

**MILLBURY PLANNING BOARD
MINUTES
November 8, 2021**

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, November 8, 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

**7:15 p.m. Public Hearing Con't – Stormwater Management Permit
192 Millbury Avenue
Katherine Fairbanks**

Bruce DeVault called a point of order on this matter and requested that the Board move to executive session. Chairman Gosselin denied the request.

Robert Murphy, representing the applicant for 192 Millbury Ave, updated the Board on the details of the revised plans. He referred to the current town zoning bylaws that the retaining walls do not have a setback requirement.

Chairman Gosselin inquired and Mr. Murphy confirmed that there will not be overlapping retaining walls on the site. The original Order of Conditions approved a 12' wall. The fencing has been re-designed for the abutter's privacy.

Discussion ensued regarding the retaining wall heights and design.

Fran DeSimone inquired and Mr. Murphy responded that the structural wall will be constructed with 25 pound blocks with stone backing. The water will drain into the stormceptor treatment system and into a drainage system.

Michael Brangwynne of Fletcher Tilton Attorneys At Law, as well as Steve Pikul of Bertin Engineering (both representing the Rizika's) stated that there is a dispute over the property line and they are seeking a continuance of the meeting to research the matter.

Chairman Gosselin inquired and Mr. Brangwynne confirmed that they have registered surveyors that can review the lot boundaries for the abutters.

Discussion ensued regarding the design standards within the Town's Zoning Bylaws.

Mr. Pikul stated that they are researching the matter for certification.

Chairman Gosselin recommended that Mr. Murphy request a continuance to the next meeting.

Susan Schroeder, 186 Millbury Ave, questioned the waivers that have been requested by the applicant for the project.

Amy Rizika, 198 Millbury Ave and 2 Shore Terrace, expressed concerns regarding the employee parking and the finished level of the property.

Chairman Gosselin inquired and Mr. Murphy responded that the fill will be removed when construction begins.

Mr. Pikul stated that they will complete the boundary survey within the two week deadline for the next meeting.

Dan Rizika, 198 Millbury Ave and 2 Shore Terrace, inquired as to who the company is that brought in the fill. Chairman Gosselin stated that the Conservation Commission was responsible for the approval of the fill on the site.

Mr. Murphy confirmed that the original Order of Conditions from the Conservation Commission is in effect currently.

Chairman Gosselin recommended and Mr. Murphy confirmed that the applicant will remove as much fill as possible by the next Board meeting.

Mat Ashmankas made a motion to continue the public hearing to 7:20 p.m. on November 22, 2021, Paul Piktelis seconded, voted unanimously.

**9:26 p.m. Performance Guarantee and Unit Releases
Clear View Residential Development**

Chairman Gosselin stated that the Board cannot vote on this agenda item due to lack of time for the Board members to review.

Mat Ashmankas inquired and Ms. Connors stated that Phase I (earthwork) is not complete however they are seeking unit releases for the units along the built roadway, which is to binder course, so that they can begin constructing dwellings within that phase. They are providing a performance guarantee to cover the costs of completing that section of roadway. The rest of the project is still secured by covenant.

Stephen O'Connell, representing the applicant, stated that they are following the Town subdivision regulations and the conditions of approval for the unit releases. They are requesting a partial release from the covenant for the units in the first phase of roadway construction so they can begin construction of the building units in that phase.

Chairman Gosselin stated that two Board members did not receive the paperwork in the timeframe for the meeting and is requesting a continuance of this agenda item to the next meeting.

Fran DeSimone inquired and Mr. O'Connell confirmed that the sewer and water has been installed. The electric has been prepped and they are awaiting the connection from National Grid.

Paul Piktelis requested to move this agenda item to the November 22, 2021 Board meeting.

9:48 p.m. **Performance Guarantee – Change of Ownership**
Vassar Estates
Syed Khan

Chairman Gosselin inquired and Syed Khan, applicant, confirmed that the site plan will not change due to the new ownership. He stated that the approval is for one duplex.

Mr. Khan stated that the plan is to construct one duplex with a one car garage for each unit and the elevations will remain the same.

Paul Piktelis inquired and Mr. Khan confirmed that they plan to complete the project within the construction timeframe.

Paul Piktelis made a motion to accept a cash performance guarantee in the amount of \$69,802 from Syed Khan for the Vassar Estates Subdivision, Mat Ashmankas seconded, voted unanimously.

Paul Piktelis made a motion to release the sum of \$69,814.43 plus interest to Cheryl Vassar such that \$0 is held for completion of the Vassar Estates Subdivision, Mat Ashmankas seconded, voted unanimously.

Other Business

Paul Piktelis made motion to accept the meeting minutes of September 27, 2021, Bruce DeVault seconded, voted unanimously.

Paul Piktelis made motion to accept the meeting minutes of October 25, 2021, Bruce DeVault seconded, voted unanimously.

Mat Askmankas made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 9:53 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:











