

MILLBURY PLANNING BOARD

MINUTES

January 9, 2017

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, January 9, 2017 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Edd Cote, David Haak, Paul Piktelis, Michael Georges

Absent:

**7:15 p.m. Peter Sannicandro, 55 Sycamore Street, Site Plan Review for Hobby Kennel
Public Hearing**

Edd Cote read the public hearing notice for a proposed hobby kennel to be located at 55 Sycamore Street.

Peter Sannicandro is a hobby breeder whereby a herd of goats work with the dogs. The dogs have been on the premises for eight years.

Catherine Dixon of 71 Sycamore Street inquired as to how many dogs are allowed for a hobby license. Mr. Sannicandro's understanding is because this is a personal collection of a pack of dogs, licensing does not specify the number but rather the promotion and advancement of the breed. A commercial license generally covers grooming or boarding kennels in Massachusetts. There are no laws that define breeding. Chairman Gosselin inquired as to how many dogs are on the property. Mr. Sannicandro said nine but one is visiting as a stud. Mr. Sannicandro would not have more than ten dogs. He stated MA law says you can have three dogs and have puppies under six months old.

Mike Demers of 26 Sullivan Place has an issue with the barking of the dogs. It is unpredictable and when one dog barks the others start up. The site where the dogs are kept is in a valley and the noise is loud. It was suggested that the kennel be placed closer to the applicant's house.

General discussion followed as to the number of dogs that will be kept on the premises. Mr. Sannicandro stated he would be applying for the kennel license for ten dogs, but there could be ten dogs or less at any given time.

Susan Demers of 26 Sullivan Place questioned if there are any rules within the zoning laws about bordering yards. The kennel is close to her property and she inquired if there is an area on the property that the dogs need to be housed.

Chairman Gosselin identified the property as zoned for Business 2. Zoning is tied to location and land but not anything else. Edd Coted noted that the setbacks for Business 2 zone is seventy-

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five feet frontage and ten foot side and rear of the property which is typically used for structures. Ms. Demers is worried about property values decreasing based on the kennel use.

Christine Savage of 25 Sullivan Place stated the noise in the summer is not as bad, but the sound of the barking dogs echoes in the winter. Ms. Savage commends Mr. Sannicandro for raising animals that will help farmers and can hear his passion for the animals, however the barking is an issue and hopes there can be some resolution.

General discussion followed as to how Mr. Sannicandro could shield the view of neighbors so that the dogs won't bark. Mr. Sannicandro is willing to work towards a solution, such as planning evergreen trees to create a barrier. He indicated some kennels use fencing for sound barriers as well.

Chairman Gosselin suggested that trees would help deaden some of the sound. Chairman Gosselin also inquired if there was some type of barrier that could be placed around the kennel. Mr. Sannicandro stated there is a special acoustic sound barrier commonly used in kenneling which he would be willing to do. Peter suggested that planting blue spruce in the Sullivan Place area would assist with visual coverage.

Discussion followed on the type of dog training that takes place on site. Guardian dog puppies are trained with livestock; puppies interact with baby goats and are tolerant with each other. Paul Piktelis inquired if the training also includes teaching the dogs to bark. Mr. Sannicandro said no.

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

Chairman Gosselin would like to have a commitment that the fence shown in the sketch be installed by the end of April, 2017. Edd Cote identified his concern is not with operation of the kennel, but rather basic zoning and site plan procedure. The documentation does not live up to the standards the Board has used in the past. Chairman Gosselin is entertaining the plan because there is plenty of land and the use will conform with zoning setbacks even if the plan is off a little bit. It is Peter's responsibility to plant on his property. Paul Piktelis would like to have more details as to the number of trees that will be planted. Discussion followed whether the Board can ask for additional plantings if the noise level is not reduced. Chairman Gosselin would like the applicant to monitor barking and maybe have a condition on the decision stating such. Michael Georges does not want to be in a position trying to quantify something where there is no mechanism in place to do it. Chairman Gosselin suggests that Mr. Sannicandro work with the neighborhood to come up with an amicable solution.

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Edd Cote stated the Board has the option to vote on the application or ask Peter to withdraw his application and come back with a better plan. Edd Cote would like the plan surveyed and pinned and doesn't want to set a precedent.

Scott Despres of 21 Waters Street, speaking as a citizen and not as a Selectmen, noted that if there is a pending lawsuit with the Town, the Board may want to defer to Counsel. Mr. Despres would caution a vote if there is an active suit.

Michael Georges indicated that if the suit is arising because of parties disagreeing, that doesn't impact the Board. If the suit has to do with pointing to a plan, then that would impact the Board. Michael believes the Board could move forward on this.

Edd Cote made a motion to approve the application for site plan review submitted by Peter Sanicandro of 55 Sycamore Street to use his property as a hobby kennel, dated 9/26/16 subject to conditions that Mr. Sannicandro work with his neighbors with regard to noise generated by the dogs and work to the best of his ability with additional soundproofing, seconded by Michael Georges; Richard Gosselin, Michael Georges, David Haak voted in favor, Edd Cote and Paul Piktelis opposed.

Discussion followed that approval of the plan requires a favorable vote of four out of five members. Chairman Gosselin entertained a motion to rescind the vote on the application for special permit. Edd Cote made a motion to rescind the vote, Michael Georges seconded, voted unanimously.

Chairman Gosselin inquired if Mr. Sannicandro wishes to withdraw his application for site plan review. Mr. Sannicandro would not rescind his application until he speaks with legal counsel. Mr. Sannicandro will provide a response to the Board.

The Planning Board took a 5 minute recess.

7:30 p.m. Steven Gaspar, 15 A&B Howe Avenue, Special Permit for Multi-Family Dwelling Public Hearing

Edd Cote read the public hearing notice to demolish existing multi-family structure and construct a new multi-family structure.

Yar Zar Moe Htet (YZ), engineer from HS&T Group represented the applicant. The property is located in a Residential 1 District. The multi-family permit requires a special permit. The parcel is a partial non-conforming. The applicant went before the Board of Appeals for frontages and has received variances for the property.

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YZ provided a general overview of the property plan including grade, proposed structure, driveways, trees and snow storage. There will be 1660' of new impervious area due to the need for additional parking. The property has public water and sewer.

Chairman Gosselin would like to see a reference made on the plan noting the Book and Page number of the recording of the Board of Appeals Decision with the Registry of Deeds. Chairman Gosselin would like an updated plan showing monuments/pins. Edd Cote noted there are no elevations identified on the plan.

After general discussion, YZ confirmed with the Board the three outstanding items to be included on the plan: pins of the plan, architectural plan of the building and height and the book and page information from the Zoning Board of Appeals decision.

Edd Cote made a motion to continue the public hearing to January 23, 2017 at 7:30 p.m., seconded by Paul Piktelis, voted unanimously.

7:35 p.m. Jessica J. Drive Definitive Subdivision – Bond Reduction

Robert Vigneau requested a reduction of performance bond for Jessica J. Drive Extension. The Town's engineering firm, Stantec provided a revised opinion of probable construction cost dated January 5, 2017.

Edd Cote made a motion to approve the request for reduction of surety amount for plan entitled Jessica J. Drive Extension Definitive Residential Subdivision Millbury, MA dated October 1, 2015 as amended through February 5, 2016, owner Baggy M. Realty Trust, reducing the surety by \$152,865 leaving a balance of \$598,260, seconded by Paul Piktelis, voted unanimously.

The Board also re-signed the release of covenant previously approved September 26, 2016. Mr. Vigneau needed an original document in order to record at the Registry of Deeds.

7:40 p.m. Leslie & Gail Johnson, 31 Maplewood Road – Approval Not Required Plan Submission

No representatives on behalf of the applicants were present for discussion of the plan. Chairman Gosselin noted that iron pins in the corners need to be added to the plan and would recommend withdrawal of the plan.

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Edd Cote made a motion to endorse the ANR plan for property owned by Leslie R. & Gail A. Johnson, 15 Maplewood Road, Millbury, Massachusetts, dated October 28, 2016, plan provided by Robert J. Smith registered land surveyor, seconded by Paul Piktelis, all opposed unanimously.

7:45 p.m. Enzo Simmarano – Informal Discussion of Open Items Solar Farm, 16 Valente Drive

Edd Cote read into record comments received from Enzo Simmarano (email dated 1/5/17 to Michelle Desorcy) with regard to specific concerns related to the solar array located at 16 Valente Drive, Millbury, MA. Some items include the lack of cement wall around the inverter as discussed at previous Planning Board meetings, areas within the buffer area that do not have tree plantings and the inability to access the property due to fencing that was installed in order to remove wood chips, rock and other debris/materials within the buffer zone.

The Board also reviewed a memorandum from Chris Ryan, Interim Planning Director following a site visit to the solar array on December 15, 2016. Of the twenty-three conditions set in the Planning Board's January 11, 2016 decision, ten conditions were deemed site related and were assessed during the inspection. Mr. Ryan provided the status and comments on said items.

Enzo Simmarano, Flint Pond Road, Worcester agreed with the items outlined by Mr. Ryan, however identified a four foot by five and one half foot wall that is not going to block the inverter or any sound. General discussion ensued and members did recall conversation about sound blocking at the site. Chairman Gosselin stated that he could have discussion with the builder.

Mr. Simmarano restated that there are large rocks on the site that need to be removed. The only way to get rid of them is to take down the fence that was just installed or trespass on private properties to gain access. Mr. Simmarano wants to go on record that these items will be addressed.

Paul Piktelis did not recall that the inverter was going to be as large as it is. Chairman Gosselin recalls the intention was to shield the inverter from the noise. Chairman Gosselin will speak to the building inspector and ask not to issue a building permit. Edd Cote stated that Mr. Simmarano's points are taken and noted that the project is not completed and items will need to be addressed.

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Other Business

Stratford Village, Burbank Street requested that the Board sign a Corrected Certificate of Performance that was previously approved July 6, 2016. The document included a wording change replacing lot numbers with unit and street numbers.

The Board received a request for a bond reduction for Autumn Gate Estates. After review of the updated opinion of probable construction cost figures provided by the Town's engineer, Stantec, Chairman Gosselin was not comfortable that enough money was being held back for producing the "as-built" plans. Chairman Gosselin would believe the costs need to be increased. The Board did not take further action on the request.

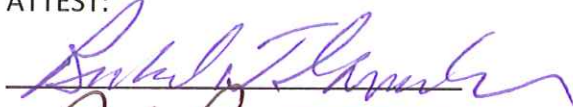
Adjournment


Paul Piktelis made a motion to adjourn, seconded by Edd Cote, voted unanimously. Meeting adjourned at 9:30 p.m.

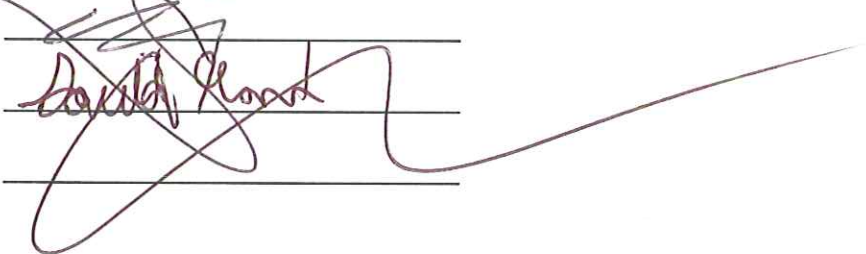
Respectfully submitted,

Michelle T. Desorcy

ATTEST:









TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-0438 • FAX. 508 / 865-0857

PLANNING BOARD AGENDA

January 9, 2017

- 7:15 p.m. Peter Sannicandro, 55 Sycamore Street, Site Plan Review for Hobby Kennel - Public Hearing
- 7:30 p.m. Steven Gaspar, 15A&B Howe Avenue, Special Permit for Multi-Family Dwelling - Public Hearing
- 7:35 p.m. Jessica J. Drive Definitive Subdivision - Bond Reduction
- 7:40 p.m. Leslie & Gail Johnson, 31 Maplewood Road - Approval Not Required Plan Submission
- 7:45 p.m. Enzo Simmarano - Informal Discussion of Open Items Solar Farm, 16 Valente Drive

New Business:

Other Business:

- Stratford Village, Burbank Street - Corrected Certificate of Performance
- Autumn Gate Estates - Bond Reduction
- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

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Date/Time Peter Thompson 11/9/17 7:15pm 55 Sycamore St

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Virginia Mcelite	73 Sycamore St Newbury		
2 Caitlin Ryan	71 Sycamore St. Newbury		
3 Mike Powell	26 Sullivan Place	X	
4 Dennis Strasse	25 Sullivan Place	X	
5 Carla Strasse	28 Sullivan Place	X	
6 Maxwell Strasse	30 Sullivan Place		
7 Susan Denors	26 Sullivan Place		X
8 Christine Rughese - Savage	25 Sullivan Place	X	
9 Peter Sennhardt	55 Sycamore St	X	
10 Dan V. Goff	27 Sullivan Pl	X	
11 Wm. Norman	29 Sullivan Pl		X
12 Lisa	24 Sycamore Pl		X
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SIGN-IN SHEET

Date/Time 1/9/17 7:30 pm
Stella Gaspar 15A + B House All

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1 <u>Athen Gaspar</u>	<u>311 GATSBY BL</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 <u>PHILIP MILLS</u>	<u>4 WINDY MEADOW (SUITE 1)</u>	<input type="checkbox"/>	<input type="checkbox"/>
3 <u>Del. VIGNON</u>	<u>9 CYNQY LAKE (SUITE 1)</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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1/9/17 7:35pm
Jessica D. Dine - Bond Reduction

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Date/Time 1/9/17 7:40 pm Leslie + Paul Johnson 31 Maplewood.

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Date/Time 1/9/17 7:45 pm Enzo Simmarano 16 Valent St.

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Enzo Simmarano	16 Flint Pond Rd, Ware, MA 01069		
2 Beth Simmarano	16 Flint Pond Rd, Ware, MA 01069	X	X
3 Richard Testa	18 Flint Pond Rd, Ware, MA 01069	?	X
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