

MILLBURY PLANNING BOARD
MINUTES
September 11, 2017

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, September 11, 2017 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Richard Gosselin, Terry Burke Dotson, Edd Cote, Paul Piktelis, Michael Georges

Absent: None

7:15 p.m. Thomas Stratford, Mid State Properties, LLC, 239 Riverlin Street – Site Plan Review and Storm Water Management Permit – Public Hearing

Edd Cote read the legal public hearing notice for a site plan review special permit under Article 1, section 12.4 of the Millbury Zoning Bylaws, and for a post-construction storm water management permit under Chapter 16 Section 16-3 of the Millbury General Bylaws.

Chairman Gosselin and Mr. Robert Murphy opened the meeting with a discussion on trust as work at 239 Riverlin St. had begun prior to Planning Board approval. Mr. Murphy did state he has no authority to have anyone begin construction. When consulting with the owners on site he noticed large rocks that led him to believe there is ledge on the property. While in the process of review with the Planning Board he knew they would need to do exploratory work to determine the extent of any existing ledge for the purpose of design changes and that it may impact their study. He advised the Board he did tell the owners to get into the site and do some digging and exploratory work. At the time he thought it was a good idea but has now realized they have done more clearing than he had anticipated. He claimed that he had been gone for the last ten days or September 2nd. The owners did find very large boulders they believed to be ledge, however upon digging them up they found Merrimack sand and gravel not ledge.

Mr. Murphy requested that the Board continue the public hearing to allow them time to review and make the revisions requested by the town engineer. Chairman Gosselin was concerned with the lack of 1 foot contours needed due to presence of wetlands advising this issue is never negotiated. Mr. Murphy stated contour intervals have been negotiated in the past. Chairman Gosselin suggested he bring those negotiations to the next meeting, as he doesn't recall any such negotiation and to discuss the pros and cons as to why they would have been let go.

Edd Cote requested before the next meeting, Mr. Murphy familiarize himself with the Millbury General By-Law chapter 16 section 3 & 4. If any conditions within the bylaws are met he does

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need to have permission from the Planning Board to continue. Secondly, the current state of the land has now been changed due to premature work. He would like to see new plans that show the site in its current condition.

Ms. Connors brought to Mr. Murphy's attention that the enforcement authority on Site Plan Review is the building inspector. However, under the General By-Law the enforcer is the Planning Board or their designee, it is not the building inspector. Ms. Connors stated the owners have received in writing from her to cease work immediately.

Chairman Gosselin asked who is going to be in the buildings. Mr. Murphy stated the owner of the property plans to live in the residence. Part of the business is Mid State Sewerage. They are on call 24 hours a day and will be there as representatives of the 24 hour emergency call. It will be incidental to the use of the property. The property will be set up as a residence with a garage. Maintenance vehicles will be stored in the garage below. Mr. Murphy stated it would not be rented out to anyone. It will be owned and operated by Peter Stratford. Mr. Murphy noted they would like to leave the 2nd building open to the final building permit based upon the building inspector's review of the zoning.

Patrick Makridakis of 240 Riverlin St. addressed the Board as to when work was begun on the site. He stated for the last five weeks they are working weekends and early mornings. Chairman Gosselin advised they do set the guidelines for work hours, unfortunately they began working at the site before the Planning Board could set the guidelines.

Brittnay Bagnoli of 242 Riverlin St. requested the Board take into consideration the industrial lighting that may be used and the concern for light pollution. She was also concerned with the size of the industrial doors needed on the garage if it is going to be used as a residence. Lastly she wanted to confirm that no work can be going on at the property for the next 30 days.

Ms. Bagnoli also checked her phone to find her messages as to when work began on the site. She stated that work began on the site on August 5th.

Chairman Gosselin asked Mr. Murphy to go back to the site and be sure hay bales and waddles are in place to insure the wetlands are protected since the site has been disturbed by construction.

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Ms. Dotson requested that a notice be sent to the Conservation Commission to alert them to the work being done there to see if they agree.

Edd Cote made a motion to continue the public hearing to 10/23/2017 at 7:15 p.m., seconded by Paul Pikelis, voted unanimously.

7:30 p.m. Autumn Gate Estates – Request for Extension of Definitive Plan Decision – Public Hearing

Edd Cote read the legal public hearing notice on the application of Fox Gate, LLC for modification of the Definitive Plan Decision for Autumn Gate Estates Phase I including Autumn Gate Circle, Millbury MA, so to extend the construction deadline for a period of two years.

Attorney Kiritsy addressed the Board on behalf his applicant Mr. Gallo. He is requesting a 2 year extension to complete of the subdivision. Attorney Kiritsy advised the Board on the subdivision progress stating it is near completion with 5 remaining lots, 3 of which are in a current stage of development leaving only 2 lots remaining for sale in the subdivision. Since extension granted last year, Mr. Gallo has erected temporary signage relative to the construction vehicles accessing the site, began installing sidewalks, worked on maintenance of drainage, cut down vegetation and installed street lights. He advised that the Board is holding a sizable bond and over the next 2 years they believe all the lots will be sold, the roadway will be complete and ready to be turned over to the Town.

Mr. Pikelis was concerned that Mr. Gallo has let the subdivision go. Mr. Cote reminded Attorney Kiristy of the abutters concerns last year, the need to start the sidewalks due to the safety of the kids. Although he has started installing sidewalks and street lights this has only recently begun. The Board would like for Mr. Gallo to start cleaning up the subdivision for the neighbors. Because it has taken him almost a whole year to begin, Chairman Gosselin and Mr. Cote will not approve a two year extension.

Ms. Connors mentioned she is concerned with the condition of the binder pavement and the possible need for it to be replaced. Chairman Gosselin would like to do a site visit with the builder's engineer and the Town engineers prior to final pavement.

Robert Manzaro of 4 Autumn Gate Circle was concerned with the location of the street lights and the street trees and how they will affect their current landscape. Ms. Connors advised the

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location of the street lights is determined by National Grid. She also advised the street lights, sidewalks, street trees and granite boundary markers will all be placed within the 50ft right of way. Chairman Gosselin asked Attorney Kiristy, has Mr. Gallo discussed with the home owners the location of the street trees and how they may affect their current landscape? Ms. Connors noted if owners have already planted street trees they will be given a waiver. The Planning Board is willing to make substitutions to the types of trees desired.

Jen Hiitt of 12 Autumn Gate Circle questioned the bounds that would be installed. She stated she had her property surveyed and someone from Mr. Gallo's team pulled the stakes out, she would like them put back in place. Her concern is Mr. Gallo is encroaching on private property. Ms. Connors confirmed under condition number 16, bounds will be set by the builder at the property corners. Ms. Hiitt also asked the Board to not allow Mr. Gallo to work on the weekends. Chairman Gosselin advised they are allowed to work Monday through Saturday 7:00 a.m. to 5:00 p.m. but are prohibited from working on Sundays.

Lindsey Shamoian of 11 Autumn Gate Circle approached the Board. She was asking who the builder subcontracted to pour the sidewalks. She is concerned the sidewalks are encroaching onto her property, a trench has been dug but nothing else is in place. She feels it's a safety issue for her small children and dogs and would like a time frame for completion of the sidewalks. She also questioned the width of the grass strip in the right of way and the possibility of a narrower strip. Chairman Gosselin did not think that was possible as the plan is in place. Lastly Ms. Shamoian requested that the Board not grant Mr. Gallo a two year extension and requested Mr. Gallo complete the sidewalks by the end of this year.

Bruce Lapine of 34 Autumn Gate Circle asked the Board when the Town officially takes over the road as a public way. He would like the ability to hook into the utilities currently in the road and is being met with resistance by Mr. Gallo. Ms. Connors advised the Town takes possession of the road once the project is complete and Mr. Gallo conveys it to the Town.

Ron Bourdeau of 32 Autumn Gate Circle approached the Board members. Like Mr. Lapine he would like to connect to the utilities in the road owned by Mr. Gallo. He has been trying for 12 years to get some resolution. He would like to tie in or at least put the laterals for the utilities in place. He suggested this be done now rather than wait until the Town takes ownership of the road. Waiting would mean digging up a perfectly good road. He asked the Board not to grant Mr. Gallo the extension and asked that Mr. Gallo work with himself and Mr. Lapine allowing them the ability to hook up to the utilities for their abutting properties. Attorney Kiristy stated this is a private issue and not an issue for the Board.

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Ms. Dotson stated that in the old Subdivision Rules and Regulations, subdivision owners and builders were required to allow abutters to tie into the utilities and sewerage being developed. Ms. Connors found that information in the Subdivision Rules and Regulations. Mr. Cote read from the Rules and Regulations Governing Subdivision of Land, Section 6.14. Attorney Kiritsy again explained that this is more complicated and should not be decided by the Planning Board. Ms. Dotson would like to see Mr. Gallo allow the connections in good faith.

Adam Marshall of 13 Autumn Gate Circle asked the Board if they are able to confirm how much distance there is from their lots to the street. The Board could not confirm but did reiterate the builder will stake the limit of the right of way before he installs the sidewalk insuring the sidewalks are within the right of way and not on the abutting property. Ms. Connors asked Attorney Kiristy to remind Mr. Gallo to have the property surveyed before he moves forward installing sidewalks. Mr. Gosselin also stated that permanent boundary markers should also be installed.

Additional conversation between the Board and Attorney Kiritsy occurred after motion. Chairman Gosselin wondered about incentives that would encourage Mr. Gallo to allow Mr. Lapine & Mr. Bourdeau to hook into the utilities. His concern was the road would be dug up after final pavement. Attorney Kiritsy advised he will discuss the situation with the Gallo's. Ms. Dotson suggested a two week extension allowing time for the Gallos to come up with-solutions that address the concerns of the homeowners within, and the abutters next to the subdivisions. She felt that remedial commitments should be made by Mr. Gallo before the one year extension is granted. Ms. Connors advised granting Mr. Gallo a two week extension would prevent Mr. Gallo from working on sidewalks as the construction deadline has passed.

Edd Cote made a motion to close the public hearing, seconded by Paul Piktelis, 4 voted in favor 1 opposed.

Edd Cote made a motioned to Grant a modification of the Certificate of Approval of a Definitive Plan dated March 28, 2005, as subsequently modified, concerning the plan entitled "Autumn Gate Estates Definitive Subdivision Plan of Land in the Town of Millbury", dated May 18, 2004, last revised on April 20, 2005, prepared by Heritage Design Group so as to extend the completion date for the construction of infrastructure and services until September 12, 2018, seconded by Paul Piktelis, voted 4 in favor 1 opposed.

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7:45 p.m. Jessica J Drive Extension – Partial Release of Performance Guarantee

Bob Vigneau approached the Board stating they are in agreement to accept the \$97,200.00 release recommended by the town engineer.

Mr. Vigneau stated at the request of their attorney that Ms. Dotson refrain from voting on issues regarding their work based on previous history. Ms. Dotson said she was planning to abstain as she was not previously a party to this situation. Chairman Gosselin asked Ms. Connors to inquire with Town Counsel on their opinion of the abstention of Ms. Dotson.

Chairman Gosselin comment on the ditches on the undeveloped lots suggesting Mr. Vigneau do something to stabilize them. He also advised he was concerned with the detention ponds and the three flared ends and would like him to do something about them before the completion on the project.

Edd Cote made a motion to reduce the amount of funds held as surety for the completion of this subdivision; plan entitled "Jessica J Drive Extension" Definitive Residential Subdivision Millbury, Massachusetts: by Performance Bond – Secured by Deposit, dated September 30, 2016. Planning Board engineer's recommended reduction or release amount: \$97,200.00. Reduction or Release amount approved by the Planning Board \$97,200.00 such that the following amount will still be held for completion: \$338,101.00 by vote of the board on September 11, 2017, seconded by Paul Piktelis, voted 4 in favor, Ms. Dotson abstained.

New Business:

Discussion on 13 Stone Rd – Owner wishes to remove land from Chapter 61A

Ms. Connors advised the Board the current owner of the property would like to take the land out of Chapter 61 A. They no longer wish to use the property as farmland for boarding horses. Ms. Dotson wondered if the land could be used for a new school and we might suggest the selectman look into that possibility. Mr. Cote recommended that we tell the Selectman to do with the land what they feel is in the best interest of the Town. Chairman Gosselin suggested we send letter to the selectman of their decision.

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Other Business

Greenleaf Terrace – Extend Period of Time for Planning Board Action

Edd Cote made a motion to accept the extension of time granted by Green Prospect, LLC to act on the Definitive Subdivision for “Greenleaf Terrace” located on McCracken Rd. until November 30, 2017, seconded by Paul Piktelis, voted unanimously.

Cobblestone Village – Discussion of Proposed Development Signage

A new sign was presented to the Board for approval. Ms. Connors advised that she asked the builder for additional information as to how the sign would be illuminated but has not heard back to date. Mr. Cote questioned the size of the sign and if it meets the guidelines of the bylaws. Ms. Connors stated it is up to the Board to decide, Chairman Gosselin agreed. Ms. Connors also updated the Board on the progress of the drainage on site.

Edd Cote made a motion to accept and approve the sign set before the Board subject to the receipt and approval of a lighting plan for the sign, seconded by Paul Piktelis, voted unanimously.

Minutes

Edd Cote made a motion to accept the minutes of August 21, 2017, seconded by Paul Piktelis, voted unanimously.

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Adjournment

Edd Cote made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Pamela Bott

ATTEST:













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

September 11, 2017

- 7:15 p.m. Thomas Stratford, Mid State Properties, LLC, 239 Riverlin Street - Site Plan Review and Storm water Management Permit - Public Hearing
- 7:30 p.m. Autumn Gate Estates – Request for Extension of Definitive Plan Decision Public Hearing
- 7:45 p.m. Jessica J. Drive Extension – Partial Release of Performance Guarantee

New Business:

Discussion on 13 Stone Rd - Owner wishes to remove land from Chapter 61A

Other Business:

- Greenleaf Terrace – Extend Period of Time for Planning Board Action
- Cobblestone Village – Discussion of Proposed Development Signage
- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

RECEIVED
TOWN CLERK
17 SEP -8 AM 9:07
MILLBURY, MASS.

SIGN-IN SHEET

Public Hearing Autumn Gate Estates

Date/Time 9-11-17 @ 7:30 p.m.

I WISH TO SPEAK

NAME	ADDRESS	YES	NO
1 GEORGE KERRISY	297 W. Bayshore St W. Bayshore	<input checked="" type="checkbox"/>	
2 Robert Manzard	4 Autumn Gate Cir Millbury	<input checked="" type="checkbox"/>	
3 Lindsay Swanson	11 Autumn Gate Cir	<input checked="" type="checkbox"/>	
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SIGN-IN SHEET

Public Hearing Thomas Stratford-Mid State Properties - 239 Riverlin St

Date/Time 9-11-2017 @ 7:15 pm

I WISH TO SPEAK

NAME	ADDRESS	YES	NO
1 Brittany Bagndi	242 Riverlin St. Millbury	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Jeff Makridakis	270 Riverlin St Millbury	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Bob Murphy	Riverlin Pt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 Peter Shumy	Riverlin St	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>
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SIGN-IN SHEET

Public Hearing Jessica J Drive EXT

Date/Time 9-11-17 @ 7:45pm

I WISH TO SPEAK

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