

MILLBURY PLANNING BOARD  
MINUTES  
August 9, 2021

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MILLBURY, MA

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, August 9, 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            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**

Mike Moonan, representing BL Companies, provided the Board with the stormwater permit application presentation. He detailed the improved drainage design and the catch basins. They received comments from Stantec Engineering. They will be requesting a waiver for the cross section in the rain gardens. They requested a waiver to submit a construction schedule upon approval on permit, similar to the Phase I project. They will be submitting updated plans in the near future.

Terry Burke Dotson inquired and Mr. Moonan detailed the location of the rain gardens. The design is based on the existing vegetation.

Discussion ensued regarding the bump out design and the stormwater mitigation for the project. Mr. Moonan confirmed that the bump out design for Phase II is shallower than the Phase I design. He stated that they will look into installing reflectors in each bump out to improve visibility.

Chairman Gosselin requested and Mr. Moonan confirmed that they will remove the name Farnworth Court on the walkway and label the actual private roadway on the updated plans.

Fran DeSimone inquired and Ms. Connors confirmed that the ramp at 118 Elm Street is private property and she having conversation with the owner regarding a request to include a handicap ramp at the entrance into the shop. BL Companies designed the ramp but will not be able to use taxpayer's money for this part of the project.

Ms. DeSimone inquired and Mr. Moonan confirmed the snow removal and storage locations. The swales and rain garden are largely the snow storage areas and run off will be captured into the basins. The grassed areas are designed for snow in the winter during regular snow events. In the event of a major storm event, the snow would be need to be removed offsite.

Ms. Connors stated that she will have a conversation with the Town Manager regarding the snow emergency parking and on street parking restriction.

Mr. DeSimone inquired and Mr. Moonan confirmed that he will provide The Board with the ADA standards for parking lots.

Mr. DeVault inquired and Mr. Moonan confirmed that there will not be catch basins in the roadway.

Chairman Gosselin requested and Mr. Moonan confirmed that the drainage system design will be included on the updated plans.

Robert Simmler, 9 Grove Street, expressed concern regarding the proposed lighting at the parking lot. He is researching the location of the original plans which detail the existing drainage system.

Mat Ashmankas requested the updated plan sheet to detail the flow design of the rain garden system at the intersection of Elm and School Street and the intersection of Elm and River St.

Paul Piktelis made a motion to continue the public hearing to 7:00 pm on September 13, 2021, Bruce DeVault seconded, voted unanimously.

**8:14 pm                    Public Hearing – Major Modification for Change of Ownership  
266 North Main Street Extension  
Nature’s Remedy  
Valiant Enterprises, LLC**

Joshua Lee Smith, attorney with Bowditch & Dewey representing the applicant, Nature’s Remedy, presented the request for a major modification to the special permit. Nature’s Remedy is entering into a merger with Jushi. He noted that for a special permit, there is a condition that if there is a transfer or merger, they are required to present it to the Board for approval. This merger will change the ownership and name. They have met with the BOS and approved HCA.

Chairman Gosselin expressed concern and Bob Carr, representing Nature’s Remedy, stated that the Town’s working relationship will continue with the point of contact at the Millbury facility. He stated that the existing staff will be remaining with the company.

Fran DeSimone inquired and Mr. Smith confirmed that this is a merger of the two companies and that Jushi MA Inc. will be the legal holder of all the permits and will be the entity seeking approvals from the CCC.

Chairman Gosselin inquired and Mr. Carr confirmed that the corporate headquarters are located in Florida and the core management team will remain intact at the Millbury facility.

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

Paul Piktelis stated in consideration of findings a through d, made a motion to approve a Notice of Decision Modification for Route 146 Highway Corridor Overlay District Special Permit, Registered Marijuana Dispensary Special Permit and Stormwater Management Permit subject to conditions A and B, Bruce DeVault seconded, voted unanimously.

**8:35 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 Elite Home Builders, presented the outstanding issues based on the Stantec comments regarding the traffic report and stormwater update to the plans. He stated the water will flow to the north towards Howe Ave and not the parking area.

Mr. Grenier stated that Stantec recommended shifting the existing telephone pole location slightly to the west and they will narrow the landscaping island to assist with increasing the site lines. Ms. Connors stated that she will include that recommendation to the conditions of approval for the project.

Chairman Gosselin inquired and Mr. Grenier stated that they did not research relocating the access to Railroad Court to the entrance of the development.

In response to Board concerns about the adequacy of the number of parking spaces, Steve Venincasa, representing Elite Home Builders, stated that there are a total 140 parking spots at Cobblestone Village and currently 25 spots are vacant.

Mr. Venincasa is requesting to keep the landscaped areas for the tenants as opposed to a paved area. Mr. Piktelis commented that he is amenable to that request.

Mr. DeSimone and Ms. Dotson expressed concern regarding the number of parking spots and the number of affordable units. Ms. Connors stated that those items will be included in the conditions of approval for the project.

Chairman Gosselin inquired as to the affordable unit locations and Ms. Connors recommended that Mr. Venincasa contact the representative with the company to explain their organization and the mission to the Board at the next meeting.

Mr. DeVault and Mr. Piktelis stated that they approve of this type of housing option for the affordable units.

Paul Piktelis made a motion to continue the public hearing to 7:05 p.m. on September 13, 2021, Bruce DeVault seconded, voted unanimously.

**9:11 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 Building, presented the revised site plans. He presented the changes to the Board, which included the road layout with two points of access to Rice Road. Minor changes were made to the drainage design to accommodate to the two egresses. All the grades are moderate and similar to the previous design. The infiltration system was updated for the street run off. It is larger due to the stormwater bylaws. They have relocated one unit that was located near the wetland area to another location within the development. The units are 40 feet from the wetland boundary at their closest point. There are fifteen parking additional spaces in four locations throughout the development.

Mr. Tetreault stated that they have met with Keith Caruso, Millbury DPW, regarding improvements to the railroad crossing area and the Rice Road-South Main Street intersection. The applicant has been in contact with the railroad company regarding the crossing on Rice Road and they have submitted the plans to the company. They have been in front of the Conservation Commission and their public hearing has been continued to the next meeting.

Paul Piktelis inquired and Mr. Tetreault confirmed there will be two way traffic on the roadways of the project. The width of the roadways will be 22 feet.

Mr. Tetreault stated that they will updating the mailbox location to be located near station 15.25 due to the two egresses.

Chairman Gosselin requested the installation of no parking signage at the entrance to the development. Mr. Venincasa stated that they will include no parking in the public way in the HOA and add that that language can be added to conditions of approval.

Chairman Gosselin requested that monuments be to set at all corners and the surveyor on record be included on the updated plans. The plan currently details two-foot contours and he requested the revised plan with one-foot contours.

Chairman Gosselin requested that the developer research installation of a sound barrier on the site around the pond area.

Discussion ensued regarding the noise from the railroad, the installation of sound barriers, conducting a noise study in the area and providing the Board with the readings. Steve Stearns, 12 Thomas Hill Rd, submitted documents regarding railroad noise standards to the Town.

Mr. Ashmankas stated that he walked the site and one-half of the east side of the development is wetlands and there are areas of wetland that not flagged or indicated on the plans. Mr. Tetreault stated that in Massachusetts the wetlands regulations state that, to be considered a wetland area, 50% of the area contain wetland plants and hydric soils. They drilled holes and only obtained sand. There is also no hydric connection to the stream or pond.

Chairman Gosselin requested that the snow storage locations included on the updated plans. Ms. Connors requested that the snow storage areas located uphill of the pond be relocated.

Discussion ensued regarding the lighting plan for the project. Ms. Connors stated that it is required at 300-foot intervals.

Mr. DeSimone inquired and Mr. Venincasa stated that the HOA would be responsible for the trail maintenance.

Joseph Arsenault, 1 Thomas Hill Road, expressed concern regarding the number of units for the project and increased traffic on Rice Road.

Lisa Quinn, 5 Rice Road, expressed concern regarding the density of the development and traffic to the neighborhood. She is suggesting sidewalks on Rice Road. Olivia Matheu, 11 Rice Road concurred with the other neighbor's concerns.

Jennifer Stewart, 12 Rice Road, expressed concern over the housing construction and the railroad noise.

Michelle McGrath 2 Alrich Ave, and Raymond Magner, 7 Rice Road, expressed concern regarding the traffic and multiple entrances into the development.

Michael Mann, Captain Peter Simpson Road, requested that the developer provide a schedule from the railroad regarding the daily trips.

Arthur Allard, 6 Rice Road, expressed concern regarding the addition of the second entrance and increased traffic with specific concern at the intersection of Rice Road and West Main Street.

Douglas Johnson, 3 Rice Road, concurred with the previous abutter's comments and also had safety concerns regarding the possibility of walking trails around the wetlands.

Mr. Tetreault requested a continuance of the public meeting until September 13, 2021.

Mr. Dotson expressed concern on the two entrances onto Rice Road and she requested the installation of sidewalks on Rice Road.

Terry Burke Dotson made a motion to continue the public hearing to 7:10 p.m. on September 13, 2021, Paul Piktelis seconded, voted unanimously.

**10:19 pm      Request for Release of Performance Guarantee  
Route 146 & Boria Lane  
NERP Holdings & Acquisitions, Co., LLC**

Ms. Connors referred to an Accounting Department account with a \$5,350.00 balance as of 2014, due to modifications to be completed. It is her recommendation that the Board release the performance guarantee and return the money that was held to the developer.

Paul Piktelis make a motion to release the sum of \$5,350 plus interest to NERP Holdings & Acquisitions Co., LLC for 99 Worcester Providence Turnpike (Tractor Supply) such that \$0 will remain as a performance guarantee, Bruce DeVault seconded, voted unanimously.

**Other Business:**

**10:21 pm      Minutes**

Paul Piktelis made a motion to accept the minutes of May 10, 2021, seconded by Bruce DeVault, voted unanimously.

Paul Piktelis made a motion to adjourn, seconded by Mat Ashmankas voted unanimously. Meeting adjourned at 10:22 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:

  
  
