

**MILLBURY PLANNING BOARD
MINUTES
September 27, 2021**

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, September 27, 2021 at 7:15 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

Pledge of Allegiance

7:00 p.m. Chairman Gosselin requested the Board meetings start at 7:15 p.m. going forward.

Paul Piktelis made a motion to cancel the Board meeting on Columbus Day, October 11, 2021, Bruce seconded, voted unanimously.

Laurie Connors introduced the new L.L. Bean mural project. Discussion ensued requiring whether or not this requires a minor modification. The Board agreed it does not need to go before the Board for a minor approval.

**7:04 p.m. Public Hearing – Stormwater Management Permit
192 Millbury Avenue
Robert Murphy**

Robert Murphy, represented the applicant, presented the project to the Board. The applicant received the Stantec review and several issues were included that will be addressed. The applicant is requesting several waivers including contours, curbing and sidewalk along the road.

Chairman Gosselin stated that he is not amenable to the two-foot contours. He requested that the applicant double the length of the riprap as it slopes down to the pond banking.

Chairman Gosselin inquired and Mr. Murphy stated that the 4" cleanout in the stormwater system is an inspection port. Rich ask for it to be changed.

Mr. Piktelis inquired and Mr. Murphy confirmed that there will be parking for the two employees and no commercial vehicles onsite.

Mr. Piktelis inquired and Mr. Murphy stated that access if they will be request a waiver from the sidewalk. Bob said the accessible entrance will be on the side.

Mr. DeSimone inquired and Mr. Murphy stated that vehicles will enter into the driveway and park in the rear of the building.

Mr. DeSimone inquired and Mr. Murphy stated that there will be not any commercial trucks parked onsite.

Mr. DeSimone inquired and Mr. Murphy stated that there will be two dwelling units consisting of two bedrooms.

Dan Rizika, owner of the two abutting properties, business and 2 Shore Terrace, expressed concern regarding the number of parking spaces within the project. He requested a copy of the Stantec report and Ms. Connors stated that it will be available to view on the Planning Board webpage.

Amy Rizika inquired and Chairman Gosselin stated that the Board will not vote tonight and he confirmed there will be another meeting on this project.

Mr. DeSimone inquired and Mr. Murphy confirmed that the project has been submitted to the Conservation Committee and it was continued to the next meeting.

Carl Schoder, 186 Millbury Ave, inquired and Mr. Murphy confirmed the height of the retaining walls as 3 to 4 feet.

Mr. Murphy requested a continuance on the public hearing.

Paul Piktelis made a motion, to continue the public hearing to 7:15 p.m. on October 25, 2021, Bruce DeVault seconded, voted unanimously.

**7:30 p.m. Public Hearing - Modification to Special Permit, Site Plan Approval & Stormwater Management Permit
61 Miles Street
Mark Smith**

Bob Murphy, representing the applicant, presented the updates to the project. He stated that due to the pandemic the applicant was not able to complete the project in time. They have been in front of Earth Removal Board and he is requesting an extension of two years to complete the work.

Mr. DeSimone inquired and Mr. Murphy stated that due to the scheduling of contractors and lack of supplies they are requesting an 18-month extension. Chairman Gosselin concurred that the applicant should have the full 18 months to complete the project as that is what was originally permitted.

Mary McCloud, 60 Miles St, explained that some trees have removed and suggested that it is causing some erosion issues. She inquires as to why it will take the property owner so long to complete the project and how many times the project can be extended. Chairman Gosselin responded that there are valid reasons as to why a project can be delayed and that the Board may extend a project up to three times.

Mr. Murphy explained that he did not know of any erosion at the site and he will investigate.

Brett Swenson, 30 Prospect St, expressed concern regarding the slope of the property and the potential for erosion. Mr. Murphy stated that the stormwater permit has already be issued and was reviewed by the town's consultant.

Mr. Swenson inquired as to the height of the wall from the house to his property and Mr. Murphy explained it is will be a terraced wall. Mr. Swenson inquired and Ms. Connors explained the landscaping plan.

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

Paul Piktelis made motion to modify the Notice of Decision for Multi-family Special Permit and Stormwater Management Permit for 61 Miles Street that was issued by the Planning Board on November 25, 2019 so as to extend the deadline for substantial use of initiation of construction until February 27, 2023, Bruce DeVault seconded, voted unanimously.

**7:50 p.m. Public Hearing Con't – Post-construction Stormwater Management Permit
Elm Street Right-of-Way, Municipal Parking Lot Between Elm Street & Grove Street,
112 Elm Street
Town of Millbury**

Mike Moonan, representing BL Companies, presented the project the Board. He stated that they have addressed all of Stantec's previous comments. They have checked on the potential of septic systems or other systems in the municipal lot.

Chairman Gosselin expressed concern regarding the potential of materials underground at the parking lot. He does not support granting the waiver on the test pits because if they failed the project would be in jeopardy.

Mr. Moonan explained they believe that there is no reason to be concerned about the water table. The roadway has just been paved and the testing will damage the street right before winter. They successfully did the tests during construction in Phase 1.

Chairman Gosselin recommended that an order of condition be included that states the project not proceed until the test pits are done.

Mr. Moonan explained they are not meeting the Town's standards for phosphorus removal, though they do meet the State's standards. They are seeking a waiver for the phosphorus removal.

Mr. Moonan stated that there will be 87 parking spaces, including 5 ADA space in the lot. The requirement is four spaces. They have agreed to add reflectors to the bumpouts to improve visibility.

Paul Piktelis inquired and Mr. Moonan stated that the widths of the bump outs are designed to be a foot shallower on each side.

Mr. Pitkelis inquired and Mr. Moonan stated that there has been no evidence of any system under the existing parking lot.

Mr. DeSimone inquired about what might be currently under the existing parking lot.

Steve Stearns, stated that he believe there are cisterns and that they are filled with sand. He expressed concern about the mulch going down the drain in the bump outs and sand in the sidewalks. He expressed concerns about turning radius issues for emergency vehicles.

Rich Hamilton, Fire Chief, explained there is not a cistern currently in the municipal parking lot.

Chris Naff, 86 Main Street, spoke in support of the project. He thought that the Phase I project was a success and it has improved conditions for the businesses and the residents in town.

Mike Kennedy, 156 N Main Street, spoke in support of the project. He explained that the accessibility improvements in Phase I were beneficial for town and made downtown safer to pedestrians and drivers. He supports expanding the accessibility network in town. He supports bump outs, thinks they make downtown safer.

Mr. Ashmakas expressed concerned regarding the bump out at School Street.

Ms. Dotson stated that she is not in favor of the project at all.

Mr. DeVault expressed that he was initially against the bump outs in Phase I, but he now sees the benefits of the design and slowing drivers through that area and Mr. Pitkelis expressed his agreement with Bruce's statement.

Paul Piketlis made a motion to close the public hearing, Bruce DeVault seconded, voted 4-0 in favor, Mat Ashmankas not present at vote.

Paul Piktelis made a motion to waive the application fee in the amount of \$200.00, Bruce DeVault seconded, Rich Gosselin, Paul Piktelis, and Bruce DeVault voted in favor, Terry Burke Doston opposed, the vote was approved 3-1. Mat Ashmankas not present at vote.

Paul Piktelis made a motion to waive Chapter 13.15.070(b)(6) of the Millbury Municipal Code as it pertains to the average annual pollutant removal equivalent of 80% for Total Suspended Solids (TSS) and 50% for Total Phosphorus (TP). The project is designed to remove TSS and TP amounts to the maximum extent practicable, Bruce DeVault seconded, Rich Gosselin, Paul Piktelis, and Bruce DeVault voted in favor, Terry Burke Doston opposed, the vote was approved 3-1.

Paul Piktelis made a motion to grant the Notice of Decision on Stormwater Management Permit for property located on Elm Street from its intersection with Harris Place to its intersection with River Street, the municipal parking lot and 112 Elm Street subject to conditions a through k, Bruce DeVault seconded, Rich Gosselin, Paul Piktelis, and Bruce DeVault voted in favor, Terry Burke Doston opposed, the vote was approved 3-1. Mat Ashmankas not present at vote.

**8:28 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 J.M. Grenier Associates, presented the updates for the project. Town Counsel, David McCay, explained that it is a simple majority vote if it located within a half mile of a bus station and is has 10% affordability units.

Steve Venincasa, representing Elite Home Builders, stated he felt that their project meets the simple majority criteria. He inquired and the Board agreed that the project meets the criteria for the simple majority.

Mr. Grenier explained that there was an abutter that could not review the plans before last meeting. He met with the abutter. They will move the location of the dumpster and include a stockade fence near his property. They also agreed to grade Railroad Court, and addressing the concerns of the neighbors on that street.

Mr. Grenier spoke to the fire department and there were no concerns about access to the site. He explained that this project is in line with the master plan, will be beneficial for the downtown area and the town overall.

Chairman Gosselin requested the developer come in front of the Board once the project reaches 90% occupancy to review the parking situation and add the additional spaces if they are determined to be needed at that time.

Mr. Venincasa was amenable to request and Ms. Connors read the condition that would be included to the decision.

Discussion ensued regarding traverse points and surveyed projects. Mr. Venincasa stated that they have not done any markers on the site.

Ms. Dotson inquired and Mr. Grenier stated that the garage are single story. Mr. Grenier stated that it is more than 30 feet from the property line and the fencing.

Mr. Piktelis stated that he visited similar developments in town and has found that parking not been an issue and those developments stated that they have not had issues with parking.

The abutter at 3-5 Railroad Court was pleased with the developer's communications and requested that the turning area be solidified with an easement and Mr. Venincasa concurred. It will be included as a condition in the decision.

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

Paul Piktelis made a motion to waive Section 12.44(a), requirement to submit site plans at a scale of 1"=20', Bruce DeVault seconded, Rich Gosselin, Mat Ashmankas, Paul Piktelis, and Bruce DeVault in favor, Terry Burke Dotson opposed, the vote was approved 4-1.

Paul Piktelis made a motion to waive Section 12.44(c), requirement to submit an isometric line drawing, Bruce DeVault seconded, Rich Gosselin, Paul Piktelis, and Bruce DeVault in favor, Mat Ashmankas and Terry Burke Dotson opposed, the vote was approved 3-2.

Paul Piktelis made a motion to waive Section 12/44(e), requirement to submit elevation plans at a scale of ¼"=1' or ½"=1', Bruce DeVault seconded, Rich Gosselin, Mat Ashmankas, Paul Piktelis and Bruce DeVault in favor, and Terry Burke Dotson opposed, the vote was approved 4-1.

Paul Piktelis made a motion to waive Section 12.44(f)(4), requirement to submit a detailed Historic Impact Assessment, Bruce DeVault seconded, Rich Gosselin, Mat Ashmankas, Paul Piktelis and Bruce DeVault in favor, and Terry Burke Dotson opposed, the vote was approved 4-1.

Paul Piktelis made a motion to waive Section 12.44(o), the requirement to install concrete curbs and gutters around the perimeter of all driveways and parking areas. Vertical granite curb shall be installed around the perimeter of all parking areas and sloped granite curb around the interior island at the driveway entrance, Bruce DeVault seconded, Rich Gosselin, Mat Ashmankas, Paul Piktelis, and Bruce DeVault in favor, and Terry Burke Dotson opposed, the vote was approved 4-1.

Paul Piktelis made a motion to waive Section 12.45(r), the requirement to construct walkways with brick, decorative pavers or other materials. Concrete walkways shall be installed, Bruce DeVault seconded, Rich

Gosselin, Mat Ashmankas, Paul Piktelis and Bruce DeVault in favor, and Terry Burke Dotson opposed, the vote was approved 4-1.

Paul Piktelis made a motion to partially waive Section 33.2, the requirement to construct 22 parking spaces upon finding the special circumstances of the Project and likely parking demand from the residents render 110 parking spaces in a combination of surface parking (92 spaces) and garages (18 spaces) adequate for the Project's parking needs; provided that the site has been designed to accommodate all of the parking spaces required by the Zoning Bylaws and if the Planning Board determines, within one year of full occupancy of the Project, that the parking spaces within the Project are inadequate to meet the needs of the residents of the complex, the Planning Board shall require the developer to construct the 22 additional parking spaces in accordance with the plan entitled: "Parking Expansion Plan", dated August 12, 2021, prepared by J.M. Grenier Associates Inc., Bruce DeVault seconded, Rich Gosselin, Mat Ashmankas, Paul Piktelis, and Bruce DeVault in favor, and Terry Burke Dotson opposed, the vote was approved 4-1.

Paul Piktelis made a motion to grant the Notice of Decision on Multi-family Special Permit, Site Plan Review and Post-construction Stormwater Management Permit for 19 Canal Street subject to conditions a through ff, Bruce DeVault seconded, Rich Gosselin, Paul Piktelis and Bruce DeVault in favor, Mat Ashmankas and Terry Burke Dotson opposed, the vote was approved 3-2.

Ms. Dotson requested that a condition be included in the decision regarding the dog area requiring a kennel license. Town Counsel read the definition of kennel as provided by Town Clerk and this area of the project does not require a license.

Chairman Gosselin inquired and Town Counsel review whether the dog area is defined as a kennel but that it is a separate license and does not need to be a condition of the permit.

**9:09 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 revisions have been made to the plan since the last meeting. They removed the second egress to the property. They reduced the number of units to 46, with the units removed being the ones closest to the pond and wetland area. The road will be two way at the entrance and then one way once the loop begins. The new plans details 15 auxiliary parking spaces and added 1' contours lines. The mailbox location has been adjusted. The applicant has replied to the town planner and peer review comment letters, explained that the buildings are farther away from the wetland areas. Still in hearing with the Conservation Commission. The engineers looked at the area around the railroad and found no wetland areas. They are proposing a 5' fence along railroad boarder for safety.

Chairman Gosselin had a question about the ANR lot, Mr. Tetreault stated that the property has already been divided and it is possible a house will be built as a separate project sometime in the future.

Chairman Gosselin had a question about the grade/slope around unit 8. James confirmed it is within the 3 to 1 slope. James noted it will not need a retaining wall, the only wall is next to the infiltration basin.

Steve Venincasa explained that he thought they have worked with the abutters and the town. Steve requested feedback from the Board about their willingness to support the project. Chairman Gosselin asked about Lot 1 and 4, Steve replied that he intends to eventually build houses on those lots.

Joe Arsenault, 1 Thomas Hill Road, spoke about his concern with traffic. He is interested a stop sign installed at the intersection of Thomas Hill and the project entrance.

Steve Stearns, 12 Thomas Hill Road, expressed concern regarding the outstanding issues, including handicap access to the sidewalk and the snow plowing in relation to the sidewalk. He also shared comments about the angle of several buildings that could ease the driveway access. He noticed a discrepancy with number of units listed on one of the plan sheets. Identified additional areas where more parking could be added.

Chairman Gosselin asked if additional parking spaces could fit into the project. Mr. Stearns said they could fit it but it creates hardscape and is unsightly but would be amenable to the request.

Mr. Ashmankis and Ms. Dotson expressed his concerns with the project.

Mr. Stearns responded to Mr. Ashmankis' comments. 30 units won't work in his pro forma, will seek to meet with Mat individually.

Lisa and Matt Quinn, 5 Rice Road, supports what Ms. Dotson stated regarding density and protecting wetland areas and the entrance to the development and that the traffic will be too much for the neighborhood.

Cody Mathieu expressed concerns about the size and number of units. He asked for an explanation of the road width waiver, and believes that the development is over built.

John Nagelschmit expressed concerns about the right of way width if it is enough to facilitate the widening of the road if necessary.

Raymond Wagner, 7 Rice Road, had yet more of same complaints, about traffic and cars per unit. Concerned about units near the pond and the noise.

Arthur Allard, 6 Rice Road, inquired about the conservation with the development and one of the Board members that was previously mentioned.

Michelle McGrath concurred with the abutters concerns.

Douglas Johnson, 3 Rice Road, expressed concerns about the security of his property and the possible devaluation of his property. He would like to see less units built on the site.

Mr. Tetreault requested a continuance to the next meeting.

Paul Piktelis made motion to continue the public hearing to 7:20p.m. on October 25, 2021, Bruce DeVault seconded, voted unanimously.

10:05 p.m. **ANR – 16 Lake Street**
Kathy Stacy

Paul Piktelis made a motion to endorse the ANR Plan entitled Plan of Property surveyed for Kathy A. Stacy, 16 Lake Street, Millbury, Massachusetts, dated August 24, 2021, prepared by Jarvis Land Survey, Inc., 29 Grafton Circle, Shrewsbury, MA., Bruce DeVault seconded, voted unanimously.

Other Business

Paul Piktelis made motion to accept the meeting minutes of August 9, 2021, Bruce DeVault seconded, voted unanimously.

Paul Piktelis made motion to accept the meeting minutes of September 13, 2021, Bruce DeVault seconded, voted unanimously.

Mr. DeSimone expressed concern regarding construction work after 5pm on a day last week at Clearview. Ms. Connors stated that she has had a conversation with the site supervisor, detailing the construction timeframe with him and to have them prepared for forthcoming rain.

Discussion ensued regarding the Aggregate Industries property in Sutton and the proposed project.

Bruce DeVault made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 10:21 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:

