

MILLBURY PLANNING BOARD
MINUTES
NOVEMBER 23, 2015

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, November 23, 2015, at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Richard Gosselin, Edd Cote, Scott Despres, Paul Piktelis, Michael Georges

7:15 p.m. ANR – 256 Riverlin Street - Mezynski

Clerk Edd Cote read letter from Robert Boyd, B & R Survey, Inc., confirming that the coordinate system is based on NAD83 datum.

Motion by Edd Cote, seconded by Paul Piktelis, to endorse the ANR plan prepared by B & R Survey, dated November 5, 2015, for Daniel J. & Linda V. Mezynski, 256 Riverlin Street, Millbury, MA, motion carried unanimously.

7:20 p.m. Performance Guarantee Release – 16 South Main Street

The Board holds \$48,000 in escrow to complete final items of condition.

Motion by Edd Cote, seconded by Paul Piktelis, to release the sum of \$48,000, held as cash surety for the plan entitled "Proposed Site Plan for #16 South Main Street, in Millbutry, MA" dated March 27, 2012, last revised on April 26, 2012, motion carried unanimously.

7:25 p.m. Discuss December Meeting Schedule

Motion by Edd Cote to cancel the meeting of December 28, 2015, seconded by Paul Piktelis, motion carried unanimously.

Other Business: Chairman Gosselin advised that he attended the quarterly CMRPC meeting and one item discussed was the Master Plan preparation. Ms. Connors spoke to the Town Manager to form a Master Plan committee.

7:30 p.m. Jessica J. Extension Definitive Plan Public Hearing

Clerk Edd Cote read the public hearing notice.

Attorney Mark Donahue was present on behalf of the applicant. This is a revision to the original plan approved by the Board in 2007. This plan is a lower impact plan, reduction in impervious areas, and number of dwellings. The plan was preceded by a preliminary plan.

Paul Hutnak from Andrews Survey & Engineering presented the plan. Mr. Gosselin expressed his concerns with drainage. He asked for crushed stone running down to the wetlands. He

MILLBURY PLANNING BOARD
MINUTES
NOVEMBER 23, 2015

would like some kind of mesh from the top of the road down into the swale to keep the area firm.

Clerk Edd Cote read letter from Robert Frederico, Building Inspector regarding zoning and well placement.

Clerk Edd Cote read letter from Richard Hamilton, Fire Chief addressing the cistern, turning radius of cul-de-sac, emergency roadway and fire codes.

Clerk Edd Cote read letter from the Board of Health regarding well requirements.

Fire Chief Hamilton identified his concern with access to the project. He suggested sprinklering the houses, which may be less of a cost to a cistern, which would also save that piece of land.

Scott Despres asked where the emergency access road would be. Mr. Hutnak showed the location, it is where the previously approved plan's emergency access was. It is extremely steep.

Chairman Gosselin opened the meeting to the public.

Richard Leighton, 18 Herricks Lane, asked about runoff contents and buffering before it enters existing waterways. Mr. Gosselin advised that the developer is not allowed to discharge any additional water. Mr. Leighton asked if this plan would go before the Conservation Commission and was told yes, for at least a portion of it. He asked about improvements to Jessica J. Drive. The road will be less than 20 feet wide. Will there be any blasting? Mr. Hutnak acknowledged that there is ledge in certain spots. Who will maintain the drainage system? Ms. Connors stated that there will be a Homeowner's Association which will be responsible. Will there be curbing? Pre cast concrete, but none where the swales are.

Dan Girard, 30 Herricks Lane, the emergency access road runs through his property, he does not want this treated as a regular road. Ms. Connors stated that there is a 20 foot wide gate there.

Jennifer Lahue, 1 Jessica J. Drive, is concerned with the decreased size in the roadway, and the width of the present Jessica J. Drive. The emergency access road is a concern, improper grading, town water would be better, wells are difficult, there are no fire hydrants or water suppressant for their subdivision, roadway is sinking, trucks will ruin it further.

Donald Milanase, 133 Worcester Providence Turnpike, is concerned with another means of egress, there is ice that comes down the road and gets very dangerous. If sewer is being

MILLBURY PLANNING BOARD
MINUTES
NOVEMBER 23, 2015

brought up there, why not water. Drilling of wells and additional blasting, he is concerned with his well and the wells of all abutters. Ms. Connors stated that everyone who has a well within 500 feet of the development, the applicant will be required to pre-test the wells.

Joseph Parenti, 26 Herricks Lane, asked if impact to abutting neighborhoods, for example to existing roadways.

Stephanie Mastrogiacomo, 3 Jessica J. Drive, stated that Jessica J. Drive and Woodland Street are a mess, now 20 more houses are being added, where is the protection for the people already there. There is also ice and water runoff there. She is also concerned with blasting, and wants the Board to protect them. She asked Mr. Gosselin if he changed his mind about the swales, with the last plan he stated it would not go through with them. He stated that is why he asked for mesh and other measures. Curbs and drainage should be added. She wants Jessica J. Drive fixed. Mr. Gosselin is not sure if the Board can ask the applicant to fix a private road and agreed to look for a solution.

Motion by Edd Cote, seconded by Paul Piktelis, to continue the public hearing to Monday, December 14, 2015, at 8:00 p.m., motion carried unanimously.

8:20 p.m. Greenwood Street Solar Public Hearing, cont.

Clerk Edd Cote read letter from applicant requesting a continuance of the public hearing. Motion by Edd Cote, seconded by Paul Piktelis to continue the public hearing to Monday, December 14, 2015 at 8:30 p.m., motion carried unanimously.

Chairman Gosselin declared a five minute recess.

8:30 p.m. Westborough Street Solar Public Hearing, cont.

Brendon Gove, President of ZPT Energy introduced Attorney Kiritsky.

George Kiritsky, attorney representing ZPT Energy. This application has been continued since September. He began the discussion addressing Worcester City Solicitor Moore's letter regarding Worcester access, use of residentially zoned land, and shifting of access to the west. The access has been re-designed and complies with his recommendation. A revised site plan has been submitted. Access has not been resolved. He believes that this plan is now ready for approval.

He also advised that driveway uses are viewed as to what they serve, if they access a residential area, it is a residential use, etc. Some uses are exempt from this. Recent changes have

MILLBURY PLANNING BOARD
MINUTES
NOVEMBER 23, 2015

broadened this exemption to include solar uses. Utilities are also exempt. Therefore, this access does not cross residential property and is also exempt from this zoning anyway.

Attorney Kiritsky asked if improvements to Westborough Road were going to be discussed. He identified the area where the solar project is. His client cannot afford this and renders this project unfeasible. There is nothing in the Millbury zoning bylaw that would give the Board authority to require this. He views this as an "unconstitutional tax" it is more than can be required. This development does not create a need for any improvement to this road. This project is not accessed by Westborough Street, there is no driveway from there to this property. Westborough Street is a public way, the statutory duty to maintain the public way is the duty of the town. In the absence of specific town regulations, it would be improper to impose this on his client. What level of service would be required – this is site plan to a project over 1000 feet away.

Mr. Kiritsky stated that this application is complete, has passed technical review and is ready for approval.

Mr. Gosselin asked if this project needs a curb cut or can the trucks actually drive over the curb for access. Mr. Kiritsky stated that this issue will be addressed with the city of Worcester. Mr. Gosselin asked if the City of Worcester denies the curb cut will this be a viable plan. Attorney Kiritsky stated that his client has frontage on Valenti Drive in Millbury, where there will be access. Mr. Gosselin has a problem because the road is in Millbury, but the curb is in Worcester. Mr. Kiritsky added that they cannot deny access. A curb cut should not be an issue, he does not think Worcester will block the project because of a curb cut. This would be the next phase of the project and in any event this site plan must be approved before the curb cut can be addressed. Mr. Cote stated that they have met the right of way access which is in Millbury.

Brenan Cash, 19 Valenti Drive, he asked the Board to look at the monuments there, one is halfway in the middle of the sidewalk. There is a few feet in Worcester before you actually get into Worcester. The Board advised that they have a survey of the property. Mr. Cote stated that he went up there personally and took pictures and the line is clearly defined on the plan. He would like an agreement with Mr. Moore in writing. Ms. Connors stated that the Board already has a letter in writing. He said if the driveway was shifted to the left, so that no portion of the driveway then he would be in compliance with the regulations. The sidewalk is within the roadway right-of-way.

MILLBURY PLANNING BOARD
MINUTES
NOVEMBER 23, 2015

Kathleen Shepard, 25 Valenti Drive, Worcester. She is impacted by the shift of the access road. She does not want trucks driving over the sidewalk in an unstructured manner with no regulations. There may be health concerns related to the project. Sometimes years later things are found. She is concerned with a curb cut on the west portion, would it be paved? Gated? Plowed? There are already ridiculous amounts of snow in the cul-de-sac in the winter, will it be on top of her yard. Will emergency equipment be able to get to her home. She is also concerned with the aesthetics, from lovely homes and trees to metal fences, access road and industrial feel. Property values will be impacted with the solar farm and a potential road, with trees removed, more noise from trains, more wildlife interruption. How would the road be treated and what would it look like.

Brenan Gove stated that he has already answered all questions at previous meetings. Snow storage is indicated on the plan. The driveway is 20 feet wide, the surface is crushed reclaimed asphalt per the Planning Board suggestion, and there will be a new gate. Snow will be plowed off the side, on the solar farm parcel.

Terry Bergman, attorney and City Councilor for Worcester stated that the residents from Worcester have no real benefit from this project. The unanswered question is whether there is an automatic right to get a curb cut from Worcester. They have to access the property somehow, and if you can't determine that they can do this, then this plan cannot be approved. He agrees that there is a special exemption for solar farms, this is so new it is being litigated everywhere.

Laurie Mattero, 10 Flint Pond Road – asked about the number of trees to screen her property. Mr. Gove shows fully matured trees. They are staggered, 8 white pine trees and 8 spruce trees. The size at planting are 6 – 8 feet. Ms. Mattero stated that the trees already there will crack and will not stand. When trees are being removed for this project it will damage these trees, they live off of each other. Mr. Gove stated that there is an existing tree line of 100 feet and these trees are being added.

Clerk Edd Cote read unsigned letter, he questioned reading it into the record. Mr. Gosselin asked him to read it.

Clerk Edd Cote read letter from residents of Flint Pond Village which referenced demands.

Clerk Edd Cote read letter dated November 17, 2015 from Enzo Simmarano regarding items for the Conservation Commission and Planning Board, attaching related articles.

MILLBURY PLANNING BOARD
MINUTES
NOVEMBER 23, 2015

The requirement for a curb cut was discussed. Ms. Connors advised that the Board could condition approval requiring a curb cut prior to receiving a building permit. Mr. Gosselin wants a letter from Worcester advising that a curb cut is going to be requested, do they foresee any problem with getting it. The applicant will send the letter prior to the next meeting.

Mr. Gosselin wants to be sure that trees removed will not expose the project to the two houses, #12 and #14 . Mr. Gove stated that from the solar panels there are over 232 feet from the closest house, the existing tree line is approximately 130 feet. Mr. Gosselin would like to go and view the property. Mr. Gove would like to be on site when he does go out there.

Tony Matero, 10 Flint Pond Road, he did not take the trees down. At the time he thought he owned the land, he asked Mr. Etre if he could leave his equipment there. Mr. Gosselin stated that he is all set the Board is not looking into that now.

Motion by Edd Cote, seconded by Paul Piktelis, to continue the public hearing to December 14, 2015 at 8:45 p.m., motion carried unanimously.


Adjournment

Motion to adjourn by Edd Cote seconded by Paul Piktelis , motion carried unanimously.
Meeting adjourned at 9:45 p.m.

Respectfully submitted,

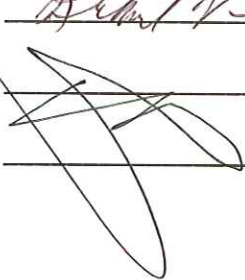
Susan M. Dean

ATTEST:



Scott Desjardis

Paul Piktelis





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 23, 2015

7:30 p.m. Jessica J. Extension Definitive Plan Public Hearing

8:00 p.m. Greenwood Street Solar Public Hearing Con't

8:15 p.m. Westborough Road Solar Public Hearing Con't

Other Business:

- Mail, Minutes, Vouchers
- Discuss December Meeting Schedule (December 14th & December 28th)
- ANR- 256 Riverlin Street
- Performance Guarantee Release – 16 South Main Street
- All business not reasonably anticipated to be discussed

SIGN-IN SHEET

Westborough Cd. Solar Farm PH
 Date/Time: April 23, 2015 8:15 pm

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	Kathleen Hepples	25 Valente Dr Ware MA	X	X
2	Erinna Shepherd	16 Flint Pond Road Ware MA		
3	Brian Simmonds	7 Flint Pond Rd Ware MA		X
4	Paul & Danna LaMonte	10 Flint Pond Rd		X
5	Tony Mutton	10 Flint Pond Rd Ware MA	X	
6	Keene Maddera	18 Flint Rd Ware MA		
7	[Signature]	32 Fire Drive Worcester MA		
8	Kathleen Fleming	21 ETR E Dr - Worcester MA		X
9	Sam [Signature]	17 Flint Pond Rd, Worcester MA		X
10	Brian Lewandowski	19 Valente Drive		X
11	BREWMAN CARY	39 Highland St Worcester	X	
12	Ma Boyma	11 Cherry St	X	
13	RICHARD HAMILTON FIRE CHIEF	9 Flint Pond Rd		X
14	[Signature]	9 Flint Pond Rd		X
15	Garth [Signature]	14 Flint Pond Rd Worcester		X
16	Erin Simmonds	33 Ebe Rd		X
17	Byron [Signature]			X
18				X
19				X
20				X

SIGN-IN SHEET

Northwood Rd. Solar Pt
Nov. 23, 2015 8:15 pm

Date/Time

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	William Shepherd	25 Valente Drive		
2	Freemson Shepherd	25 Valente Dr. Worcester, MA	X	
3	Josephine Brooks	3 JESSICA ST WATTBURY		X
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SIGN-IN SHEET

Jessica J. Ellerton

Date/Time

Nov. 23, 2015 7:30pm

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	Richard Leighton	18 Herricks Lane	X	
2	Susan Leighton	18 Herricks Lane		X
3	Daniel Girard	7 Canon Brookway (corner of 30 Herricks Lane)		X
4	PHIL BILES	4 HIDDEN MEADOW	X	
5	J. T. MILES	240 N. MAIN		X
6	Brian Lahue	1 Jessica J. Drive		X
7	Jessie Lahue	1 Jessica J. Drive		X
8	Phillip	2 Tanager	X	
9	Paul Langley	8 Herricks Ln		X
10	Dan Kishese	133 W. W. PROV. TRFE		X
11	Romona Brimmer	7 Torrey Lane	X	
12	RICHARD HAMILTON, FIRE CHIEF	11 CHERRY ST.		X
13	Wynne Wagner	24 Herricks Lane	X	
14	Richard Leighton	21 Herricks Ln		X
15	Joseph Lavanti	26 Herricks Ln		X
16	Stephanie Graccia	3 JESSICA DR MILBURY	X	
17	Kathleen	"		X
18		"		X
19			X	
20				