

MILLBURY PLANNING BOARD
MINUTES
December 13, 2021

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, December 13, 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. Approval Not Required (ANR)
6 Lindy Street/8 Lindy Street
Steven H. Grahn/Virginia Picking

Laurie Connors explained to the Board that the ANR request is for a lot line change. Parcel A which is 973 square feet and currently owned by 6 Lindy Street will be conveyed to 8 Lindy Street. Parcel B which is 26 square feet and owned by 8 Lindy Street will be conveyed to their abutter.

Paul Piktelis motioned to endorse the plan entitled "Plan of Property Surveyed for Steven K. Grahn, Trustee of the Testamentary Trust Under the Will of Everett H. Grahn, 6 Lindy Street, Millbury, Massachusetts", dated July 9, 2020, prepared by Jarvis Land Survey, Inc., Mat Ashmankas seconded, voted unanimously.

7:20 p.m. Release of Performance Guarantee
Howe Avenue/Cobblestone Village
Cobblestone Woods, LLC

Ms. Connors stated that substantial construction was completed a few years ago. There were a few outstanding items completed within the last month. Stantec inspection the property and provided a final inspection report identifying that all items are substantially complete to their satisfaction.

Paul Piktelis made a motion to release the balance of \$144,439.00 plus interest in the Performance Agreement Secured by Lender dated July 22, 2019 and recorded in Worcester Deeds Book 60969, Page 187 such that \$0 shall be held as performance guarantee for Cobblestone Village, Bruce DeVault seconded, voted unanimously.

7:25 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 Azimuth Land Design, LLC., presented the November 29th revised plans depicting proposed off-site improvements to Rice Road, which include widening the paved width to 22', sidewalk construction and realignment of the intersection of Rice Road and South Main Street.

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Terry Burke Dotson inquired whether the developer plans to make any changes to Providence Street. Mr. Tetreault responded that they do not plan to make changes to Providence because they will not be able to realize any meaningful benefit from altering the alignment.

Discussion ensued about MassDOT jurisdiction over proposed improvements for Rice Road at the intersection with Providence Street. Keith Caruso, Town of Millbury DPW, stated that it might be a good idea to include MassDOT in the conversation over Rice Road improvements at the Providence Street intersection, but MassDOT will not have any jurisdiction since improvements will not be within the Providence Street right-of-way.

Chairman Gosselin referred to previous meetings in which the developer stated that they will contact MassDOT regarding potential Providence Street intersection improvements and the possibility of painting and mitigating the potential traffic issue.

Stephen Venincasa, representing Whitney Street Home Builders, stated that they will make the request to MassDOT.

Mr. Tetreault stated that the Rice Road design takes into account existing grading of abutting homes as well as the location of existing utility poles. Further widening will impact street trees and retaining walls.

Mat Ashmankas inquired and Mr. Caruso responded that he is not aware of any roadway work proposed for Rte. 122A.

Mr. Tetreault stated that they made numerous emailed attempts to contact the Railroad Company through their website to present the proposed project and roadway improvements but did not receive any replies.

Charles Hunter, representing P&W Railroad, expressed public safety concerns especially with regards to drainage and traffic at the railroad crossing. He said that gates should be installed to enhance public safety. There are lights currently at the crossing. The roadway widening is an improvement that will trigger the need to upgrade the signal system.

Chairman Gosselin inquired and Mr. Hunter confirmed that they are amenable to roadway improvements in theory, however they will need time to thoroughly review the site plans.

Mr. Hunter stated that the installation of the gates and wiring work will be the responsibility of the developer.

Jennifer Stewart, 12 Rice Road, inquired and Mr. Hunter stated that he is not aware of the proposed distribution facility projects in Sutton and whether they will increase railroad activity on the line.

Cody Mathieu, 11 Rice Road, inquired and Mr. Hunter responded that they do not disclose materials shipped on the trains due to security reasons.

Chairman Gosselin requested that the developer provide a detailed plan sheet of the Rice Road improvements, extent of pavement, curbing and sidewalks.

Bruce DeVault inquired and Mr. Tetreault pointed out the location of the existing retaining wall to be removed at the intersection of South Main and Rice Road. The wall will be replaced and the grading blended back on the lot.

Ms. Dotson inquired and Mr. Tetreault confirmed that there will be landscaping replacements. They have approached the homeowner. The Tree Warden and DPW have conducted a site visit.

Lyle Bouchard, 1 Rice Road, stated that he doesn't have an issue with the tree removal but expressed concern about the retaining wall removal. He stated that he has concerns about the proposed grading and aesthetics.

Discussion ensued regarding the draft Conditions of Approval and interpretation of the Zoning Bylaws.

Ms. Dotson requested removal of the draft Condition restricting construction vehicles from using Rte 122A only.

Jennifer Stewart, 12 Rice Road, inquired and Ms. Connors confirmed that the unit releases/issuance of building permits are tied to completion of Rice Road improvements.

Matthew Berg, 58 South Main Street, expressed concern about the increased traffic on the roadway due to the project. He detailed the impact on the neighborhood.

Chairman Gosselin stated that the roadway improvements at the railroad crossing will need to be included in the project.

Discussion ensued regarding the railroad improvements.

Mat Ashmankas recommended that the developer further discuss the proposed Rice Road improvements with the Railroad and the DPW Department.

Mr. Venincasa requested that the Board continue the public hearing to the next meeting.

Chairman Gosselin inquired and Mr. Venincasa confirmed that they will contact MassDOT regarding altering Rte. 122A striping.

Paul Pikelis made a motion to continue the public hearing to 7:25 p.m. on January 10, 2022, Bruce DeVault seconded, voted unanimously.

**9:12 p.m. Public Hearing Con't – Site Plan Review & Stormwater Management Permit
192 Millbury Ave
Katherine Fairbanks**

Chairman Gosselin stated that the Board was waiting for the completed survey from the abutter.

Steven Pikul, Bertin Engineering, stated that they have completed their analysis and provided paperwork to the Planning Department.

Russ Sackett, Surveyor, representing the abutters, gave a presentation on historic surveys of the subject property and abutting properties.

Michael Brangwynne, Attorney with Fletcher and Tilton, representing the abutters, stated that there are issues with the lot lines and they need additional time to complete the abutter survey.

Amy Rizika, 18 Manor Road, explained their plans for improvements to the Shore Terrace property that they own.

Robert Murphy, representing the applicant for 192 Millbury Ave, stated that the two completed surveys are detailed and correct.

Paul Piktelis made a motion to close the public hearing, Mat Ashmankas seconded, voted unanimously.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.44(c): requirement to submit an isometric line drawing, Mat Ashmankas seconded, Rich Gosselin, Paul Piktelis, Mat Ashmankas and Bruce DeVault in favor, Terry Burke Dotson opposed, voted 4-1.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.44(d): requirement to submit a locus plan at a scale of 1"=100'. The locus plan is at a scale of 1"=1000', Mat Ashmankas seconded, Rich Gosselin, Paul Piktelis, Mat Ashmankas and Bruce DeVault in favor, Terry Burke Dotson opposed, voted 4-1.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.44(f): requirement to submit a Development Impact Statement, Mat Ashmankas seconded, Rich Gosselin, Paul Piktelis, Mat Ashmankas and Bruce DeVault in favor, Terry Burke Dotson opposed, voted 4-1.

Paul Piktelis made a motion to waive Zoning Bylaws, Section 12.45(k): requirement to landscape all yard setbacks, Mat Ashmankas seconded, Rich Gosselin, Paul Piktelis, Mat Ashmankas and Bruce DeVault in favor, Terry Burke Dotson opposed, voted 4-1.

Paul Piktelis made a motion to grant the Notice of Decision on Site Plan Approval and Stormwater Management Permit for property located at 192 Millbury Avenue subject to conditions a through s, Mat Ashmankas seconded, Rich Gosselin, Paul Piktelis, Mat Ashmankas and Bruce DeVault in favor, Terry Burke Dotson opposed, voted 4-1.

**9:56 p.m. Release of Performance Guarantee
9 West Street
Clay Street Properties LLC**

Ms. Connors reviewed the performance guarantee request and stated that all pending items have been addressed for the project.

Paul Piktelis made a motion to release the sum of \$5,000.00 plus interest from the Performance Guarantee account such that \$0 shall be held as performance guarantee for 9 West Street, Mat Ashmankas seconded, voted unanimously.

Other Business

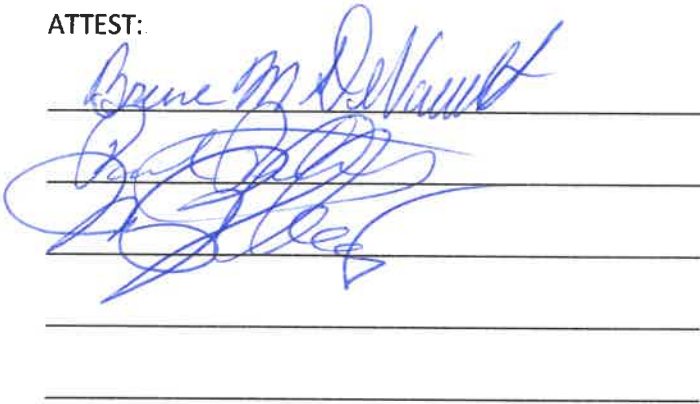
Discussion ensued regarding acquiring tablets for the Board members.

Bruce DeVault made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 10:01 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:



Handwritten signatures of Bruce M. DeVault and Paul Piktelis over horizontal lines.