

MILLBURY PLANNING BOARD

MINUTES

March 22, 2021

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, March 22, 2021 at 7:15 p.m. via remote participation via ZOOM video conferencing pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.C. 30A, Section 18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place. The meeting was recorded and streamed by Millbury Public Access Cable Television. This meeting was also available through [Zoom.us/download](https://zoom.us/j/912345678). Chairman Richard Gosselin presided.

Present: Rich Gosselin, Terry Burke Dotson, Paul Piktelis, Bruce DeVault, Mat Ashmankas, Fran DeSimone

7:15 p.m. Public Hearing – Revision to the Subdivision Rules & Regulations
Laurie Connors, Director of Planning & Development
Jaurice Schwarz, Weston & Sampson Engineers

Laurie Connors introduced Jaurice Schwartz, representing Weston & Sampson Engineers.

Ms. Connors shared the background on the requirement to update the subdivision regulations based on the MS4 permit.

Ms. Schwartz reviewed her suggested modifications to the Regulations and answered Planning Board questions about those changes. Discussion ensued regarding the MS4 permit requirements. Ms. Schwartz stated that the deadline to adopt the changes is June 30, 2021.

Ms. Connors stated that one document included both her suggestions and those of Weston & Sampson Engineers tracked in the text. Stantec's suggested changes were a separate stand-alone document. The Board members expressed confusion over who proposed which changes and requested clarification.

Bruce DeVault recommended that the Board continue the public hearing to ensure that all members have time to review all the updates to the Subdivision Regulations in advance of the next meeting.

Mat Ashmankas inquired and Ms. Connors confirmed that the changes will only need to be approved by the Planning Board.

Discussion ensued regarding pervious pavement, other stormwater mitigation modifications and additional miscellaneous items to be updated.

Paul Piktelis made a motion to continue the public hearing to 7:15 p.m. on April 26, 2021. Mat Ashmankas seconded, and on a roll call on a roll call vote with Rich Gosselin, Mat Ashmankas, Paul Piktelis, Terry Burke Dotson and Bruce DeVault in favor, the vote was approved unanimously.

8:35 p.m. Public Hearing Con't- Site Plan Review & Stormwater Management Permit
Millbury Fire Station
130 Elm Street Town of Millbury

Laurie Connors stated that outstanding items were either addressed or included in the draft decision as Conditions of Approval. She stated that she is awaiting the material description for the wall mounted sign.

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Mat Ashmankas inquired and Ms. Connors confirmed that she received an email from Keith Caruso, Acting DPW Director, stating that he has reviewed and agrees with the design pertaining to catch basin #1.

Mat Ashmankas made a motion to close the public hearing, Paul Piktelis seconded, and on a roll call vote with Rich Gosselin, Mat Ashmankas, Paul Piktelis, Terry Burke Dotson and Bruce DeVault in favor, the vote was approved unanimously.

Paul Piktelis made a motion to waive the requirement to submit application fees, Bruce DeVault seconded, and on a roll call vote with Rich Gosselin, Mat Ashmankas, Paul Piktelis, Terry Burke Dotson and Bruce DeVault in favor, the vote was approved unanimously.

Mat Ashmankas made a motion to approve the Site Plan Approval and Stormwater Management Permit for 130 Elm Street, Millbury, MA, Assessor's Map 53, Lot 22 for the Millbury Fire Department, Millbury, MA, subject to conditions a – n. Paul Piktelis seconded, and on a roll call vote with Rich Gosselin, Mat Ashmankas, Paul Piktelis, Terry Burke Dotson and Bruce DeVault in favor, the vote was approved unanimously.

8:41 p.m. Planning Board Recommendation to Board of Selectmen Public Acceptance of Jessica J. Drive Extension, Mogren Drive, Moore Drive

Ms. Connors referred to the requirement to submit written recommendation for street acceptance to the Board of Selectmen (BOS).

Paul Piktelis made a motion to waive item #3 for the Y location for 13 Moore Drive and items 4 – 10 in reference to the other properties on Jessica J Extension, Moore Drive and Mogren Drive, as show on sheet CRD05 of the plan entitled "Roadway Construction and Record Plan, Jessica J Extension, Prepared for TPR Homes LLC in Millbury, MA, dated September 23, 2020 and last updated January 14, 2021. Mat Ashmankas seconded, and on a roll call vote with Mat Ashmankas, Bruce DeVault, and Paul Piktelis approved, Terry Burke Dotson and Richard Gosselin abstained, the vote was approved 3-2.

Mat Ashmankas made a motion to recommend that the BOS layout for Jessica J Extension, as show on a plan entitled Road Acceptance Jessica J Extension, Moore Drive and Mogren Drive Millbury MA, prepared by Andrews Survey & Engineering, dated September 23, 2020 and last updated March 10, 2021, Paul Piktelis seconded, and on a roll call vote with Rich Gosselin, Bruce DeVault, and Paul Piktelis approved, Terry Burke Dotson, and Richard Gosselin abstained, the vote was approved 3-2.

Paul Piktelis made a motion to recommend that the BOS layout for Moore Drive as show on the aforementioned plan, Mat Ashmankas seconded, and on a roll call vote with Mat Ashmankas, Bruce DeVault, and Paul Piktelis approved, Terry Burke Dotson, and Richard Gosselin abstained, the vote was approved 3-2.

Paul Piktelis made a motion to recommend that the BOS layout for Mogren Drive as show on the aforementioned plan, Mat Ashmankas seconded, and on a roll call vote with Mat Ashmankas, Bruce DeVault, and Paul Piktelis approved, Terry Burke Dotson, and Richard Gosselin abstained, the vote was approved 3-2.

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9:06 p.m. Other Business

Laurie Connors referred to emails received regarding the 66 Park Hill Ave construction. She updated the Board regarding a telephone conversation with Logan Hoffman, project manager. There was an issue with the placement of the soil stockpile behind Bruce Jardarian's house. It is within an unapproved location based on the Definitive Plan.

She recommended that Eastland Partners find a new location on the site for the stockpile so that it is not so close to the property line and abutters. She stated that Mr. Hoffman requested to speak in front of the Board regarding this matter at the April 12, 2021 meeting.

Mr. Ashmankas stated that he conducted a site visit and observed tree removal on a recent site visit as well as no erosion controls.

Ms. Dotson recommended a cease and desist order on the project due to the complaints and violations.

Ms. Connors confirmed that the erosion controls were installed.

Chairman Gosselin stated that the stockpile location issue is for the engineer to resolve with the developer. He suggested that the stockpile be relocated within seven days and the Planning Board issue fines starting after that date, if not in compliance. He also recommended a cease and desist order be placed on the project and Mr. DeVault concurred if they remain in non-compliance.

Mr. DeSimone expressed concern regarding the stockpile location.

Discussion ensued with the abutters and concern that the stockpile is now larger in size since the first complaint.

Ray Kelley, 2 Weldon Drive, expressed concern regarding the original site plan approval and the properly graded boundary.

Ms. Connors stated that Mass General Law prohibits design modifications on the Planning Board's motion following approval.

Discussion ensued regarding the trees to be removed within the project.

Mr. Kelley inquired and Ms. Connors confirmed that the project was granted a Notice of Intent and was approved by the Conservation Commission.

Mr. Pikelis recommended issuing a cease and desist order on the project due to the complaints as to the construction requirements.

Mat Ashmankas made a motion to authorize the Planning Director to negotiate an alternative location for the soil stockpile and give the developer 7 days from receipt of the letter to relocate the pile to that alternative location. If the pile is not relocated within 7 days from receipt of the letter, the Planning Director could issue fines and will issue a cease and desist order on the project. Bruce DeVault seconded, and on a roll call vote with Rich Gosselin, Mat Ashmankas, Paul Pikelis, Terry Burke Dotson and Bruce DeVault in favor, the vote was approved unanimously.

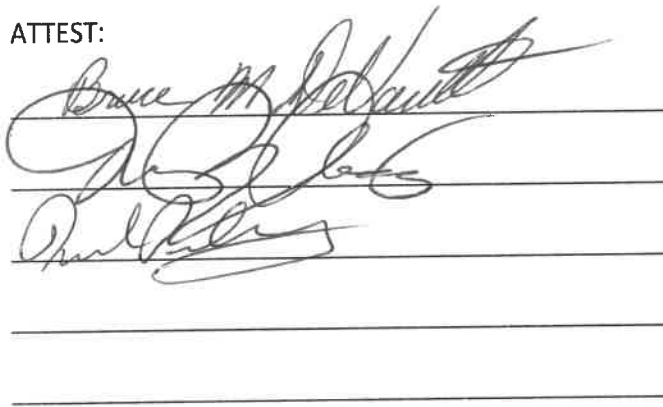
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Bruce DeVault made a motion to adjourn, seconded by Paul Piktelis, and on a roll call vote with Rich Gosselin, Mat Ashmankas, Paul Piktelis, Terry Burke Dotson and Bruce DeVault in favor, the vote was approved unanimously. Meeting adjourned at 10:07 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:



Three handwritten signatures are written over a series of horizontal lines. The first signature is 'Bruce M. DeVault', the second is 'Paul Piktelis', and the third is 'Terry Burke Dotson'. There are three additional empty horizontal lines below the signatures.