

MILLBURY PLANNING BOARD
MINUTES
December 11, 2017

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, December 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:

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

The applicant for 239 Riverlin St. has requested a continuance of the public hearing until the Planning Board meeting scheduled on January 8, 2017.

Edd Cote made a motion to continue the Public Hearing to January 8, 2018, at 7:15 p.m., seconded by Paul Piktelis, voted unanimously.

7:15 p.m. 333A Southwest Cutoff – United Material Management Minor Modification

Whitney Hall of Green Seal Environmental updated the Board as to the current conditions of the project. He advised the building is very close to completion. At this time they are asking for a minor modification to the parking area. They have moved one of two trailers on site. They have proposed two parking spaces in front of both trailers and added two handicapped parking spaces near the main building to comply with ADA accessibility.

Mr. Hall also advised the Board that due to the revised parking layout and location of the office trailer there was a slight change to the 3P stormwater basin. Ms. Connors had asked them to have the changes reviewed by our town engineer. Stantec reviewed the plan and agreed all stormwater standards are satisfactory.

Edd Cote made a motion to approve the application for minor modification to the site plan entitled United Material Management of Millbury LLC., seconded by Paul Piktelis, voted unanimously.

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MILLBURY PLANNING BOARD
MINUTES
December 11, 2017

7:30 p.m. Greenleaf Terrace Definitive Subdivision Public Hearing – Continued

John Grenier advised the Board he has been to the site with the Board of Health to perform perc tests. He also addressed the site visit findings by the Town's DPW director regarding a culvert pipe that is in the area of the new roadway near the proposed detention basin. He stated they will be replacing the drain lines to correct the issues. They will also be modifying the elevation of the curtain drains.

Mr. Ben Gould of CMG Environmental advised the Board he received results from the third round of test that were taken from the monitoring wells. The first round of tests in September showed some metals in monitoring well #1 and P.A.H's in monitoring well #3. The wells were retested in October and the metal results in well #1 dropped and there were no P.A.H's found in well #3. They also tested a third time in November and advised the findings were even better than the second test. He confirmed there were no metals detected in monitoring well #1 and no P.A.H's in monitoring well #3. He believes the second and third tests support that the first tests performed in September were not accurate results.

Edd Cote asked Mr. Gould if it's possible that the findings in the first well test were because the water had sat and collected over a several year span and if the wells were pumped dry. Mr. Gould said the wells were not pumped dry, about 100 gallons of water were pumped out of the wells before the third tests were performed. Mr. Cote wondered if it is possible that the levels would be different had they allowed the wells to sit for a longer period of time between tests. Mr. Gould advised it could be possible but extremely unlikely as the wells are installed in bedrock and P.A.H's are not common compounds found in bedrock.

Ms. Dotson asked if someone such as the D.E.P should have been notified about the first well water results. Mr. Gould explained that they did not notify them and suggested that a second and third well water sampling be taken to verify if the results were accurate. Because the results showed little to no contamination levels after the additional testing he believes the first results were either sample or lab error and therefore did not report the finding to D.E.P.

Ms. Dotson asked if they tested the neighboring wells. Mr. Gould confirmed they did test neighboring wells for VOC's which were not found but they did not test for the P.A.H's as that is not a test typically done on drinking water and those elements do not typically migrate.

MILLBURY PLANNING BOARD
MINUTES
December 11, 2017

Chairman Gosselin asked Mr. Gould about the value and numbers of the chemical compounds. He asked Mr. Gould if he is stating the levels found are zero. Mr. Gould explained to him that in lab testing you can't always put a number to the findings if the findings are below the EPA regulation guidelines. He advised if the number is below the reporting limit then it is given a value less than reporting limits. He explained to the Board that in chemistry there is really no such number as zero.

Bob Prytko of 87 McCracken Rd. advised the Board he is a chemical engineer and understands what Mr. Gould is explaining. He questions Mr. Gould's conclusions. He feels that the compounds found in the first well testing are true. He mentioned the NGI 2005 report. NGI was the last LSP that worked on the site. Mr. Prytko said in a report by NGI the same three P.A.H compounds were found in the soil test pits. He feels that the results Mr. Gould is presenting are misleading. Mr. Prytko believes if the compounds were found in 2005 and then again in 2017 that the findings are real. He believes the P.A.H compounds are toxic and if ingested they can build up in your body over time. He stated he is opposed to the development and hopes the Board will not approve the development of the site.

Chairman Gosselin asked Mr. Prytko if he had his well tested. Mr. Prytko confirmed he has but not for P.A.H compounds because he didn't know they existed until the findings in September. He also stated that he believed the LSP would be retesting the wells for those compounds in neighboring wells.

Mr. Prytko said he is concerned with the movement of the soil during excavation. He feels there is a risk that moving the soils around could cause contamination in other areas. He is concerned with what they will find when they begin excavating the site. He feels moving contaminated soils around during construction may be jeopardizing the future home owners and putting them at a health risk. He also brought to the Board's attention that a report was filed with the Mass DEP on November 25, 2003 stating a completion report was prepared by NGI. On March 1, 2004 the report was retracted. He wanted to make a point that a report was filed and reopened and feels this could be possible with the next completion report.

Mr. Piktelis asked Mr. Prytko how he would explain the results of the last two tests of the monitoring wells. Mr. Prytko believes that the P.A.H chemicals are highly insoluble in water and it would depend on how the water is flowing around the rock. He does not know for sure but he does believe the compounds remain in the soil and over time may find their way into the water.

MILLBURY PLANNING BOARD
MINUTES
December 11, 2017

Ms. Dotson was concerned over the contamination on the site and wished the site had been fully cleaned before the development was approved. Mr. Gould advised that the site was cleaned up to D.E.P standards. He stated NGI confirmed the site was cleaned to a point of “no significant risk”. He stated there is no such thing as a clean site and as far as the State levels are concerned the levels are “clean enough”.

Ms. Connors advised the Board members that she implemented a condition in the decision that states prior to construction, another test of the monitoring wells shall be conducted prior to March 1, 2018 and results submitted to the Planning Board.

Matt Marra a wetland scientist clarified his findings to the Board regarding a possible wetland area. Mr. Marra advised that in his opinion the area is not a wetland area but rather an area that is depressed with dark soils from solid waste materials sitting on top of the ground. He found the soils to be inconsistent. He did not find hydric soils that would indicate it to be a wetland area.

Mr. Grenier advised the Board that when calculating drainage for the site they take into consideration the soil type, slopes, and vegetation. They have calculated the drainage on the site to capture in the proposed drainage basin and they are also adding curtain drains under the roadway at the advice of the Town engineer.

Darren Haig of 92 McCracken Rd asked the Board if they would consider having the applicant clean up the trash that has spilled on to his property. He also asked the Board to hold a bond for protection of neighboring wells should they become contaminated during the construction and development. He would like the Board to request the LSP be on site at all times during construction and that all neighboring wells be monitored weekly and for a period of two years after completion of construction.

The Board advised Mr. Haig that they are not authorized to enforce the applicant to go on to his land without an easement and that any clean up would be an agreement between him and the applicant.

Ms. Connors advised there is a condition in the decision stating the applicant should remove as much debris as possible before construction can begin.

Michael Georges certified that he has examined all evidence received at the September 25, 2017 session, the Public Hearing relative to the application of Green Prospect LLC., for a definitive subdivision plan titled Green Leaf Terrace. Said evidence included a video recording of the September 25, 2017 hearing.

MILLBURY PLANNING BOARD
MINUTES
December 11, 2017

Terry Burke Dotson certified that she has examined all evidence received at the July 24, 2017 session, the Public Hearing relative to the application of Green Prospect LLC., for a definitive subdivision plan entitled Green Leaf Terrace. Said evidence included a video recording of the July 23, 2017 hearing.

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

After discussion by the Board, they asked Ms. Connors to add a condition that states prior to the issuance of a lot release the applicant will give a bond to cover the cost of replacement of the five neighboring wells and 90 days after final construction there will be a testing of neighboring wells for P.A.H;s and VOC's. Chairman Gosselin asked Ms. Connors to add a condition to the decision for testing of soils for contaminants in three locations once the road is cut to base elevation. He would like three soil samples approximately 200 feet apart and results submitted to the Planning Board.

Ms. Dotson expressed concern with the condition of the site. She wants to be sure that visible debris is not just covered up with soils. She asked Ms. Connors to add to condition G6 of the decision the word "observable". The applicant shall remove as much of the discarded debris that is observable as practical and properly disposed.

Edd Cote made a motion to grant a waiver to install one foot contours at the request of the applicant. Seconded by Paul Piktelis, all opposed, motion denied.

Edd Cote made a motion to grant a waiver to show individual trees over twelve inches in diameter at four feet above the ground as there are no large trees in the area to be cleared. Seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to grant a waiver to permit sloped granite curbing in lieu of vertical granite curb to allow the country drainage to function and no granite curbing where swales capture water. Seconded by Paul Piktelis, voted unanimously.

MILLBURY PLANNING BOARD
MINUTES
December 11, 2017

Edd Cote made a motion to grant a waiver to not install sidewalks on one side of the proposed road. Seconded by Paul Piktelis, all opposed, motion denied.

Edd Cote made a motion to grant the application to allow the creation of five single family lots and constructed related roadways, landscaping, lighting etc. as shown on the plan entitled "Green Leaf Terrace Definitive Plan, Millbury Massachusetts 01527", dated June 15, 2017, last revised October 27, 2017, prepared by J.M Grenier Associates, Inc. Subject to conditions A through Y of the decision. Seconded by Paul Piktelis, voted unanimously.

Board took a five minute recess

8:00 p.m. 16 Valente Drive – Release of Performance Guarantee

Ms. Connors spoke to the Board on the status of 16 Valente Drive Solar Farm. She advised that the last of the items required, landscaping and stormwater facilities have been completed and signed off by Stantec. ZPT Energy Solutions is requesting the release of \$10,000.00 held as surety as the project is now complete.

Edd Cote made a motion to release the Surety Bond of \$10,000.00, seconded by Paul Piktelis, voted unanimously.

8:10 p.m. Jessica J Drive Extension – Performance Guarantee Reduction

Ms. Connors advised the Board Members that Baggy M. Realty Trust is seeking a reduction in the amount of funds held as surety. They are seeking the release of \$32,000.00 for the completion of the installation of rip rap in lieu of 13 concrete headwalls and the installation and powering of street lights. There is \$533,119.00 remaining in surety funds held.

Edd Cote made a motion to release the amount of Surety by Performance Bond secured by deposit on September 25, 2017 recorded in book 57835, page 84 in the amount of \$32,000.00, seconded by Paul Piktelis., voted unanimously

8:15 p.m. Executive Session – Review of Engineering Consulting Proposal

MILLBURY PLANNING BOARD
MINUTES
December 11, 2017

Edd Cote made a motion to go into executive session under MGL chapter 39, S.23B paragraph 3 to discuss the Engineering Consultant Proposals, seconded by Paul Piktelis, Richard Gosselin (Aye), Edd Cote (Aye), Terry Burke Dotson (Aye), Paul Piktelis (Aye)., voted unanimously.

The Board returned from executive session.

Edd Cote made a motion to recommend the Town Manager sign a contract with Stantec Engineering for a three year term., Seconded by Paul Piktelis, voted unanimously.

Minutes

Edd Cote made a motion to approve the minutes of November 13, 2017 as written, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to approve the minutes of November 27, 2017 as written, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to approve the Executive Session minutes of November 27, 2017 as written, seconded by Paul Piktelis, voted unanimously.

Adjournment


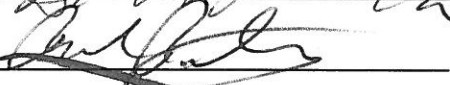

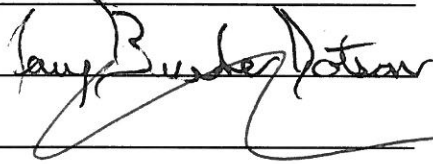
Paul Piktelis made a motion to adjourn, seconded by Edd Cote, voted unanimously. Meeting adjourned at 10:04 p.m.

MILLBURY PLANNING BOARD
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December 11, 2017

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

December 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 – Continued
- 7:15 p.m. 333A Southwest Cutoff – United Material Management Minor Modification
- 7:30 p.m. Greenleaf Terrace Definitive Subdivision Public Hearing – Continued
- 8:00 p.m. 16 Valente Drive- Release of Performance Guarantee
- 8:10 p.m. Jessica J. Drive Extension – Performance Guarantee Reduction
- 8:15 p.m. Executive Session – Review of Engineering Consulting Proposals

New Business:

Other Business:

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

RECEIVED
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MILLBURY, MASS.

SIGN-IN SHEET

Public Hearing

Greenleaf Justice

Date/Time

12-11-17 @ 7:30 pm.

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 <u>Christy Hall</u>	<u>GSIE cs.hall@gseenu.com</u>	<input checked="" type="checkbox"/>	
2 <u>Miss Hephdays</u>	<u>82 McParker Rd</u>	<input checked="" type="checkbox"/>	
3 <u>Robert Rytko</u>	<u>87 Maccracken Rd</u>	<input checked="" type="checkbox"/>	
4 <u>Darwin Harris</u>	<u>92 McCarter Rd.</u>	<input checked="" type="checkbox"/>	
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