

PLANNING BOARD MINUTES

June 9, 2014

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, June 9, 2014, at 6:00 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Richard Gosselin, Edd Cote, Paul Piktelis, Michael Georges, Jeff Markarian

Interviews of Planning Board Engineering Consultants

6:00 p.m. Graves Engineering

Jeff Walsh, Vice-President, addressed the Board. He gave a brief presentation on Graves Engineering and on his background. Graves Engineering had been the peer review engineering firm in Millbury for many years. The Board members asked a series of questions.

6:20 p.m. Fay, Spoffard & Thorndike Engineering

Fred Mosely, Vice-President, addressed the Board. David Glenn spoke, he would be the project manager for the Town of Millbury. The Board members again asked a series of questions. Chris Broyles will be conducting the majority of the peer review.

Ms. Connors stated that the firm was located in Burlington, which is quite a distance from Millbury. She asked what the firm's approach would be to smaller projects. Mr. Glenn stated that they are less than an hour away, he was 20 minutes away and Fred Moseley lives in town. Travel time will be minimally charged. A site visit will be conducted on every project.

6:40 p.m. Tighe & Bond Engineering

Antonia da Cruz gave a power point presentation. Charlie Tripp, lead engineer was also present. Tighe & Bond has been the town's peer review engineering firm for the last six years. The Board members asked a series of questions

Deliberations and discussion on proposals and scoring will happen at the next meeting, June 23, 2014. Jeff Markarian contacted references for Fay, Spoffard & Thorndike. Edd Cote will check references on Graves Engineering. Paul Piktelis will check references on Tighe & Bond.

7: 15 p.m. Casa Verde Estates Definitive Subdivision Public Hearing

Clerk Jeff Markarian read the public hearing notice.

Rob Truax, P.E. addressed the Board. This is a definitive open space subdivision application. The open space site plan was approved. It is a 63 acre site off of Oak Pond Avenue, with access from Westview Ave. also. 36 acres will be designated as open space. 98 house lots are proposed from 7,500 sf to 11,000 sf. each. One main revision to the plan is the elimination of a

cul de sac in order to add a buffer area to the commercial business abutting the site. The current pump station will need some upgrading and the applicant is working with the sewer commission, as well as Aquarion Water Co. The drainage system will contain one drainage basin, sheet flow off the hill will be captured and piped down to a drainage basin and an interior, 2 acre area for recharge. A second basin will be constructed at the bottom of the hill. The traffic consultant was not available this evening.

At the intersection of Wheelock Avenue the large oak tree will be removed. Mr. Truax discussed the limits of work at this intersection as an off-site improvement.

No written response to Tighe & Bond comments have been prepared yet.

Mr. Gosselin wants monumented corners and the location of existing control points.

Clerk Markarian read the following letters into the record:

6/6/14 email from Francis King, Aquarion Water Company, indicating that they will be meeting with the applicant.

6/6/14 memo from the Conservation Commission stating that the work proposed is within the wetland buffer zone, an Notice of Intent will have to be filed.

6/5/14 letter from Fire Chief David Rudge, addressing turning radii of fire apparatus, location of hydrants, street name and house number, fire detection systems.

6/6/14 email from Joanne Aube asking for 6 foot high fencing along her property at 20 Westview Ave. She asked that this area not become a storage or parking area for trailers, etc., and for a temporary noise meter on her property to monitor changes to her property.

Mr. Gosselin asked if the back of property is the town line. It was indicated that some of it is; Mr. Gosselin wants the town line with Worcester defined. Regarding the Barbara Ave. area, there is a utility easement that seems to disappear. Mr. Truax stated that it does not continue on this property, nothing on the title and nothing physical was seen. He will attempt to get a history.

Mr. Gosselin would like signs that say "no overnight parking" posted in the open space parking area. Regarding the 2 acre drainage area, he asked if a soil engineer has considered if the present vegetation will be able to handle the added water. Mr. Truax will ask their botanist. It will be difficult to preserve trees on the house lots, due to their small size. Mr. Gosselin would like trees planted on lots if this becomes the case. He would like the applicant to save trees, instead of having to buy trees. Mr. Truax stated that a large vegetative berm will be enhanced with additional tree plantings to screen the current Murgo trucking commercial area. White pines will be used. Space has been left to access abutting property for potential ball fields.

Mr. Truax stated that the center line of the road and test pits have not been completed. He asked if the Board needed the whole road staked or how much did they want to see – the same with soil testing, the limits the Board would like to see there.

Mr. Gosselin added that all lots will have to have bounds.

Chairman Gosselin asked for comments from the public.

David Bassett, 47 Oak Pond Ave. stated that he is an abutter at the main entrance. He would like a buffer zone between his property and the entry, such as arbor vitae. He stated that he had his property surveyed and had a concrete monument located. Mr. Truax volunteered to work with him before the next meeting.

Thomas Courtney, 46 Oak Pond Ave. He asked the base line house price. He asked if this will become Section 8 housing instead of family housing. The entrance is directly across the street from his house. He is concerned with traffic flow there and signage. This will have a dramatic impact on the value of his property. He is also concerned about traffic coming down the road, and the potential to lose control and end up in his house. Mr. Gosselin suggested waiting until the next meeting so that the traffic engineer will be present.

Sharon Gregoire, 11 Westview Avenue, would like to know more about the types of homes proposed, she is also concerned with the wildlife there.

Taniel Bedrosian, applicant, stated that he brought plans in several months ago. They will be 3 – 4 bedroom homes, below \$300,000, in the price range of \$270,000. He advised that he will bring the plans to the next meeting.

The Board discussed summer schedule: July 28 and August 11, if necessary the Board will also hold the second meeting in August.

Motion to continue the public hearing to July 28, 2014 at 7:30 p.m. by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously.

Chairman Gosselin declared a five minute recess.

8:20 p.m. 8 Ward Avenue Site Plan Review Public Hearing.

Clerk Jeff Markarian read the public hearing notice.

Applicant proposes to construct a 75 ' x 20' addition. Attorney Peter Keenan was present on behalf of the applicant, Joe Samara, trustee of Joe – Rie Realty trust. The use of the building will be for the repair of motor vehicles. All access and egress is from Route 20 , Worcester, there will be no access to Ward Avenue, which is partially blocked by an existing Millbury sewer system. The building will be 1500 sf, and will match the steel frame existing building.

Kevin Quinn, Quinn Engineering explained the site plan. Sewer service will be from Millbury sewer system. All runoff on the new building will be fully recharged. Several procedural waivers are requested. Tighe & Bond comments and comments from Town Planner, Laurie Connors have been reviewed and responses have been made. Mr. Quinn contacted Chief Rudge regarding his letter and advised him that one side is too steep for what was requested,

it was agreed that 20 feet of vegetation be cleared there so that he could put fire personnel on that side. Chief Rudge confirmed with Ms. Connors.

On February 26, 2014 the Board of Appeals granted a variance for this project.

Mr. Cote asked about the listed address as 8 Ward Ave – doesn't really exist, Ms. Connors advised that the access is through an unnamed roadway. Mr. Quinn stated that the Police Chief is aware of this access.

Clerk Markarian read the following letters:

6/5/14 letter from Fire Chief Rudge regarding turning radii for fire apparatus, fire lane, fire detection systems.

6/9/14 email from Fire Chief Rudge referencing his conversation with Kevin Quinn, and the change to his request in letter of 6/5/14.

6/6/14 letter from Conservation Commission – the plan will be reviewed at 5/14/14 meeting – no impact to wetland.

6/5/14 Board of Health comment stating that more time will be needed for a review.

Mr. Gosselin – wants town line on the plan. It will determine how much of the property is in Millbury. Plan needs land surveyor stamp. The pump station easement – add pin there too. Is there any way to access Ward Ave.? Mr. Quinn stated that the grade prohibits it there. Mr. Samara in 2001 was required by Board of Appeals not to use Ward Ave. as access, it had to be blocked and screened. It was also true this February, no access to Ward Avenue by Board of Appeals. Arbor vitae and a fence have been added.

1456 Grafton St is the correct mailing address.

Ms. Connors stated that an updated review letter from Tighe & Bond was received today, with a suggestion to add note about silt fencing, which was added as a condition.

Ms. Connors concern of removing vegetation on the slope – suggested before construction revise plan to depict removal of vegetation and plan for erosion. Additional parking spaces have been added to the plan.

Mr. Gosselin – closest hydrant – show on plan.

Mr. Cote – request for a 12 foot sign, Ms. Connors asked building inspector – not necessary to get a structural engineer.

Chairman Gosselin asked for public comment – there was none.

Motion by Jeff Markarian, seconded by Paul Piktelis, to continue the public hearing to June 23, 7:15 p.m. motion carried unanimously.

8:45 p.m. Felter's Mill Minor modification – Sign for Christopher's Homemade Ice Cream .

William Schroeder, owner was present, to request a sign projecting from the building, with two small floodlights, so that customers can identify the business location. All lights will be off at 7 pm when he leaves. He hopes this sign will draw people in. Mr. Cote asked what the sign is made of – looks hand carved, made from wood, 3D impression, hanging from wrought iron hanger over sidewalk.

Motion by Jeff Markarian seconded by Paul Piktelis, to approve the sign for Christopher's Ice Cream as depicted on Exhibit A with condition that the sign is only valid as long as the applicant is in business, sign will be removed by the applicant or its successor, assignees or devisees, at that time. Motion carried unanimously.

9:00 pm. Eastview Acres – Request for Waivers and Performance Guarantee.

Bob Vigneau advised that he has agreed to the recommendations by town counsel and the documents now reflect that. The developers have endorsed the documents and ask that the Planning Board also sign them.

Ms. Connors advised that town counsel did not think that the town was adequately protected with the original document, the surety is now \$436,921.

Motion to rescind the in the original surety in the amount of \$371,285, by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously.

Motion to accept performance guarantee for Eastview Acres in the amount of \$436, 921 , by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously.

April 28 letter request for waivers – because Overlook Estates is no longer being developed, there is a new development plan. Now Eastview acres will be a private dead end neighborhood. The original intent was to connect the two neighborhoods, and to have the two neighborhoods have similar road widths, etc.

Three waivers are requested: dry wells on lots 4, 5,6, 10 – two are occupied now, third one on deposit, last one will be in phase 3. Purpose was to handle runoff from foundations, as perimeter drains. It won't benefit the people in those homes. The Board wants a more definitive diagram, does not have to be engineered plans, just conceptual. Mr. Vigneau will superimpose on plan.

Original plan called for two concrete sidewalks, because that is what abutter was going to have. Oakpond Ave and Overlook Ave. do not have sidewalks, requested that one of the two sidewalks be eliminated. Luikey Way on the northern side has a one sided sidewalk. For Irene Ct. propose sidewalk on eastern side, dead end at lot 10, last property. Will tie into sidewalk that leads to intersection of Overlook and Oak Pond Ave.

Mr. Vigneau asked that bituminous asphalt be allowed there, not concrete sidewalk, similar to the existing neighborhood there.

Applicant also asked for a waiver from vertical granite, seeking to use cape cod berm instead. This will be a private way and the homeowners will be responsible for repairs.

Ms. Connors stated that there may be a compromise, and the money saved by the applicant can go to intersection of Overlook and Luikey way which is in very bad shape. She suggested a compromise, Board waives sidewalk on one side, allow cape cod berm, low profile, but maintain concrete sidewalk. In exchange, applicant will repair intersection of Luikey Way and Overlook Ave. Mr. Vigneau has a paving and repair cost estimate. Sidewalk eliminated will save approximately \$25,000. Road repair will cost about \$7,000. Ms. Connors stated that current regulations would only require a sidewalk on one side. Mr. Vigneau reminded the Board that this neighborhood will now have a homeowner's association and will be private.

Mr. Gosselin suggested connection to abutting open space neighborhood so that this neighborhood can enjoy it too.

Mike Corkery, Irene Court asked what the difference was between a private way and town way, looks like town still uses resources there on Overlook Ave. Ms. Connors advised that the 2013 town meeting allowed minimal maintenance on those private ways. Overlook has to be accepted as a public way before Luikey Way and Irene Court can become a public way because that is the access point to those streets.

John Abraham stated that his special needs son lives there and asked what the process was to get the streets accepted as public way. Ms. Connors explained the process, by petition and has to be on the town warrant – not usually supported for sub standard roads. He was also concerned that each homeowner is separate, not like a condo association, how do you get them to work cooperatively. Ms. Connors and DPW Director will work with homeowners to explain minimal standards and the process of acceptance. Mr. Abraham asked if the town could send a letter of explanation.

The Board scheduled continued discussion on June 23, 2014 at 8:15 p.m.

9:55 p.m. 29 McGrath Road – Partial Release of Performance Guarantee

This Solar Farm has two bonds: one for construction of the cul-de-sac, in the amount of \$120,000; one for site work in the amount of \$576,000. A cash desposit of \$25,000 accompanied these. Applicant is looking for a reduction, Tighe & Bond completed a cost estimate.

Regarding the bond for the cul-de-sac, applicant requests a release of \$69,000, and to hold \$51,000 to complete the as-built plan, solar powered street light, granite bounds, erosion control measures.

Motion by Jeff Makrarian to release the sum of \$69,000 leaving a balance of \$51,000 for the surety bond guaranteeing the construction of Mass PV 4 LLC solar farm definitive plan dated 9/27/12 last revised 11/5/2012, seconded by Michael Georges, motion carried unanimously.

Motion to release the sum of \$400,000 with remaining balance of \$176,000 to be for the completion of Mass PV 4 LLC solar farm, seconded by Paul Piktelis, motion carried unanimously.

Adjournment

Motion to adjourn by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously. Meeting adjourned at 10:00 pm.

Respectfully submitted,

Susan M. Dean

ATTEST:







