

Board: Select Board / Water Commissioner's Meeting
Date: Monday, October 04, 2021
Location: Online Video/Audio Conference Pursuant to Massachusetts General Law, in Response to the COVID-19 Pandemic

Select Board Present: Jacob Smith, William Bembury, Scott Bastarache
Planning Board: Michael Shaffer, George Moonlight Davis, Debra Smith, Janice Vega-Liros
Also, Present: Bryan Smith, Natane Halasz, Robert Holst, Mariah Kurtz, Peter Mallet
Press: Kathleen Nolan, Montague Reporter

At 6:33 PM **Chairman Smith** called the meeting to order.

Chairman Smith explained that the meeting is being recorded and provided an overview of the functions of the video/audio conferencing platform.

Executive Session- Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (1)

Chairman Smith explained that the Executive Session will be passed over.

Discussion Regarding Town Response to COVID-19

No updates at this time.

Discussion Regarding July 18, 2021 State of Emergency

Bryan Smith, Town Administrator, explained that the Town has received communication from the Massachusetts Emergency Management Agency (MEMA) that even though the Town's total damage and Franklin County's total damage from the July 18, 2021 storm may have met financial thresholds to request an emergency declaration, the Commonwealth as a whole did not meet a significant enough of a burden to seek an emergency declaration from the Federal Government. Therefore, Massachusetts will not be seeking federal assistance through the Federal Emergency Management Agency (FEMA). Bryan added that at this time there is no indication if there will be State level assistance provided to communities that sustained damage. **Selectman Bastarache** asked if the Town has been told what threshold must be met to request FEMA assistance. Bryan explained that the Chief Wonkka has been meeting with representatives of MEMA and FEMA to review damage and submit necessary paperwork, but that no specific explanation has been provided as to the Statewide threshold. **Selectman Bembury** explained that Senator Comerford's Office is exploring options for communities affected by the storm. **Selectman Bembury** encouraged Select Board members and other communities to write our Senators and Representatives to request support. **Chairman Smith** expressed agreement and the need to explore options without State and Federal support.

Library Construction Project Update & Review of Change Order Requests

Bryan explained that the Architect has responded to the General Contractor about the Town's outstanding concerns, including the delamination of the doors and the contractor's claim about a moisture issue. Bryan explained that the Town is awaiting the General Contractor's response. Bryan added that the Architect is working on the LEED certification application for the Public Library and is just waiting on the receipt of a few final reports. **Selectman Bembury** asked if there is a point that the Select Board engages Counsel to push these matters to completion. Bryan explained that the Town may need to seek legal Counsel support if satisfactory response from the General Contractor is not received. Bryan clarified that the Town noted these issues on the warranty walk through so that they legally should be covered under the warranty. The Select Board members discussed the need to find resolution soon.

Discussion Regarding Traffic Control in Erving Center Impacted by Church St. Bridge

Bryan explained that the equipment for the traffic detour has been placed on the Church Street bridge and that a message board has been placed at the corner by Route 2 and Church Street. Bryan explained that additional signage will be installed on Route 2 on Tuesday. Bryan explained that in response to traffic related issues observed by residents on Church Street, additional Police details were added to increase enforcement. Bryan also noted that **Chairman Smith** has reported the detour to the online mapping and directional companies. **Chairman Smith** spoke about updates and changes that have been made to signage and messaging to clarify the traffic limitations and detour in the area. **Selectman Bembury** spoke to the noticeable impact to traffic after a few days of the new traffic pattern. **Selectman Bembury** issued concern about increased traffic with the upcoming holiday weekend. Bryan will work with Chief Holst to address traffic concerns for the holiday weekend.

Taking for Permanent Sewer Easement- 15 East Main Street (Parcel 6-4-70)

Bryan reviewed the proposed sewer easement for the Arch Street force sewer main that would cross the property of Tim's RV at 15 East Main Street. Bryan explained that this was proposed to the voters at the Annual Town Meeting in May 2021 in Article 20 and the Select Board has been authorized to acquire the easement. Bryan explained that an appraisal has been completed by a vendor for the easement and it has been valued at \$10,000. Bryan explained that Town Counsel has prepared the taking documents for the Select Board's consideration. Bryan added that the proposed price and the taking have been reviewed with the property owner and that he has given verbal confirmation that he accepts the price for the easement. Bryan explained that copies of the appraisal have been provided to the property owner and that he was informed of the Select Board's intention to discuss this matter at today's meeting and was provided with participation information. The Select Board members discussed having no concerns with proceeding with the taking of the easement. **Selectman Bembury** asked if the Town would plan to pave the easement with asphalt. Bryan explained that the Town is only acquiring a 30' wide easement and his understanding is that the property owner plans to maintain a hard pack surface. **Chairman Smith** explained that the Town is obligated to restore the disturbed area of the easement to similar conditions as it was found.

Selectman Bastarache made a motion to take by right of eminent domain, a permanent sewer easement at 15 East Main Street (Parcel ID 6-4-70) in accordance with the provisions of Massachusetts General Laws Chapter 79, Section 1; Chapter 40, Section 14; and, Chapter 82, Sections 21-24, if applicable, and by authority of a vote passed by the Annual Town Meeting of the Town of Erving held on May 12, 2021, being 30' in width, on behalf of the Town of Erving, for sewer purposes including the construction, use, maintenance, and repair of sewer lines and a pump station or other facilities required, as shown on a plan entitled "Plan of Land in Erving, MA, Prepared for Tighe & Bond," by Northeast Survey Consultants, dated February 24, 2021, in the amount of Ten Thousand Dollars and No Cents (\$10,000.00). **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Joint Meeting with Planning Board- Review of proposed Zoning Bylaw Revisions for a Planned Unit Development Overlay

At 7:05 PM **Chairman Smith** called the joint meeting of the Select Board and the Planning Board to order.

Michael Shaffer, Planning Board Chairman, explained that the Planned Unit Overlay District (PUD) has been discussed by the Planning Board throughout the past year. Michael explained that the Planning Board identified four (4) areas of Town for the proposed PUD that include the French King Highway Commercial District, the Renovators Supply property, the former IP Mill property, and the Erving Paper Mill Land. Michael explained that the goal of proposing the PUD is to provide interested owners and

developers more direction on what types of development would be allowed. The Select Board and Planning Board members reviewed a memorandum from Mariah Kurtz, Assistant Town Planner, regarding the proposed Zoning changes. Mariah explained that the proposed PUD allows for campus style development that focuses on a cohesive design, one (1) primary entrance, consistent signage, as well as accommodations for vehicles, pedestrian, and public transportation. Mariah clarified that if the proposed PUD is adopted at Town meeting, it becomes an option for developers to follow or developers could choose to follow the existing Zoning in approved areas. Mariah added that the proposed PUD promotes the reuse of historic structures and cluster development like many of the mill properties consist of.

Michael discussed the support that was provided by Peggy Sloan, Director of Planning & Development at FRCOG, as the proposed PUD bylaw was drafted. Michael explained that he believes that the proposed Zoning adjustments consider the availability of existing water and sewer infrastructure. **Selectman Bembury** asked for clarification regarding the optional nature of the proposed PUD and if the Planning Board would oversee development projects. Mariah confirmed that the Planning Board would remain the oversight Board for permitted projects. Mariah explained that traditional Zoning approaches encourages a single primary use per lot. Mariah explained that the proposed PUD would acknowledge the areas that the Town believes a campus style development would be appropriate, such as the mill sites. **Selectman Bastarache** asked if the Town should include the Care Drive area, noting the Senior Housing goals. General support for the proposal was expressed by Select Board and Planning Board members.

Mariah discussed the Zoning amendment process, explain that the Planning Board is requesting feedback for considering Zoning changes and that the process asks for the Select Board to formalize feedback on draft changes and to submit it back to the Planning Board. **Chairman Smith** discussed reviewing the proposed PUD amendments and discussed general support for the expansion of the proposed PUD to include Care Drive. **Selectman Bastarache** expressed appreciation for the detailed control that the proposed PUD bylaw language provides the Town. Mariah asked if the expansion of the proposed PUD to include Care Drive should also include the Elementary School parcel. The Select Board members expressed agreement. **Chairman Smith** explained that the Select Board will respond formally to the Planning Board.

The Select Board and Planning Board members reviewed other proposed changes on the Official Zoning Map. Michael explained that the Planning Board has proposed some adjustments to the existing zoning districts. Mariah reviewed a summary of the proposed zoning district changes, that include:

- Proposed name change to update French King Commercial District to clarify use and an adjusted set back from the protected conservation area on Dorsey Road.
- Addition of the PUD to align with the French King Commercial District.
- Proposed Village Residential zone on both sides of River Road.
- Proposed PUD between Strachan Street and Gunn Street, and an adjustment to Central Village to match the proposed PUD layout that aligns with existing development. Mariah explained that the Planning Board conducted a site visit.
- Michael reviewed a proposed change of Rural Residential to Village Residential along Warner Street and Strachan Street.
- Mariah reviewed proposed adjustment of the Central Village zone along Northfield Road to extend to the Senior Center parcel.

Selectman Bastarache asked if Gunn Street should remain half Central Village and half Village Residential and explained that the topography of the parcels would make it challenging to use for any other purpose

than residential. Michael expressed agreement and suggested that both the Central Village zone and the proposed PUD should follow the Renovator's Supply parcel boundary. Michael Shaffer made a motion to modify the proposed Central Village zoning and PUD to follow the Renovator's parcel boundary and to include the Senior Center, Elementary School and Library parcels in a proposed PUD. George Moonlight Davis seconded. **Vote:** Janice Vega-Liros abstained. Passed by majority of the Planning Board.

Mariah reviewed proposed changes along Route 2 near the former International Papermill, noting that the Central Village zone currently stops on the north side of Route 2 but continues along the southside through the developed section of the International Papermill parcel. Mariah explained that the proposal is to extend the Central Village zone on the northside of Route 2 to align with the southside. Mariah also explained that the proposed PUD would include parcels on both sides of Papermill Road. Michael expressed concern that the Central Village zone and the proposed PUD extend to the limits of the developed section of the International Papermill parcel. Bryan confirmed that the presented map approximately aligns with the developed section of the International Papermill parcel.

Mariah reviewed the proposed extension of the Central Village zone in Erving Center along Route 2 (West Main Street) and a reduction of the Central Village zone along Route 2 (East Main Street) so that the State Forest is not included. The Boards reviewed the proposed PUD over the Erving Papermill and the adjacent lot on the northside of the Street. Mariah discussed proposed adjustments to the Village Residential zoning along High Street and Swamp Road to follow the State Forest boundary. The Planning Board and the Select Board members discussed general agreement with the discussed proposed amendments. **Selectman Bembury** asked about Town approval. Bryan explained that the Planning Board needs to conduct a public hearing and that official adoption must be done at a Town Meeting, Special or Annual. Michael discussed proposals on several zoning initiatives and suggested addressing over several meetings. Debra Smith discussed a request to the Select Board for scheduling of a Special Town Meeting. **Chairman Smith** expressed general support for considering inclusion at a Special Town Meeting or the upcoming Annual if the Select Board chooses. **Chairman Smith** expressed appreciation to the Planning Board and Mariah for all the work that has gone into the proposed Zoning Bylaw amendments. **Selectman Bastarache** discussed concern about conducting the work at a Special Town Meeting, though acknowledged the potential need to proceed. **Chairman Smith** thanked everyone for the work and explained that the Select Board will revisit the topic on October 18, 2021.

At 8:00 PM **Chairman Smith** made a motion to adjourn the joint Select Board and Planning Board meeting and to continue with the Select Board meeting. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Former Graded School RFP Addenda & Questions

Bryan provided the Select Board with an update regarding the procurement to sell the former Graded School building. Bryan explained that the request for proposals (RFP) was issued, and a site walk was conducted. Bryan explained that the site walk was attended by four (4) potential developers and since then the Town has been approached by additional developers that have requested a second site walk. Bryan also explained that developers asked if the Select Board would consider proposals that included an offer to purchase the former Public Library parcel. **Selectman Bembury** explained that he supports the Town providing developers with a second walk through but expressed concern about considering the former Public Library parcel at this time because the Recreation Commission materials are scheduled to move to that location. Bryan clarified that the Town had planned to move Recreation Commission materials to the former Public Library, but that the staff has been working remotely and the building was not being setup as programming space at this time. **Selectman Bastarache** asked how much room the

Recreation Commission needs for storage, explaining that he understands the concerns but would be open to considering proposals from a developer. **Chairman Smith** discussed understanding both perspectives, noting the need to find a permanent solution for the Recreation Commission. **Chairman Smith** expressed curiosity in understanding developer interest in the property. **Chairman Smith** asked if it is possible to structure the RFP to allow the submission of the option to purchase the former Library parcel but allows the Select Board to reject that portion of the proposal and proceed with the sale of the former Graded School building. Bryan offered to issue an addendum that extends the submission deadline, provides a second site walk, and answers most questions that were raised. Bryan will follow up with Town Counsel about how to address the option to address the consideration of the former Public Library. **Selectman Bastarache** expressed agreement with the proposed next steps. **Selectman Bembury** restated the concern about space for the Recreation Commission for a permanent location but expressed a willingness to consider a proposal. **Chairman Smith** expressed appreciation for **Selectman Bembury's** concern and discuss a need for the Select Board to understand the displacement impact and cost for the Recreation Commission if the former Library was also sold. The Select Board will plan to discuss again on October 18, 2021.

Review of Meeting Minutes for January 11, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for January 25, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for February 08, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for March 01, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for March 08, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for April 26, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for May 03, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for June 14, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for August 16, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for September 13, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for September 20, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for September 27, 2021

The Board passed over this agenda item.

Review of Meeting Minutes for September 30, 2021

The Select Board reviewed the meeting minutes of Thursday, September 30, 2021. **Selectman Bastarache** made a motion to approve the meeting minutes of September 30, 2021, as written. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Central, Gunn, Park & Pratt Street Sidewalk Improvement Project Change Order Requests

The Select Board members reviewed the following proposed change orders to the Complete Streets pedestrian improvement project for Central, Gunn, Park and Pratt Streets and took the following actions:

Change Order #1: Bryan explained that change order proposal #1 would formally incorporate improvements on Amidon Street by removing and replacing the existing sidewalk with a 5' wide sidewalk connecting the work on Gunn Street and Pratt Street with work conducted by A. Martin & Sons Construction, Inc. for a cost of \$22,618.75. **Chairman Smith** asked if the change order was reliant on the outcome of a tree removal hearing. Bryan explained that Michael Gordon, Tree Warden, held the tree hearing on September 30, 2021, and that an understanding was reached between the Tree Warden and the concerned citizens that participated. **Selectman Bembury** explained that he has no concerns with the proposed change order. **Selectman Bastarache** stated that he is an abutter of the proposed Amidon Street work and wanted it acknowledged for the record. **Chairman Smith** made a motion to approve Change Order #1 in the amount of \$22,618.75 to encompass Amidon Street. **Selectman Bembury** seconded. **Vote:** **Selectman Bastarache** abstained. Passed by majority.

Change Order #2: Bryan explained that change order proposal #2 is in response to a request from Lisa Candito, School Principal, to replace damaged sidewalk panels at the Elementary School. Bryan explained that this request had originally been presented during the FY2022 capital planning process and it was agreed to consider a change order request when a contractor was hired for the Complete Streets project. Bryan explained that A. Martin & Sons Construction, Inc. has proposed to complete the work for a cost of \$11,700. **Selectman Bastarache** made a motion to approve Change Order #2 in the amount of \$11,700 for sidewalk repair at Erving Elementary School. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Change Order #3: Bryan explained that change order proposal #3 would allow A. Martin & Sons Construction, Inc. to plant public shade trees within the project area as was requested by the residents an agreed to by Michael Gordon during the tree removal hearing for the project. **Chairman Smith** asked how many trees would be planted for this price. Bryan explained that Michael was looking for locations for ten (10) to twelve (12) trees. Bryan explained that the Town would request that MassDOT allow the tree planting to be charged to the Complete Streets grant, but if it is not approved the funding would come from the Tree Warden's planting budget. **Selectman Bastarache** made a motion to approve Change Order #3 in the amount of \$3,600 for the planting of trees throughout the Gunn Street, Pratt Street, Central Street and Park Street project. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Flagg Hill Sewer Expansion Project Bid Results

The Select Board members reviewed the Flagg Hill Sewer Extension project contractor bid evaluation memorandum from Tighe & Bond. Bryan explained that the Town and Tighe & Bond conducted a bid

opening at 10:00 AM on Monday, October 04, 2021. At the time of the bid deadline, the Town received the following bid submissions:

Company Name	Location	Cost
Baltazar Contractors, Inc.	83 Carmelina's Circle, Ludlow, MA 01056	\$214,242.00
A.J. Virgilio Construction Co., Inc.	86 Medeiros Way, Westfield, MA 01085	\$309,500.00
Cain's Mechanical	69 Franklin Street, Feeding Hills, MA 01030	\$353,267.80

Bryan explained that the lowest bidder is currently working on another construction job for the Town and progress to date has gone without incident. Bryan also explained that the lowest bid price fits within the budget from the American Recovery Plan Act funding intended for the project. **Selectman Bembury** made a motion to award the Flagg Hill Road Sewer extension construction project to Baltazar Contractors, Inc. in the amount of \$214,242.00. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Selectman Bastarache motion to authorize Town Administrator, Bryan Smith, to execute all necessary paperwork and agreements related to the Flagg Hill Road Sewer Project. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Selectman Bembury expressed concern about the construction work that will be involved with the interconnection on North Street and requested that Police details are used to address traffic. Bryan confirmed that traffic details are included in the budget for the project and that he would work with Robert Holst, Chief of Police, to address.

Issuance of Cemetery Deeds #540 & 541- Lynde

The Select Board reviewed the following deeds for the purchase of burial rights in the Erving Center Cemetery. The Select Board took the following action:

Selectman Bastarache Made a motion to issue Deed 540 for Lot 1029 to Earl C. Lynde II, in the amount \$25.00. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Selectman Bastarache made a motion to issued Deed 541 for Lot 1030 to Patricia A. Lynde. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Discussion Regarding East County Park & Ride Proposal from FRCOG

The Select Board members reviewed the draft Park & Ride Study for Eastern Franklin County that has been prepared by the Franklin Regional Council of Governments (FRCOG). Bryan explained that the FRCOG planning staff worked on the proposal to identify potential eastern Franklin County locations for carpooling near Route 2. Bryan summarized that the study identified two (2) potential locations in Erving: the municipal parking lot in Erving Center on Route 2 and the Senior & Community Center parking lot off Route 63. **Selectman Bembury** discussed his review of the plan and expressed concern about the potential impact on Senior Center and Public Library and the parking needs of the patrons for both facilities. **Selectman Bembury** explained that the Town's use of these parking spaces needs to be prioritized and if the Town was to proceed with the proposal the intended spaces should be limited and clearly marked. **Selectman Bembury** added that the proposal should also consider other transit concerns like shelter and proper seating for individuals waiting on public transit. **Chairman Smith** asked if funding from the State is available for site improvements. Bryan explained that there is no specific funding related to the program beyond the signage, but that he believed the Shared Streets grant program maybe a viable option to discuss site improvements that encourage and support multimodal transportation. **Selectman Bastarache** discussed general support for the proposal to identify some parking spaces in the municipal

lot on Route 2 and spoke against the use of parking spaces at the Senior & Community Center. **Chairman Smith** discussed general support for the proposal and explained that he would like to know what options the Town would have if the Town experienced negative impacts from participating in the program. Mariah raised concerns about snow plowing impacts in the parking lots. Bryan will review the proposal with Glenn McCrory and will follow up with the FRCOG planning staff.

Miscellaneous

Highland Avenue Layout Adjustment- Pollard Property: **Selectman Bembury** asked about the status of the Highland Avenue layout adjustment that had been previously discussed by the Select Board. Bryan explained that the Town cannot proceed with any actions until the Select Board schedules a Town Meeting and includes the layout article on the warrant. Bryan explained that the Board had previously met with Brian Pollard about the proposed adjustment of approximately 247 square feet and that Brian had expressed a request that the Town restore a missing bound from the Road layout. Bryan explained that the Town's surveyor has provide the Town with a price for a cement bound. **Selectman Bastarache** expressed a preference for a granite bound and asked Bryan to request a price for that option. Bryan will follow up.

Adjournment

At 8:58 PM **Chairman Smith** made a motion to adjourn. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Respectfully submitted,



Bryan Smith
Town Administrator