

MILLBURY PLANNING BOARD  
MINUTES  
NOVEMBER 10, 2014

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TOWN CLERK

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, November 10, 2014, at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

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

**7:15 p.m. Solar Farm – 40 Auburn Road Public Hearing, continued**

Chris Tate was present on behalf of the applicant. A copy of the survey with drill holes set at property corners was used for the existing conditions of the revised plans. Fire Chief comments were addressed, and the turning radius was accommodated. Wetland mitigation notes were added. Comments from Fay, Spoffard & Thorndike and Town Planner Connors have been addressed.

Mr. Gosselin wants a description of the right-of-way, a book and page for the recorded document.

Mr. Cote would like clarification from the Fire Chief to see if a 14 ft. access drive is adequate, vs. an 18 ft. drive., and address the slope also.

Ms. Connors asked if a 10% grade on the gravel road is adequate.

Motion to continue the public hearing to November 24, 2014 at 7:30 p.m. by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously.

**7:55 p.m. Landscaping Etc., Inc. – 145 Providence Street Public Hearing.**

Clerk Jeff Markarian read the public hearing notice. He also read the Board of Health letter dated October 20, 2014, November 10, 2014 letter from Fire Chief Rudge, and October 30, 2014 letter from On-Site Engineering to DPW Director Robert McNeil.

Kevin Quinn was present on behalf of SAC Realty Trust. This project would provide the office headquarters, warehousing and garage. Trucks are loaded and equipment is attached and then they move on. Conservation Commission approval is required. All property north of Cross Street, (a right of way) is owned by the applicant. Once Cross St. status is made clear the applicant will be back to develop that area, probably the addition of storage buildings. 55 parking spaces have been proposed.

Mr. Quinn summarized the waivers that are being requested.

MILLBURY PLANNING BOARD  
MINUTES  
NOVEMBER 10, 2014

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Mr. Gosselin wants the coordinates to adhere to the town bylaws. He suggested granite curbing at the turning radiuses. He would like meets and bounds distances to accurately depict and tie into the National Grid power line easement. He wants concrete bounds in the corners located.

Applicant Steve Christie addressed questions from the Board regarding the amount of anticipated truck traffic.

Motion to continue the public hearing to December 8, 2014 at 7:30 p.m. by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously.

**8:25 p.m. Cobblestone Village Public Hearing, continued**

John Grenier was present on behalf of the applicant.

Clerk Jeff Markarian read letter dated October 30, 2014 from Aquarion Water Co., letter dated October 29, 2014 from Maria Rivers, assistant project manager, to Steven Venincasa, and letter from Mr. & Mrs. Dupuis, Lincoln Avenue, dated October 24, 2014 requesting a grate over the opening of the proposed pipe on their property.

Mr. Grenier asked for a waiver request regarding the implementation of the raised surface warning grids. These are only required within a right-of-way not within parking lots. They would be appropriate at the curb crossing at Howe Ave. Ms. Connors believes that this development could attract a visually impaired person, it has great access to the town center, a bus stop right there, and apartments appropriate for the disabled. She does not support this waiver request.

Mr. Gosselin wants to know the status of Morse Ave. Mr. Grenier stated that there is no discontinuation of Morse Ave., it is an undeveloped right-of-way. There is no document that they have found stating this.

Ms. Connors asked the Fire Chief for further information on the Opticom transmitters – he would like them on the trucks (2).

Mr. Georges is concerned with the letter from Aquarion regarding the blasting on site. Mr. Venincassa stated that his blasting engineer prepared a 100 page document, it took weeks to prepare, and it was delivered to Aquarion for their review. Mr. Georges believes that Aquarion will shift the burden of blasting issues back onto the town if there is a problem. Mr. Cote concurred. Mr. Grenier advised that Aquarion's engineer responded by email.

MILLBURY PLANNING BOARD  
MINUTES  
NOVEMBER 10, 2014

---

Larry Richards, 6 Lincoln Avenue stated that his mother was killed at that location sitting in a car waiting for his father to come out of work. He thinks that anything the Board can do to insure the safety of others is warranted. His property is the one that will get flooded. He has concerns with engineering review, science is still limited and things can still go wrong. He would like his property protected from further erosion of his backyard. He submitted pictures of his property.

Jessica Waters, 62 Miles Street. She abuts this property, and purchased it in August, she has never received notice of this hearing. Ms. Connors advised that the public hearing notice was sent out in May, to the previous owner. She asked about the building height, Ms. Connors stated that all buildings will be 36 feet high. Two sections between buildings 3 & 4 and also at building 5, the buffer zone for conservation is well below the 100 foot buffer zone. Mr. Venincassa filed with Conservation Commission and DEP is presently reviewing it. She asked the Board to consider the neighborhood and their quality of life.

Peggy Dupuis, 4 Lincoln Ave. She owns the property where the applicant wants to put in the 30 inch pipe. She does not want to be responsible if something happens because of this pipe. She was also told that if they don't allow this pipe they could be liable for overflow also. She wants it on record that if they allow this pipe she does not want responsibility for it's performance. Ms. Connors stated that the culvert is wanted by the DPW Director. There was some talk about replacing the channel and neighbors wanted to leave the channel as it was. The stone wall is to be repaired, so the 30 inch culvert went away. There will not be a pipe on her property. Ms. Connors stated that the pipe is in the right-of-way. The town does not have an easement to clean the culvert.

Larry Richards 6 Lincoln Ave. advised that he spoke to the engineer who stated he did not know what was downstream. He advised that he provided two pictures showing where that pipe comes out. It is still 2/3 full, and is not cleaned. The owner told him he would allow a back hoe in there to clean it out.

Mr. Gosselin wants large yellow triangle pedestrian crossing signs at the crosswalk, on both sides, subject to DPW or Board of Selectmen approval and the maintenance crew from the apartment complex will be responsible for maintaining the signs.

Motion to close the public hearing by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously.

MILLBURY PLANNING BOARD  
MINUTES  
NOVEMBER 10, 2014

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Mr. Gosselin would like a six month review after completion of the detention basin, to see if it has caused problems to Mr. Richards property. He also wants "No Trespassing" signs along the stone wall. (by Jessica Waters property).

Waivers:

Motion by Jeff Markarian to grant a waiver from Section 12.44 (a) requirement to submit a plan at the scale of 1" = 20', applicant submitted a plan at 1" = 40' seconded by Paul Piktelis, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, Section 12.44(a): the requirement to include interior lot lines within the subject property. The Applicant will seek to rescind the Patriots Place" definitive subdivision approval (see Condition 5(g)(1)), motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 12.44(b): the requirement to submit a landscape plan at the scale of 1"=20'. The Applicant submitted a plan at 1"=30', motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 12.44(c): the requirement to submit an isometric line drawing, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 12.44(e): the requirement to submit elevation drawings at a scale of ¼"=1' or ½"=1'. The Applicant submitted elevations plans at a scale of 3/16"=1', motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 12.44(f)(4): the requirement to submit a detailed Historic Impact Assessment, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 12.45(o): the requirement to install concrete curbs and gutters around the perimeter of all driveways and parking areas. The Applicant shall install vertical granite curb in these locations, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 12.45(r): the requirement for brick or decorative paver crosswalks. The Applicant shall install striped crosswalks, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 12.45(r): the requirement to install car stops. The Applicant will install vertical granite curb so car stops are unnecessary, motion carried unanimously.

MILLBURY PLANNING BOARD  
MINUTES  
NOVEMBER 10, 2014

---

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 33.2: the requirement for 210 off-street parking spaces. The Applicant shall provide a total of 160 dedicated parking spaces, motion carried unanimously.

Motion by Jeff Markarian, seconded by Edd Cote to waive Section 6.11, the requirement that curb cut ramps contain detectable warning strips, motion failed on a 0-5-0 vote, waiver denied. The Planning Board does not have the authority to grant relief from ADA requirements.

Motion by Jeff Markarian, seconded by Paul Piktelis, to waive Section 6.11: the requirement to install 5' wide sidewalks, motion failed on a 0-5-0 vote. Waiver denied.

Motion by Jeff Markarian, seconded by Edd Cote, to grant a Multi-family Special Permit under Section 14.11 (a) of the Zoning Bylaws, for a Site Plan Review under Section 12.4 of the Zoning Bylaws, and for a Post-Construction Stormwater Management Permit under Section 16-3 of the General Bylaws, subject to conditions a – cc. Michael Georges and Jeff Markarian stated that they would be opposed. Both were concerned over the blasting implications for the Aquarion water supply. Edd Cote stated that although he agreed with Mr. Georges, he believes the Board gave Aquarion plenty of opportunity to respond, the Board has done their due diligence. Ms. Connors stated that reasons for denial would be necessary and she reminded the Board that there is an approved subdivision which allowed blasting on this site; she voiced her concerns that this would not be held up in court. She also stated that there could be a condition added to not allowing blasting. Mr. Gosselin called for a vote, motion carried on a 4-1-0 vote. Michael Georges was opposed.

10:05 p.m. Chairman Gosselin declared a five minute recess.

**10:15 p.m. Casa Verde Village Subdivision – Mylar and Covenant Approval**

The 20 day appeal period is over. Motion by Jeff Markarian to accept the covenant for the subdivision entitled “ Casa Verde Villages, Oakpond Avenue, Millbury” seconded by Edd Cote, motion carried unanimously.

Motion to endorse the definitive subdivision plan entitled “ Definitive Open Space Subdivision Plan, Casa Verde Villages, 98-Lot Single Family Residential Subdivision, Millbury, MA” , prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA, dated May 12, 2014, last revised on August 27, 2014, by Jeff Markarian, seconded by Edd Cote, motion carried unanimously.

**10:20 p.m. Brierly Pond Village II – Reduction of Performance Guarantee**

MILLBURY PLANNING BOARD  
MINUTES  
NOVEMBER 10, 2014

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John Burns was present and provided the Board with the As-built Plans on a CD. Old light bases will be removed. A trail was supposed to be provided. He called one of the trustees of the association and they agreed to the location. The improvements to the intersection will begin in the spring. This is a separate cost estimate. This money will not be released. Open space must be conveyed to the Conservation Commission.

Motion by Jeff Markarian to release the sum of \$50,346 leaving a balance of \$49,200 seconded by Paul Piktelis, motion carried unanimously.

**Other Business:**

Mr. Gosselin asked if the National Guard was called to request that a bridge be dropped over the present one so it could be used. Mr. Cote said it was considered but not approved.

Mr. Gosselin asked about a business in town that decided not to locate here due to the requirement for a grease trap. Ms. Connors advised the issues are much bigger than that. No permits were pulled for any work already done.

**Minutes**

Motion to approve the minutes of October 20, 2014 by Paul Piktelis, seconded by Edd Cote, motion carried on a 4-0-1 vote, Jeff Markarian abstained he was not present.

**Adjournment**

Motion to adjourn by Jeff Markarian, seconded by Edd Cote, meeting adjourned at 10:35 p.m.


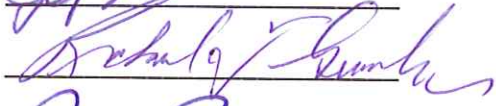

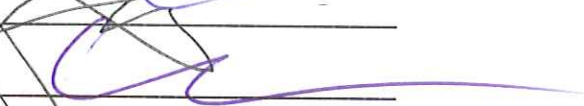

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Respectfully submitted,

Susan M. Dean

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 November 10, 2014

- 7:15 p.m. Solar Farm - 40 Auburn Road Public Hearing Continued
- 7:30 p.m. Landscaping Etc, Inc. - 145 Providence Street Public Hearing
- 8:00 p.m. Cobblestone Village Public Hearing Continued
- 8:30 p.m. Casa Verde Village Subdivision – Mylar and Covenant Approval
- 8:45 p.m. Brierly Pond Village II – Reduction of Performance Guarantee

### Other Business:

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

Subject To Change



SIGN-IN SHEET

Date/Time November 19, 2014 7:30 pm  
145 Providence St. - SAE Realty

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
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SIGN-IN SHEET

Cobblestone Village

Date/Time November 19, 2014 8:00 pm

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Lorey Richards	6 Lincoln Ave	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Chris Richards	49 Howe Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Jessica Waters	62 Mills St	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Pauline Whitton	64 Mills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 Sharon Richards	14 Macaulis Lane	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6 Peggy Purpura	4 General Ave	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7 Daniel Bederian	Newton	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**SIGN-IN SHEET**

Date/Time \_\_\_\_\_  
40 Auburn Rd - Sclar Farm  
November 19, 2014

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