

MILLBURY PLANNING BOARD
MINUTES
September 26, 2022

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, September 26, 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. Minutes

Paul Piktelis made a motion to approve the minutes of June 13, 2022, Bruce DeVault seconded, voted unanimously.

**7:19 p.m. Public Hearing – Register Marijuana Dispensary Special Permit
11 McCracken Road, Unit C
JMK Gardening**

James Valeriani, Attorney, representing the applicant, reviewed the paperwork for JMK Gardening and stated that they will meet all requirements for the Board.

Chairman Gosselin stated that he had a meeting with the applicant, the Town Planner, and Building Inspector to review the project ahead of the public hearing.

Michael St. Onge, representing Wonderland Cannabis Company, presented JMK Gardening's application for the Special Permit to the Board.

Terry Burke Dotson inquired and Mr. St. Onge stated that they would be tenants of the 16,672 square foot building. Currently there two 40x200 sections. Other tenants in the building include AAA Towing and a landscaping company.

Mr. St. Onge detailed the proposed security plan for the business.

Fran DeSimone inquired and Mr. St. Onge stated that there will not be a metal detector onsite but there is a possibility to address this in the future.

Olivia Torocco, Wonderland Cannabis, stated there will be a requirement for all customers to present a certified state identification that will verify age.

Ms. Dotson inquired and Mr. St. Onge stated that the state law details that there is to be no consumption on the premises.

Mr. DeSimone inquired and Ms. Torocco stated that all products purchased are tracked from the time of sale to disposal, per State regulation.

Mr. Valeriani stated that they will be operating per all applicable regulations of the CCC, which include the responsibilities of the retailer through sale. Once product leaves the premises, it is beyond the operator responsibility.

Bruce DeVault inquired and Mr. St. Onge stated that the dispensary will located in the front of the building next to AAA with lighting and security cameras. All the parking will be in the front of the building and will have the required parking spaces for a 2,400 SF facility. They will be increasing the parking to 12-16 spaces. The employee parking will be at a separate location on the side of the building.

Mr. DeSimone inquired and Chairman Gosselin stated that the Board cannot require right turn only out of the property due to the other businesses at the location.

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Mr. DeVault inquired about the existing building issues and Mr. St. Onge stated they have been in contact with the Town departments.

Mr. DeSimone inquired and Mr. St. Onge stated that there is not a sprinkler system in the building. They have provided the updated fire plan to the Fire Chief.

Chairman Gosselin referred to the required fencing detail and requested it to be detailed in the updated plans. He requested installation of a six foot chain link fencing on the property separating the abutter. He also requested that the brush along the slope on the side be removed for security purposes. Ms. Torocco noted she has discussed the fencing requirements with the Fire Chief.

Chairman Gosselin requested an engineered survey plan of the existing building.

Planning Director Conor McCormack detailed his comment letter for the Board.

Mr. Valeriani stated that there is a land plan dated from 1941 from the Registry of Deeds. They are working with the Town regarding deeds and past property plans.

Gary Gover, owner of 11 McCracken Road, stated that there is fencing in on the property line and there is a 25-foot buffer between the building and abutter to the north.

Chairman Gosselin stated the requirement of the surveyed site plan for the property to be included for the special permit.

Paul Piktelis inquired and Mr. St. Onge stated that the walls adjacent to the existing tenants will be 5/8 inch sheet rock. There will be steel mesh walls for the vault.

Chairman Gosselin inquired and Mr. St. Onge stated that the dumpster will be located in back of the building and the snow removal will be in the rear of the property.

Rocco Frongillo, representing F&D Salvage, expressed concern regarding proposed security on the property. Mr. St. Onge responded that there will be adequate signage installed on premises to control security.

Chairman Gosselin note the CCC requirements for the ventilation system and that no cultivation would be allowed onsite.

Paul Piktelis made a motion to continue the public hearing to 7:15 p.m. on Monday, October 24, 2022, Bruce DeVault seconded, voted unanimously.

Ms. Dotson inquired on the distance of the retail shop from the school and Mr. St. Onge stated the site is well past the 500 feet state and town bylaw requirement.

8:15 p.m. ANR – 31 Tainter Hill Road

Mr. McCormack reviewed the plan and noted it meets the requirements of the town's subdivision rules and regulations.

Mr. DeSimone inquired and Mr. McCormack stated that the revised plan includes the setbacks and other recommendations from Mr. McCormack

Ms. Dotson inquired and Chairman Gosselin confirmed that there is frontage to create the two lots.

Paul Piktelis made a motion to endorse the ANR plan entitled, "Plan of Land, Map 43, Lot 12, owner Lincoln B. Bourdeaux, 31 Tainter Hill Road, dated January 13, 2022, last revised September 16, 2022, prepared by Levesque Geomatics Inc., 43 Glendale Road, Sturbridge, MA, 01518. Bruce DeVault seconded, voted unanimously.

Other Business

8:20 p.m. – Final Release of Performance Guarantee – 12 Latti Farm Road

Conor McCormack stated that there is currently \$10,000.00 remaining in the performance guarantee which was held for plantings, he confirmed the work 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 reduce the amount of funds held as surety for the completion of McClure Engineering Inc.'s plan entitled "Greencare Collective, Inc Special Permit Modification, #12 Latti Farm Road, Millbury, MA 01527", dated March 8, 2021, last revised on June 17, 2021, prepared by McClure Engineering, Inc. of Charlton, MA, secured by cash surety, by the amount of \$10,000.00, leaving a total remaining balance of \$0.00, Bruce DeVault seconded, voted unanimously.

MBTA Communities Final Guidance

Mr. McCormack updated the Board on the MBTA final guidelines completed by the State. The requirement item is to submit the action plan by January 2023.

Ms. Dotson inquired and Mr. McCormack stated that there is not a citizen's partition submitted for the multi-family moratorium for the November Town Meeting. Sean Hendricks, Town Manager, stated the proponent did not submit due the language deficiencies in the proposed moratorium, therefore the amendment did not go forward.

Ms. Dotson inquired and Mr. McCormack confirmed that if the Town does not submit the plan to the State for the MBTA program the town will lose three grant opportunities.

Downtown Revitalization Phase II – Municipal Parking Lot

Bob Simmler, 8 Grove Street, expressed concern regarding the design and parking spaces of the municipal parking lot.

Discussion ensued regarding the design of the parking lot and the proposed concrete sidewalk extension.

Discussion ensued regarding the MassWorks grant, which allows private-public partnerships with projects, as well as on the updating of the 110 Elm Street parking spaces for safety issues.

Other Business

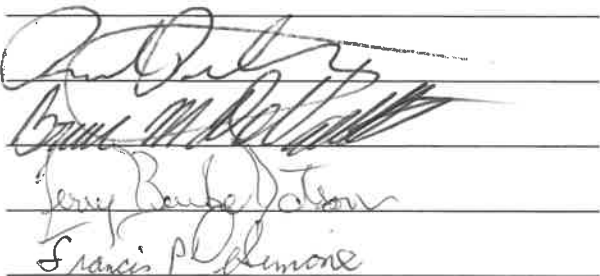
Discussion ensued regarding updating the zoning bylaws in regards to two family and three family units to comply with state law.

Chairman Gosselin requested that the Planner to start the process for a public hearing on the bylaw change.

Paul Piktelis made a motion to adjourn, seconded by Bruce DeVault, voted unanimously.
Meeting adjourned at 9:28 p.m.

Respectfully submitted,
Stephanie Collins

ATTEST:



The image shows four handwritten signatures on a lined background. From top to bottom, the signatures are: Paul Piktelis, Bruce DeVault, Jerry Baubertson, and Francis P. Gosselin.