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MILLBURY PLANNING BOARD
MINUTES
January 23, 2023

MILLBURY, MASS.

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, January 23, 2023 at 7:15 p.m. in the Large Conference Room, Millbury Town Hall, 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, Fran DeSimone
Absent: Bruce DeVault

**7:15 p.m. Public Hearing – Minor Modification for Multi-family Special Permit
61 Miles Street – Mark Smith**

Robert Murphy, representing the applicant, requested a minor modification for 61 Miles Street to extend the construction deadline.

Chairman Gosselin stated that he is not in favor of granting multiple extensions on projects. Conor McCormack stated that the applicant is seeking the extension for 18 months in accordance with the Town's zoning bylaws.

Fran DeSimone inquired and Mr. Murphy stated that the request for the extension is due to the owner's difficulty securing a contractor for the construction project.

Robert Murphy stated there are no modifications to the approved site plan and the project will be built as approved.

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

Paul Piktelis made a motion to modify the Notice of Decision for Multi-family Special Permit and Stormwater Management Permit for 61 Miles Street that was issued by the Planning Board on September, 27, 2021 so as to extend the deadline for substantial use or initiation of construction until July 24, 2024, Bruce DeVault seconded, voted unanimously.

**7:27 p.m. Acceptance of Demolition and Removal Bond –
278 West Main Street Solar**

Chairman Gosselin inquired and Mr. McCormack confirmed that the bond is based upon the engineer's review and the bond will be in place in the event that the owner ever pulls out of the project and it will cover the cost to demolish and remove the solar facility.

Paul Piktelis made a motion to approve the Demolition and Removal Bond provided by Syncarpha Millbury, LLC for the Large-Scale Ground-Mounted Solar facility at 278 West Main Street, dated May 8, 2019, Bruce DeVault seconded, voted unanimously.

7:30 p.m. ANR – 47 & 65 Auburn Road

Chairman Gosselin stated that though there are three coordinates detailed on the plan, they should all be an iron pipe, monument or other type of permanent marker.

Mr. McCormack stated that a new lot will be created between the two current properties.

Paul Piktelis made a motion to endorse the plan for 47 Auburn Road, entitled "Plan of Land in Millbury, MA., 65 & 47 Auburn Rd., owned by: Leohman Realty Trust, 65 Auburn Road and Timothy A. & Vicki M. O'Leary, 47 Auburn Road, dated January 13, 2023, Prepared by Robert D. O'Neil Jr., Bruce DeVault seconded, voted unanimously.

Paul Piktelis made a motion to endorse the plan for 65 Auburn Road, entitled "Plan of Land in Millbury, MA., 65 & 47 Auburn Rd., owned by: Leohman Realty Trust, 65 Auburn Road and Timothy A. & Vicki M. O'Leary, 47 Auburn Road, dated January 13, 2023, Prepared by Robert D. O'Neil Jr., Bruce DeVault seconded, voted unanimously.

Other Business

Community Preservation Act Presentation – Melanie Magee, Shrewsbury Community Preservation Committee

Melanie Magee provided a presentation on the Community Preservation Act and the process of enacting the CPA for Millbury in the future.

17 Rice Road LIP Agreement discussion requested by Terry Burke Dotson

Ms. Dotson reviewed the LIP agreement and expressed concerns regarding the agreement and the anticipated Ch. 40B proposal.

Chairman Gosselin stated that the Planning Board had their opportunity to weigh in on this project during the Board's public hearing.

Bruce DeVault inquired and Chairman Gosselin confirmed that the agreements and any discussions should be directed to the Board of Selectmen and the Board of Appeals going forward.

Bruce DeVault and Paul Piktelis expressed concern that the Board should not be discussing an agreement between the Board of Selectmen and a developer and recused themselves from any possible discussion about the matter.

Discussion ensued regarding the rules and regulations for 40B applications.

Minutes


Terry Burke Dotson made a motion to approve the meeting minutes of December 12, 2022, Fran DeSimone DeVault seconded, voted unanimously.


Ms. Dotson inquired and Chairman Gosselin stated that he has not scheduled a meeting with the Board of Selectmen regarding the municipal lot. Ms. Dotson requested that the existing plan be amended and the concrete pad be removed. Mr. McCormack stated that the designed plan was approved and the project is in the process of construction.

Terry Burke Dotson made a motion to adjourn, seconded by Fran DeSimone, voted unanimously.
Meeting adjourned at 8:50 p.m.

Respectfully submitted,
Stephanie Collins

ATTEST:







Amendment to January 23, 2023 Millbury Planning Board Minutes
Submitted by Terry Burke Dotson

17 Rice Road LIP Agreement discussion requested by Terry Burke Dotson

MS. Dotson stated that Sean Hendricks had promised her that he would send her, and the other members of the Planning Board, a copy of Millbury's LIP Agreement as soon as it was signed.

She stated that both she and Chairman Gosselin had tried to arrange a meeting between with the Board of Selectmen to discuss the issues the before the signing. But the Board of Selectmen did not respond.

Millbury's LIP Agreement with the Developer was signed on December 27, and they didn't receive a copy of it until January 10.

Chairman Gosselin stated that the Planning Board had their opportunity to weigh in on this project during the Board's public hearing.

However, Chairman Gosselin expressed that he felt that a better way of giving contractors an incentive to build Affordable Housing should be sought by the State. For example, when they apply for their State Licenses, every fifth house should be Affordable...with that Affordable Status being kept for a much longer time. He liked the idea of town-owned land being used for Affordable Housing like Ms. Dotson had accomplished in the past. And he didn't think that the Town being forced into a 40 B development was the right thing to do.

Bruce DeVault and Paul Piktelis expressed concern that the Board should not be discussing an agreement between the Board of Selectmen and a developer. Chairman Gosselin agreed that discussions should be directed to the Board of Selectmen and Board of Appeals going forward.

As Ms. Dotson reminded them that the Town now being bound to an agreement that could not be modified that obligated the Town to pay for a list of things.

Paul Piktelis and Bruce DeVault recused themselves. Recused means "Challenge (a judge, prosecutor, or juror) as unqualified to perform legal duties because of a potential Conflict of Interest. A recusal is appropriate when a Conflict of Interest exists between an employee's job duties or certain business or personal relationships or outside activities. Employees are strongly encouraged to document their recusals in writing."

At 8:32 p.m., Paul Piktelis and Bruce De picked up their belongings while stating that they were not going to talk or listen to this and were leaving. They walked out of the meeting together and left the Town Hall.

Ms. Dotson further warned that even if the Board of Appeals denied this 40B development, the Town could be at risk for paying for Rice Road, fixing the Rail Road crossing, and the correction of the Rice Road/Providence Street intersection which could cost millions.