

MILLBURY PLANNING BOARD  
MINUTES  
MARCH 14, 2016

MILLBURY PLANNING BOARD  
TOWN OF MILLBURY  
16 MAR 29 AM 9:34

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, March 14, 2016, 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. Jessica J Drive Extension Mylar Endorsement & Acceptance of Performance Guarantee**

Chairman Gosselin acknowledged receipt of an email from Attorney Mark Donahue with two versions of the Covenant. Chairman Gosselin wanted to be sure that information was correct on the proposed Covenant. Chris Ryan, interim Planner noted that the Covenant indicated book 31562 and page number 233 which is the same as on the plan, however there was an additional book and page number on the plan not noted on the Covenant.

Bob Vigneau of TPR Homes stated the original book and page number was when the property was transferred from Zanadu to Baggy Realty Trust. The second number was for the previously approved twenty-eight lot subdivision. That will be rescinded per rescission letter recently submitted. Mr. Vigneau requested the Board sign the document and the plan could be held by the Planning office until the book and page numbers are verified.

Michael Georges stated if the correct book and page numbers are on the plan and not on the Covenant, there could be an issue with the title.

The planning office will confirm that the information is accurate on the Covenant. Once confirmed, the Board members unanimously agreed to sign the document at town hall before the next meeting.

**Other Business:**

Board members signed various vouchers.

**7:20 p.m. Matthew LaPlante, 36 Stone Road Informal Meeting**

Scott Wrenn represented the applicant, Matthew LaPlante to discuss a proposed accessory dwelling located at 36 Stone Road. Mr. LaPlante's parents are elderly and he is looking to set up housing for them on his property. Mr. Wrenn pointed to the Millbury Zoning By-Laws section 46.2.2 items 2, 5 and 6 that would pertain to this application. The dwelling would include a kitchen and bath. There is adequate parking on the property. Construction will be

MILLBURY PLANNING BOARD  
MINUTES  
MARCH 14, 2016

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done in accordance with Title V requirements and Massachusetts State Laws. Mr. Wrenn indicated that Jim Malley representing the Board of Health has reviewed as-built plans and will sign off that septic could be supported by the existing system. Egress will be on the interior of the lot. Attorney Wrenn indicated that the Planning Board does have authority to deviate from existing by-laws. Mr. Laplante's father has Alzheimer's and Mr. LaPlante is requesting a waiver from item 5 of the dimensional requirements of the by-law, seeking an additional 200 square feet. The additional square footage could accommodate a motorized scooter, etc. To ensure a safe environment for the handicap condition, additional flooring is necessary and different types of textures are needed to accommodate depth perception issues. The accessory dwelling will not be a rental but rather just for family members. If necessary, the applicant is willing to place a covenant on record to ensure compliance.

Edd Cote stated the dwelling will be above the garage. The existing space is 1500 square feet and the applicant is seeking approval of 1000 square feet. Edd inquired what the applicant will do with the remaining 500 square feet. Mr. Wrenn indicated that it would be for storage.

Scott Despres inquired if there would be a requirement for an elevator. Mr. Wrenn indicated that there would be an elevator that would take up a 16 foot by 16 foot area. Mr. LaPlante stated that he discussed this with the Building Inspector and the elevator would not be considered living space.

Chairman Gosselin indicated that the plan needs GIS lines corrected showing Auburn and Millbury and that the surveyed pins should be shown in the corners. In addition, the applicant must make sure setbacks are adequate to meet current regulations.

Edd Cote indicated that he looks favorably on this application given the proposed compassionate use and location. Mr. LaPlante thanked the Board for their input.

**7:30 p.m. Mark Vigliatura, 12 Carousel Drive, Accessory Dwelling Special Permit Public Hearing**

Edd Cote read the public hearing notice for construction of a 624 square foot accessory dwelling unit.

Jesse Kady spoke on behalf of the applicant who will be responsible for construction at the property. Mr. Kady provided details of the construction of a 24 foot by 26 foot two bay garage with an in-law above. The property has water and sewer and meets all zoning requirements.

MILLBURY PLANNING BOARD  
MINUTES  
MARCH 14, 2016

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Edd Cote read section 46.2.3 paragraph 8 of the zoning by-laws indicating that lots containing a legal, pre-existing non-conforming single family structure shall not be permitted to increase the total square footage of the pre-existing structure, and shall not alter the footprint of the pre-existing structure for the purpose of creating a new accessory dwelling unit.

Edd Cote stated the property is Suburban 3 which would require 150 foot frontage. The existing lot has 125 foot frontage and just shy of 20,000 square foot minimum lot size. Edd inquired if this applies as the footprint is being altered. Chairman Gosselin stated in the past the Board has allowed garages with units above. Chris Ryan indicated that once a lot is changed, then the structure must conform. Chairman Gosselin suggested the Mr. Kady or the applicant speak with the Town Building Inspector as this could be a zoning issue. If so, the applicant would have to go before the Board of Appeals for relief and then could come back to the Planning Board.

Edd Cote made a motion to continue the public hearing to April 11, 2016 at 7:30 p.m. seconded by Paul Piktelis; voted unanimously.

**7:45 p.m. Mike Duhigg, Direct Network Services, 12 Martin Street Public Hearing**

Edd Cote read the public hearing notice for a special permit for a wireless communications facility at 12 Martin Street.

Mike Duhigg, Rick Bedard of the Millbury Public Schools along with the structural and construction engineer were present to provide details of the special permit application.

Shaw, Elmwood and Millbury High School are upgrading wireless communication increasing the communications band between the three schools. They are proposing a forty foot bracketed lattice style tower that will be located on the roof of Elmwood and Millbury High School. There will be a twenty foot extension to an existing tower at Shaw School. The forty foot towers are optimal based on path calculations completed by Direct Network Services.

The towers come in ten foot sections. Approximately ten feet of the tower at the High School and Elmwood Street School will be bolted to the wall with the balance above the roofline. There will be three guy wires on the towers to give added strength.

The engineering stamp details include wind loading and the ability of the structures to support the towers. The system is a high capacity gigabyte transmit power system. A data sheet provides additional information. There is additional capacity for radios if needed in the future.

MILLBURY PLANNING BOARD  
MINUTES  
MARCH 14, 2016

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Paul Piktelis inquired if the towers were strictly for school use. Mr. Duhigg said yes. Mr. Duhigg was asked about fall zones. Mr. Duhigg stated if the tower went down, the tower is intended to fold down into itself due to ten foot sections. Mr. Duhigg also recommended towers be inspected every six months. Direct Network Services would bring in a professional tower contractor to do the inspections. Richard Dudley from Direct Network Services provided details on guy wires and anchoring of the tower. The tower will be anchored to the wall not penetrating the roof. The wall bracket and shelf will hold the guy wire.

Chairman Gosselin stated the towers should be shown on the lot not just on the building. Mr. Gosselin would like to see the datum. In addition, he would like to see a plan where the tower is in relation to the property line as well as the fall zone.

**8:00 p.m. Mike Duhigg, Direct Network Services, 40 & 58 Elmwood Street Public Hearing**

Edd Cote read the public hearing notice for special permit for proposed wireless communications facilities at 40 Elmwood Street & 58 Elmwood Street.

Discussion continued on the proposed bracketed cell towers at Martin Street and Elmwood Street.

Chairman Gosselin would like to see the coordinates of the cell tower on the plan. In addition, Mr. Duhigg should provide a checklist of the items that he would like waived. Mr. Duhigg will email the checklist to the Planning Clerk.

Scott Despres inquired if anything is planned to be attached to these towers. Nothing is planned at this time. Mr. Duhigg stated that they would have to review structures if something were to change.

Chairman Gosselin asked if the tower fell down would it stay on the roof or would it go into the classrooms. The response was that the tower itself would not go through the roof. The antenna is two feet in diameter and weighs approximately 120 pounds. Depending on where the tower was struck, it could penetrate the roof. As long as the guy wires are adequately fastened, there should not be an issue. Wind speeds would have to be at 150 to 160 miles per hour to create a disturbance.

Edd Cote made a motion to continue the two public hearings; one at 12 Martin Street and the second at Elmwood and Shaw Schools (40 and 58 Elmwood Street) to March 28, 2016 at 7:30 p.m., seconded by Paul Piktelis, voted unanimously.

MILLBURY PLANNING BOARD  
MINUTES  
MARCH 14, 2016

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**Other Business:**

Edd Cote initiated discussion on proper bounds for various subdivisions, properties, etc. Chairman Gosselin indicated that concrete or granite is often used as iron pins may not survive construction. Before an occupancy permit is issued, lots should be bounded.

**8:30 p.m. Zoning-Related Warrant Articles, - May 2016 Town Meeting Public Hearing**

Edd Cote read public hearing notice for zoning-related warrant articles proposed for 2016 Town Meeting.

Terry Burke Dotson of 20 Salo Terrace asked the Clerk if he could read the articles in their entirety for the benefit of the general public viewing the meeting. Edd read the proposed articles into record and noted that all information is available in the planning office.

Motivation for the articles was to make downtown improvements based on suggestions from the general public. The Planner and Members also suggests changes in order to try to clarify issues that come before the Board from time to time.

Motion by Edd Cote to close the public hearing, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to endorse the articles as submitted and proposed zoning changes as outlined in the February 22, 2016 letter to Francis King from Laurie Connors, seconded by Paul Piktelis, voted unanimously.

**Other Business:**

Planner's Report: Interim Planner, Chris Ryan provided an update on Casa Verde Estates Subdivision. Taniel Bedrosian is seeking to extend Phase 2 by one lot by constructing a stub off the proposed temporary cul-de-sac that would allow the corner lot to be developed. Mr. Bedrosian mentioned that the Board provided him with discretion to adjust phasing without coming back to the Board as long as they were similar in scope and that a proper temporary turnaround was constructed. Chris was looking to the Board to confirm this discretionary latitude was granted him.

Edd Cote stated what he sees as phasing does not include stubbing. Edd Cote and Paul Piktelis did not think that was granted to Mr. Bedrosian. Edd believes Mr. Bedrosian wants to build part of phase 4 as part of phase 2. Other Board members concurred and suggested that the



MILLBURY PLANNING BOARD  
MINUTES  
MARCH 14, 2016

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planning department follow up with Stantec to see if additional monies are due for inspectional services. The Board did not have an issue with allowing Mr. Bedrosian to proceed as outlined.

Chris Ryan met with members of the development/ownership team of Wide World of Indoor Sports to discuss a possible change in use and building addition beyond the existing approved footprint to operate indoor cart racing rather than soccer. The developer is seeking Board determination as to whether such a modification would be major or minor. An appeal on their project has pushed them in this direction for alternative use. The cart racing would incorporate twenty-eight racers at a time plus those waiting to view/participate. Proposed parking area would be reduced.

Chairman Gosselin provided a brief overview that another indoor soccer facility is proposed in Sutton in close proximity to the proposed Millbury facility. An appeal on the project in Millbury could tie up the process for approximately one year and therefore it may not make sense to do the same business if an identical project moves forward in Sutton.

Chris Ryan also provided additional details that approximately fifteen parking spaces would be removed and the applicant would not move forward for application of a license to serve alcohol.

Paul Piktelis inquired as to what the impact to services would be with the new proposal. Rich Gosselin stated they would be the same. Mr. Gosselin also stated that MA DOT is in discussions with the applicant and is receptive to putting retention structures on the land so it could eliminate the runoff issue for the neighbors.

General discussion followed. Rich Gosselin stated both uses are for recreational purposes. Chris Ryan stated that the applicant would need to come in with a modified plan. Board members believe this change would be considered a minor modification.

**Other Business:**

Terry Burke Dotson of 20 Salo Terrace inquired if the Board knew if an underground gas tank was removed from the gas station that used to occupy the corner of West Main Street and Elmwood Street where construction is now underway. Chairman Gosselin noted that the State owns that property and it would be their responsibility. Ms. Burke-Dotson asked if the Board

MILLBURY PLANNING BOARD  
MINUTES  
MARCH 14, 2016

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could provide direction as to where she could get that information from. It was suggested to contact the Fire Department or MA DEP to see if there is any information on record.

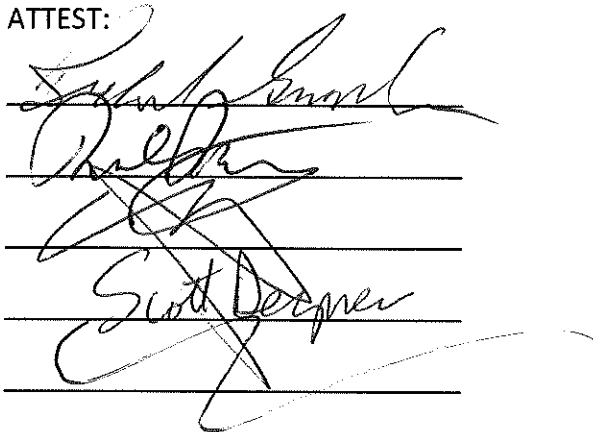
**Adjournment**

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:

  
The block contains two handwritten signatures written over a series of horizontal lines. The first signature is 'Paul Piktelis' and the second is 'Scott Desorcy'. The lines are partially obscured by the ink of the signatures.



# 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

March 14, 2016

16 MAR 11 AM 9:31  
TOWN OF  
MILLBURY, MASS.

- 7:15 p.m. Jessica J. Drive Extension Mylar Endorsement & Acceptance of Performance Guarantee
- 7:20 p.m. Matthew Laplante, 36 Stone Road - Accessory Dwelling - Informal Meeting
- 7:30 p.m. Mark Vigliatura, 12 Carousel Drive - Accessory Dwelling Special Permit Public Hearing
- 7:45 p.m. Mike Duhigg, Direct Network Services, 12 Martin Street - Wireless Communications Facility Special Permit Public Hearing
- 8:00 p.m. Mike Duhigg, Direct Network Services, 40 Elmwood Street & 58 Elmwood Street, Wireless Communications Facility Special Permits Public Hearing
- 8:30 p.m. Public Hearing on Zoning-related Warrant Articles – May 2016 Town Meeting

### Other Business:

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



**SIGN-IN SHEET**

*Matthew Koplantz*

Date/Time 36 Stone Rd. 3/14/16

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	<i>Matthew Lallalle</i>	<i>36 Stone Rd Millburg MA</i>		
2	<i>Scott Lenny</i>	<i>1c Simmons Rd Abury, MA</i>	<input checked="" type="checkbox"/>	
3	<i>TERRY BURKE DOTSON</i>	<i>20 SAUJER</i>	<input checked="" type="checkbox"/>	
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SIGN-IN SHEET

Mark Vigilantura - 12 Capwell Dr.  
Date/Time MARCH 14, 2016 - 7:30PM

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	Case Brady	155 Hoge Rd. E. Rock Hill	<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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**SIGN-IN SHEET**

Mike Dugges - Direct Member Services - 12 Martin St.  
 Date/Time March 14 2016 - 7:30pm & 8:00pm 40 Edmund St & 58 Edmund St.

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Mike Dugges	20 Taylor St. HLETEN	<input checked="" type="checkbox"/>	
2 WILBUR E. JOER	219 MARLEWOOD DE, E.G. RI	<input checked="" type="checkbox"/>	
3 Richard F. Dudley	58 Avenue St. Pawtucket, RI	<input checked="" type="checkbox"/>	
4 RICK BEDARD	MPS 12 MARTIN ST	<input checked="" type="checkbox"/>	
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SIGN-IN SHEET

ZONING WARRANT APPLICIES  
Date/Time MARCH 14, 2016 - 5:30PM

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