

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, March 26, 2018 at 7:45 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Edd Cote, Paul Piktelis, Michael Georges

Absent: Terry Burke Dotson

**7:15 p.m. 71 McCracken Road – Site Plan Review/Stormwater Permit Public Hearing
Pinecrest Baptist Church**

Edd Cote read the public hearing notice on the application of Pinecrest Baptist Church located at 71 McCracken Rd, Millbury, MA. for a site plan review permit and for post construction stormwater management permit to construct a 4,800 sq. ft. church and associated improvements on two parcels of land.

Mr. Cote read into the public hearing a letter from John Grenier of JM Grenier Associates Inc. requesting a continuation of the public hearing until the next regularly scheduled planning board meeting.

Edd Cote made a motion to continue the public hearing to April 9, 2018, at 7:15 p.m., seconded by Paul Piktelis, voted unanimously.

7:45 p.m. 147 Providence St. – Site Plan Review/Stormwater Permit Public Hearing Con't.

Edd Cote read a letter into the public hearing from Eric Bazzett representing Edward Santon, requesting a continuation of the public hearing for site plan review special permit for Millbury Self-storage expansion until April 9, 2018.

Edd Cote made a motion to continue the public hearing to April 9, 2018, at 7:30 p.m., seconded by Paul Piktelis, voted unanimously.

Other Business: ANR Plan submitted for 5 Acworth St. Millbury, MA.

The Planning Board reviewed an ANR plan submitted by HS&T Group showing a parcel of land (parcel 2) owned by Bertnell Realty Inc. located at 5 Acworth St. be combined with the abutting property owned by Jude and Sandra Cristo located at 242 Millbury Ave., to form 1 larger lot.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

Edd Cote made a motion to endorse the ANR Plan developed by HS&T Group Inc. of 75 Hammond St. Worcester, MA, for subdivision of land located at 5 Acworth St. Millbury, MA, plan dated March 20, 2018, property belonging to Jude and Sandra Cristo, seconded by Paul Piktelis, voted unanimously

Stratford Village – Covenant Release

Ms. Connors advised the Board the developer of Stratford Village LLC is requesting a formal release of units 2, 4, 6, 12, 13, 14, 44, 45 and 46 of the Stratford Village Condominium. She also advised that three of the units already sold have not been release and that units previously released were not recorded at the Registry of Deeds as the developer cannot find the originals. Therefore, the developer is requesting the re-release of units 12, 13, 14, 44, 45 and 46 and an original release for units 2, 4 and 6.

Edd Cote asked if we have a tripartite agreement in exchange for the lot releases which Ms. Connors confirmed.

Chairman Gosselin asked what will happen if the original releases are found. Ms. Connors advised that the releases need to be recorded at the Registry of Deeds in order to avoid title issues and there would not be a problem releasing them twice.

Chairman Gosselin asked Ms. Connors to add “previously released” to the Certificate of Performance indicating that units 12, 13, 14, 44, 45 and 46 were already released by the planning board.

Edd Cote made a motion to release units 2, 4 and 6 and previously released units 12, 13, 14, 44, 45 and 46 on the grounds called for by the covenant dated September 29, 2014, recorded in the Worcester District Deeds, Book 52853 Page 180, seconded by Paul Piktelis, voted unanimously.

8:00 p.m. Dryden Estates Rescission Public Hearing and Release of Performance Guarantee – 124 Grafton St.

Edd Cote read the Public Hearing notice for the rescission of approval of the Definitive Subdivision Plan known as Dryden Estates, the property located at 124 Grafton St. Millbury, MA.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

Mr. Cote also read a letter from Carol Dryden requesting the rescission of the definitive subdivision plan for 124 Grafton St and release of the covenants and a refund of the remaining funds.

Chairman Gosselin asked if this property is recorded in the Worcester Registry of Deeds as two lots and what is the future intent of the owner.

Ms. Connors stated the rescission paper work will be recorded which will include the Certificate of Rescission and the Release of the covenant.

Chairman Gosselin has concerns regarding the title of the property and asked Ms. Connors to include the deed reference to the Certificate of Rescission.

Edd Cote made a motion to continue the public hearing to April 9, 2018 at 7:45 p.m., seconded by Paul Piktelis voted unanimously.

Edd Cote withdrew the motion to continue the public hearing.

Ron Bourdeau of 32 Autumn Gate Circle stated he was there in support of the Dryden's if they are looking to develop the land.

Edd Cote made a motion to close the public hearing, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to rescind the approval of the Definitive Subdivision Plan shown on the plan entitled Dryden Estates Definitive Subdivision Plan, 124 Grafton St. Millbury, MA dated September 2, 2007, revised January 14, 2011, prepared by Land Planning, Inc., 214 Worcester St. Grafton, MA and recorded in the Worcester Registry of Deeds Plan Book 888, Page 3 with respect to all the land shown of the definitive plan, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to release the covenants covering the land executed by Carol Dryden on January 24, 2011 recorded in the Worcester Registry of Deeds Book 47273 Page 147, no longer in effect. Said release being given in approval in consideration of the Planning Boards issuance of a Certificate of Rescission, seconded by Paul Piktelis, voted unanimously.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

Minutes

Edd Cote made a motion to accept the amended minutes of Feb 12, 2018, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to accept the minutes of Feb 26, 2018, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to accept the minutes of March 12, 2018, seconded by Paul Piktelis, voted unanimously.

New Business: Jessica J. Drive Extension Landscaping Discussion

Edd Cote read a letter submitted by Bob Vigneau of TPR Homes LLC, regarding planting options to enhance the circle of Jessica J Drive Extension.

Chairman Gosselin asked if the planting area is considered a wetland garden and if it's being used to detain water. Ms. Connors advised it's not and said she had spoken with the developers in the past regarding improving the area as a gateway into the development.

The proposed tree count is seven trees and the retention pond area is scheduled to have fifteen bushes in five groups of three. The developer would like to plant three trees and five bushes in the circle on Jessica J Drive. They are requesting a portion of the trees and bushes be reduced by a reasonable number and become the plantings for the circle.

Ms. Connors stated she is in favor of matching tree for tree and bush for bush, advising if they would like to reduce the plantings in the circle, she would like to see the remaining trees planted somewhere else within the Jessica J Drive Extension.

Edd Cote made a motion to accept the alternative planting proposed in the document from Bob Vigneau dated March 2, 2018, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to modify the motion to accept an alternate plan proposed in the document from Bob Vigneau dated March 2, 2018 and motioned to endorse the plan worked out between the Town Planner and TPR homes with not reduction in either tree or bush planting, seconded by Paul Piktelis, voted unanimously.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

8:15 p.m. 58 West Main St – Site Plan Review/Sormwater Permit Public Hearing Con't

Edd Cote read into the public hearing a letter from McGovern Development Corp. requesting a continuance of the public hearing until the next Planning Board meeting.

Edd Cote made a motion to continue the public hearing until April 9, 2018 at 7:45 p.m., seconded by Paul Piktelis, voted unanimously.

Board took a 5 minute recess at 8:25 p.m.

8:30 p.m. Zoning-related Warrant Articles Public Hearing Continued

Ms. Connors advised the board that having received the final regulations from the Cannabis Control Commission, Town Council has reviewed the marijuana bylaws and made a few modifications and additional comments. She has incorporated the following changes suggested:

She stated Town Council provided information from the Attorney General's office and advised they will not remove the local buffer zones that exceed the default set forth in the marijuana statute and regulations with respect to distances and types of protected uses. Based on that information she added back into the bylaws the buffer to preschools, churches, library, parks and playgrounds.

At the advice of Town Council she has modified the language regarding marijuana facilities indicating there is an exception where marijuana facilities are operated by the same individual organization or affiliated organization.

She added back into the language under section 52.6 1 that a special permit granted under Section 52 shall run with the applicant and shall be non-transferable to another owner or operator without an amendment to the special permit following a noticed public hearing.

Ms. Connors also noted that town council asked her to verify some additional language with the Attorney General's office. She did reach out to them but has not heard back. The warrant needs to be signed on March 27, 2018, and noted there may be changes that will need to be amended at town meeting if the Attorney General does not accept the language.

Ms. Connors also advised that she has extended the moratorium date to May 31, 2019.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

Chairman Gosselin addressed the issue of the Citizens Petition. He was hoping that Mr. Bedrosian and the petitioners could come to a compromise. Suggesting perhaps the developer could give up a lot allowing a road to be constructed giving the petitioners access to their land for development under the existing zoning. He would like to see all parties involved make a compromised decision rather than the Town make the decision for them at town meeting. He also advised that Governor Charlie Baker is considering modifications to the zoning articles at town meetings that will only require a majority vote rather than a super majority vote currently in place.

Attorney Trudell addressed the board representing the Citizens Petition. On March 12, 2018 she asked the board to support the zoning change. On March 21, 2018 she submitted a supplemental memorandum in response to the memorandum submitted by HAYR LLC. She noted for the record she is objecting to the subsequent memorandum submitted by HAYR LLC that came in after 12:00 p.m. on March 21, 2018 and due to the chain of events she would request a representative of HAYR speak first and then she will address the board in response.

Ms. Connors advised the deadline for submitting information is more of a recommendation than a requirement. According to Mass General Law she stated all testimony has to be accepted until a public hearing is closed.

Attorney Moriarty representing HAYR stated they are opposed to the rezoning adding that MG2 zoning in Worcester would not be consistent with the Industrial I zoning in Millbury. He said they feel it will encourage the creep of illegal uses in Millbury. Regarding the Millbury Bylaws section 22.5 he said when a parcel is split between municipalities the Millbury Bylaw states that the bylaw should be applied to that parcel as if all the land were in Millbury. Because of the MG2 zoning in Worcester this rezoning will not cure the illegality. He feels the suburban IV zoning is accurate and not an oversight and that this zoning was in place and should be consistent with the current master plan.

Mr. Moriarty addressed reverse spot zoning stating in order to have reverse spot zoning you need to have a zoning change, leaving the land unchanged cannot constitute a reverse spot zoning. He also added that the land courts specifically analyzed the property owned by PJM Enterprise, lot 62 and determined that the use of the land in Millbury was not a permissible pre-existing non-conforming use.

Mr. Georges asked Attorney Trudell if her client was seeking further appellate review from the land court action. Attorney Trudell advised they are not.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

Attorney Trudell advised that the petitioners are not suggesting the lots in question will be illegally expanded upon from the MG2 zone from the Worcester lots. They are only asking for a rezone to Industrial I allowed in the Millbury Bylaws which will help them compliment the businesses already in place on the Worcester portion of the land. As of now the Millbury portion of the land is dead space to the property owners and cannot even be used as residential land because they are land locked. She also added that it is unlikely that the owners of the eleven lots in question will be able to find willing sellers to allow them access through Millbury to develop the land that they have already purchased. Over the last five decades the land along the corridor has been used for trucking and manufacturing and allowing for industrial I zoning will allow the land owners to use what is rightfully theirs. They would be able to use the land for storage, sale of building materials, construction equipment, warehousing and research and development.

Attorney Trudell showed the Board members pictures of what the property on lot #62 looked like when Mabey Shore and Bridge owned the land between 2008 and 2011. She advised they owned 48 flatbed trailers and various other trucks and construction equipment. She advised this can be supported by an affidavit from the depot manager of Mabey Shore and Trucking. She stated Mr. Bedrosian still chose to build his subdivision in the back of this lot given the current existing state of the property. This lot was owned by other trucking companies dating back to the early 1970's. She stated that in the Master Plan of 1998 it was discussed that wheelabrator brought in over 1 million in additional tax revenue to the town and by rezoning this area to industrial I it is consistent with the master plan. One of the main goals and objectives outlined in the 1998 master plan was to broaden the tax base.

She advised that Mr. Bedrosian was offered to purchase the land in Millbury on lot 62 for his use as a buffer but he rejected the offer.

Chairman Gosselin asked if the City of Worcester will allow a road through any of the properties in question on Route 20 to access the residential development of land. He mentioned in the past Worcester had allowed a roadway or easement to access a golf course. Attorney Trudell advised that she verified with the Worcester City Planner and they won't allow a road through those lots.

Attorney Moriarty stated when Mr. Bedrosian took possession of his property there weren't 45 trucks coming and going from Mabey Bridge and Shore, it was essentially a junk yard. He added there was some industry but doesn't believe the photographs represent the intensity of the use that was shown by Attorney Trudell.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

Mr. Murgio said in good faith he asked Mr. Bedrosian if he was interested in purchasing 4 acres of land or if Mr. Bedrosian would sell him the 4 lots that abut his land but both offers were refused. He also added that the Town Planner suggested if they want to rezone the land they should request rezoning to industrial I rather than Industrial II. He feels the land owners of Casa Verde Development are only opposed to the rezoning of his land.

Lisa Shaw asked if the offer to Mr. Bedrosian was fair market value. Mr. Murgio advised it was.

Michael Sao Pedro of 21 Nightview Place asked the board to consider the noise and environmental impact the rezoning will have on their properties. He reminded the board of the aquifer land involved in the rezoning area and is concerned about the impact it will have on the town drinking water.

Dominic Murgio said when he purchased the property it was contaminated and spent \$350,000 to clean up the land that is now 100% clean. He also added they are no longer operating in Millbury and have moved the business to Worcester.

Ken Perro a Millbury resident stated route 20 is where businesses are located. Properties near Route 20 are going to hear noise.

Wardell Powell of 12 Nightview Place is concerned with the potential pollution of the land. He is concerned there could be runoffs from the trucks that may contaminate the land and drinking water. He made reference to the Millbury Bylaws, Section 47 article 4 regarding the boundaries and establishment of the Aquifer.

Chairman Gosselin advised trucks won't be parked in that area so runoff from trucks would not be an issue.

Attorney Trudell advised that a trucking terminal would not be allowed use on lot #62 because there is not have enough land for the required buffer between the residential lands. Ms. Connors advised the zoning bylaws require an 800 foot buffer when you have two or more dwellings.

Mr. Georges asked Mr. Bedrosian if knew what the loss value to the owners of Casa Verde Development would be if a low intensity research and development building were allowed on lot #62. Mr. Bedrosian said he didn't feel that would affect the values.

Lisa Shaw said a mini golf course would be an allowed use that could hurt the values of homes advising noise factors would become an issue. She believes everyone is aware of the commercial property there now. It's the fear of the unknown that concerns everyone. There

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

would be many uses in the Industrial I zoning that would diminish the values of Casa Verde Development. She advised that it's difficult to determine a loss value as the market fluctuates but it could be 10% to 20% in today's market.

Mr. Georges stated its budget time with the town. The town needs revenue for road repair, schools to name a few and wonders what would generate more tax revenue.

Brenda Huss of 2 Skyview Drive is concerned with the noise and lights from Route 20. She thinks Millbury should focus more on residential as it's more appealing and will attract more home owners and revenue would be generated from residential areas.

Frances Mercadante a resident of Millbury is in favor of the rezoning.

Michael Sao Pedro said, had something different been presented maybe a smaller industrial rezoning or residential zoning, it may have been more appealing.

Mr. Murgio feels when the Casa Verde development is fully completed the home owners will have equity in their properties and by rezoning his property to Industrial I, it will allow him equity in his property.

Mr. Piktelis asked Mr. Murgio if they are operating 24 hours a day. Mr. Murgio advised they are not. He said the drivers arrive between 5:00 and 7:00 am. He said he's downsized his business from 90 trailers to about 30 trailers and went from 28 tractors to 18 tractors and as of March 1st they will be getting away from hauling trash.

Lisa Shaw said that the 11 lots looking for rezoning will probably not bring in 1 million dollars of tax revenue adding it's an inaccurate number and doesn't want the Board to base their decision on that fact.

Mr. Murgio advised that the Town of Millbury lost over \$100,000 in excise tax dollars when he moved his vehicles to Worcester.

Chairman Gosselin stated they appreciate all the information provided and they will try and figure out if the rezoning makes the best sense for the town.

Edd Cote made a motion to close the public hearing, seconded by Paul Piktelis, voted unanimously.

Chairman Gosselin stated he is 100% torn regarding his decision on the citizen's petition.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

Edd Cote asked the board members if they feel this rezoning is considered spot zoning as it seems to be for the benefit of a small group of people. Michael Georges believes it does fall under spot zoning. Ms. Connors does not believe this is considered spot zoning.

Ms. Connors clarified she was opposed to the initial proposal presented to her that would have allowed the heavy industrial uses allowed in Worcester and apply those uses to Millbury as a Special Zoning Overlay. She did advised she would not sponsor an article as we are in the beginning process of a Master plan and she committed to the board that she would not recommend any zoning changes until the master plan was complete. She felt she was clear to the citizens that she would prefer they wait on the rezoning petition. Her opinion is to wait until the master plan is complete. She added that our master plan is supposed to be a blue print for the future of the community and there could be a change in zoning districts as a result of the master plan.

The Board members agreed they are torn and feel uncomfortable making a decision to vote for or against the rezoning.

Edd Cote made a motion that the Planning Board support the rezoning Citizens Petition Article change as it is written, seconded by Paul Piktelis, all members present are were opposed.

Edd Cote made a motion that the Planning Board recommend acceptance of the marijuana related articles as written, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion that the Planning Board recommend acceptance of Article 2, District Regulations, regarding residential use in an industrial establishment, recommend acceptance of the article as written, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to extend the Marijuana moratorium until May 31, 2019, seconded by Paul Piktelis, voted unanimously.

MILLBURY PLANNING BOARD
MINUTES
March 26, 2018

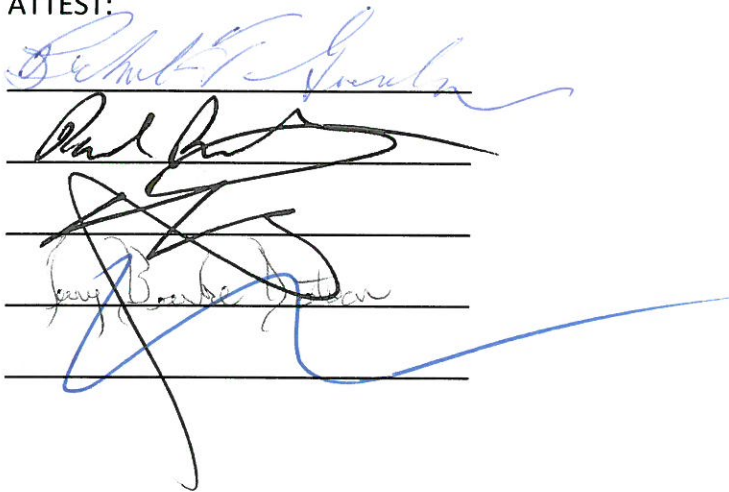
Adjournment

Paul Piktelis made a motion to adjourn, seconded by Edd Cote, voted unanimously. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Pamela Bott

ATTEST:

The block contains five horizontal lines. The first line has a blue signature. The second line has a black signature. The third line has a black signature. The fourth line has a blue signature. The fifth line has a blue signature.

Pam Bott

From: Laurie Connors
Sent: Monday, March 26, 2018 7:22 PM
To: Pam Bott
Subject: Fwd: Continuance

Sent from my iPhone

Begin forwarded message:

From: John Grenier <jmgrenier@townisp.com>
Date: March 26, 2018 at 7:06:42 PM EDT
To: Laurie Connors <LConnors@townofmillbury.net>
Subject: Re: Continuance

Laurie, on behalf of my client I would like to request a continuation of the hearing for the proposed church to the next regularly scheduled meeting date with the planning board.

Respectfully,
John Grenier

Sent from my iPhone

On Mar 26, 2018, at 4:39 PM, Laurie Connors <LConnors@townofmillbury.net> wrote:

Hi John,

Don't forget to send me the letter requesting continuance!

Laurie Connors, Director
Department of Planning & Development
Municipal Office Building
127 Elm Street
Millbury, MA 01527
P – (508) 865-4754
C – (774) 708-0043
F – (508) 865-0857

HERITAGE DESIGN GROUP

PLANNERS ♦ SURVEYORS ♦ ENGINEERS ♦ LANDSCAPE ARCHITECTS

RECEIVED

MAR 19 2018

MILLBURY PLANNING BOARD

March 15, 2018

Millbury Planning Board
127 Elm Street
Millbury, MA

**RE: Public Hearing Continuation Request
Millbury Self Storage Expansion
147 Providence Street**

Dear Board Members:

On behalf of the applicant, Edward Santon, we hereby request a continuation of the March 26, 2018 public hearing for Site Plan Review/Special Permit for Millbury Self Storage Expansion to the April 9, 2018 Planning Board meeting. Please contact our office with any concerns regarding this request.

Very truly yours,
Heritage Design Group



Eric J. Bazzett, P.E.

121 Grafton Street
Millbury, Ma 01527
2/27/2018

TO: Millbury Planning Board.
C/O: Laurie Connor

I, Carol Dryden, am the owner of the property at 124 Grafton Street here in Millbury, on which we planned to build on.

However, I have decided not to go forward with this project.

Because of this I am requesting the recession and release of the covenant so that I can have the remaining funds be released to me.

This property has no mortgage or leans against it.

Respectfully Yours,



Carol A. Dryden

RECEIVED

FEB 27 2018

MILLBURY PLANNING BOARD

F - (508) 865-0857

From: Mike McGovern [mailto:mcgovernbuilders@gmail.com]
Sent: Thursday, March 22, 2018 11:20 AM
To: Laurie Connors <LConnors@townofmillbury.net>
Subject: 58 West main St Meeting

Hello Lori,

Mike has asked me to reach out to you in regards to 58 West Main St meeting on March 26. We would like to postpone to the next meeting, please let us know if this is possible.

Thank You,

Allissa McGovern



Michael McGovern

President

McGovern Development Corp

508-633-0013


Laurie Connors

From: Mike McGovern <mcgovernbuilders@gmail.com>
Sent: Thursday, March 22, 2018 12:24 PM
To: Laurie Connors
Subject: Re: 58 West main St Meeting

Hi,

The April 12 meeting would be excellent.

Thank you,
Allissa

 Michael McGovern
President
McGovern Development Corp
508-633-0013

On Thu, Mar 22, 2018 at 11:34 AM, Laurie Connors <LConnors@townofmillbury.net> wrote:

.i Allissa,

That's fine but please specify whether you prefer to be on the April 12th or April 26th agenda.

Thanks,

Laurie Connors, Director

Department of Planning & Development

Municipal Office Building

127 Elm Street

Millbury, MA 01527

-(508) 865-4754

C - (774) 708-0043

**Planning Board's DRAFT Zoning-Related Warrant Articles
03/26/18**

Article _____. To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 2. DISTRICT REGULATIONS**, Section 26.15 Permitted Accessory uses in Industrial I and Industrial II, by deleting the following italicized text, or take any action thereon:

- *Residential uses incidental and necessary to an industrial establishment;*

Article _____. To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS** by deleting **Section 52. Registered Marijuana Dispensaries** in its entirety and replacing it with **Section 52. Recreational and Medical Marijuana Establishments**, or take any action thereon. Section 52 shall contain the following text:

Section 52. Recreational and Medical Marijuana Establishments

52.1 Applicability. The Planning Board may grant a special permit authorizing a Marijuana Establishment or a Registered Marijuana Dispensary as provided under Article 1, Section 14.11 of the Millbury Zoning Bylaws in conformance with the following regulations, conditions and limitations. For the purpose of this Section, the terms "Registered Marijuana Dispensary", "Marijuana Establishment", "Marijuana Cultivator", "Independent Testing Laboratory", "Marijuana Product Manufacturer", "Marijuana Retailer" and "Other Type of Licensed Marijuana-Related Business" shall be as defined in Article 5, Definitions.

52.2 Purpose and Intent. The purposes of this Section are:

1. To provide for the placement of Marijuana Establishments and Registered Marijuana Dispensaries in appropriate places and under conditions in accordance with the provisions of Massachusetts General Laws Chapter 94G.
2. To protect the health, safety, and general well-being of Millbury residents, the public, patients seeking treatment, and customers seeking to purchase marijuana for recreational use, and patients seeking marijuana for medicinal purposes.
3. To minimize any adverse impacts of Marijuana Establishments and Registered Marijuana Dispensaries on abutters, residential neighborhoods and sensitive land uses.
4. To regulate the siting, design, security, safety, discontinuance, and quota of Marijuana Establishments and Registered Marijuana Dispensaries.

52.3 Design Standards and Siting Requirements. The following restrictions shall apply to uses under this Section 52:

9. The hours of operation of a Marijuana Establishment or Registered Marijuana Dispensary shall be determined by the Planning Board as a condition of the special permit.

52.4 Application Procedure. Applicants are required to submit an application conforming to the requirements of Section 14 and this Section 52. The application shall include a site plan and associated documents specified under Section 12.4 Site Plan Review, as well as the following additional information:

1. The name and address of each owner of the facility/operation.
2. Copies of all documentation demonstrating appropriate application status under the state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility.
3. Evidence that the applicant has site control and the right to use the site for a Marijuana Establishment or Registered Marijuana Dispensary in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
4. A description of all activities to occur on site, including all provisions for the delivery of marijuana and related products.
5. Details showing all proposed exterior security measures for the premises, including lighting, fencing, gates and alarms, etc., which seek to ensure the safety of employees and patrons and to protect the premises from theft and other criminal activity. A letter from the Town of Millbury Police Chief, or designee, acknowledging review and approval of the security plan for the Marijuana Establishment or Registered Marijuana Dispensary shall be submitted with the application. To the extent allowed by law, all such documents shall be confidential.
6. Details of the ventilation system.

52.5 Specific Findings Required. In addition to the findings required under Section 12.46 and all other applicable sections of the Zoning Bylaws, the Planning Board shall not issue a special permit for a Marijuana Establishment or Registered Marijuana Dispensary unless it finds that the use:

1. Minimizes through design any adverse impacts on abutters and other parties in interest, as defined in M.G.L Chapter 40A, Section 11.
2. Demonstrates to the satisfaction of the Planning Board that it meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations.

Marijuana Retailer in accordance with Section 52.

48.32 Node Classification II.

Uses Permitted by Special Permit:

Marijuana Retailer in accordance with Section 52.

Article _____. To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 2. DISTRICT REGULATIONS**, Section 26.22 Industrial II special permit uses, by adding the following italicized text, or take any action thereon:

- *Independent Testing Laboratory in accordance with Section 52*
- *Marijuana Cultivator in accordance with Section 52*
- *Marijuana Product Manufacturer in accordance with Section 52*
- *Other Type of Licensed Marijuana-Related Business in accordance with Section 52*

Article _____. To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 5. DEFINITIONS** by inserting the following definitions, or take any action thereon:

Independent Testing Laboratory – A laboratory that is licensed by the Cannabis Control Commission and is: 1) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory of the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement, or that is otherwise approved by the Cannabis Control Commission; 2) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and 3) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Cultivator – An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment – A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.

Marijuana Product Manufacturer – An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not consumers.

Marijuana Products – Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

March 2, 2018

Mr. Richard Gosselin, Chairman
Millbury Planning Board
127 Elm Street, Millbury, MA 01527

TPR Homes LLC
240 North Main Street, Millbury, MA 01527

Dear Mr. Gosselin:

There is a desire by the developer and several of the neighbors of Jessica J Drive to enhance the existing circle with plantings.

Laurie Connors met with Phil Miles and Bob Vigneau at Jessica J Drive Extension to discuss options for improving the circle with plantings. It was observed that several areas in Jessica J Drive Extension designated for new street trees currently have undisturbed mature trees within feet of the right of way. Specifically, near the common property line of lots 2 and 3 and lots 18 and 19. The replacement tree count for those two areas is 7 trees. The retention pond is scheduled to have 15 bushes on the upper slope, five groups of three.

We request a portion of the trees and bushes mentioned above be reduced by a reasonable number and become the plantings for the circle.

Laurie's recommendation is for us to match tree for tree and bush for bush from those areas when considering this proposal.

Our proposal for the circle is: Three trees and five bushes from the plantings specified for the above - mentioned places to be used for the plantings in the circle on Jessica J Drive. We are agreeable to working with Laurie to determine the best species for the circle while using the caliper and pot size requirements outlined in the approved plan for Jessica J Drive Extension.

Thank for your consideration,


Bob Vigneau, Manager, TPR Homes LLC



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-4754 • FAX. 508 / 865-0857

PLANNING BOARD AGENDA

March 26, 2018

- 7:15 p.m. 71 McCracken Road - Site Plan Review/Stormwater Permit Public Hearing
Pinecrest Baptist Church
- 7:45 p.m. 147 Providence Street - Site Plan Review/Stormwater Permit Public Hearing Con't – Continue to 7:15 pm on April 9, 2018
Millbury Self-Storage
- 8:00 p.m. Dryden Estates Rescission Public Hearing and Release of Performance Guarantee – 124 Grafton Street
- 8:15 p.m. 58 West Main Street – Site Plan Review/Stormwater Permit Public Hearing Con't
- 8:30 p.m. Zoning-related Warrant Articles Public Hearing Con't
- 8:45 p.m. Stratford Village – Covenant Release
Units 2, 4, and 6

New Business:

Jessica J. Drive Extension Landscaping Discussion

Other Business:

- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

RECEIVED
TOWN CLERK
MILLBURY, MASS.
18 MAR 21 PM 2:02

SIGN-IN SHEET

Public Hearing Zoning Related Warrant Article

Date/Time 3-26-18 @ 8:30 pm

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Brenda Hurd	2 Skyview Drive		
2 Warden Popen	12 Nighthview Place		
3 Dawnine Muroso ST.	221 S.W. CATHOFF	✓	
4 Melissa Muroso	" " " "	✓	
5 Dawnine Muroso ST.	" " " "		
6 Fran R Muroso	129 PARK HILTONS	??	
7 Debra Haddock	23 WOODS AVE		✓
8 Heather Tadel	18 Canal St Milling	✓	
9 Chris Donahue	21 Nighthview Pl.		✓
10 Michael Sao Pedro	21 Nighthview Pl.	✓	
11 TAMEL BEANSIM-	Neuro		✓
12 Lisa Skow	3 Blueberry Creek		✓
13 Claudiana Batista	26 Nighthview Pl		✓
14 Thomas D. Moriarty	30 B.H.D.P. Suite 205 Braintree	✓	
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SIGN-IN SHEET

Public Hearing Dryden Estates - Reversion

Date/Time 3-26-18 @ 8:00 pm

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
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