

MILLBURY PLANNING BOARD
MINUTES
September 25, 2017

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, September 25, 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

Absent: Michael Georges

7:15 p.m. Greenleaf Terrace Definitive Subdivision Public Hearing – Continued

John Grenier of Genier & Associates approached the Board. He informed the Board as to the updates that have taken place at the property since the last meeting. He introduced Mr. Ben Gould of CMG Environmental Services to speak to the Board on the findings.

Mr. Gould provided the Board with a packet of information relating to the findings at the site. He stated the first few pages of the packet summarize what activities they went through over the last four weeks and recommendations as to what should be addressed in the future regarding environmental issues.

During his site walk on September 1, 2017 he observed a lot of trash on the property and some of the trash spilling onto the neighboring properties, specifically 82 & 92 McCracken Rd. They collected two different soil samples. The first sample taken was about twelve feet away from some fuel tanks. He collected a soil sample to test for extractable petroleum and eight standard metals as well as thallium. Findings in the sample showed a few detections of barium, chromium, lead and mercury at very low levels. The second sample was collected in an area marked and flagged as wetlands. The leaves in the area looked blackish and there was concern some petroleum may have run off into the wetland area. This area was tested for extractable petroleum which was not detected. He believes the leaves looked blackish due to the collection of water and leaves collecting on top of each other. When he pulled the leaves back he noticed Peat which is common in wetland areas.

Ms. Dotson asked Mr. Gould why soil samples change so much. Mr. Gould advised he doesn't believe the soil changed so much as it was a different area sampled. He stated soil samples can vary greatly even a foot away from each other.

Mr. Gould also advised they tested wells at 82, 87, 88, 91 & 92 McCracken Rd. and a sample from the former drinking water supply well at 86 McCracken Rd. for current drinking water quality and ground water quality in the area. They did a baseline analysis for volatiles using a standard drinking water test. He stated no volatiles were found.

They also located the three monitoring wells installed in 2002. Samples were submitted for each well. They were all tested for petroleum, analyzed for volatiles, soluble metals and thallium. In monitoring well #1 they found some metal contamination. Arsenic levels were higher than the States GW1 standard level and lead levels which he stated are right at the GW1 standard. He feels it's possible the lead levels could be a result of leaded gasoline. In monitoring well #2 they did not find any petroleum or volatiles. They did find trace amounts of natural occurring metals found in groundwater that he stated

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are normal in underground water. In monitoring well #3 he noted that some contamination was found. A low level of toluene was detected which is common in gasoline. They also found three PAHs: benzo(a)pyrene, indeno(1,2,3-cd)pyrene, and dibenzo(a,h) anthracene. He stated the numbers were above the solubility limit and feels it is not likely they are real numbers, rather a problem with the sample collected. Mr. Gould would like to do additional testing. Ms. Dotson asked him if he is saying this is a risky situation and wondered when they would test the wells again. Mr. Gould stated it's a finding he is taking seriously. They would like to test the well again within the next two weeks. If a second test shows the same findings they may want to notify D.E.P advising a new contaminant has been found.

Ms. Dotson asked about the possibility of asphalt being buried at the site. Mr. Gould stated that's a possibility. However, because the monitoring wells are drilled into bedrock the findings are unusual and uncommon. The findings are not consistent with gasoline or motor oil release. Chairman Gosselin asked if roofing tar or shingles found at the site could be a cause of the findings. Mr. Gould does not believe that would be the case.

Chairman Gosselin stated that during the site walk he noticed some dark leave. He believed this to be an area that holds water. He mentioned a proposed roadway is going right through that same area and suggested the engineer walk the site to verify if this could be an area of concern.

Bob Prytko of 87 McCracken Rd. approached the Board. He questioned whether we can trust the lab doing the testing. He also questioned the procedure in pumping out the wells and if more monitoring wells would be recommended.

Mr. Gould also advised that in the packet of information provided to the Board there is a Soil Management Plan. Some recommendations are to remove as much debris from the site as possible and screen excavated materials for recycling. During site work if further contaminations are found he recommends the client contact them so they can supervise excavation work at the site. They would suggest soil be stockpiled on polyethylene sheeting and covered with the same if left over night. Spray soil for dust control and personal footwear and equipment used should be decontaminated daily.

Edd Cote made a motion to continue the Public Hearing to October 23, 2017 at 7:45 p.m., seconded by Paul Piktelis, voted unanimously.

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**7:30 p.m. 266 North Main St. Extension - Special Permit for Nature's Remedy of
Massachusetts Inc. - Public Hearing**

Prior to the opening of the Public Hearing Edd Cote addressed the Board to consider not discussing any issues relating to the security in place for Nature's Remedy. Under Chapter 30A paragraph 21 item 4, he suggested security issues be discussed in Executive Session with the applicant and Chief of Police rather than in a public forum.

Edd Cote made a motion not to discuss the security issues for Nature's Remedy of Massachusetts in public, seconded by Paul Piktelis, voted unanimously

Edd Cote read the Public Hearing notice on the application of Nature's Remedy of Massachusetts, Inc., for a Special Permit for a Registered Marijuana Dispensary and for a Post-Construction Stormwater Management Permit.

Bob Carr approached the Board with plans for the proposed site at 266 N Main Street Extension. He advised the Board that they were originally planning to have a production facility on the site but after review of the site, wetlands and test pits it was decided they will just be putting in a dispensary. He stated it would be a craftsman style building for retail only. He also commented that they want to make the area look nice and plan on cleaning up the cul de sac area.

Bob introduced Mike Labbe who presented the plans for the proposed site. His diagrams showed where the 3700 square foot retail facility will sit on the property. He also noted where the 16 parking spots will be located as well as the wetlands, rain gardens and landscaping.

In order to avoid blasting at the site Mr. Labbe asked the Board if they would consider granting a waiver of the 50 foot setbacks for the parking spaces. The original plan allowed for 16 parking spaces. Mr. Cote made them aware they will need 19 spaces based on the size of the building. He also asked them to determine what the expected traffic flow of customers.

Ms. Dotson asked if they were planning to grow or manufacture marijuana at the site and if only people with prescriptions would be allowed in to the building. Mr. Carr reiterated this would strictly be retail and confirmed only people with prescriptions would be allowed. Ms. Dotson also inquired as to whether there could be additional parking area somewhere on the property. Mr. Carr stated they would look at additional designs for the parking area.

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Bob Vigneau of Miles Builders of 240 No Main Street inquired as to the area of the wetlands. He also asked what the store hours would be. Mr. Carr stated he would like to have regular store hours, 10:00 AM to 7:00 PM Monday through Friday and Saturday and Sunday from 11:00 AM to 3:00 PM

Edd Cote stated we will also go into Executive Session following the October 23rd Planning Board meeting to discuss any Security issues.

Edd Cote made a motion to continue the Public Hearing to Oct 23, 2017 8:30 p.m., seconded by Paul Piktelis, voted unanimously.

8:00 p.m. 1 & 7 Leblanc Drive Definitive Subdivision Public Hearing

Edd Cote read the Public Hearing Notice on the application of Jacques Leblanc, properties located at 1 and 7 Leblanc Dr. Millbury, MA for a Definitive Subdivision Plan to move a lot line. One lot has less than the minimum required frontage.

Byron Andrews approached the board on behalf of Mr. Leblanc. He stated Mr. Leblanc is looking to acquire land from 1 Leblanc Dr. in order to give his property at 7 Leblanc Dr. some frontage. He stated there are no buildings on the abutting lot and it is listed as not buildable without further action by the Planning Board. Mr. Leblanc would gain 73.65 feet of frontage on Leblanc Drive. Mr. Andrews stated this is considered a Definitive Subdivision Plan rather than an ANR plan and they are looking for two waivers. The first to waive frontage requirement for 7 Leblanc Dr. and the second is to waive the requirement for the definitive plan under the Towns Subdivision Rule and Regulations.

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

Edd Cote made a motions to waive the frontage requirements for 7 Leblanc Dr. which has 73.65 feet of frontage (waiver of 126.35 feet of frontage granted). Seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to waive the requirements of a definitive plan under Section 5.3 of the Town of Millbury's Subdivision Rules and regulations. The submitted plan shall only meet the

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application requirements for ANR plans (Section 4), seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to Grant approval of the Definitive Plan entitled "Division of Land 1 & 7 Leblanc Drive in Millbury, MA owned by Jacques Leblanc & Joseph F. Leblanc", dated August 16, 2017 prepared by Andrews Survey & Engineering.

8:15 p.m. Jessica J Drive Extension – Performance Guarantee and Lot Release

Bob Vigneau addressed the Board asking for a release of Covenant for the second phase of Jessica J Extension. Due to the delay in modification in construction costs and content of performance agreement and covenant Mr. Vigneau asked the Board to approve the content of the documents with the understanding that the release of covenant will not be released until the money for the performance guarantee has been put into the escrow account and the escrow agent and the three trustees of Baggy Moore Realty have signed off. He stated when Ms. Connors is satisfied that these items have been accomplished, that is when they will get the release and performance guarantees recorded and proceed to start work. He explained this would have been done sooner but a family emergency took precedence. He stated this may take about a week to obtain signatures.

Edd Cote made a motion to accept the First Amendment and Restatement of Subdivision Performance Agreement Secured by Cash Deposit in the amount of \$533,119.00, seconded by Paul Piktelis, voted unanimously

Edd Cote made a motion to release lots 7 through 11 and lot 18, seconded by Paul Piktelis, voted unanimously

Board took a 5 minute recess

New Business:

Consulting Engineer Contract

Ms. Connors talked to the Board about the Consulting Engineer contract that runs out on October 31, 2017. Ms. Connors mentioned she spoke with Town Manager, Dave Marciello about the procurement process. She stated his interpretation of the law is that we don't necessarily have to do the full lengthy bid process, rather a more relaxed approach. We could ask three engineering firms for their pricing and that would satisfy the requirement of

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procurement. The Board was in agreement and Ms. Connors stated she would send the bids out by the end of the week.

Adjournment

Paul Piktelis made a motion to adjourn, seconded by Edd Cote voted unanimously. Meeting adjourned at 9:01 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 25, 2017

- 7:15 p.m. Greenleaf Terrace Definitive Subdivision Public Hearing - Continued
- 7:30 p.m. 266 North Main St. Extension Special Permits & Stormwater Permit Public Hearing - Nature's Remedy of Massachusetts Inc.
- 8:00 p.m. 1 & 7 Leblanc Drive Definitive Subdivision - Public Hearing
- 8:15 p.m. Jessica J. Drive Extension – Performance Guarantee & Lot Release

New Business:

- Consulting Engineer Contract

Other Business:

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

RECEIVED
TOWN CLERK
17 SEP 20 AM 11:41
MILLBURY, MASS.

SIGN-IN SHEET

Public Hearing Greenleaf Terrace Definitive Subdivision

Date/Time September 25 @ 7:15 p.m.

I WISH TO SPEAK

NAME	ADDRESS	YES	NO
1 Lisa + Bob Paytho	87 N. Cracker Rd		X
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SIGN-IN SHEET

Public Hearing 240 North Main St - Natures Kennedy of MA.

Date/Time Sept 25, @ 7:30 p.m.

I WISH TO SPEAK

NAME	ADDRESS	YES	NO
1 Bob Newman	240 North Main St	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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SIGN-IN SHEET

Public Hearing 1st LeBlanc Dr

Date/Time September 25 @ 8:00 pm

I WISH TO SPEAK

NAME	ADDRESS	YES	NO
1 Jacques LeBlanc	7 LeBlanc Drive		
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