

MILLBURY PLANNING BOARD  
MINUTES  
February 14, 2022

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MILLBURY, MASS.

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, February 14, 2022 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA and also available through Zoom.us/download. The meeting was recorded and streamed by Millbury Public Access Cable Television. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Terry Burke Dotson, Paul Piktelis, Bruce DeVault, Mat Ashmankas, Alternate Fran DeSimone

**7:15 p.m. Performance Guarantee Release  
12 Latti Farm Road Guarantee Release**

Laurie Connors detailed the performance guarantee for 12 Latti Farm Road in the amount of \$275,000.00. The work remaining for the project is landscaping and berm and receipt of the updated as-built plans. They are requested that the board issue a release in the amount of \$265,000.00 leaving a balance of \$10,000.00, plus interest.

Paul Piktelis made a motion to grant a partial release in the amount of \$265,000.00 from the performance guarantee held for 12 Latti Farm Road such that \$10,000 plus interest shall remain, Mat Ashmankas seconded, and on a roll call vote with Rich Gosselin, Paul Piktelis, Mat Ashmankas, Terry Burke Dotson and Bruce DeVault in favor, vote was unanimously.

**7:30 pm Public Hearing Con't– Site Plan Review & Stormwater Management Permit  
Abbott Place – 1497 Grafton Road  
Parklund Place, LLC**

John Grenier, of JG Grenier, representing the applicant, updated the Board on the proposed project. He has contacted the Police Chief and they determined the address for the site to be 1497 Grafton Road as the access is from Grafton Road. The parking will be in the rear portion of the site. They are complying with the parking requirements. They have provided Stantec with the stormwater information around the recharge chambers and material type fill. He will modify the plan to change offset shift location of driveway to the east.

Terry Burke Dotson inquired and Mr. Grenier confirmed that the line of driveway closest point is now 15 feet along the frontage and 4 feet off the sideline.

Laurie Connors detailed the bylaw regulations for the setbacks.

Chairman Gosselin inquired and Mr. Grenier confirmed that they are using the frontage for the site on Abbott Place.

Terry Burke Dotson stated that she conducted a site visit and detected the smell of gas and requested that the applicant speak with the gas company.

Mat Ashmankas inquired and Laurie Connors confirmed the driveway to the property line is on the site plan.

Discussion ensued regarding the safety access of the entrance and rear parking.

John Grenier stated that they have an active Order of Conditions with the Conservation Commission.

Paul Piktelis made a motion to close the public hearing, Bruce DeVault seconded, voted unanimously.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.44(c): requirement to submit an isometric line drawing, Mat Ashmankas seconded, Terry Burke Dotson abstained, voted 4-1.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.44(o): requirement to install concrete curb and gutters around the perimeter of all driveways. Cape cod berm and vertical granite curb shall be installed where depicted on the site plan, Mat Ashmankas seconded, Terry Burke Dotson abstained, voted 4-1.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.44(f): requirement to submit a development impact statement, Mat Ashmankas seconded, Terry Burke Dotson abstained, voted 4-1.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.45(r): requirement to install concrete car stops for all parking spaces, Mat Ashmankas seconded, Terry Burke Dotson abstained, voted 4-1.

Paul Piktelis made a motion to grant Site Plan Approval condition a–n, Mat Ashmankas seconded, Terry Burke Dotson abstained, voted 4-1.

**7:48 p.m.      Multi-family Special Permit, Site Plan Review &  
Stormwater Management Permit  
17 Rice Road – Rice Pond Village  
Whitney Street Home Builders, LLC**

Chairman Gosselin requested Town Counsel present the decision he prepared for the project.

Brian Falk, Town Counsel representing Town of Millbury, detailed the notice of decision he drafted.

Discussion ensued regarding the legal process for the denial of the project.

Bruce DeVault requested a discussion on the voting options for the project.

Chairman Gosselin recommended that the proposed units near the wetland area be removed from the project.

Ms. Dotson read the subdivision rules and regulations on the driveways. She stated that she is in favor of a denial for this project.

Chairman Gosselin inquired and Mr. Falk stated that the Board can include modified conditions of approval on a decision after the public hearing on a project has been closed.

The Board discussed their positions on the project. Chairman Gosselin conducted straw polls to determine on member's positions on denying or approving the project.

Mr. Falk provided guidance and prepared motions for a denial to the Board for the Site Plan and Special Permit. Mr. Falk advised the Board they should consider voting on the Stormwater Permit separately from the Site Plan and Special Permit, as there is not a valid justification to deny the stormwater permit.

Discussion ensued regarding the correct acreage of the project to be referenced in the decision. The applicant will provide Planning Staff the correct acreage.

The Board and Mr. Falk discussed the proposed motions for denial and reason the Subdivision Rules and Regulations are referenced.

Mat Ashmankas made a motion for denial vote on applicant requested waivers, Subdivision Rules and Regulations, Section 6.7(4)(f): Deny a requested waiver from the requirement that the minimum centerline radii of curved streets shall be one hundred feet (100') for an access street, because such minimum centerline radii is necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws, Terry Burke Dotson seconded, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion for denial vote on Subdivision Rules and Regulations, Section 6.7(4)(i): Deny a requested waiver from the requirement for two or more points of access for a development with 20 or more dwelling units to allow for a single means of access as proposed by the Applicant, because two or more points of access are necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws, no second, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion for denial vote on Subdivision Rules and Regulations, Section 6.7(6): Deny a requested waiver from the requirement that roads serving 20 or more dwelling units shall have a 26-foot wide traveled way to allow for a roadway serving the Project with a 22-foot width as proposed by the Applicant, because a 26-foot wide travelled way is necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws, Terry Burke Dotson seconded, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion for denial vote on Subdivision Rules and Regulations, Section 6.10: Deny a requested waiver from the requirement to install vertical granite curb along the perimeter of the Project's roadway to allow for sloped granite curbing as proposed by the Applicant, because vertical granite curbing is necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws, Terry Burke Dotson seconded, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion for denial vote on Subdivision Rules and Regulations, Section 7.5: Deny a requested waiver from the requirement to install a grass strip between the curb and the sidewalk to allow for a sidewalk abutting the curb as proposed by the Applicant, because a grass strip between the curb and the sidewalk is necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws, Terry Burke Dotson seconded, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion for denial vote on Zoning Bylaws, Section 12.44(c): Deny a requested waiver from the requirement to submit an isometric line drawing, because the drawing is necessary based on the size and scope of the project, Terry Burke Dotson seconded, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion for denial vote on Zoning Bylaws, Section 12.44(d): Deny a requested waiver from the requirement to submit a locus plan at a scale of 1"=100', because the required scale for the locus plan is necessary based on the size and scope of the project. The locus plan provided by the Applicant is not to scale and the key plan is at a scale of 1"=60'. Terry Burke Dotson seconded, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion to deny a Special Permit and Site Plan review for a multifamily use based upon the following findings and reasons,

1. Section 14.3 of the Zoning Bylaws and M.G.L. c. 40A, Sec. 9, provide that a special permit may be granted if the proposed use is in harmony with the general purpose or the general and specific provisions of the applicable bylaw. The Project, as proposed, is not in harmony with the general purpose or the general and specific provisions of the applicable bylaw for the following reasons:
  - a. Section 32.6 of the Zoning Bylaws provides that no more than one residential structure shall be erected on any lot, except that more than one multifamily structure may be placed on a lot if the Planning Board, in its deliberations on an application for a special permit for multifamily dwellings under Section 14.11(a), determines that each such multifamily structure will be served by access equivalent to that required for single or two-family structures on separate lots under the Planning Board's Subdivision Rules and Regulations. Based upon the requested waivers, which the Board has denied, the Project is designed so that its roadway and means of access deviate from several requirements in the Subdivision Rules and Regulations. Conformance to the Subdivision Rules and Regulations is necessary to provide access for the Project's multifamily structures equivalent to that required for single or two-family structures on separate lots, and therefore the Project is designed contrary to the requirements of Section 32.6 of the Zoning Bylaws.
  - b. The Project would have just a single means of access, where the Subdivision Rules and Regulations require at least two means of access for a development of 20 units or more. The single means of access would be a roadway that is undersized based upon the minimum width required by the Subdivision Rules and Regulations. The Project's inadequate access would present a public safety risk for the residents of the Project and

current residents in the neighborhood with respect to vehicular access and circulation, pedestrian activity in the neighborhood, and accessibility to police, fire, and ambulances services, contrary to the requirements of Section 32.6 of the Zoning Bylaws.

- c. Section 22 of the Zoning Bylaws governs uses in the Residential I Zoning District, and states that the intent of the district is to provide for a range of dwelling types in areas "having existing development at relatively high densities." The residential neighborhood in the vicinity of the Project currently has relatively low density development consisting of single family homes on lots ranging from one-third of an acre to more than half an acre. The Project would add 46 new residential units in 23 multifamily dwelling structures on the Property, significantly increasing the density in the neighborhood and having a detrimental impact upon the character of the neighborhood, contrary to the purposes of Section 22 of the Zoning Bylaws.

2. Section 12.46(b) of the Zoning Bylaws provides that the Planning Board must disapprove an application for site plan review if it is unable to make the written findings required for approval, that that the proposed development is in conformance with the Zoning Bylaws. The Project, as proposed, is not in conformance with the Zoning Bylaws for the reasons already stated and for the following additional reasons:

- a. The application remains incomplete and fails to furnish adequate information required by the Zoning Bylaws based upon the waiver requests denied by the Board.
- b. The Project's inadequate access and roadway design are not in conformance with Section 12.45(l) of the Zoning Bylaws with respect to vehicular and pedestrian circulation and would detract from the use and enjoyment of the proposed buildings and structures and neighboring properties.
- c. The Project's high density would add 46 new residential units in 23 multifamily dwelling structures on the Property, significantly increasing the density in a neighborhood that currently has relatively low density development, contrary to the purposes of Section 22 of the Zoning Bylaws, Terry Burke Dotson seconded, with Mat Ashmankas, Rich Gosselin and Terry Burke Dotson in favor and Bruce DeVault and Paul Piktelis abstain, voted 3-0.

Mat Ashmankas made a motion to authorize Town Clerk and Town Counsel to finalize and file a denial decision substantially in the form presented at tonight's meeting, Terry Burke Dotson seconded, Mr. Piktelis and Mr. DeVault abstain. voted 3-0.

Mat Ashmankas make a motion to grant the Stormwater Permit for Rice Pond Village, including condition a –g, Terry Burke Dotson seconded, voted unanimously.

Discussion ensued regarding an iPad for the associate member. Staff noted there is not an iPad available for the associate member but all meeting documentation is emailed and also available on SharePoint and the town's website.

Steve Stearns thanked the Board for the efforts on this project.

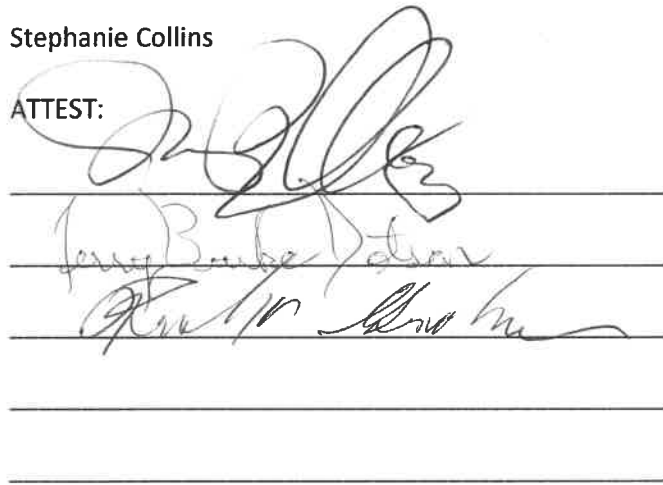
Ms. Connors provided a mylar for 152 West Main Street for the Board to sign.

Bruce DeVault made a motion to adjourn, seconded by Paul Piktelis, voted unanimously.  
Meeting adjourned at 9:37 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:



The image shows three handwritten signatures on lined paper. The first signature is a large, stylized cursive signature, likely Paul Piktelis. The second signature is a smaller, more legible cursive signature, likely Bruce DeVault. The third signature is a cursive signature, likely Stephanie Collins. The signatures are written on four horizontal lines.