

MILLBURY PLANNING BOARD
MINUTES
August 19, 2019

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, August 19, 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. Public Hearing Con't – Site Plan Review/Stormwater Permit
358-1/2 Greenwood Street
Wat Barameyta Satharan Temple**

Ms. Connors read the letter from Nea Sann directed to the Planning Board. She is researching a new engineering team for the project and has requested to withdraw the application without prejudice.

Terry Burke Dotson made a motion to allow withdrawal without prejudice, Paul Piktelis seconded, voted unanimously.

**7:15 p.m. Performance Guarantee
Casa Verde Village - Taniel Bedrosian**

Taniel Bedrosian representing Casa Verde Village requested a bond reduction.

Ms. Connors received an updated cost estimate from Stantec Engineering recommending release in the amount of \$40,610.00 with the balance of \$ 77,243.00 to be held for completion of project.

Paul Piktelis made motion to release \$40,610.00 to HAYR LLC and SENEK LLC, 12 Dudley Road, Mendon, MA, for the Definitive Plan entitled "Definitive Open Space Subdivision Casa Verde Villages, Millbury, Massachusetts, Applicant: HAYR, LLC & SENK LLC, 12 Dudley Road, Mendon, Massachusetts; dated May 12, 2014, last revised August 27, 2014, Bruce DeVault seconded, voted unanimously.

**7:20 p.m. Discussion Regarding Drainage Swales in Front of 15 Moore Drive
Jessica J. Drive Extension -James Waire**

James & Michelle Waire, 15 Moore Drive, requested to address the design and function of the swales and drainage on their property.

Michelle Waire provide the Board with pictures of the property depicting the drainage swales and the crack in the driveway. After receiving their complaint, she explained that the builders lowered the pipes beneath their driveway and repaired the driveway. Because the pipes were installed deeper, the base of the swales also need to be made deeper so that the water will flow. Currently the water does not flow. She indicated that based on the plan, the swales were to be 18 inches deep. The swales are extremely deep currently. They requested improvements to be completed to the swales to ensure proper drainage.

Mr. Waire stated that he understood if it was a design error and they requested a resolution to help make the swales easier to maintain.

He referred to the swale plan that the height on right side is roughly 3 feet and on the left side it is roughly 2 feet. It was proposed on the plan to be 18 inches deep. They indicated that they believe that the design and construction of the swale are incorrect.

Ms. Connors referred to sheet C9.2 of the definitive plan and explained that the driveway channel crossing detail specifies that the cover on top of the 12" pipes shall consist of 5" depth sand, 8" depth gravel base and 4" depth paved surface. If built properly, the

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swale would be 29" deep in this location. Most of the pipes under driveways elsewhere in the subdivision are only 8" caliper yielding swales that are 4" shallower.

Mr. Vigneau of Baggy M. Realty Trust pointed out that the letter received from A.F. Amorello & Sons confirmed that the swales constructed properly.

Ms. Connors proceeded to explain that there was a site visit attended by the Stantec engineer, Bob Vigneau, and the Planning Director to discuss the issues brought up by the Waires. The joint conclusion was that the water currently does not drain properly as the pipes are too deep relative to the base of the swale. The swale must be made deeper so that the water will continue downhill to the infiltration basin.

Ms. Waire inquired if Stantec confirmed that the pipes were incorrect. Ms. Connors stated that initially the driveway crossing was not compliant with the driveway channel crossing detail which may have resulted in the cracking of the driveway. The home owner requested that the Planner assist with correcting the issue. She informed the builder, who subsequently addressed the issue as requested.

Mr. Waire, stated that the clearance over the pipe is currently an inch. The pipes were lowered to fix one problem but then created another problem. The water currently pools at the driveway.

Bob Vigneau, TPR Homes, gave a brief history on the swale in front of 15 Moore Drive. In the Spring of 2017 the swale was completed following the depth guidelines throughout the property. To address the issue of the cracking driveway he met with the A.F. Amorello & Sons foreman. They could not determine definitively why the crack happened but it could have been caused by the lack of sufficient material between the pipes and the driveway. The pipes were lowered so that amount of material between the driveway and the pipes meets the typical driveway crossing detail. The swales have not been lowered at this point to take into account the lowering of the pipes. Dave Glenn, Stantec, recommended lowering the base of the swale in front of the Waire's house at the outlets of the pipes at the driveway crossing to a distance of approximately 20 feet to make the water flow.

Chairman Gosselin inquired about installing a section of pipe on the upward side of the driveway so it would match the existing swale.

Mr. Vigneau responded that will not alleviate the problem. He requested approval from the Planning Board to change the depth of the swales based on the Stantec recommendation. The riprap will also be installed at the pipe outlets to match the reset of the development and stabilize the soil.

Mr. Piktelis asked for confirmation that Stantec is in agreement with the proposed change, which was provided.

Mr. Waire indicated and Ms. Waire reiterated that the swales were not built correctly to specs. The dimensions and slope are not correct. The pipes under driveway are still not low enough.

Discussion continued about the depth of the pipes as compared to the swale and the location of the proposed work.

Terry Burke Dotson made a motion to allow Bob Vigneau to make the change within the 20 foot area based on the Stantec recommendation, Paul Piktelis seconded, voted unanimously.

**8:00 p.m. Performance Guarantee and Lot Release
Jessica J. Drive Extension - Bob Vigneau**

Mathew Ashmankas made a motion to accept the Third Amendment and Restatement of Subdivision Performance Agreement Secured by Cash Deposit for Jessica J. Drive Extension in the amount of \$372,248.00, Bruce DeVault seconded, voted unanimously.

Mathew Ashmankas made a motion to release the covenant for Jessica J. Drive Extension dated March 14, 2016 and recorded in Deeds Book 55090, Page 129, Paul Piktelis seconded, voted unanimously.

**8:03 p.m. Public Hearing Con't – Multi-family Special Permit/Stormwater Permit
61 Miles Street - Mark Smith**

Robert Murphy, representing Mark Smith, stated that to meet the stormwater requirements they will need to perform additional soil testing. In March they dug a trench at the lowest point and there was no evidence of water. The Stantec engineer requested

additional soil testing which will be difficult due to the lack of easy access into the site. He asked for a waiver to complete the testing once the excavation into the site is completed. He also asked to speak directly with Stantec so that he can obtain clarification about some of the comments.

Chairman Gosselin recommended that he meet with Stantec in an attempt to resolve outstanding issues. The Planning Board did not indicate support for waiver of soil testing.

Mr. Murphy stated that an easement plan will be created. The survey mapping was completed and will be presented to the Board. They intend to use a mini excavator for two additional holes and he requested a continuance to September 23, 2019.

Mathew Ashmankas made a motion to continue the public hearing to 7:20pm on September 23, 2019, Paul Piktelis seconded, voted unanimously.

**8:17 p.m. Public Hearing Con't – Open Space Community Site Plan Review
Clearview -Eastland Partners, Inc.**

Chad Boardman, representing Eastland Partners, discussed the yield plan and the bonus units. The yield plan confirmed 132 conventional lots and 90 plus acres of conservation area. They will be leveling 580 feet, roughly 2 acres for a playing field. There will be bonus units for 12,700 feet of nature trails within the 90 acres.

Chairman Gosselin inquired about the lots within the wetland locations and Mr. Boardman confirmed that there are lots in the wetland areas.

Pete LaVoy, represented Turning Point Engineering, clarified that each lot meets the upland requirement and minimum required area so that a structure can be constructed.

Mr. Boardman indicated that the playing field will be graded and leveled. It will be roughly two acres.

Chairman Gosselin expressed concern about the traffic study and the previous Board comments which have yet to be addressed. Mr. Boardman responded that currently they have not confirmed with MASSDOT regarding improvements to the Rte. 20 and Park Hill Avenue intersection.

Mr. Boardman stated that the updated plans show stop signs and a four-way stop at the entrance of the project.

Chairman Gosselin inquired about the intersection of Martin Street and North Main Street. It currently has an F rating and he asked if the plan was updated to reflect improvement of that intersection.

Mr. Boardman commented that it was not addressed and he was told it would require taking of private land.

Chairman Gosselin stated that the Town has no plans to take the land and that the engineer was to address that intersection within the limits of the right-of-way.

Ms. Connors indicated that an issue awaiting resolution is the open space configuration. Open space A and B originally included stormwater basins which do not count towards the minimum required open space per zoning bylaw. Also certain portions of the open space do not meet the common open space requirements due to their space, dimension, character, and location. For example, there are land strips between the buildings that aren't useable by everyone in the development.

Ms. Connors recommended updating the yield plan to remove the stormwater basins and their access areas as well as silvers of unusable land between buildings. With regards to the playing field, she recommended that the developer include benches and striping appropriate for a playing field. She pointed out that the density bonus requires constructing a recreation facility and not an open field.

Mr. Boardman indicated that the field will be approximately two leveled acres and the power lines will be relocated by the power company.

Chairman Gosselin asked who would be responsible for maintaining the field and would it be deeded to the Town. Mr. Boardman confirmed that the field would be deeded to the town as open space and the responsibility of the town with regards to maintenance.

Chairman Gosselin indicated that the plan should be updated to remove the slivers of unusable land in between the buildings and Mr. Boardman agreed.

Ms. Connors expressed concern about the roadway widths. The Town requirement is that an access roadway is 22 feet paved width and a subcollector roadway with 20 or more units has a 26 foot paved width. The Applicant is requesting a waiver for Road B (serving 34 units), Road C (serving 22 units) and Road D (serving 12 units) for a 20' width.

Mr. Boardman confirmed that Road B will be a one way road and there will be a sidewalk on one side.

Mr. LaVoy confirmed that the outside loop (Road A serving 142 units) will be 24 feet paved width.

Ms. Connors requested the Board's guidance on whether they would support 20 foot paved widths for Road B, Road C, and Road D. All expressed support except for Terry Burke Dotson who was opposed.

In response to Ms. Connors' request for feedback, the Board indicated support for making Road B one-way.

Ms. Connors requested feedback on requested waivers of sidewalk and curbing type. Ms. Dotson recommended granite curbing. Chairman Gosselin recommended concrete sidewalks.

Ms. Connors indicated that they are requesting a waiver on the grass strip between the roadway and sidewalk and requested feedback from the Planning Board on this request.

Chairman Gosselin inquired about the lack of the grass surface for storage of snow. Mr. Boardman stated that they currently have snow removal in place at other developments. They will review both options for the sidewalks. They are currently working with the Sewer Board and are looking into the gas availability.

Mr. DeVault expressed concerns about the widening of Park Hill Avenue and the water run-off at the bottom of the hill.

Mr. LaVoy confirmed that run-off on the portion of Park Hill Avenue which is closest to the development will be collected and treated in the catch basins.

Mathew Ashmankas made a motion to continue the public hearing to 7:30 pm on September 9, 2019, Paul Piktelis seconded, voted unanimously.

**9:11 p.m. Minor Modifications of Site Plan Review/Stormwater Permit
239 Riverlin Street – Mid State Sewerage
(Continue to 7:15 pm on September 9, 2019)**

Ms. Connors stated that she received an email asking for continuation to 7:15 pm on September 9, 2019.

**9:12 p.m. Performance Guarantee Release
Autumn Gate Estates - Bob Gallo**

Bob Gallo, representing Gallo Builders, requested the release of the performance guarantee for Autumn Gate Estates.

Ms. Connors stated that the Planning Department will need to review the as-built/acceptance plans and payment of the outstanding engineering invoices. Stantec has not completed the cost estimate and inspection of all items to confirm satisfactory completion. Stantec was present to inspect the top course and sidewalks construction. They did not inspect the remaining items on the completion list.

Mr. Gallo stated that they completed the work based on Stantec's letter.

Mr. Gallo questioned the sub division law requiring payment of the town engineering invoices and Ms. Connors indicated that the requirement of invoice payment was included in the decision.

Chairman Gosselin stated that the Planning Department provided the invoices for five years with detailed inspection information.

Ms. Dotson commented that the town engineers will approve the roadway and paving for the project.

Mr. Gallo indicated that all bounds have been certified and the trees have been planted.

Ms. Connors stated that the Planning Department requires a stamped letter confirming ADA-accessibility for the first phase of sidewalk and an inspection done by Stantec to ensure that all work was satisfactorily completed. Once the roadway is accepted and deeded to the town, then the remaining money is released.

Chairman Gosselin confirmed the requirement of the stamped letter regarding ADA-compliance of the sidewalk in phase I, inspections by Stantec and submission/approval of the as built/acceptance plans for the release of money.

Jennifer Kurzon inquired about the amount to be held on the performance guarantee and Ms. Connors confirmed that it is roughly twenty percent.

9:33 p.m.

**Public Hearing – Marijuana Establishment Special Permit
12 Latti Farm Road - Greencare Therapeutics, Inc.**

Joe Antonellis, attorney representing CoGrow, gave a brief introduction and clarified that Greencare Therapeutics will operate the business. He then introduced John Dunne of CoGrow who explained that they propose both sound and odor mitigation onsite. Ms. Dotson inquired if they will be cultivating both medical and recreational products and Mr. Dunne confirmed both. Ms. Dotson inquired about the height of the sound proof wall and Mr. Dunne confirmed that it will be an 8' wall.

Rob Lussier, representing McClure Engineering, stated that they will add equipment pads for the chillers and generators in the parking lot. There are two stormwater basins currently and the parking lot has 165 spaces.

Chairman Gosselin inquired about whether there will be additional lighting at the site and Mr. Lussier confirmed that lighting upgrades will be made to the interior of the building only.

Ms. Dotson inquired about the handling of odor and how it will be controlled. Mr. Antonellis responded that odor will be addressed later in the evening. The sound expert is in attendance therefore the team would like to address sound first.

Ms. Connors inquired about the type and extent of the fence. Mr. Lussier stated that the fence extends 220 linear feet to surround the exterior mechanicals. He stated that it will be an opaque metal fencing.

Peter Ouellette, representing J&A Enterprises, stated that based on the comments he received, the noise report was updated to include noise levels for all exterior mechanical, including the chillers and the generators that will operate at the same time. The level is still under the L90 for residential area. There is interference from the MassPike which helps mitigate the noise level.

Chairman Gosselin inquired about the level for industrial noise and Mr. Ouellette indicated that the base level was the industrial and only 2DB increase and will not be noticeable to the human ear.

Ms. Dotson inquired about the height of the high machinery wall and Mr. Ouellette confirmed that a privacy fence will be installed.

Brian Hurley, representing Greencare Therapeutics, stated that the chillers and cogeneration units are delivered in shipping containers. The factory will build the units offsite based on specifications. Sound proofing is incorporated internal to the units.

Mr. Ashmankas inquired and Mr. Hurely confirmed that the generators and chillers will be on a 24/7 operation schedule.

Chairman Gosselin inquired about the total of number of chiller units and Mr. Hurley confirmed that two units will be installed.

Mr. Antonellis stated that they have met with the Chief of Police and security has been addressed. They will be working with the Police Department continuously.

Ms. Dotson inquired about finished product onsite and Mr. Antonellis stated that there will not be product shipments to the site. It will be a wholesale business and will have displays but no retail onsite.

Bruce Jardarian, 4 Weldon Drive, expressed concern about the noise level at the site and if there is a possibility of having the generators located inside the facility. He also requested that the plans and noise study be uploaded to the Town website and Ms. Connors agreed to do so.

Mr. Ouellette stated that there will be no noise impact to those neighbors.

Mr. Antonellis stated that the construction will be done internally and it will be a state of the art facility.

Mathew Ashmankas made a motion to continue the public hearing to 7:35 pm on September 9, 2019, Paul Piktelis seconded, voted unanimously.

10:10 p.m.

**Discussion of Removal of Land from Chapter 61A -Stowe Road – Map/Lot 58-3
Town's Right of First Refusal**

Ms. Connors referred to the parcel of land that is owned by Amy Peterson to be sold to the abutter. It is an 8 acre parcel. Amy Patterson is seeking to remove that land from chapter 61A.

Mathew Ashmankas made a motion not to exercise the Town's right-of-first refusal on the Chapter 61 A property, Paul Piktelis seconded, voted unanimously.

Other Business:

Ms. Connors referred to 34 Grafton Street property lighting plan for the building.

Ms. Dotson recommended the lamp lighting to be installed as previous plans detailed. Lighting on both sides of the tenant entrance. The Board approved the lighting 4 in favor of the change.

Adjournment

Paul Piktelis made a motion to adjourn, Bruce DeVault seconded, voted unanimously. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:





