

MILLBURY PLANNING BOARD
MINUTES
September 10, 2018

RECEIVED
TOWN CLERK

2018 SEP 25 AM 10:26

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, September 10, 2018 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Terry Burke Dotson, Paul Piktelis, Michael Georges, Mathew Ashmankas

Absent:

7:15 p.m. Nature's Remedy, 266 North Main Extension – Public Hearing – Major Modification of Medical Marijuana Special Permit/Stormwater Permit

Mathew Ashmankas read the Public Hearing notice for the application of Nature's Remedy to expand its operations to include (recreational) adult use retail sales.

Bob Carr of Natures Remedy addressed the Board members. He advised that they are looking for a major modification to the original permit previously received by Natures Remedy.

Ms. Connors asked if they will be making changes to the exterior or interior of the building. Mr. Carr advised they will not be making any exterior changes but may make changes to the interior as State regulations are put in place.

Ms. Dotson asked if there will be separate entrances for medical and recreational sales. Mr. Carr confirmed there will only be one entrance.

Mr. Georges wondered if they plan on selling marijuana paraphernalia. Mr. Carr confirmed they would because it's a requirement to also sell accessories.

Mr. Carr advised that the hours of operation for recreational sales would be the same as the medical sales. 10:00 am to 7:00 pm, Monday through Saturday and 11:00 am to 4:00 pm on Sundays. The Planning Board members advised Ms. Connors to add the determined hours of operation to the Notice of Approval.

Ms. Connors advised that one of the application requirements for recreational marijuana is to provide the status of licensing submission with the State. Mr. Carr explained registration is obtained as you work through the construction and application process, stating when you're ready for construction you are given a provisional certificate of registration, once construction is complete you are then given the Final Certificate of Registration (FCR), at that point you're approved to sell. He added that the State regulators open a dialog with the Town to determine if permits have been issued, the problem is that the Town may only issue an occupancy permit once they have final sign off from the State. Therefore, the board asked Ms. Connors to condition the decision based on those findings stating "Prior to issuance of an occupancy permit, the Applicant shall submit a copy of the Final Certificate of Registration for the Marijuana Establishment issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies".

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Ms. Connors advised that she also added a condition to the approval stating the Special permit runs with the applicant and is not transferable.

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

Mathew Ashmankas made a motion to modify the Decision of Site Plan Approval under the Route 146 Highway Corridor Overlay District Special Permit, Registered Marijuana Dispensary Special Permit and Post-Construction Stormwater Management Permit, subject to condition a-d, and subject to conditions a-d as specified in an earlier hearing, seconded by Paul Piktelis, voted unanimously.

7:20 p.m. MME Millbury, Inc., 5-9 Latti Farm Rd – Public Hearing – Marijuana Establishment Special Permit/Stormwater Permit

Mathew Ashmankas read the Public Hearing notice on the application of MME Millbury for the Construction of a cannabis and cultivation facility located at 5-9 Latti Farm Road Millbury, MA.

Attorney Eli Leino representing MME Millbury, also known as MedMen came before the Board. He advised that MedMen is a cannabis company with over 900 employees, operating in 18 facilities nationwide. The proposed facility will be for cultivation and manufacturing of cannabis, not retail or consumer sales. He added they will make every effort to ensure the facility does not create a nuisance, hazard or congestion to the Town and it will add value to the economy.

Mr. Leino said the site will be based on the state of the art facility that they recently opened in Nevada. It will have top of the line security systems, odor control technology and water conservation measures.

Steve Chouinard of VHB presented to the board a brief explanation of the proposed project advising the site is located at 5-9 Latti Farm Rd., they will be working on 10 of the total 28 acres, one of the existing building will be removed to allow for a new 25,000 sq. ft. manufacturing building and the 30,000 sq. ft. green house, and all development will occur within the existing ring road around the current facility, they will add trees to make up for any lost trees due to construction and add landscaping to the front area. There are roughly 187 parking spaces and existing outdoor lighting will remain in place.

Mr. Chouinard added that there will be a grow area with 12X24 modular grow pods until the building construction is complete. There are two entrances on Latti Farm Rd which will be secured with gates and they will be meeting with the Police Chief to determine security that will be implemented. He also advised a development impact study and traffic study has been submitted and the traffic study shows the pattern of traffic is less intrusive than the previous tenant.

Ms. Dotsons questioned the amount of water they will use a month and wondered if it would be feasible to work with the Blackstone Valley Sewerage Plant to use their grey water in the grow areas. Ms. Connors advised that the City of Worcester services the water supply to Latti Farm Rd. properties. Mr.

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Chouinard estimated they would use about 250,000 gallons of water per month and they do have a system in place that will allow them the ability to recycle some water.

Chairman Gosselin advise that he would like to avoid the waiver request of the locus plan of 1 inch = 100 feet and would like to see the whole locus plan presented.

Mary Feeney of Bowditch and Dewey representing Philip Shwachman, owner of 12 Latti Farm Rd and manager of the Millbury Industrial Park Owners Association advised she was present to request the Board postpone the hearing and any decisions allowing time for the MIPOA to meet with the Applicant and its consultants, to share information about the facility's development, operations and traffic impact.

Mathew Ashmankas made a motion to continue the public hearing to October 22, 2018 at 7:30 p.m., at the Millbury Library, seconded by Paul Piktelis, voted unanimously.

7:25 p.m. Millbury National Bank – Public Hearing - Sign Special Permit

Mathew Ashmankas read the public hearing notice on the application from Millbury National Bank for a special sign permit.

Bob Rochon of Creative Sign Works approached the Planning Board representing Millbury National Bank.

Ms. Connors advised the Board that the applicant is looking to obtain a special permit to erect a free standing sign in the Business 1 district. They are proposing to place the sign 20 feet from the property line at the corner of Elm St. and Main St.

Mr. Georges expressed disappointment that a member of the Bank did not appear for the public hearing. Mr. Rochon advised that he wasn't aware that someone from the bank needed to be in attendance. Ms. Connors apologized stating that Mr. Rochon had asked her if a member of the bank need to be present, she believed Mr. Rochon's presence would be sufficient.

Mr. Rochon advised that the sign would be constructed of steel, Aluminum, gold leaf and polycarbonate with LED lighting and will have soft internal illumination.

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

Mathew Ashmankas made a motion to Grant a Sign Special Permit under Article 1, Section 14.11(m) and Article 3, Section 34.2.3 of the Zoning Bylaws subject to conditions a - f., seconded by Paul Piktelis, voted unanimously.

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7:30 p.m. 150 & 152 West Main St., J & B Custom Homes LLC, - Public Hearing – Multi Family Special Permit/Stormwater Permit

Mathew Ashmankas read the public hearing notice on the application of J&B Custom Homes, LLC for a Multi-Family, Special Permit located at 150 & 152 West Main St.

Robert Murphy of Murphy Associate Consultants approached the Board. He advised that the applicant wishes to construct two duplex units on the corner of West Main St. and Beach St. in the Bramanville District. Each unit will have a single car garage, three bedrooms, parking will be all off street and the entrance for parking will be from Beach St. He added that they are proposing a secondary access for parking from the driveway of the Congregational Church and will be discussing the possibility of an easement with the church.

Mr. Murphy advised they would like to use Cape Cod Berms in place of granite curbing but will install granite around the radius curb to the parking lot. They would like to be able to submit a locus plan to indicate 1 inch = 100 ft. Chairman Gosselin asked that the Street names be visible on the plan. Mr. Murphy added that they are requesting waivers to forgo the development impact statement and an isometric drawing. They are looking to obtain an additional parking space on the abutting lot owned by the applicant, this would allow enough parking for all units to have three bedrooms.

Ms. Connors advised an easement will need to be established for 2 Beach Street and 150 & 152 West Main St. for the parking issue. The additional parking space needs to be clearly established should the applicant sell one of the properties. Chairman Gosselin added they will need to provide a recorded plan of a granted easement. Mr. Salo stated they are still exploring options and may keep one of the units a 2 bedroom unit and therefore avoid the need for additional parking.

Ms. Dotson would like to see the new buildings designed to fit in with the current architecture of the Bramanville District.

Ron Stead of 1 Harris Rd., representing the 1st. Congregational Church advised that they don't have any objections to Mr. Salo's project and are willing to work with him on an easement from the Church but will need a clearer interpretation of what type of easement and the location of the easement. Mr. Salo pointed out on the plan where they are looking to obtain the easement for lots 1 & 2. He added that the easement would be roughly 18 feet of the back corner of the barn and run straight down the property line to the street. This would allow for access to the existing barn for future improvements and a through way to the new structures.

Ms. Dotson asked the distance between the existing house and the proposed new buildings. Mr. Murphy advised 60 ft. which includes driveway, parking spaces, grass and landscaping.

Mr. Murphy advised the new structures will have an established home owner association.

Mathew Ashmankas made a motion to continue the public hearing to October 22, 2018 at 7:35 p.m., seconded by Paul Piktelis, voted unanimously.

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Board took a five minute recess at 9:05 pm

7:35 p.m. Discover Marble & Granite, 1 Latti Farm Rd., - Public Hearing – Site Plan Review/Stormwater Permit

Mathew Ashmankas read the public hearing notice on the application of Discover Marble and Granite to construct a 17,600 square foot warehouse/office building, 51 parking spaces and associated improvements.

Mike McGovern representing the Applicant addressed the Board. He advised that Discover Marble and Granite has been in business at Latti Farm Rd since 2008. They are looking to expand their business with a new building for office space, showroom and storage, it will not be used for manufacturing and believes it will create an estimated 50 new jobs. Mr. McGovern feels this applicant is a good tenant for the town and this is a quality business. He added that the site was previously approved by the Planning Board for a smaller building. Chairman Gosselin asked what changes have been made since last approved. Mr. McGovern indicated the size of the building increased, drainage has been improved, the building has been slightly rotated as it sits on the property, the site distance for the driveway has been enhanced and they are adding a small retaining wall and landscaping.

Chairman Gosselin asked if they have considered an area for snow storage. Mr. McGovern advised they have many options available and are working on that issue and a parking design that they will present at the next meeting.

Mr. McGovern stated that they will be asking Worcester Planning Board for a minor modification as a small portion of the property lies in Worcester, the biggest portion of the property is in Millbury.

Mathew Ashmankas made a motion to continue the public hearing to October 22, 2018 at the Millbury Public Library at 7:40 p.m., seconded by Paul Piktelis, voted unanimously.

7:40 p.m. Casa Verde Village Reduction of Performance Guarantee

Ms. Connors advised the board members that Mr. Bedrosian was unable to attend the meeting but has provided a letter updating the progress of Casa Verde Villages. He is intending to offer up the first four phase of development for public acceptance of the roadway at the Town meeting in May of 2019. He is seeking a release of \$204,695.00 in the amount of funds held as a surety for the completion of the development.

Mathew Ashmankas made a motion to release the surety amount of \$204,695.00 for the Open Space Subdivision, Casa Verde Villages, Millbury MA., seconded by Paul Piktelis, voted unanimously.

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7:50 p.m. ANR – 85 Sycamore St

Zachary Gless representing the applicant presented the Board with an ANR plan for 85 Sycamore St. The applicant is looking to create a new lot, Lot A on the plan. They would then grant by deed conveyance Lot A to 87 Sycamore St.

Ms. Connors stated that because 87 Sycamore St. does not have frontage she advised that the applicant go before the (ZBA) Zoning Board of Appeals. The ZBA has since granted a variance. Ms. Connors added that this particular situation would be better handled through the Seguin process and not an ANR plan however, the applicant only wishes to proceed with an ANR approval.

Chairman Gosselin stressed that he is not in favor of creating land locked parcels and doesn't want to create a lot that won't have frontage.

Mr. Gless feels it's a simpler process to create the lot and noted it's non-buildable adding that under the Massachusetts guidelines he is allowed to do so. He doesn't feel the Planning Board has the right to deny signing the plan. He quoted a court case stating the plan was entitled to an ANR endorsement since there is a statement placed on the plan indicating it's a non-buildable lot.

Ms. Connors advised that the Planning Board has the ability to deny an ANR plan when it creates a land locked piece of property with no frontage. She added that she had previously advised the applicant that applying through the Seguin process would be the proper way to obtain approval, he would have needed to file the paperwork, submit a written request for waivers, modify the plan and submit the fee for the Public Hearing notice.

Mr. Gless confirmed for Ms. Dotson that 85 & 87 Sycamore St. both have houses on the lots, 87 Sycamore does not have frontage and currently gains access to the property through a shared easement along the driveway.

Chairman Gosselin advised Mr. Gless that he does not have to sign ANR plans in the Town of Millbury if a land locked parcel is created. He suggested that had the applicant proceeded through the sequin process they would have been met with little to no resistance from the planning board.

Ms. Dotson suggested he put the request off until the October 22nd planning board meeting and proceed through the sequin process.

Chairman Gosselin asked Mr. Gless if he would like for the planning board to vote now. Mr. Gless advised he would request to continue until the next planning board meeting. Ms. Connors asked that he submit a letter to the board granting a continuance or a letter withdrawing the ANR plan. Mr. Gless advised he would submit the letter the next day.

Ms. Connors advised the board members that the October 22nd meeting is a full agenda and wondered if they would like to begin early to accommodate Mr. Gless. The Planning Board members agreed to start the meeting at 7:10 p.m. for a Public Hearing.

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Minutes

Mathew Ashmankas made a motion to accept the minutes of August 6, 2018, seconded by Paul Piktelis, voted unanimously.

Other Business

Clearview Country Club – Recommendation to Board of Selectman

Ms. Connors advised the Board that they have received a letter on behalf of Clearview Country Club. She mentioned that there was a previously approved 60 lot subdivision for the site. The developer sent a letter stating he didn't wish to proceed with the sub-division but he never rescinded the plan and the subdivision still exists. She advised the owner put the land back into Chapter 61B and now wishes to take it out again. He has a developer interested in purchasing and developing the land.

Ms. Connors stated she met with the new developer and they advised her they are not interested in working with the current subdivision plan, they will most likely rescind the existing plan and reconfigure a new plan. She added the Board of Selectman are looking for a letter of recommendation from the Planning Board as to whether they support the decision to withdraw the land from Chapter 61B or exercise the Towns right of 1st refusal to purchase the land.

Ms. Dotson would like to see the Town purchase the land for future schools.

Mr. Ashmankas feels it's not a desirable piece of land to build schools. He advised there is a large area of wetland with beaver dams in the middle of the property, about 18 acres in the back of the property and 30 acres in the front could possibly be built on but doesn't feel you could build on the land between the two.

Terry Burke Dotson made a motion that the Planning Board make a recommendation to the Selectman that the Town purchase the land for municipal purposes, seconded by Paul Piktelis. Richard Gosselin, Terry Burke Dotson, Paul Piktelis voted in favor, Michael Georges and Mathew Ashmankas voted opposed.

Autumn Gate Circle

Paul Piktelis brought up concerns he has with the Autumn Gate Circle Development, he is disappointed with the current state of the road. Ms. Connors said she has been trying to get in touch with Steve Gallo for months and he has been unresponsive. She recently sent an email advising him that the construction deadline was expiring on September 12, 2018 and if she didn't receive a response from him he would be issued a cease and desist on that date. She stated his lawyer responded and advised that he will be filing for a modification. Ms. Connors advised his attorney that it's strongly advised that Mr. Gallo attend the public hearing.

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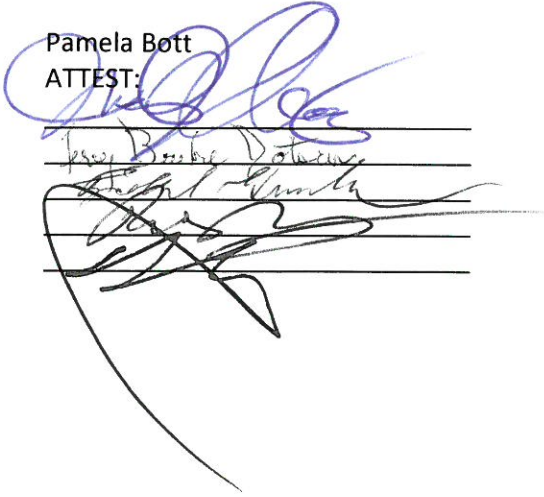
Adjournment

Paul Piktelis made a motion to adjourn, seconded by mike voted unanimously. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Pamela Bott

ATTEST:



The signature block contains several handwritten signatures. The top signature is in blue ink and is written over a horizontal line. Below it are several lines of horizontal lines, some of which have black ink scribbles or signatures written over them. The bottom-most signature is a large, sweeping black scribble that extends downwards and to the left.

HAYR LLC
12 Dudley Road
Mendon, MA 01756

905-18

Richard Gosselin
Planning Board Chairman
Town of Millbury
Town Hall
Millbury, MA

RE: Status

Dear members of the planning board,

I am unable to attend tonight's meeting and would like to provide the planning board with an update on the status of the construction of the project.

Next week the road structures will be raised to accept the final course of pavement in phases 1 thru 4 starting at Nightview place station 0+00 to 12+40. Skyview drive from 16+35 to 21+40. Westview Ave from 0+00 to the end. WE are not intending to pave Skyview Drive from 0+00 to 16+40 until the house construction is complete. Final paving for phases 1-4 will be completed before the end of the month. In addition the street trees have been purchased and planting will start as soon as the weather improves. I have been working with the tree warden and the town planner to determine the types of trees planted as well as the locations of the trees on each house lot. Once the paving and tree planting is completed we will clean the catch basins. G.L.M Engineering is working on the as-built plans, street monuments and lot marker certification. WE are putting the finishing touches on the trail system and we are planning to have everything complete, for phases 1-4 by the middle of October. I will be requesting the town to accept the roadways in Phases 1-4 at the June 2019 town meeting.

Thank you very much
Please contact me with any concerns

Yours Truly

Taniel Bedrosian, manager



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 10, 2018

- 7:15 p.m. Public Hearing – Major Modification of Medical Marijuana Special Permit/Stormwater Permit
266 North Main Extension
Nature's Remedy
- 7:20 p.m. Public Hearing – Marijuana Establishment Special Permit /Stormwater Permit
5-9 Latti Farm Road
MME Millbury, Inc.
- 7:25 p.m. Public Hearing – Sign Special Permit
90 Elm Street
Millbury National Bank
- 7:30 p.m. Public Hearing – Multi-family Special Permit/Stormwater Permit
150 & 152 West Main Street
J & B Custom Homes LLC
- 7:35 p.m. Public Hearing – Site Plan Review/Stormwater Permit
1 Latti Farm Road
Discover Marble & Granite
- 7:40 p.m. Stratford Village Covenant Release & Performance Guarantee
- 7:45 p.m. Casa Verde Village Reduction of Performance Guarantee
- 7:50 p.m. ANR - 85 Sycamore Street
- New Business:
- Recommendation to Board of Selectmen regarding removal of Clearview Country Club from Chapter 61B
- Other Business:
- Mail, Minutes, Vouchers
 - All business not reasonably anticipated to be discussed

RECEIVED
TOWN CLERK
2018 SEP -6 AM 8:49
MILLBURY, MASS.

SIGN-IN SHEET

Public Hearing M.M.E Millbury - 5-9 Lotti Farm Rd.
 Date/Time 9-10-2018 @ 7:30 p.m.

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Steven Chouinard	VHS - 2 WASHINGTON SQ. WORCESTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Jocelyn Pettway		<input type="checkbox"/>	<input type="checkbox"/>
3 Eli Leino	Mayer Antonelli's - 288 Main St Milford	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 JETH TIMMANS, MME	4880 Jefferson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 Lawrence MacDermott Fowler, Evisision	EVISIONS ARCHITECTS 52 JAMES STREET ARADUR, NY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6 JOHN NORTON	10 PRIMESE LN. MILLBURY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7 Chris Vincent	1 PRIMESE LN Millbury	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8 Stephanie Guillard	6 Lotti Farm Rd Millbury MA 01464	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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SIGN-IN SHEET

Public Hearing Discover Marble & Granite - 1 Latti Farm Rd.
 Date/Time 9.10.2018 @ 7:35 pm

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Michael McGovern			
2	234 manchaug Rd	<input checked="" type="checkbox"/>	
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SIGN-IN SHEET

Public Hearing Willbury National Bank - Sign.
Date/Time 9-10-2018 @ 7:25 p.m.

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SIGN-IN SHEET

Public Hearing 150 + 152 W. Main St - S+B Custom Homes
 Date/Time 9.10.2018 @ 7:30 pm

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 <u>[Signature]</u>			
2 <u>Ron Stenzel</u>	<u>1150 Main St</u>		
3 <u>Bob & Marge</u>	<u>1 HARRIS CIRCLE</u> <u>214 WAVE ST Gweta</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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SIGN-IN SHEET

Public Hearing Nature's Remedy - 266 N Main.
Date/Time 9-10-2018 @ 7:15 p.m.

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	<u>Robert Clark</u>	<u>17 Vassar Street</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2			<input type="checkbox"/>	<input type="checkbox"/>
3			<input type="checkbox"/>	<input type="checkbox"/>
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