

## MINUTES

April 28, 2008

Millbury Planning Board

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, April 28, 2008 at 7:00 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chair Anna Lewandowski presided.

Present: Rusty Valery, Brian Stowell, Anna Lewandowski, Scott Mueller, Richard Gosselin, Peter Caruso, Jr., Associate Member

### **7:00 p.m. Dryden Estates Public Hearing, cont.**

Clerk Valery read letter dated April 24, 2008 from the Fire Chief, regarding compliance with current fire codes.

Norman Hill, Land Planning reviewed revisions to the plan.

Motion by Brian Stowell, seconded by Rusty Valery to close the public hearing, motion carried unanimously.

Waivers:

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 6.7.6 and Section 8.5.g: the roadway pavement width shall be reduced to 12', motion carried on a 4-1-0 vote, Anna Lewandowski was opposed and thought the roadway width should be 13'.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 6.13: construction of a sidewalk, motion carried on a 5-0-0- vote.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 6.10: construction of curb, motion carried on a 5-0-0 vote.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 6.5.2: installation of street trees, motion carried on a 4-1-0 vote, Anna Lewandowski was opposed.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 6.6.4: allow only one 30' rounding at the property lines intersection, motion carried unanimously.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 6.15 and 6.16: no extension of sewer or water mains into the project, motion carried unanimously.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 5.3.1 b: allow submission of a locus plan at a scale of 1" = 200', motion carried unanimously.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 5.3.1 n: waive the soil surveys and/or test pits or borings every 100' along proposed roads. One deep hole

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test pit shall be conducted at the anticipated stormwater management facility, motion carried on a 4.-1-0 vote, Anna Lewandowski was opposed.

Motion by Brian Stowell, seconded by Rusty Valery to waive Section 6.7.5 and Section 8.5g: required installation of a turnaround within the roadway right-of-way, the turnaround shall be located on lot 2, in conformance with condition 7 j, motion carried on a 5-0-0 vote.

Motion by Brian Stowell, seconded by Rusty Valery to reduce the application fee from \$2,500 to \$1,000, motion carried unanimously.

Motion by Brian Stowell, seconded by Richard Gosselin, to grant the applicant's request to allow installation of 4" x 4" x 3' concrete bound instead of granite (subdivision rules & regulations, Section 6.9) motion defeated on a 0-5-0 vote.

Motion by Brian Stowell, seconded by Richard Gosselin to grant the application to allow the construction of a two lot optional residential compound subdivision as shown on the plans entitled "Dryden Estates, Definitive Subdivision Plan, Grafton Street, Town of Millbury, Massachusetts" dated September 6, 2007, revised through April 14, 2008, prepared by Land Planning, Inc., subject to conditions a – cc, motion carried on a 5-0-0 vote.

### **7:10 p.m. Autumn Gate Estates Bond Reduction**

Clerk Valery read letter from Earth Removal Board regarding the escrow account balance, letter from the sewer department regarding outstanding balance due, and letter from Conservation Commission indicating that the applicant must re-file a notice of intent, which has expired.

William Keaton, representative for LRC, requested a reduction in the bond.

Motion by Brian Stowell, seconded by Rusty Valery, not to grant a reduction until other issues with the project are resolved.

Mrs. Lewandowski advised the Board that LRC owes back taxes to the town.

Town Planner Connors stated that the Board previously granted a reduction in the bond in April 2007, but the developer cannot locate the original document.

Mr. Stowell and Mr. Valery both rescinded the motion.

Motion by Brian Stowell, seconded by Rusty Valery, not to grant the escrow reduction as requested on April 28, 2008, and to retain the bond balance of \$474,500.00, as approved by the Planning Board on April 9, 2007, until the remaining project issues are resolved. Motion carried unanimously.

**7:15 p.m. Graves Engineering Contract Extension**

Donald Graves and Jeff Walsh were present to discuss the Board's ability to recommend the extension of the contract for the period of one year from June 30, 2008, as provided for in the original contract.

Motion by Richard Gosselin, seconded by Brian Stowell to recommend the one year contract extension, motion carried on a 3-2-0 vote. Anna Lewandowski and Rusty Valery were opposed.

Chair Lewandowski declared a five minute recess.

**Cronin Brook Feedback**

Jeff Walsh was present to discuss remaining issues, which included:

- The curb reveal for that portion of Cronin Brook Way that extends from the intersection with Braney Road to the intersection with Diana Hill Drive (end where finish course of pavement has been installed already). Developer shall mitigate the curb reveal so that no portion shall be less than a 6" reveal (measured at binder course of pavement), as identified in the attached site visit report.
- With reference to the finish surface of the bike path that extends from Open Space A to the Diana Hill Drive cul-de-sac as depicted on the approved plan (Sheets 12 and 19), motion by Brian Stowell, seconded by Scott Mueller to replace the pavement with 6" loam and seed, motion carried unanimously.
- Motion by Brian Stowell, seconded by Scott Mueller to install a black vinyl, four foot high chain link safety fence on top of the Diana Hill Drive retaining wall, located near the right-of-way boundary with lots 15 and 16, on the west side of Diana Hill Drive, motion carried unanimously.
- Hay bales are to be added to the existing silt sacks for further erosion protection.
- At this time the Board will not require fencing for the gabion wall, but reserves the right to re-visit this at a later date.

**8:50 p.m. Warrant Article Recommendations**

The Board took the following action on warrant article recommendations:

- Amendment to Zoning Map by rezoning to Business II District that portion of the Residential II District that contains 9 lots to the south of McCracken Road and east of McCracken Road's intersection with Greenwood Street. Town Planner

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- Connors indicated that, from an economic standpoint, this would have been an ideal location for a zoning change. Motion by Brian Stowell, seconded by Richard Gosselin, to recommend acceptance, vote 1-4-0, motion was defeated. Scott Mueller, Richard Gosselin, Rusty Valery and Anna Lewandowski were opposed.
- Amendment to Zoning Map by rezoning to Business II District that portion of the Suburban IV District that contains 6 lots located southwest of Park Hill Avenue and Martin Street and to the northeast of North Martin Street. Motion by Brian Stowell, seconded by Richard Gosselin, to recommend acceptance, vote 4-1-0, Scott Mueller was opposed. He was concerned with homes across the street and their view of the business that might be located there.
  - Amendment to Zoning Bylaws, Article 1, Section 12.44, Contents and Scope of Application by requiring incorporation of datum references on a site plan. Motion to recommend acceptance by Brian Stowell, seconded by Richard Gosselin, motion carried unanimously.
  - Amendment to Zoning Bylaws, Article 1, Section 12.44, Contents and Scope of Application by requiring applicants to include three property boundary markers on a site plan. Motion to recommend acceptance by Brian Stowell, seconded by Richard Gosselin, motion carried unanimously.
  - Amendment to Zoning Bylaws, Article 1, Section 12.49, Enforcement of an Approved Site Plan by requiring applicants to submit a CD or DVD containing a digital version of the "As Built" plans. Motion by Brian Stowell, seconded by Scott Mueller to recommend acceptance, motion carried unanimously.
  - Petition to see if the Town will designate that portion of McCracken Road that extends from the Auburn town line to its intersection with Greenwood Street as Scenic, in accordance with M.G.L. Chapter 40, Section 15 ( c ) and Section 49 of the Millbury Zoning Bylaws. Motion not to recommend scenic road designation, by Brian Stowell, seconded by Richard Gosselin, motion carried on a 3-2-0 vote. Anna Lewandowski and Scott Mueller were opposed.

Town Planner Connors advised the Board that there will also be a petitioned article on the warrant to allocate municipal funds to complete the Haynes Acres subdivision.

### **Minutes**

Motion by Brian Stowell, seconded by Rusty Valery to approve the minutes of March 24, 2008, with one correction to page 5, motion carried unanimously.

Motion by Brian Stowell, seconded by Rusty Valery to approve the minutes of February 11, 2008, motion carried unanimously.

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Motion by Brian Stowell, seconded by Rusty Valery to approve the minutes of February 25, 2008, motion carried unanimously.

**Other Business**

- The Planning Board thanked Scott Mueller for the time and effort that he gave while a member of the Planning Board. Mr. Mueller did not run for re-election.
- The DPW Director has submitted a list of incomplete subdivisions and outstanding items which must be addressed.
- The Planning Board has received correspondence from Attorney Kelly, counsel for Oakes Circle, which states the claim that the bond the town is presently holding was obtained illegally, and that the developer is in litigation with the construction company that was hired to complete the project.

**Adjournment**

Motion to adjourn by Brian Stowell, seconded by Rusty Valery, motion carried unanimously.

Respectfully submitted,

Susan M. Dean

ATTEST:

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