

MILLBURY PLANNING BOARD
MINUTES
June 10, 2019

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, June 10, 2019 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Terry Burke Dotson, Paul Piktelis, Bruce DeVault, Mathew Ashmankas

Absent:

7:15 p.m. Reorganization – Chairman, Vice Chairman, Clerk, CMRPC Rep
Discussion scheduled for the June 17, 2019 meeting

7:15 p.m. Release of Performance Guarantee – Casa Verde Village
Taniel Bedrosian

Taniel Bedrosian stated that they have completed work on phase five of the project. He requested a bond reduction based on the Town consent.

Ms. Connors stated that the engineer recommended the release of \$141,563.00. The balance still held is \$272,005.00.

Paul Piktelis made motion to approve the request for reduction of surety amount based on the plan entitled Definitive Open Space Subdivision Casa Verde Villages Millbury, MA, Applicant: HAYR, LLC & SENEK LLC, 12 Dudley Road, Mendon, MA dated May 12, 2014, last revised August 27, 2014, Mathew Ashmankas seconded, voted unanimously.

7:20 p.m. Public Hearing – Multi-family Special Permit/Stormwater Permit
61 Miles Street -Mark Smith

Robert Murphy, representing Mark Smith, stated that they are at this hearing to discuss the proposed duplex house. He received comment letters from Stantec and the Chief of Police. They met with the property owner of 59 Miles Street and agreed to remove the retaining wall in back of the property. The builder will take all liability for the removal and excavation. They will follow the Chief's recommendation on having a police detail at the beginning of the excavation to ensure traffic flow on the street.

Ms. Dotson asked for clarification on the wall being indicated at 15 feet.

Mr. Murphy indicated that the retaining wall is holding up side property line. The plan will be revised to show a flat lawn between both properties. They will be contacting Mr. Swenson, the home owner of the next property. He indicated that they will work with all neighbors going forward with plan designs. He asked for a waiver to have 2' contours for the revised plans. He asked for a continuance to respond to Stantec letter. He indicated that the grading will change to the wall. They will redesign the building so that it is not higher than 30'. The garages will be level and building will be 30' from that. They will provide the revised plans for the next meeting.

Chairman Gosselin asked for clarification on the zoning and slope of the driveway.

Mr. Murphy stated that the driveway is 30' long and is roughly at an 8% slope and it was designed to match the houses abutting the property.

Mr. DeVault asked if there is a plan in place if the street is damaged during excavation.

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Mr. Murphy stated that they are required to repair any damage to street during excavation. They will be using mini excavators. Once a landing area has been created on the site, then the equipment will move onto the property.

Chairman Gosselin expressed concern about how the excavation activities will affect the neighbors. He asked how the applicant will remove the larger stones on the property.

Mr. Murphy indicated that they will be following a procedure to split the granite on a seam. They drill and then split the rock in a straight line. He stated that there will be 20,000 yards of earth removal at the property.

Chairman Gosselin indicated that they will have to go in front of the Earth Removal Board for approval.

Jessica Waters, 62 Miles Street, expressed concern regarding the 2' contours and the 30/40 foot vertical cut. She is concerned that the stormwater run-off will go down the street and onto her property.

Chairman Gosselin indicated that they wait until the engineers complete the assessment of the property.

Brett Swenson, 30 Prospect St, indicated that his property is the front-to-back lot on Miles and Prospect St. He expressed concerned about the structure to be built. He had hoped that all the trees and dirt would be removed for both properties at the same time. He asked how many trees will be removed on the project.

Chairman Gosselin stated that the plan showed the tree removal and it is not within 100' of the rear lot line of the property.

Mr. Swenson expressed concerns about removing the ledge on the site.

Chairman Gosselin instructed that there is to be no blasting at the site.

Mr. Swenson stated several concerns over the building height, removal of the retaining wall, and parking spaces. He also inquired about the foundation height.

Ms. Connors stated that the house height detailed on the plan is in compliance with the Town's Zoning Bylaws.

Donald Macleod, 60 Miles Street, expressed concern with the drainage or run off. Currently his basement floods due to the construction from the other duplex that was built.

Ms. Johnson, 56 Miles Street, expressed concern over the height of the hill behind the property. Specifically the wall behind the duplex. She is also concerned with the height of the proposed building.

Ms. Connors stated that from the trench to the roadway is a 40' drop. She indicated the property is in the Residential I District, the duplex is permitted via special permit and specified the maximum height/frontage requirements for the District. She stated that the proposed duplex meets the dimensional requirements.

Ms. Dotson asked about the green space and pavement on the property.

Ms. Connors indicated that the project meets the minimum set-back requirements.

Mr. Murphy indicated that they will be meeting the Town zoning requirements on the project. They will meet with more of the neighbors abutting the project for their input. They will have erosion control during the construction.

Ms. Johnson, reiterated her concern about the height on the proposed building and the pitch of roof.

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Chairman Gosselin indicated that the town consulting engineer will review the project for compliance with the regulations.

Mr. DeVault expressed concern with the projects impact on the current neighborhood.

In response to a question, Ms. Connors stated that the Planning Board does not have jurisdiction over whether the duplex is occupied by renters or owners.

Ms. Dotson asked the builder if he considered constructing a one floor duplex.

Mr. Murphy stated that they cannot build one floor duplex due to the shape of the property.

Mr. Macleod, expressed concern of the level of the driveway and it being a 4' slope.

Mr. Murphy indicated that lowering the grade of the driveway means move excavation.

Ms. Connors pointed out that the front yard setback is a 250'.

Chairman Gosselin instructed the builder to address the neighbors' concerns for the next meeting.

Mathew Ashmankas made a motion to continue the public hearing to 7:20 p.m. on July 15, 2019, Paul Piktelis seconded, voted unanimously.

**8:05 p.m. Public Hearing – Open Space Community
Clearview -Eastland Partners, Inc.**

Logan Hoffman, representing Eastland Partners, provided an overview of the project. They propose 90 acres of open areas and 142 duplex units - one story, two bedroom homes. Part of the proposal is to bring water to the site and make improvements to Park Hill Ave. The development will be responsible for all maintenance. The town will not be required to maintain streets or snow plowing for the community. They designed the roadway on the site to work with the current site grades. 25 acres will be developed and balance of land will go to the town. They proposed 10,000 feet of trails and a parking lot. The plan is to create a multi-use recreation field that will be available to the community. There will be water service to the property and surrounding neighbors. A water booster station will be installed. They are proposing major street improvement and will remove the ditch going up the Park Hill Avenue to the property.

Ms. Dotson asked if they will be bringing gas and sewer to the site.

Mr. Hoffman indicated that the sewer is already existing and they are working with the gas company currently.

Ms. Dotson inquired on the remaining part of Park Hill Avenue to Route 20 and did they assess that road situation.

Mr. Hoffman said that portion of the road is currently in good condition. The completed traffic study concluded roughly 73 vehicle trips in the peak am hour.

Chairman Gosselin inquired if the development would have any school children. He had asked that the planning department receive the paperwork on the statistics at other similar developments.

Mr. Hoffman referred to the Uxbridge development which currently has 66 duplex homes. The town can verify who purchased the properties. Also, the Milford development has 160 homes.

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Chairman Gosselin requested to receive updated plans that include the contours and the wet-land delineation.

Mr. Ashmankas stated that the plans show that a number properties on the yield plan include wetlands.

Chairman Gosselin expressed concerns that traffic engineers and reports are not all 100% accurate. The major concern is the intersection on Rte. 20 and turning left onto Park Hill Drive. He requested that the developers work with the State on improvements to that intersection.

Ms. Connors stated that she had spoken to the traffic engineer and it is Mass DOT responsibility.

Mr. Hoffman stated that water is planned to run up the hill to the property site.

Danielle Miles, 38 Park Hill Avenue, referred to a May 31st accident and the street was impassible on Park Hill Avenue. She requested that there be an additional exit for the property site. She expressed concern about the current road situation.

Jo Ann Luikey, 71 Park Hill Avenue, presented the Board with a letter dated 2005 she received stating the improvements to Park Hill Ave. She expressed concern that the current traffic on the street is a short cut to the mall. She wants the builder to address the current roads.

Bruce Jardarian, 4 Weldon Drive, expressed concern about the height of the proposed buildings and problems with rainwater. He asked about the developers plan to address storm water during rain seasons

Ms. Connors stated that she has not received design plans for the building as of this date.

Ms. Dotson inquired about the possibility of widening Park Hill Avenue from the project entrances to the intersection with Route 20. Is it possible for the Town to hire a surveyor to identify existing conditions?

Ms. Connors stated that the DPW Department shouldn't be responsible for the roadway updates to make way for a development. The development should be responsive for these improvements. She indicated that the Worcester Registry of Deeds should have all surveys relative to roadways.

Ms. Dotson asked who would bring it on front of the Town Meeting. She would be interested in writing an article.

J.T. Miles, 40 Park Hill Avenue, stated that the water service on the north side is Aquarion responsibility. He expressed concern about the traffic impact and lack of access to the site.

Phil Miles, 4 Hidden Meadow Drive, expressed concerns regarding the roadway and the size of project.

Roy Kelley, 2 Weldon Drive, expressed concern about the noise level resulting from the number of houses on Park Hill Avenue. He asked for the water booster station location. He also inquired about the frontage of the property.

Mr. Hoffman indicated that the water booster station will be located on the lower corner of site property. He stated that they will be surveying Park Hill Avenue due to the drainage improvements and the roadway widening.

Mr. Kelley, expressed concern about the Rte. 20 and Park Hill Avenue intersection.

Chairman Gosselin stated that the developer will need to speak with MassDOT about the need for improvements to the intersection.

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Mr. Guenette, 5 Holman Road, asked which town department would address the street improvements.

Chairman Gosselin stated that it is a state roadway and the DPW would handle discussions with MassDOT.

John Cudmore, 2 Moore Drive, stated that he has brought perspective buyers to the Eastland property in Uxbridge and all were 2 person interest, and not families. He also stated that there has been blasting on his street in the past due to a construction project and nothing happened to his foundation or property.

Mathew Ashmankas motion to continue to public hearing to 7:25 p.m., on July 15, 2019, Paul Piktelis seconded, voted unanimously.

**9:10 p.m. Public Hearing Con't – Site Plan Review/Stormwater Permit
358-1/2 Greenwood Street
Wat Barameyta Satharan Temple –**

Mathew Ashmankas referred to an email that was received from Nea Sann to postpone the hearing until August 19, 2019.

Mathew Ashmakas made a motion to continue the public hearing to 7:15 p.m. on August 19, 2019, Bruce DeVault seconded, voted unanimously.

**9:15 p.m. Public Hearing Con't – Site Plan Review/Stormwater Permit
3 Colton Road
Next Grid Colton, LLC**

Daniel Serber, Next Grid Colton, LLC., presented the updated site plans for the project.

Patrick Johnson, Atlantic Design, stated that the updated plans have addressed the concerns of Stantec and the Town Planner. He indicated that the road grading has been addressed and is less than 6%. They have included additional storm water measures. They have installed trenches where it is steeper and indicated on the plans. He indicated that Stantec has approved the revisions.

Chairman Gosselin expressed concern that nothing is to be built on the property until Colton Road is improved.

Ms. Connors indicated that she specified this in the draft decision, condition F(2), which states the requirement of Definitive Plan approval for Colton Road extension/improvements prior to construction activities and before P(1) completion of roadway improvements before issuance of an occupancy permit.

Ms. Connors asked Rich Hamilton, Chief of the Fire Department to clarify his comments regarding the adequacy of the existing 12' wide gravel driveway for emergency access.

Chief Hamilton, responded that the fire protection priority with solar projects is to protect the surrounding properties. The Fire Department will not fight a solar fire due to electricity on the panels. Therefore, they do not need the access driveway to be wide

Ms. Connors stated and Chairman Gosselin confirmed that the Planning Board will revisit the 16' width requirement for driveways serving a solar project in the future.

Mathew Ashmankas made a motion to close the public hearing, Bruce DeVault seconded, voted unanimously.

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Mathew Ashmankas made a motion to waive Section 12.44(a) to accept a scale of 1"=40', Paul Piktelis seconded, voted unanimously.

Mathew Ashmankas made a motion to waive Section 12.44(a) to accept a locus plan at 1"=1,500' and overall location plan at 1"=150', Bruce DeVault seconded, voted unanimously.

Mathew Ashmankas made a motion waive Section 12.44(b) requirement to submit a landscape plan, Paul Piktelis seconded, voted unanimously.

Mathew Ashmankas made a motion to waive Section 12.44(c) requirement to submit an isometric line drawing, Paul Piktelis seconded, voted unanimously.

Mathew Ashmankas made a motion to waive Section 51.6(1) the perimeter fence, clearing and stormwater mitigation within the 75' yard setback, Paul Piktelis seconded, voted unanimously.

Mathew Ashmankas move to approve the Notice of Decision, Site Plan Approval and Stormwater Management permit, 3 Colton Road, Millbury, MA, Assessor's Map 31, Lot 40, subject to conditions A-T, Bruce DeVault seconded, voted unanimously.

**9:30 p.m. Public Hearing Con't – Site Plan Review/Stormwater Permit
9 West Street (Assessors Map 45/10)
Clay Street Properties LLC**

Paul Piktelis made a motion to continue the public hearing to 7:15 pm on June 24, 2019, Mathew Ashmankas seconded, voted unanimously.

**9:35 p.m. Public Hearing Con't – Site Plan Review/Stormwater Permit
34 Grafton Street
34 Grafton Street Realty, LLC, Kellie Windle**

Kristen Page, Andrews Survey & Engineering, representing Windle indicated that she submitted updated plans to address the Stantec recommendations.

Ms. Connors stated that they modified the elevation and added the lighting on the plans.

Ms. Page indicated that the sign will be aluminum and built by Sunshine Sign in Grafton. The sign will be uplit and turned off after hours. They will provide the updated sign design at a later date.

Ms. Connors stated that she put a condition of approval regarding submission and approval of the sign design.

Ms. Dotson referred to the letter that Ms. Moore, Grafton Street, sent to the town regarding the subject.

Mathew Ashmankas read the letter to the Board.

Chairman Gosselin stated that the resident's snow plow issue should be addressed with the Police Department.

Ms. Dotson inquired as to the snow storage location will be on the site and Ms. Page pointed out the location on the plan.

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Ms. Connors said that she included a Conditions of Approval in the decision calling for Planning Board review and approval of an alternative exterior lit sign, including its structural design and hours of operation.

Mathew Ashmankas made a motion to close the public hearing, Paul Piktelis seconded, voted unanimously.

Mathew Ashmankas made a motion to waive Section 12.44(a) requirement to provide three property boundary markers, remotely separated, with Mass Grid Plane Coordinates, these will be shown on the ANR plan that will move the westerly and southerly lot lines, Paul Piktelis seconded, voted unanimously.

Mathew Ashmankas made a motion to waive Section 12.45(k) requirement to landscape the setbacks, Paul Piktelis seconded, voted unanimously.

Ms. Dotson asked where the employee parking area is for 32 Grafton Street. Ms. Page indicated the landscaping and parking are behind the building as shown on the plans.

Mathew Ashmankas made a motion to waive Section 12.45(p) to reduce the required number of parking spaces by 25% if it can be demonstrated that two or more uses within the development can share parking spaces due to different hours of normal activity, the Planning Board will postpone acting on this waiver request until prior to issuance on an applicable occupancy permit, when the building tenants have been secured and hours of operation are known, Paul Piktelis seconded.

Ms. Connors recommended that The Board not grant the waiver at this time because the building tenant usages are not known.

All opposed, 0 in favor.

Mathew Ashmankas made a motion to waive Section 12.45(q) requirement to provide interior landscaping covering not less than five percent of the total area of the parking lot, Paul Piktelis seconded, voted unanimously.

Mathew Ashmankas moved to approve the Notice of Decision, Site Plan Approval & Stormwater Management Permit, 34 Grafton Street, Millbury, Ma, Assessor's Map 54, Lot 110, subject to conditions A - P, Paul Piktelis seconded, voted unanimously.

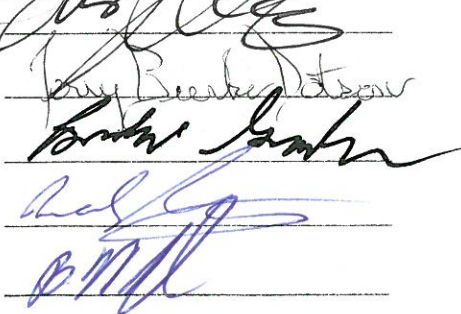
Adjournment

Paul Piktelis made a motion to adjourn, seconded by Bruce DeVault, voted unanimously. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:



The block contains several handwritten signatures in black and blue ink, each written over a horizontal line. The signatures appear to be of the Planning Board members and the town clerk, as indicated by the 'ATTEST:' label.