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**TOWN OF WARREN**  
PLANNING BOARD  
WARREN, MASSACHUSETTS 01083

**WARREN PLANNING BOARD**  
**MINUTES OF August 22, 2022**

**PRESENT:** Mr. Derick Veliz Chairmen: Mr. David Dufresne-Vice Chair Mrs. Drue King; Mr. Edward Londergan; Mr. Richard Eichacker

**Absent:** None

**ATTENDEE:** Mr. James J. Ferrera- Warren Town Administrator; Mrs. Joyce Eichacker- Warren Conservation Commission; See List

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**Meeting was called to order at 7:17PM**

Public Hearing on Special Permit No. 302 for Samek Properties, LLC under Section 8 of the Town of Warren Zoning By-laws. The applicant is seeking a special permit to remove earth material from the property located at 275 Brimfield Road, Warren. This parcel is also known as Assessors Map 30 Lot 04 which is in the Rural District. **A copy of the application may be inspected in the Office of the Planning Board or Town Clerks Office during normal business hours.**

Representative for Samek Properties, LLC: Michael Samek  
Documents Submitted:  
None

Mr. Samek applied for the Special Permit because he would like to operate as a gravel pit that was formerly owned by Mr. Fijol. He will not be breaking any new ground. The plot plan and diagram will stay the same. The Board read a letter dated 7/15/22 from the West Warren Water District. The letter stated that the West Warren Water District has no issues with earth removal at 275 Brimfield Road. Due to the proximity of the District's wells in the northeast area of the property, they do not want any storage of vehicles, gas, oil or other chemicals within Zone 1 (400 feet) of the wells without a liner approved by the West Warren Water District. Mr. Samek agreed to abide by the request. If approved, the Planning Board will put this in as a condition of the decision.

Abutter Mrs. Charlene Farris wanted to know why the application states that it is a renewal of an existing permit on application. The Board stated that this is a new special permit not a renewal. Mrs. Farris stated that Mr. Samek has been operating the gravel pits since he purchased the property. She said they have heard a lot of noise and seen a lot of dust and that he was working on Sundays and holidays. She stated that the noise is very loud. She spoke about the former Board of Health and complaints she had about the gravel pit when it was owned by Mr. Fijol. Mrs. Farris stated that she is speaking as an abutter not a member of the Board of Health and all of her complaints about the former gravel pit were before she became a member of the Board

of Health. Mr. Dufresne stated that all gravel pits in town have expired, and the Board is going through the process of getting new permits for all gravel pits that plan to continue to be in operation. You cannot renew a permit that has expired. The Building Commissioner will be conducting annual inspections of all the pits, the Planning Board will no longer conduct the inspections.

Mrs. Farris asked why Mr. Samek is allowed to operate without a permit. She said he is working too close to the property line. Mr. Dufresne stated unless the property line is marked out clearly you cannot assume flags are the correct property markers. A surveyor would be able to confirm what the property line is. Mr. Dufresne stated that it is Mrs. Farris who is coming to the Board stating that Mr. Samek is working too close to the property line and it would up to her to prove that. The Board stated that Mr. Samek is allowed to work on his property as long as sand/gravel is not leaving the premises. Mrs. Farris pointed out that there were not attachments submitted with Mr. Samek's application which is required according to **8.3.6** of the Town by-law. Mr. Samek said that he is moving dirt around on his property, he stated that he and his family were working on the front section of his property. The police were called, and he was told there was nothing the police department could do, that Mr. Samek is allowed to work on personal property. Mr. Samek stated that he is cleaning up the slopes. The Board agreed they need to continue the hearing in order for Mr. Samek to bring in the required documentation for earth removal. Mr. Samek asked if he is allowed to move dirt and work on the area which is not the proposed gravel pit (area of 4 acres in the back of his property). The Board told him he is allowed to work on his other acreage that is not the proposed permit area.

Motion to continue the Public Hearing to September 26, 2022 @ 7:15pm made by Mr. Richard Eichacker second Mr. David Dufresne – 5 yes votes.

**Agilitas Energy/Cutler Road Ext Solar Site: Modification request for Detention Basin 2-Lot 3-**  
Representative: Nicola Fancendola, P.E.-Principal/Project Manager for Agilitas Energy-

Mr. Fancendola gave an update on the site at Cutler Road Ext. The site has been cleared and stabilized for about a year. They are still working with utility on requirements, studies and things of that nature. That is why the panels have not yet been installed. O'Reilly, Talbot & Okun Engineering Associates (OTO), the town's Peer Reviewer has conducted site inspections and observations. Agilitas Energy were made aware that basin #2 is not draining as well as anticipated. During the drought conditions they scheduled a meeting with OTO and site contractor and went to the site to try to figure out why this was happening. Based on the observations from the site visit and testing, they need to do some maintenance work, cleaning out sediment and reseeding the bottom of the basin. They would like to remove the snorkels, get the basin cleaned out and reseeded. They would like to install a 4" perforated pipe connected to a valve in order for someone from their maintenance staff, if needed, can open the valve and drain the basin slowly, then close the valve. The valve will remain closed during normal operating conditions. Mrs. Joyce Eichacker from Warren Conservation Commission and Mr. Fancendola discussed how the pipe and valve idea would work. She is concerned that water could come up and out of the pipe and seep out. He said that the pipe would not be installed to make the basin work. The basin will work, this would be installed as a safety measure for the life of the pond in case something happens in the future and the pond needs to be drained. These are not infiltration basins; they are strictly detention basins designed to slow the water down. Mr. Eichacker clarified with Mr. Fancendola that even with the valve and pipe system the basin still needs to drain within 72 hours by itself without any intervention. Mr. Dufresne is concerned that this pipe and valve could be used to drain the basin before an inspection. Mr. Fancendola made a request on behalf of Agilitas Energy to remove the snorkels from the basins on Lot 3 because the site has been stabilized. This will help the basins to drain properly. Mrs. Eichacker agrees with this request because the site is stabilized. The Board and Agilitas Energy could have a formal agreement stating that when construction starts again they will put the snorkels back in. The Board would like to talk to OTO about the pipe and valve proposal along with their availability to attend the next Planning Board meeting. Mr. Fancendola stated that he sent the pipe and valve proposal to OTO and has not heard back and asked the Board if they heard anything from them. Mr. Eichacker stated he has not heard from them on this. The board will not sign off on

completion of construction or turning on the power if the basins do not drain properly. Mr. Fancendola understand this. Per request of the Planning Board, he will put together an updated erosion control plan and e-mail it to Planning Board office and to OTO before our next meeting. Mr. Fancendola requested on behalf of Agilitas Energy to have OTO reduce their site inspections frequency to once a month until construction resumes. The Board agreed to once a month or with ½ inch of rain. Mr. Eichacker asked Mr. Fancendola about a report for OTO with actionable items to be completed. He would like to know when these issues will be addressed. Mr. Fancendola stated he will follow up with the developer on this matter.

**Sale of the property on Forest: 0 Forest Avenue- Map 12 Lots 20, 19,18, 17 & 13; Rural Distric – desire to sell the property and need to know what is allowed to be done with said property-**

Representative- Mrs. Jill Streck, Real Estate Broker with Coldwell Bankers-

Mrs. Streck attended the meeting via Zoom on behalf of a client who is a property owner in Warren. The property owner would like to sell some of his property. He has about 359 acres and would like to sell approximately 349 acres. Mrs. Streck is coming before the Board to understand who her buyers are and what they can build on the property. The land is in Chapter 61. Mrs. Streck's understanding is they are allowed to put it on the open market, get an offer and then bring it to the town who can then chose to exercise the right of first refusal which means the town will be paying the asking price. Mr. Ferrera, Town Administrator, advised her to look at the town by-laws to see what can or cannot be built on the land and for the property owner to retain a lawyer who is familiar with Chapter 61.

**Payroll/Bills/Budget-**

Motion to approve and sign payroll in the amount of \$ 270.00 and \$ 270.00 for Jill Chalifoux-Miller made by: Mr. David Dufresne second Mrs. Drue King - 5 yes votes.

Motion to approve and sign Turley Invoice #46879 for public hearing for Special Permit #302- Samek Properties, LLC. in the amount of \$ 191.58 made by Mr. Edward Londergan second Mrs. Drue King - 5 yes votes.

Motion to approve and sign August 08, 2022 minutes made by: Mr. Richard Eichacker second Mr. David Dufresne – 5 yes votes.

Continue Public Hearing on Special Permit No. 300 & Site Plan No. 66 for Donna Skoczylas under Section 1.5 of the Town of Warren Zoning By-laws. The applicant is requesting to expand/alter a non-conforming structure to add three (3) additional apartments. The Property is located at 2282 Main Street, West Warren also known as Assessors Map 20 Lot 38 which is in the Village District. **A copy of the application may be inspected in the Office of the Planning Board or Town Clerks Office during normal business hours.**

There were no representatives for this Hearing. A courtesy message was left on Mrs. Skoczylas' voicemail to remind her about the meeting.

Motion to Close the Public Hearing for Special Permit# 300 & Site Plan No. 66 made by Mr. Eichacker second Mr. Dufresne- Roll Call Vote- Mrs. King- Yes; Mr. Londergan- Yes; Mr. Dufresne- Yes; Mr. Eichacker- Yes; Mr. Veliz- Yes- 5 Yes Votes.

Potential Vote on Decision September 26, 2022

**Comments & Concerns-**

None

#### Other Business-

Mr. King spoke with the company that offers Permiteyes software, they said they can give the town a demonstration. You can purchase modules; it does not need to have all of the Town Departments using the software. For that reason, they could not give a quote or even a baseline price on what the cost would be. The Board would like to have the demonstration via Zoom in order for other departments to participate. There are many Massachusetts towns that use this software. Mr. Ferrera stated that he will check to see if Permiteyes is on the state bid list and let the Board know.

Mr. Eichacker wanted a status on Peer Review funding for Copart of Connecticut, Inc. We have not received any funding as of yet.

Mr. Dufresne would like for the Board to notify the applicant of any permits which have expired that they will have to stop any work. If they want to continue they would need to reapply or get an extension on their building permit. The Board thinks ZPT Energy Solutions II, LLC- Reed Street's special permit has expired and would like me (Jill) to follow up with the Building Commissioner because she would have the authority to extend the project if the applicant is actively working on the site. Mr. Londergan will help draft the letter if one needs to be sent. The Board will get legal advice before sending any letters.

Motion to Adjourn made by: Mr. Richard Eichacker second Mr. David Dufresne – 5 yes votes @9:25pm

Next Meeting Date: September 12, 2022 @ 7:15pm

Respectfully submitted,

  
Jill Chalifoux-Miller  
Secretary

09/12/2022  
Date Approved

Members of the Board Signatures

