

MINUTES
MILLBURY PLANNING BOARD
November 18, 2013

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MILLBURY, MASS

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, November 18, 2013, at 7:15 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Jeff Markarian, Edd Cote, Richard Gosselin, Paul Piktelis, Michael Georges, Alternate Member Jaime Dubey.

7:15 p.m. Minutes

Motion by Edd Cote, seconded by Paul Piktelis, to approve the minutes of October 28, 2013, motion carried on a 4-0-1 vote. Member Jeff Markarian abstained as he was absent from that meeting.

Other Business:

Oakes Circle: The project came in slightly lower than the bid. The driveway aprons came in lower, actual price came in at \$110,000. The association would like to use the extra money to loam and seed. The association can do this at a lower price than JH Lynch. Approximately \$13,000 will be refunded. She spoke with the Town Manager and Finance Director and the request was approved by them.

There was one problem, the street light conduit was under the incorrect portion of the roadway. The line was severed during construction, three lights did not work. The association hired an electrician to determine what happened. JH Lynch was found to have severed the line, however, they could not have known it was installed incorrectly. Lynch believes this is unfair, however, they will be required to submit a claim to their insurance carrier.

The plans that were submitted with the Planning Board showed the conduits in the grass strip area, but were installed incorrectly. Dig Safe did not locate the conduit in the street. Mr. Georges disagrees, JH Lynch did what they were supposed to do, it is not fair they should bear the cost, especially as there is money left over. Edd Cote agrees. Lynch could not have had any expectations that an electrical conduit would have been located there. Mr. Piktelis added that the conduit should have been installed a lot lower. Mr. Piktelis does not think Lynch is responsible for this either. Mr. Gosselin suggested a 50/50 split.

Ms. Connors advised that the repair work has been done.

Motion by Jeff Markarian to have the homeowners association and JH Lynch split the cost of the repair work, seconded by Michael Georges. Motion carried on a 3-2-0 vote. Michael Georges and Paul Piktelis were opposed.

7:30 p.m. Casa Verde Open Space Community Public Hearing, cont.

Steven Maddaus, attorney for the applicant addressed the Board. Revised plans were submitted, showing the altered roadway. Draft decision was received, and he would like to

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comment on the proposed conditions. Comments from the traffic engineer, peer review were only received this afternoon. The bearing system has been changed. Mr. Gosselin reminded the applicant that there must be bounds in four corners of all lots.

Mr. Gosselin stated that the intersection of Oak Pond Ave. and Wheelock Ave. was discussed. It is difficult to take a right hand turn there. Mr. Cote asked where the problem was, the size of the vehicles won't change, only the volume. Mr. Gosselin stated that the added cars may increase the potential for an accident. Attorney Maddaus stated that an off-site problem is not permissible to review under a site plan application. It cannot be denied or conditioned on off-site concerns. That can be addressed at the time of Definitive Plan submission.

Applicant's traffic engineer asked what issues the Board still wanted to have addressed. He would like this clarified. He thought the gentlemen that spoke at the last meeting was referring to the intersection with Westview Ave. and Oak Pond Ave. If that is the case, there is room there to correct this. He does not recall problems identified at the Oak Pond and Wheelock Ave. intersection. There is adequate site distance there. There is no crash history there. A stop sign was suggested.

Attorney Maddaus asked the Board how they wanted this addressed. Mr. Gosselin wants the public way there widened for safety concerns. A petition will have to be presented to the Board of Selectmen to widen the road there, they cannot do that without the town's approval.

Mr. Markarian advised the Board that the gentlemen with the trucks that addressed the Board was talking about the intersection with Westview and Oak Pond Ave. The public roadway will have to be surveyed, the applicant will consider this improvement.

Ms. Connors referred to the draft conditions of approval. The following proposed conditions were more specifically discussed:

The industrial abutters would like buffering, a landscape plan depicting the method of buffering will be submitted, such as vegetation or a berm or fencing. The applicant will discuss this with the abutter to see what alternative of screening will be best.

Open space amenities- will be determined at the time of definitive plan, such as an access road for the DPW Director in case a track can be developed there, a playground with parking or money will be donated to the town or a play structure to be installed at the East Millbury Park. Attorney Maddaus identified the applicant's proposal to create an easement for access to abutting property for ball fields, and parking, a gravel roadway and gravel parking area in the easement area. Ms. Connors stated that all off-street parking must be paved pursuant to the zoning bylaw. Attorney Maddaus thinks the \$40,000 price was a surprise, the applicant thought it would be in the area of \$12,000. Applicant suggested \$20,000 for the equipment, not including the installation, maybe the town can do that.

Traffic comments were received from Tighe & Bond and will have to be addressed.

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The specifics of the restoration plan for Oak Pond Ave. will be required and determined during the definitive plan process in conjunction with the DPW Director and the Planning Board.

Ms. Connors wants more direction to revise the condition regarding the rounding of the intersection with Oak Pond and Wheelock Ave. Applicant shall seek permits to work within the right of way, a plan providing details will be submitted with any corrective measures that are available to the applicant.

Mr. Gosselin does not want all the trees cut down and is concerned with the small house lots and how they will be built on and still retain the trees. Ms. Connors stated that the Subdivision Rules regulate this also.

Mr. Gosselin asked for comments from the public.

David Gregoire, 11 Westview Ave. : the other entrance that goes out to Oak Pond, taking a left up the hill is a safety concern. He thinks there will be 200 – 300 cars a day going through there. He wants all the Board members to go out and look. Traffic will back up at the intersection of Oak Pond and Wheelock. It is an accident waiting to happen.

Marla Saunders, 6 Westview Ave. : the big problem with Oak Pond and Wheelock is that it is a very sharp turn, with more traffic more people will be waiting. She suggested the Board look at the intersection of Route 20 and Millbury Ave. , adding a delayed left-turn light from Route 20 so they will have time to turn. It is the timing of the light that is the problem. This a state road signal, applicant will ask District 3 traffic engineering department to see if they will respond to this request.

Dominick Murgo, D. Murgo Trucking : Mr. Bedrosian did speak with him, he wants to go on record that a 40 foot buffer zone, up to 20 feet high was discussed. He doesn't want any accidents, he owns a 24 hour business, with lots of trucks, and he wants to work together to create height as well as fencing so kids cannot cut across his property. Mr. Gosselin asked if he would help to off-set the cost of this. He won't pay for a fence, his business is already there. He also wants to go on record saying that these people are buying a house next to a trucking company. He wants problems alleviated up front. When the trees are down or the leaves are down he does not want any problems with cease and desist orders because of homeowner complaints. They are building on the back of Route 20. If you are giving a permit for almost 100 homes, this should be considered. He can volunteer the use of his equipment.

Maria Walker, 3 Westview Ave. Were the previous concerns discussed somewhere? They weren't addressed here. When it is noisy who will be called? The park and trails – is this public or just for a neighborhood? Will another group be introduced to use the neighborhood now? What about connecting to Hilltop Ave. ? There is a public park there, make improvements to that park. Create a lit walking path.

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Ms. Connors read Ms. Walker's questions which she submitted to the Board after the last meeting and answered what she could. Some of the questions will not be able to be answered until time of the definitive plan submission. Applicant will not use Westview for construction vehicles.

Jeff Markarian read statement certifying that he has viewed all evidence received at the October 28, 2013 meeting, including the video recording. Mr. Markarian was absent from this meeting.

Mr. Piktelis does not believe that Mr. Murgo should be responsible for anything that protects the new neighborhood. Mr. Cote agrees, and thanked him for bringing his concerns forward at this time.

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

Motion by Jeff Markarian, seconded by Paul Piktelis, to grant approval of the Open Space Community Plan for 98 house lots, roadways and associated infrastructure as shown on the plans entitled "Open Space Community Site Plan, Casa Verde Villages" off Oak Pond Ave., Millbury, MA, prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, Ma, dated July 17, 2013, last revised on November 12, 2013, consisting of 10 sheets, subject to conditions, a - l, as revised. Motion carried unanimously.

9:00 p.m. A & D Modification to Site Plan

Town Planner Connors advised the Board that the construction at the A&D restaurant and the elevation plan that was submitted have significant differences. No brick is used, stone is used instead. Windows have been changed. They are pretty far along with the façade. Work will be stopped for now, but the applicant would like approval for these changes as soon as possible. She asked if the Board wanted to meet next Monday to review the changes to the façade. The applicant said he always intended to have four windows, which was on the building plan, when he saw this he thought it didn't look right so now he has 8 windows. They appeared too small so he changed them again. The decisions were made on the site during the construction. Ms. Connors stated that the windows on the original plan provided more symmetry with the original building. The applicant stated that the yellow brick that had been used cannot be found now, so he used stone.

Edd Cote asked what the process was and did the town drop the ball at all? The building permit was for a plan which was already different from the approved plan. Ms. Connors said the last inspection that was done by the building inspector was for the foundation. The applicant did not tell the building inspector that changes were being made.

Mr. Piktelis stated that this was his building, and as long as the building inspector's inspection determines it meets the code he didn't think it was a significant problem. Mr. Markarian

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believes that the applicant has made too many revisions on his own. Mr. Cote thinks that if the building looks like two buildings put together, that may not be acceptable, but asked for consideration for the applicant as he has been a good business in town.

Mr. Georges stated that the Board can't just rubber stamp the changes, but he will not be available for a meeting next Monday.

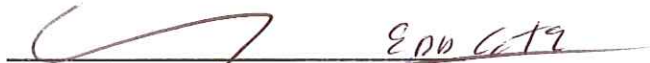




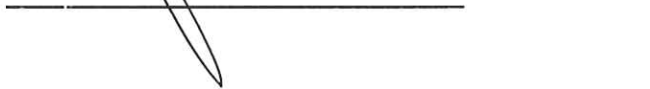
The Board agreed to meet on December 2, 2013, with the condition that the work on the façade stops until then. Interior work can continue.

Adjournment : Motion by Jeff Markarian to adjourn, seconded by Paul Piktelis, motion carried unanimously. Meeting adjourned at 9:25 p.m.

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 18, 2013

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7:15 p.m. Mail, Minutes, Vouchers

7:30 p.m. Casa Verde Open Space Community, Public Hearing, continued

Other Business:

- Any other business not reasonably anticipated to be discussed

- Subject to Change -