

MILLBURY PLANNING BOARD

MINUTES

January 14, 2019

RECEIVED
TOWN CLERK

2019 JAN 29 AM 9:04

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, January 14, 2019 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Paul Piktelis, Michael Georges, Mathew Ashmankas, Terry Burke Dotson
Absent: None

**7:15 p.m. Public Hearing Con't - Major Modification to Definitive Plan Decision
Autumn Gate Estates**

Ms. Connors presented to the Board members with the Engineer's Opinion of Probable Construction Cost provided by Stantec. She advised Stantec's estimate of costs to finish the project would be \$526,305.00, we are holding \$576,991.08 this accounts for inflation and a credit for work already complete. She added that if the Town were going to take over the performance guarantee, the amount reflected in the cost estimate does not include Stantec charges to oversee the project.

Attorney Jennifer Kurzon representing the owner of Fox Gate LLC advised she would like to extend the issue of the Engineer's Opinion of Probable Construction Costs (OPC) for two weeks until the next Planning Board meeting. This would allow her more time to review the updates with her client as she just recently received the OPC. She also suggested an 18 month construction extension rather than the 2 year construction extension originally proposed.

Attorney Kurzon advised since the last meeting she and her client have met with the sewer commission and D.P.W regarding the manhole covers in the street and the pump station. She met with Mr. Lapine regarding the issue of the pumping station and they have received the variances from the Zoning Board of Appeals for Mr. Bourdeau's property.

Chairman Gosselin stressed he wants every issue regarding the schedule to be addressed by the January 28, 2019 Planning Board meeting.

Mr. Piktelis has concern that for every day that goes by, the roads become worse.

Chairman Gosselin wants Mr. Gallo present at the January 28, 2019 meeting.

Jennifer Baumann of 9 Autumn Gate Circle expressed concerns for the roadways, sidewalks and construction debris at the bus stop area. She does not feel an 18 month construction extension is necessary.

Ms. Connors advised there are many sidewalk panels that will need to be replaced as they are not ADA compliant.

Lindsay Shamoian urged the Planning Board to vote No on the construction extension and is in favor of having the Town invoke the Performance Guarantee.

MILLBURY PLANNING BOARD

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Ms. Connors advised that if the Town takes over the project it would need to go out to bid and prevailing wage would need to be paid. She added that the Planning Board will need to vote on the decision and if in favor of taking the performance guarantee it will then need to be voted on at Town meeting on May 7, 2019 for authorization to spend the money.

Ms. Connors said she doesn't have a lot of confidence that Mr. Gallo will complete the project and if construction is extended for 6 months they may find themselves in the same situation with higher costs due to inflation.

Terry Burke Dotson made a motion to continue the public hearing to Monday January 28, 2019 at 7:30 p.m., seconded by Paul Piktelis, voted unanimously.

**7:20 p.m. Public Hearing Con't - Site Plan Review/Stormwater Permit
358 ½ Greenwood Street, Wat Barameyta Satharan Temple**

Nea Sann representing the applicant advised they are looking to use the property as a Temple, a non-profit organization.

Mike Maroney, engineer for the applicant, indicated on the plan they have added a swale in the back yard, a weir to the detention pond, extended the walkway from the house to the parking area and included a lighting plan.

Ms. Dotson questioned if they will be using granite curbing at the end of the driveway. Mr. Maroney advised they will but will be seeking a waiver from curbing along the driveway.

Ms. Dotson suggested they talk with the neighboring properties on fencing and suggested a natural shrub boarder.

Ms. Sann advised they are still exploring fencing options as the neighbors expressed an interest in a natural (shrub) fence in place of the wood stockade fence.

Ms. Sann stated they propose a 3 ft. by 2 ft. rounded top sign.

Terry Burke Dotson made a motion to continue to the public hearing to Monday, January 28, 2019 at 7:35 p.m., seconded by Paul Piktelis, voted unanimously.

7:25 p.m. Public Hearing – Repetitive Petition, 34 Grafton Street – Christopher Windle

Mathew Ashmankas read the Public Hearing notice on the application of 34 Grafton Street Realty LLC, to consider if the property at 34 Grafton Street, Millbury, MA. Constitutes a repetitive petition under Massachusetts General Laws Chapter 40A, Section 16.

MILLBURY PLANNING BOARD
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Michael Georges recused himself from this public hearing.

Attorney Beaton advised they are at the meeting pursuant to a repetitive petition request. He stated that the property, 34 Grafton St. was rezoned by the Town to Industrial 1 and as a result the frontage requirement changed rendering the lot non-conforming. In July of 2018 the applicant presented to the Zoning Board of Appeals an application for a variance in area and frontage which were both denied. He further added that under Massachusetts General Laws Chapter 40A, Section 16, the applicant is asking the Planning Board to determine that there are specific and material changes in the conditions upon which the previous decision of the Board of Appeals was based. Attorney Beaton stated the changes noted are the rear lot line has been reconfigured by approximately 1338 square feet, Section 16.34 affords grandfathering to this lot and the applicant will seek a frontage waiver from the Planning Board.

Mathew Ashmankas made a motion that the information presented at the meeting and as described in letter by Beaton & Petersen dated January 6, 2019 with the amendment of land area of 1338 sq. ft. plus or minus as shown on the plan entitled "Proposed Commercial Development, 34 Grafton Street, Millbury, MA", dated January 10, 2019, prepared by Andrews Survey & Engineering, Inc., P.O. Box 312, 104 Mendon Street, Uxbridge, MA to be specific and material changes that warrant reconsideration by the Board of Appeals, seconded by Paul Piktelis, four in favor.

7:30 p.m. Public Hearing – Major Modification – 266 N. Main St Ext. – Natures Remedy

Mathew Ashmankas read the Public Hearing notice on the application of Nature's Remedy of Massachusetts, Inc., to construct an additional 24 parking spaces at the Marijuana Establishment which is currently under construction.

Bob Carr of Natures remedy updated the board on the progress of the building and advised that they are waiting for approval from the State in order to become operational for medical use. He added that they are looking to increase the parking area by 24 additional parking spaces.

Eric Bazzett pointed out on the plan the location of the additional parking area and stormwater management basin.

Bob Carr indicated they would like to open for medical sales in about 4 months and recreational sales about 2 months after.

Ms. Dotson questioned if the new parking lot will cause a lot of disturbance to the land.

Mr. Carr advised that Stantec would like a test pit in the new parking area.

Mr. Carr presented a new sign proposal. The sign would be attached to the building and illuminated from the ground. The Board indicated they were satisfied with the new sign.

MILLBURY PLANNING BOARD
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Mathew Ashmankas made a motion to continue the public hearing to Monday, February 11, 2019 at 7:15 p.m., seconded by Paul Piktelis, voted unanimously.

Minutes

Paul Piktelis made a motion to accept the meeting minutes of October 29, 2018, seconded by Michael Georges, voted unanimously.

Paul Piktelis made a motion to accept the meeting minutes of November 26, 2018, seconded by Mathew Ashmankas, voted unanimously.

Paul Piktelis made a motion to accept the meeting minutes of December 10, 2018, seconded by Michael Georges, four voted in favor, Mathew Ashmankas abstained.

Other Business

Chairman Gosselin asked Ms. Connors to send a letter to Kohl's reminding them of the proper placement of snow piling.

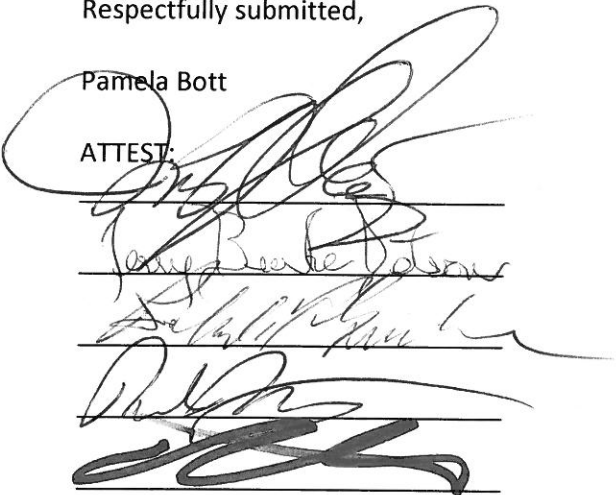
Adjournment

Michael Georges made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Pamela Bott

ATTEST:



The block contains five handwritten signatures, each written over a horizontal line. The first signature is the most prominent and appears to be the name of the official attesting to the minutes. The other four signatures are smaller and less legible, representing the other four members of the board mentioned in the text above.



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

January 14, 2019

- 7:15 p.m. Public Hearing Con't - Major Modification to Definitive Plan Decision
Autumn Gate Estates
Steve Gallo
- 7:20 p.m. Public Hearing Con't - Site Plan Review/Stormwater Permit
358 ½ Greenwood Street
Wat Barameyta Satharan Temple
- 7:25 p.m. Public Hearing – Repetitive Petition
34 Grafton Street
Christopher Windle
- 7:30 p.m. Public Hearing – Major Modification
266 N. Main St Extension
Natures Remedy

New Business:

Other Business:

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

RECEIVED
TOWN CLERK
2019 JAN -9 AM 10:02
MILLBURY, MASS.



TOWN OF MILLBURY DEPARTMENT OF PLANNING & DEVELOPMENT

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MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, the Millbury Planning Board will hold a public hearing on Monday, January 14, 2019, at 7:30 p.m., at the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of Nature's Remedy of Massachusetts, Inc., property located at 266 North Main Street Extension, Millbury, MA, for a modification of the Route 146 Highway Corridor Overlay District Special Permit Recreational and Medical Marijuana Establishment Special Permit and Stormwater Management Permit, which was previously granted under Article 4, Section 48 and Section 52 of the Millbury Zoning Bylaws, and Chapter 16, Section 16-3 of the Millbury General Bylaws and recorded in the Worcester Registry of Deeds Book 58278, Page 175. The applicant would like to construct an additional 24 parking spaces at the Marijuana Establishment which is currently under construction.

Application is available for review in the Planning Department during normal business hours. Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Please publish in the Millbury Sutton Chronicle on December 27, 2018 and January 3, 2019.

RECEIVED
TOWN CLERK
2018 DEC 17 PM 1:18
MILLBURY, MASS.



TOWN OF MILLBURY *DEPARTMENT OF PLANNING & DEVELOPMENT*

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MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, the Millbury Planning Board will hold a public hearing on Monday, January 14, 2019 at 7:25 p.m., at the Municipal Office Building, 127 Elm Street, Millbury, MA, to consider if the application of 34 Grafton Street Realty LLC, for a 25-foot frontage variance for the property at 34 Grafton Street, Millbury, MA, constitutes a repetitive petition under Massachusetts General Laws Chapter 40A, Section 16.

Application is available for review in the Planning Department during normal business hours. Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Please publish in the Millbury Sutton Chronicle on December 27, 2018 and January 3, 2019

RECEIVED
TOWN CLERK
2019 JAN -3 AM 8:43
MILLBURY, MASS.

SIGN-IN SHEET

Public Hearing

34 Grafton St - Middle

Date/Time

1-14-2019 @ 7:25 pm

NAME	ADDRESS	I WISH TO SPEAK	
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SIGN-IN SHEET

Public Hearing

3581/2 Greenwood St - Continued

Date/Time

1-14-2015 @ 7:30 p.m.

NAME		ADDRESS	I WISH TO SPEAK	
			YES	NO
1	MICHAEL MORONEY			
2		653 MAY ST. SHREWSBURY	X	
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SIGN-IN SHEET

Public Hearing

260 N Horn St EXT - Natures Remedy

Date/Time

1-14-2019 @ 7:30 pm

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SIGN-IN SHEET

Public Hearing

Autumn Gate Estates - Continued

Date/Time

1-14-2019 @ 7:15 p.m.

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Lindsay Spurrman			
2 Jennifer Kufren	11 Autumn Gate Estates Autumn Gate Est. - Atty.	X	
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