

MILLBURY PLANNING BOARD
MINUTES
June 13, 2022

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, June 13, 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: Chairman Rich Gosselin, Paul Piktelis, Terry Burke Dotson, Bruce DeVault, Fran DeSimone

**7:15 p.m. Public Hearing – Site Plan Review & Stormwater Management Permit
207 Riverlin Street – Town of Millbury**

The attorney representing Millbury Landfill Solar, LLC and Ameresco stated that they are requesting Site Plan Review and Stormwater Management permit from the Board.

Robert Bukowski, representing Weston & Sampson Engineers, stated that the project will be a solar array and battery storage system. The project is located in the R-3 district with the solar array taking up about .5 acres of 20 acre parcel. Mr. Bukowski noted that the MassDEP application has been filed. Concrete and racks will be secured above ground to control location system pad. A seven foot high fence will be installed for security at the southern and eastern part of access road. The stormwater management system currently in place will remain, with the same run off that currently exists.

Millbury Solar Landfill will be submitting an application to the Conservation Commission. They are seeking several waivers for the project.

Chairman Gosselin inquired and they confirmed that there is capacity in the grid for this project and that the town is not buying the credits. The power will be used primarily by the Upper Blackstone Wastewater Treatment Plant. Discussion ensued about future locations for solar arrays on school rooftops and other facilities.

Fran DeSimone inquired and Mr. Bukowski confirmed the concrete pads and electrical wiring, stating that the slope stability and settlement analysis has been completed for the project.

Chairman Gosselin inquired and Mr. Bukowski confirmed the elevation of landfill and that settlement of landfill will not be a concern. They will also perform post construction inspections per MASSDEP.

Terry Burke Dotson inquired and Mr. Bukowski confirmed that the existing pipes are passive gas vents, no burning ever occurs, and that a 10-foot buffer is maintained around them from any solar installation. He also confirmed that the town is responsible of the landfill. 10 feet away from them.

Ms. Dotson inquired about whether landscaping could be added to the landfill as a visual buffer to abutters. Mr. Bukowski confirmed that landscaping is not permitted on capped landfills and the grade is too steep.

Chairman Gosselin inquired and Mr. McCormack confirmed that there is a condition included in the decision regarding Conservation Commission approval for the project. He also noted there are additional MassDEP approvals required for solar landfill projects.

Ms. Dotson stated that with the waiver of the setback to 75 feet, she recommended researching a landscaping plan for the project.

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

Bruce DeVault made a motion to waive Zoning Bylaw, Section 12.44(b), the requirement to submit a landscape plan, Paul Piktelis seconded, Richard Gosselin, Paul Piktelis, Bruce DeVault, and Fran DeSimone in favor and Terry Burke Dotson opposed, voted 4-1.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 12.44(c), the requirement to submit an isometric line drawing, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 51.6.1, the requirement to reduce the setback requirement for large-scale ground-mounted solar PV installations from 125 feet to 75 feet, Paul Piktelis seconded, Richard Gosselin, Paul Piktelis, Bruce DeVault, and Fran DeSimone in favor and Terry Burke Dotson opposed, voted 4-1.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 51.6.4, the requirement for 8-foot tall, mini-mesh security fence be installed around the entire perimeter of the large-scale ground-mounted solar photovoltaic installation, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 51.6.10, the requirement to place all network interconnections and power lines, to and from the facility, underground, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 51.8.3, the requirement from dismantling and physically removing the solar photovoltaic installation within ninety (90) days from the date of discontinued operations to 180 days, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 13.15.070(b)(4), the requirement for the storm water management systems to be designed to remove 80 percent of the average annual load (post-development conditions) of total suspended solids, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to grant the Notice of Decision on a Post- Construction Stormwater Permit for 207 Riverlin Street, subject to conditions a-r, amendment MASSDEP 7.f.12, Paul Piktelis seconded, voted unanimously.

**7:48 p.m. Public Hearing Con't– Stormwater Management Permit
33 Sutton Road
David Perkins**

Chairman Gosselin recused himself from the public hearing.

Margaret Bacon, Civil Site Engineering, representing the applicant, stated that they are requesting a special permit and storm water management permit for a proposed duplex. They have received approvals from both the Board of Appeals and Conservation Commission. An existing single family house was demolished on the site. They have received the peer review comment letter and will update stormwater management plan, per the comment letter.

Mr. Piktelis inquired and Ms. Bacon confirmed an additional driveway cut will be required.

Mr. DeSimone inquired Ms. Bacon stated that the driveway has been designed to meet the Planning Board requirements.

Mr. DeVault inquired and Ms. Bacon confirmed that they will be working near wetlands and the wetland locations have been flagged onsite.

Ms. Dotson inquired and property owner David Perkins confirmed that the units will be sold separately.

Mr. McCormack confirmed that the proposed project is not a subdivision.

Ms. Dotson inquired and Ms. Bacon confirmed that each unit will have its own driveway with 3 parking spaces per duplex and garage spaces. Each unit will have 3 bedrooms. Ms. Bacon also confirmed there should be no issues with the Fire Department's maneuverability of the turnaround.

Mr. Piktelis inquired and Mr. McCormack stated that the peer review letter has been received and the Conservation Commission's Order of Conditions has been issued.

Bruce DeVault made a motion to close the public hearing, Fran DeSimone seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 12.44(a), the requirement to provide information on the location, size, type and number of existing and proposed landscaping features, Fran DeSimone seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 12.44(a), the requirement to show the location, type, style of fixture, and intensity of lighting, Fran DeSimone seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 12.44(b), the requirement to submit a landscape plan at the same scale as the site plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including planting areas with size and type of stock for each shrub or tree, Fran DeSimone seconded, voted unanimously.

Bruce DeVault made a motion to waive Zoning Bylaw, Section 12.44(d), the requirement to submit an isometric line drawing, Fran DeSimone seconded, voted unanimously,

Bruce DeVault made a motion to waive Zoning Bylaw, Section 12.45(f), the requirement to provide a Development Impact Statement, Fran DeSimone seconded, voted unanimously.

Bruce DeVault made a motion to waive Municipal Code Chapter 13.15.070(b)(4), the requirement for the storm water management systems to be designed to remove 80 percent of the average annual load (post-development conditions) of total suspended solids, Fran DeSimone seconded, voted unanimously.

Bruce DeVault made a motion to grant the Notice of Decision on a Special Permit and Post-Construction Stormwater Permit for 33 Sutton Road, subject to conditions a-m, with the amendment to include condition 4.f.7 to increase the width and soften the radii on the two driveway turnarounds to facilitate easier turning movements for vehicle. Fran DeSimone seconded, voted unanimously.

**8:07 p.m. Public Hearing – Stormwater Management Permit
270 West Main Street – Old Bay Road LLC**

Walter Eriksen, Old Bay Road LLC, as the applicant, is seeking a stormwater permit due to a soil disturbance of greater than 5,000 sf. The ANR plan was approved by the Planning Board previously. He has received an Order of Conditions from Conservation Commission.

Mr. Eriksen noted the proposed driveway is 450 feet long. There will be a stone trench to receive the water runoff and recharge water back into the ground. The project area and erosion controls will not disturb the wetlands. The engineer updated the site plans to address the comment letters from Planning Staff and Stantec.

Mr. DeVault and Mr. DeSimone inquired and Mr. Eriksen confirmed that the work is inside the buffer zone and they have a valid Order of Conditions.

Mr. Piktelis inquired and Mr. Eriksen stated that the constructed driveway will not have a significant slope.

Discussion ensued regarding the scope of the project, size of the dwelling and the utility tie-ins.

Mr. Gosselin commented on the requirement to pin all lot corners.

Norman Fairbanks, 5 McGrath Road, commented on an existing culvert under West Main Street and concerns about the project impact stormwater on his property. Mr. Eriksen confirmed that the wetlands will not be disturbed and stormwater should not accept his property.

Mr. McCormack reviewed the waiver requests for the project.

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

Bruce DeVault made a motion to waive Municipal Code, Chapter 13.15.070(a)(8), the requirement to depict the existing and proposed topography at one-foot intervals, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Municipal Code Chapter 13.15.070(a)(13), the requirement to show the existing and proposed vegetation and ground surfaces with runoff coefficient for each, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Municipal Code Chapter 13.15.070(a)(14), the requirement to provide a drainage area map showing pre- and post-construction watershed boundaries, drainage area and storm water flow paths, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Municipal Code Chapter 13.15.070(a)(15)(f), the requirement to provide a description and drawings of all components of the proposed drainage system including expected hydrology with supporting calculations, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to waive Municipal Code Chapter 13.15.070(b)(4), the requirement for the storm water management systems to be designed to remove 80 percent of the average annual load (post-development conditions) of total suspended solids, Paul Piktelis seconded, voted unanimously.

Bruce DeVault made a motion to grant the Notice of Decision on a Post-Construction Stormwater Permit for 270 West Main Street, subject to conditions a through m, Paul Piktelis seconded, voted unanimously.

**8:28 p.m. Minor Modification – Private Roadway Name Change
1 JC Lane**

Conor McCormack detailed the minor modification request for 1 JC Lane Definitive Subdivision Plan. The new owner of property requested to change the name of the private roadway from JC Lane to Ilyas Lane. He has received the approval letter from the Chief of Police and a vote from the Board of Selectmen to approve the name change.

Bruce DeVault made motion to approve the minor modification of a private roadway name change from JC Lane to Ilyas Lane, Paul Piktelis seconded, voted unanimously.

**8:41 p.m. Performance Guarantee – Partial Release
Clearview Estates – Czervik Properties, LLC**

Steven O'Connell, Turning Point Engineering, representing Czervik Properties, requested the release for Clearview Estates Phase 2. He detailed the plan and the units previously released. He also detailed the units that will be released in Phase 2. The bond amount, prepared by Stantec, is in the amount of \$765,604.00. There will be two bonds in place until Phase 1 is complete.

Chairman Gosselin inquired regarding the bank note on the bond for Phase 2 and Mr. O'Connell stated that they will provide the \$25,000 check for the second bond.

Mr. O'Connell gave update on the project. The blasting work is complete and the onsite earth work is almost complete.

Kevin Racicot, Weldon Drive, inquired and Mr. O'Connell stated the timeframe of the fire hydrant installation. The site work needs to be completed. The piping has been ordered and the delivery timeframe estimate is February 2023. The roadway work is scheduled to occur in the spring. The estimated timeframe for fire hydrant installation is Fall 2023.

Bruce DeVault made a motion to approve the partial release of covenant for Phase 2 by bond in the amount of \$765,604, and bank check in the amount of \$25,000, Paul Piktelis seconded, voted unanimously.

**8:54 p.m. Performance Guarantee – Partial Release
Hilltop Estates – Mark Sadowski**

Conor McCormack stated that the Planning Department received the request for the performance guarantee partial release from the developer of Hilltop Drive. The roadway has been accepted by the Board of Selectmen and approved at the most recent Town Meeting. \$5,000.00 will be held back from the release for the deed transfer.

Paul Piktelis made a motion to approve the partial release of the performance guarantee for Hilltop Estates, in the amount of \$57,438.92, so as the amount of \$5,000.00 is remaining, Bruce DeVault seconded, voted unanimously.

**8:56 p.m. Performance Guarantee – Final Release
Stratford Village – Michael Staiti**

Conor McCormack stated that there is currently \$4,000.00 remaining in the performance guarantee which was held for plantings, which he confirmed has been completed. The Board has received the request for final release and close out of the project from the developer.

Paul Piktelis made a motion to approval the release \$4,000.24 plus interest for Stratford Village, Bruce DeVault seconded, voted unanimously.

8:57 p.m. Minutes

Paul Piktelis made a motion to approve the minutes of May 23, 2022, Bruce DeVault seconded, voted unanimously.

8:58 p.m. Other Business

Chairman Gosselin requested that Planning Staff research and create the zoning amendment for the two-family dwelling zoning.

Ms. Dotson made a motion to require that the deadline for an applicant to submit all meeting materials by 12:00 p.m. on the Thursday prior to the Monday meeting. If the materials are not received, the recommendation is that the agenda item be removed from the agenda and not be in front of the Board until 28 days. Discussion ensued regarding the motion. There was no second to the motion. Mr. McCormack stated that he will research the legal timeframes regarding the proposed policy.

Ms. Dotson detailed the alternate member letter submitted and Sean Hendricks stated that the Board of Selectmen has received the Chairman's letter.

Ms. Dotson referred to information received regarding a class to be presented through CMRPC on transportation and railroads.

Paul Piktelis made a motion to adjourn, seconded by Bruce DeVault, voted unanimously.
Meeting adjourned at 9:15p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:





