

MILLBURY PLANNING BOARD
MINUTES
July 12, 2021

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MILLBURY, MASS.

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, July 12, 2021 at 7:00 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: Rich Gosselin, Terry Burke Dotson, Paul Piktelis, Bruce DeVault, Mat Ashmankas, Alternate Fran DeSimone

7:00 pm **Minor Modification to Stormwater Facilities**
 Clear View Residential Development
 66 Park Hill Avenue
 Eastland Partners

Stephen O'Connell, representing Turning Point Engineering, stated that the stormwater basins were installed. This current request before the Board is for a modification that is due to the constructability of the initial design with regards to the size of the pipe versus the size of the precast outlet control structures. The updated design has been reviewed by Stantec and approved from an engineering standpoint.

Chairman Gosselin inquired if this modification is adequate mitigation for the stormwater management system. He stated that the stormwater issue was not addressed by the developer when the Board had inquired in the past.

Mr. O'Connell stated the request is slight modification to the structures that release the water from the detention basins. The issue became apparent during the construction phase and not the design phase.

Mat Ashmankas inquired and Mr. O'Connell confirmed that the modification will increase the design capacity of the basins.

Fran DeSimone recused himself as a Planning Board member. Speaking as a citizen, he inquired and Mr. O'Connell confirmed that there will be less water directed towards Park Hill Avenue at completion of the project versus during the construction phase.

Mr. DeSimone inquired and Mr. O'Connell confirmed that the proper functioning of the stormwater management system will be the responsibility of the developer.

Chairman Gosselin inquired and Mr. O'Connell confirmed that the catch basins will be set at the binder course elevation and then will be raised to the top course elevation just before paving. That way they will function throughout the construction period.

Bruce DeVault inquired and Mr. O'Connell confirmed that they are requesting approval for a change to the design. He stated that the design called for 2 24" pipes, but the precast vendor informed Eastland that they could not construct an outlet control structure that could accommodate 2 pipes of that size. Therefore, Eastland sought an alternative design.

Mr. O'Connell stated that the stormwater management design is compliant with the new stormwater bylaw criteria instituted by the Town.

Mat Ashmankas made a motion to approve modifications to the precast concrete outlet control structures for basins #1, #2 and #3 as depicted on Sheets Sk-1 through SK-3 of the construction plans dated May 18, 2021, last revised July 8, 2021, prepared by Turning Point Engineering, Bruce DeVault seconded, Mat Ashmankas opposed, voted 4-1.

**7:24 pm Acceptance Plan & As-built Endorsement
Jessica J Drive Extension
Baggy M. Realty Trust**

Paul Piktelis made a motion to endorse the road acceptance plan for roadways within the Jessica J Drive Extension Subdivision as shown on the plan entitled: "Road Acceptance Plan, Jessica J Extension, Moor Drive & Mogren Drive Millbury, Massachusetts, dated September 23, 2020, last revised March 10, 2021, prepared by Andrews Survey & Engineering, Inc, Mat Ashmankas seconded, Chairman Gosselin abstained, voted 4-1.

**7:29 pm Definitive Plan Endorsement & Acceptance of Performance Guarantee for Road
Improvements
Colton Road Extension
Next Grid LLC**

Ms. Connors stated that she received the performance agreement for Colton Road Extension and associated roadway improvements and the Stantec cost estimate.

Chairman Gosselin inquired and Ms. Connors confirmed that there is a condition written in the decision for 7 Colton Road solar farm wrapping together the timing of roadway construction with the issuance of the occupancy permit for 7 Colton Road. She stated that completion of Colton Road improvements is required prior to issuance of the occupancy permit of the solar farm at 7 Colton Road.

Mr. DeSimone inquired and Ms. Connors confirmed that the performance guarantee and occupancy permit condition will adequately cover the Town should the developer default on the project.

Paul Piktelis made a motion to accept the Subdivision Performance Agreement Secured by Surety Bond for the Colton Road Subdivision dated June 24, 2021 in the amount of \$167,778.00. Performance Bond Number GM207118 dated June 22, 2021 is issued by Great Midwest Insurance Company, Bruce DeVault seconded, voted unanimously.

Paul Piktelis made a motion to accept the sum of \$5,000 as cash performance guarantee in accordance with Condition e(2) of the Notice of Decision on Application for Definitive Subdivision Approval for Colton Road Extension dated September 14, 2020. The cash performance guarantee shall be used to cover the initial costs of "calling the bond" in the event of default and/or to cover the costs of maintaining streets and systems should the developer fail to do so during the course of construction, Bruce DeVault seconded, abstained, voted 4-1.

Paul Piktelis made a motion to endorse the definitive plan entitled: "Definitive Plan of Land – Lot Layout Plan for Colton Road Extension, Millbury, Massachusetts, June 10, 2020", last revised September 10, 2020, prepared by Atlantic Design Engineers, Inc., Bruce DeVault seconded, voted unanimously.

**7:37 p.m. Public Hearing – Post-construction Stormwater Management Permit –
Elm Street Right-of-Way, Municipal Parking Lot Between Elm Street & Grove Street &
Grove Street
Town of Millbury**

Ms. Connors notified the Board that the Millbury-Sutton Chronicle failed to print two of the legal ads on the scheduled publication date. Since MA General Law requires the legal ads to appear in the newspaper a minimum

of 14 days publication in advance to the public hearings, the advertising timeframe was not met. The public hearing will occur on Aug 8, 2021 at 7:00pm and the public hearing for 266 N Main Ext will be at 7:05pm.

**7:40 p.m. Performance Guarantee – Demolition & Removal Bond
26 McGrath Road
Millbury Solar, LLC**

Ms. Connors stated that the current owner requested that the Board accept the demo and removal bond from a different company and to release the original bond. There is a cash balance of \$25,000.00 for this project if the company defaults.

Mat Ashmankas made a motion to Motion to accept Demolition and Removal Bond #SUR0036197 issued by Argonaut Insurance Company for the large-scale ground-mounted solar photovoltaic installation at 29 McGrath Road dated June 21, 2021 in the amount of \$275,000, Paul Piktelis seconded, voted unanimously

Mat Ashmankas made a motion to release Westchester Fire Insurance Company Demolition and Removal Bond #K09564317 in the amount of \$275,000, Paul Piktelis seconded, voted unanimously.

**7:42 p.m. Public Hearing Con't – Multi-family Special Permit, Site Plan Review &
Stormwater Management Permit
19 Canal Street
Elite Home Builders, LLC**

John Grenier, representing JM Grenier, provided an update on project to the Board. The revised plans were forwarded to Stantec for review. The one outstanding item will be addressed in the updated drainage calculation document that will be submitted.

Mr. Grenier stated that the traffic engineer will provide Stantec with the additional information requested. They asked the Board for a continuation to the next meeting. They are working with the School Department regarding the upgrades to the Windle Field and they are contacting a landscape architect for design improvements.

Paul Piktelis inquired and Mr. Venincasa responded that it has not been finalized whether the improvements to the park will be performed by the developer or if it will be a monetary donation.

Discussion ensued regarding the proposed improvements to the park. Ms. Connors stated that there have been conversations with Rick Bedard who informed her that the School Committee is excited about the project.

Terry Burke Dotson expressed concern regarding the proposed dog park area and requested informational signage to be erected at the site to explain the historical use of the property as a train station.

Discussion ensued regarding the parking requirement, the total number of dwelling units and the type of affordable housing units proposed to be part of the development's affordable housing set aside.

Chairman Gosselin stated that he wants the contour lines on the plans showing where the stormwater will flow once it exits the subject property in the northeast direction, Mr. Grenier confirmed that he will provide that information.

In response to a comment from Stantec, Mr. Grenier stated that they will complete a mounding analysis and provide it to Stantec for review.

Tom Perry, Farnsworth Court, expressed concern about the additional traffic flow onto Canal St at the intersection and the safety of the residents.

Mr. Grenier stated that they will address the comment from Stantec's traffic engineer pertaining to the signal timing for the intersection once the project is completed.

Mr. Ashmankas inquired and Mr. Grenier confirmed that they will contact Mass Highway regarding future improvements to Rte. 122A.

Ms. Dotson inquired and Mr. Venincasa confirmed that there will be six units of affordable housing for this project and five units for the Rice Pond project.

Mr. DeSimone expressed concern regarding one egress for the development.

Mat Ashmankas made a motion to continue the public hearing 7:10 p.m. on August 9, 2021; Paul Piktelis seconded, voted unanimously.

**8:40 p.m. Public Hearing Con't – Multi-family Special Permit, Site Plan Review &
Stormwater Management Permit
17 Rice Road – Rice Pond Village
Whitney Street Home Builders, LLC**

James Tetreault, representing Whitney Street Home Builders, stated that updated plans have been submitted showing elimination of the walking path on the south side of the pond. Traffic improvements will include widening Rice Road at the railroad crossing to create additional space for vehicles to turn onto Rice Road from Providence Road. They will also ask the railroad to install a gate at the railroad crossing.

The railroad paperwork was sent to Keith Caruso at the DPW Department, as the Town will be the applicant to the railway company as the Town owns the Rice Road right-of-way. Mr. Venincasa will be responsible for the application fee and will pay for the work. They want to install a guard rail and ensure that there is working signals at the crossing.

Mr. Tetreault explained their proposal to improve the Rice Road/South Main Street intersection. The modification involves blocking off the center entrance, adding signage and changing the configuration of the island. Discussion ensued about National Grid testing radiation levels from the high tension wires. James Venincasa, representing Whitney Street Home Builders, stated that a similar project located in Shrewsbury was constructed closer to the power lines. The buildings were 10 feet off of the power company easement and reading was at an extremely low level.

Mr. Ashmankas inquired about plans to relocate the existing memorial within the Rice Road/ South Main Street intersection. Mr. Tetreault replied that there is currently no plan to relocate the existing memorial. Mr. Tetreault confirmed that they have received the abutters paperwork recommending widening of Rice Road to 24 feet. The roadway is currently of varying width- 20 feet at its narrowest point. They are concerned that widening the roadway will encourage Rice Road to be used as a cut-through and encourage vehicle speeding.

Mr. Ashmankas inquired and Mr. Tetreault confirmed that they have spoken with Keith Caruso and he stated that Rice Road is scheduled to be paved after the water main and gas main upgrades are complete.

Discussion ensued regarding the number of proposed units, development density, parking, and whether one egress into the development was sufficient and in-keeping with current Town bylaws.

Mr. Devault expressed support for Mr. Stearns proposed improvements to Rice Road at the railroad crossing.

Steven Stearns, 12 Thomas Hill Road, expressed concern regarding Mr. Tetreault's proposed layout of the intersection improvements at the Rice Road/South Main Street intersection. He suggested an alternative layout and relocation of the bus stop..

Ms. Connors suggested that Mr. Stearns call Rick Bedard, the School Business Manager, regarding his concerns about the current location of the bus stop and possible relocation.

Lisa Quinn of 3 Rice Road and Eric Arthur of 4 Aldrick Avenue expressed concern regarding the roadway width of Rice Road, building units within the 100' wetland buffer and the increase in traffic due to the proposed project.

Michelle McGrath, 2 Aldrich Ave, expressed concern with the roadway conditions, intersection safety and Rice Road's use as a cut through. She inquired if the Board was aware of a possible new project in Sutton on Rte. 122. Ms. Connors stated that the Planning Department has not received information about the project in Sutton as of yet.

Ms. McGrath inquired as to the cost of the school education if the project is completed and Mr. Tetreault stated that the developer submitted the impact statement for the project.

Pam Allard, 6 Rice Road, expressed concern over the project impacting the traffic on Rice Road and the current roadway conditions at the railroad crossing.

Mat Ashmankas made a motion to continue the public hearing 7:15 p.m. on August 9, 2021, Paul Piktelis seconded, voted unanimously.

Other Business:

Paul Piktelis made a motion to accept the minutes of June 21, 2021, seconded by Mat Ashmankas, voted unanimously.

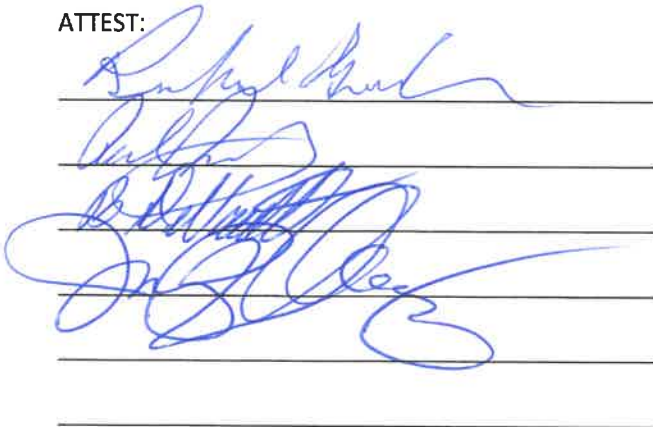
Paul Piktelis made a motion to accept the minutes of June 28, 2021, seconded by Mat Ashmankas, voted unanimously.

Bruce DeVault made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 9:58 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:

Four blue ink signatures are written on four horizontal lines. The signatures are cursive and stylized. The first signature is the most legible, appearing to be 'Paul Piktelis'. The second signature is less legible. The third and fourth signatures are highly stylized and difficult to decipher.