

MILLBURY PLANNING BOARD

MINUTES

February 13, 2017

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, February 13, 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. Longwood Farm Estates, Request for Extension of Construction Deadline
Public Hearing**

RECEIVED
TOWN CLERK
17 MAR 15 PM 1:31
MILLBURY MASS.

Edd Cote read the legal notice for a public hearing for an extension of construction deadline for completion of roads and associated infrastructure for Longwood Farm Estates.

Roger Leland of Leland Law Associates, spoke on behalf of Paine Realty Trust. He provided an update as to the status of the development. There is a potential buyer, however roadwork per the approved plan cannot take place until Spring 2017 in order to bring McGrath Road up to the minimum standards per the Town's regulations including sewer and drainage work. Mr. Leland is requesting a six month extension of the construction deadline.

Edd Cote inquired when construction would begin. Mr. Leland stated April 1st. Chairman Gosselin noted the subdivision was done properly when presented. Chairman Gosselin recommends extending the construction deadline. Edd Cote noted that there have been some changes in zoning e.g. stormwater management since the original application, however did not know if the changes will affect this project or not. Mr. Leland indicated that the buyer is prepared to put up quality homes.

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

Edd Cote made a motion to grant modification of the Certificate of Approval of a Definitive Plan dated December 12, 2005, as subsequently modified on October 20, 2008, concerning a plan entitled "Longwood Farm Estates in Millbury, Massachusetts (Worcester County)", dated July 13, 2005, as last revised on February 21, 2006, prepared by Waterman Design Associates, Inc., 31 East Main Street, Westborough, MA and recorded in Worcester Registry of Deeds Book 839, Plan 111, and approve the extension of construction deadline by six months to August 21, 2017, seconded by Paul Piktelis, voted unanimously.

MILLBURY PLANNING BOARD
MINUTES
February 13, 2017

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

Yar Zar Moe Htet (YZ), project engineer from HS& T Group recapped outstanding items on the Plan that the Board requested at the public hearing held on January 23, 2017; survey and pin property corners, record the variance decision with the Worcester Registry of Deeds and provide Deed book and page for the decision and provide architectural plans. Board members were satisfied that all information has been added to the Plan.

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

Edd Cote made a motion to approve the application for special permit for a multifamily to be constructed at 15 A-B Howe Avenue, Millbury, MA, plan prepared by HS&T Group, Inc. 75 Hammond Street, 2nd Floor, Worcester, owner/applicant Steven Gaspar, 314 Gaffney Road, Oakham, MA dated December 7, 2016 last modified February 8, 2017, seconded by Paul Piktelis, voted unanimously. (no mylar)

Autumn Gate Estates - Bond

Attorney George Kiritsy spoke on behalf of the applicant relative to a certificate of performance to release the covenant. The bond estimate of \$107,280 was prepared by the Town's engineering firm, Stantec. The bond is only for a portion of the subdivision covering five lots.

Edd Cote made a motion in exchange for \$107,280 motion to release lots 12, 13, 14, 26 and 27 Autumn Gate Circle as part of Definitive Subdivision Plan in the Town of Millbury, Massachusetts dated May 18, 2004, amended April 20, 2005 and recorded with said Worcester Registry of Deeds, Plan book 287, Plan 101 and said lots are hereby released from the restriction as to sale and building specified thereon, seconded by Paul Piktelis, voted unanimously.

**7:45 p.m. Michael Corkery, Open Construction Items Eastview Acres – Informal
Discussion**

Mike Corkery, 15 Irene Court came before the Board to discuss some open construction items at Eastview Acres. Mr. Corkery provided updates as he has been working with the developer on some of the items such as a broken cover for underground utility, street lights and lips at the end of the driveways. They are also in the process of transferring to the homeowners' association and wants to begin conversation with the Board about next steps with regard to

MILLBURY PLANNING BOARD
MINUTES
February 13, 2017

public road acceptance. Discussion followed as to if a public roadway can be granted if the only access to it is via a private road.

Interim Planner, Chris Ryan indicated that public roadways must be access by another public roadway. Chairman Gosselin indicated that the roadways for Eastview have been built to the Town specifications, however the access roadway is not public. Mr. Corkery is seeking guidance as to receiving salting/plowing services from the Town. It was suggested to reach out to the Department of Public Works for more information. Mr. Ryan indicated that an easement might be necessary to travel over the private roadway to the public roadway. Overlook is a private road. Chairman Gosselin does not think that Overlook was built to Town standards such as drainage, etc.

Bob Vigneau of TPR Homes stated the subdivision was approved when Westview was going to be built. Westview was private, therefore Eastview had to be private as well. Mr. Vigneau indicated that the town is maintaining Overlook Avenue and has been for many years. The Town also ran sewerage up the roadway. Edd Cote suggested speaking with the DPW as a starting point with regard to any services provided on a private road.

Chairman Gosselin knows the development (Eastview) as it stands was built to standards and expects the roadways to be good to the residents for some years to come.

**8:00 p.m. Michael Moroney, 358 ½ Greenwood Street, Proposed Buddhist Temple -
Informal Discussion**

Michael Moroney, Structural engineer with MVA Engineering Company provided a general overview of a proposed Buddhist Temple to be located at 358 ½ Greenwood Street. People are meeting there informally and now want to go through the proper process. Land surveyors have been hired. Chairman Gosselin referred Mr. Moroney to the Planning Board checklist requirements that include pinning all the corners and 83/88 datum.

Mr. Moroney initiated discussion on three items that he would like to have waived. The first is the requirements for development impact statements. Currently only eight people attend regularly and would not expect attendance to be more than twenty people.

Mr. Moroney noted that twice per year there are ceremonies/festivals that could draw up to two hundred people. Edd Cote inquired if the neighbors have voiced any concerns during these events. Mr. Moroney did not know but would have the answers prior to the public hearing.

MILLBURY PLANNING BOARD

MINUTES

February 13, 2017

The second waiver request is that Mr. Moroney would like to design an infiltration system to handle the water and not have to do drainage calculations on the entire property. Chairman Gosselin would need to see the plan before any decision was made on that item. The third item Mr. Moroney would like to waive is the requirement for an isometric drawing.

After general discussion, Mr. Moroney will do full drainage calculations for the new parking. It was also suggested that if two hundred or more people attend a particular function, a traffic study may be needed. Chairman Gosselin suggested that Mr. Moroney provide historical information as to how the traffic has been handled in the past. Mr. Moroney thanked the Board for their input.

8:15 p.m. Jason Magnusson, 123 Worcester Providence Turnpike, Tree Cutting Violation – Informal Discussion

Jason Magnusson, owner of Skyhook Tree and property owner of 123 Worcester/Providence Turnpike came before the Board following receipt of a letter from the Building Inspector/Zoning Enforcement Officer (Bob Frederico) to stop cutting trees due to complaints from residents at Sullivan Place. Mr. Magnusson stated the property is over one hundred feet from wetlands. Mr. Magnusson provided potential uses for the property including storing equipment, wood chips, earth material and/or horses or planting of Christmas trees.

Mr. Magnusson received a cease and desist from Mr. Frederico as clear cutting over an acre of property is not allowed. Chairman Gosselin and Chris Ryan indicated that Mr. Magnusson will need to provide a definitive site plan showing the intention of the property. There should be some type of concept plan. If fill is being removed or brought onto the property, the Earth Removal Board may also need to be involved. Mr. Magnusson inquired if he could cut any trees by the existing house on the property. Chairman Gosselin said no. Mr. Magnusson plans to have the property surveyed within the next six months and will get a plan together.

Other Business:

Minutes:

Edd Cote made a motion to accept the minutes of 10/17/16 as written, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to accept the minutes of 1/23/17 as written, seconded by Paul Piktelis, voted unanimously

MILLBURY PLANNING BOARD

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February 13, 2017

New Business:

Michael Georges requested that the Board enter into executive session to discuss strategy with respect to litigation from Terry Burke Dotson v. Spectrum Health Systems, Inc. and the Millbury Planning Board.

Chairman Gosselin stated the reason for going into executive session as follows:

The Board will enter into executive session, pursuant to M.G.L. chapter 30A, Section 21 (a)(3) to discuss strategy with respect to litigation, if an open meeting may have a detrimental effect on the litigating position of the Town and the chair so declares.

Chairman Gosselin took a roll call vote to enter into executive session:

Michael Georges, yes, Paul Piktelis, yes, Richard Gosselin, yes, David Haak, yes, Edd Cote, yes

The Board will reconvene in open session for the sole purposes of adjournment.

Board entered into executive session at 8:30 p.m.

Board reconvened in open session at 9:05 p.m.

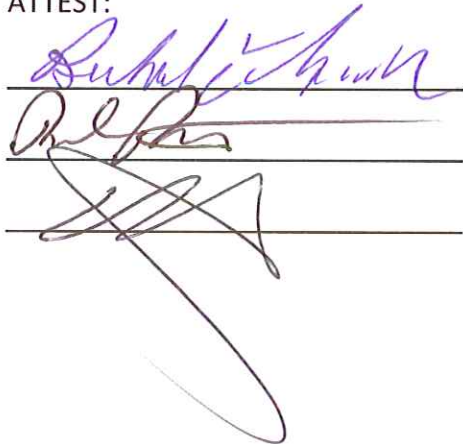
Adjournment

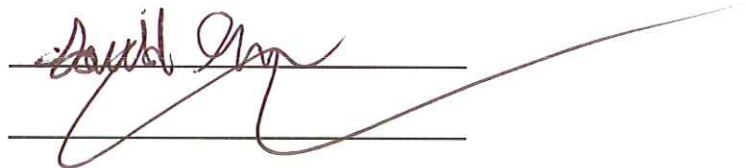
Edd Cote made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 9:05 p.m.

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

February 13, 2017

- 7:15 p.m. Longwood Farm Estates- Request for Extension of Construction Deadline, Public Hearing
- 7:30 p.m. Steven Gaspar 15 A&B Howe Avenue, Special Permit for Multi-Family Dwelling - Public Hearing Continued
- 7:45 p.m. Michael Corkery - Re: Open Construction Items Eastview Acres Informal Discussion
- 8:00 p.m. Michael Moroney, 358 ½ Greenwood Street, Proposed Buddhist Temple Informal Discussion
- 8:15 p.m. Jason Magnusson, 123 Worcester Providence Turnpike Tree Cutting Violation - Informal Discussion

New Business:

Other Business:

- Autumn Gate Estates - Bond
- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

RECEIVED
TOWN CLERK
17 FEB -8 AM 10:00
MILLBURY, MASS

SIGN-IN SHEET

Date/Time Longwood Farm Estates
2/13/17 7:15pm

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SIGN-IN SHEET

Date/Time 2/13/17 7:30 p.m.
Steven Gisparr

NAME	ADDRESS	I WISH TO SPEAK	
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1 Steven Gisparr	311 Jeffrey Rd Caldenham NY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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SIGN-IN SHEET

Date/Time 2/13/17 Truman
Michael Lockery Sr. Eastwood Area

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SIGN-IN SHEET

Michael Horan

Date/Time 2/13/17 Internal 358 1/2 Greenwood St

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1	Joe Florio	9 Ince Court		
2	Michelle Miles	4 Hidden Meadow		
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SIGN-IN SHEET

Date/Time

2/13/17
Tison Magnusson - 123 W. Lake - Row 1, 2, 3
Tree Pathing - entrance

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1. [Signature]	123 W. Lake - Row 1, 2, 3	[initials]	
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SIGN-IN SHEET

GAUCO

Date/Time Fri 13, 2017

NAME	ADDRESS	I WISH TO SPEAK	
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