, another question that was asked about was the 43D permitting process.

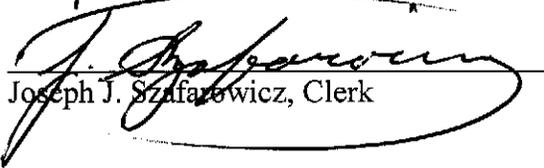
4. 43D permitting and possible creation of a central contact. Mr. McGrath explained how Chapter 43D came about. He stated that most projects when they find out there's an issue, we tell them to keep going and work around that and if they need something, we work with them. Chairman Swensen stated what prompted all this discussion is the issues that happened with an establishment in town. We know we have water issues in the town and that's being worked on. He stated that we want to make sure we cover every base for the customer. Mr. Cayer stated that Oxford has an informal meeting every other Tuesday morning to discuss issues. It was stated that's a great idea. Let's bring ideas for change as opposed to problems. Mr. Morrill thanked Mr. McGrath for all that he's learned tonight. He would like to see how to move the town forward. Mr. McGrath stated that he had to bring this up and it was from the previous meeting that he took personally. He said there was a statement made about a cell phone tower. The Planning Board is the reason the cell phone tower was lost, so he went back and looked at the whole file. He reviewed what was in the file. A company came to the Planning Board and the cell tower was approved in only one meeting. When progress was not being made, The Town Planner took the time to contact the consultant. The company had backed out due to proximity of the airport. Mr. McGrath stated that the Planning Board didn't lose the cell tower. The company did that. Mr. Cooper stated that he discussed it and he never said it was the Planning Board. He said it was the whole process of what the company had to do to get there. Mr. Lemansky stated that at the very first meeting this came up. He asked Mr. McGrath if the Planning Board would consider more than one engineer? Mr. McGrath stated that they have already looked into this but he will check again. He stated that there is a little bit of a disconnect. There is not as much communication as there should be.
5. Membership of the Economic Development Commission – Chairman Swensen stated that there is more than a little bit of a disconnect. There is not as much communication as there should be. He was wondering, should the make up of the EDC reflect the overall governmental structure of the town say the administrative side and should the head of the EDC be the same as the Planning Board Director? Mr. McGrath stated that Alan is not the head of the EDC, he is staff. It was stated that he is the Director of the EDC. Chairman Swensen asked if it would benefit the town to have two separate people? Mr. Detarando doesn't see any benefit to having two different people. Mr. Morrill stated that he was surprised to see that the Town Administrator is not part of the EDC as she runs so many things in the town. Mr. Detarando stated that the meetings are open. Mr. McGrath asked Mr. Prouty and Mr. Jacobs how do other towns market themselves? Mr. Prouty stated that 90% of his business is from people that were recommended. Mr. Jacobs stated that the best thing our town could do is compile data.
6. What is the appeal process for someone to challenge the Planning Board if the plan they want is declined. Mr. McGrath stated that it goes to land court.
7. Other Business – Mr. Szafarowicz stated that we need one point person in Charlton to answer questions as they come up. Mr. Meskus stated that we have that. Mrs. Craver stated that she thinks the point person was the person that would put these meetings together.
  - Dan Prouty asked Mr. Meskus if he remembers getting a call from a propane company a while ago? He said these people wanted to come to the area. They buy out the small guys. What they wanted to do wasn't allowed. The town lost a lot of revenue in tax money on that. Mr. Prouty asked Mr. McGrath to put this on the Planning Board agenda. He feels it's a good project.
  - Mrs. Craver recapped what she's heard.
    - Problems
    - Listening to each other and finding ways to work together
    - Tech reviews with Department Heads and different departments with the Planning Board.
    - Planning Board and EDC Director should be attending the meetings

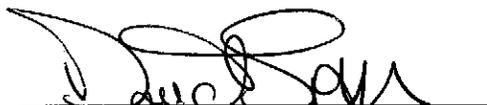
- Work on creating a link between EDC and Board of Selectmen. Mrs. Craver will go to the meetings.
  - How to market the town.
  - Grants for infrastructure
  - Review the Pier Review process. Mr. McGrath will look into it.
  - Review Zoning
  - CEDS projects (EDC)
  - TIFS was discussed and it was mentioned that we do have that on the books. Mr. McGrath stated that anyone that had one has lost it. The state took the TIFS away.
  - Regarding Water/Sewer, Mrs. Craver stated that one of the issues that we are having of getting the line in is the turnover. They asked if there was a way we would look at requiring new construction to hook up. Mr. McGrath stated that he can't think of many parcels that will build out. She said that Southbridge wants us to guarantee hook up and she asked if everyone would consider a bylaw.
8. Adjourn – **Motion by Mr. Singer to adjourn, seconded by Mr. Sellew, motion carries.**

Submitted by:  
 Mary C. Devlin  
 Administrative Assistant

Accepted by:

  
 Frederick C. Swensen, Chairman

  
 Joseph J. Szafarowicz, Clerk

  
 David M. Singer, Vice-Chairperson

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 Brent Sellew, Member

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 Kathleen W. Walker, Member (absent)