

MINUTES
MILLBURY PLANNING BOARD

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, April 14, 2014, at 7:15 p.m, in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Jeff Markarian, Edd Cote, Richard Gosselin, Paul Piktelis, Michael Georges

7: 15 p.m. Amy Peterson – Proposal to Remove Land from Chapter 61A

Ms. Connors read letter from Amy Peterson, asking to remove Map 67, Lot 2, consisting of 2.2 acres from Chapter 61A protection. This parcel was subdivided and approved by the Board in August 2013.

Motion by Jeff Markarian, seconded by Edd Cote to recommend the removal from Chapter 61A program, the property consisting of 2.2 acres, identified as Assessor's Map 67, Lot 2, and releasing the town's right of first refusal, motion carried unanimously.

7:20 pm. Autumn Gate Estates – Performance Guarantee

The Board has received a letter from Mr. Gallo stating that they have received some interest in the purchase of lots 5 – 7 and lots 21 & 22, and the applicant is requesting that those lots be released. A cost estimate was prepared by Tighe & Bond and the sum of \$75,014.54 was received to be held as surety. However, Ms. Connors advised that there is quite a bit of erosion by the detention basin. She notified Mr. Gallo of this and asked that it be controlled before this meeting, but it had not. He will place the hay bales and silt fencing and silt sacks, and will get a street sweeper out there. She suggested that this request for release be contingent on completing these mitigation measures.

Motion by Jeff Markarian to release lots 5 – 7 and lots 21 & 22 in Autumn Gate Estates, from covenant executed by Fox Gate LLC on July 15, 2013, and recorded in the Worcester District Registry of Deeds in Book 51396, Page 251, with the stipulation that the Town Planner will not give the lot release to the developer until the erosion control measures : hay bales and silt fence will be installed behind lots behind Parcel A and lots 11 & 12 – eastern side slope is to be graded and seeded, silt baskets will be installed, the road will be swept per email dated April 10, 2014 from Steve Gallo to Laurie Connors, are completed. Seconded by Paul Piktelis, motion carried unanimously.

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Mr. Gosselin asked the Town Planner to advise Mr. Gallo that the Board may not be as cooperative the next time if this happens.

7:35 p.m. 99 Worcester Providence Turnpike – Surety Release

Tractor Supply Co: some stormwater issues remain, erosion control measures are not addressed, (detention basin in the front). Tighe and Bond recommends that the sum of \$5,350 be held, and the balance released to the applicant.

Motion by Jeff Markarian to release surety in the amount of \$44,550.00 leaving a balance of \$5,350.00 for surety for the property located at 99 Worcester Providence Turnpike, owned by Nerp Holdings, LLC. Seconded by Paul Piktelis, motion carried on a 4-0-1 vote. Michael Georges abstained.

7:40 p.m. Vote on Planning Board –related Warrant Articles

For responses on expedited permitting, Ms. Connors showed the Board the accurate depiction of lots to be included. There are two unknown lots owners in the middle of the area, so they will be removed at this time. Ms. Connors spoke with the Tax Collector to begin this process, there are some budget constraints. Ms. Connors will forward a formal letter to the Tax Collector to begin the tax title process on these two lots. Once all responses are received an accurate plan will be presented at town meeting and a revision to the warrant article can be made on the floor, if necessary.

Warrant Article Recommendation Votes:

Motion by Edd Cote, seconded by Jeff Markarian, to accept as a public way, the street known as Oakes Street, south of the 1957 limit of Oakes Street, and for Oakes Circle, as described in the January 28, 2014 letter to the Board of Selectmen, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to accept as a public way, the street known as Diana Hill Drive, situated southeast of the previous limit of acceptance of Diana Hill Drive, as described in the January 23, 2014 letter to the Board of Selectmen, motion carried unanimously.

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Motion by Edd Cote, seconded by Paul Piktelis, to approve the minutes of January 13, 2014, motion carried unanimously.

Motion by Edd Cote, seconded by Jeff Markarian, to approve the minutes of March 24, 2014, motion carried unanimously.

Oakes Circle Street Acceptance Vote:

Motion to endorse the road acceptance plan for Oakes Circle by Jeff Markarian, seconded by Edd Cote, motion carried unanimously.

Diana Hill Drive Street Acceptance Vote:

Motion to endorse the road acceptance plan for Diana Hill Dr., prepared by SEC & Associates, dated 12/10/13 by Jeff Markarian, seconded by Edd Cote, motion carried unanimously.

Article Recommendations:

Motion by Jeff Markarian, seconded by Edd Cote to recommend appropriating \$10,000 to cover the initial cost to update the Town's Master Plan, motion carried unanimously.

Motion by Jeff Markarian, seconded by Edd Cote to recommend amending the zoning map by rezoning to an Industrial I zone a portion of the Suburban II and Business II zones, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis to recommend amending the zoning map to a Business I zone a portion of Industrial I zone, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis to recommend amending the zoning bylaws Article 2, District Regulations, section 26. 3, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis to recommend amending the zoning bylaws to include Section 52, Registered Marijuana Dispensaries, motion carried on a 4-1-0 vote, Edd Cote was opposed.

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Motion by Jeff Markarian, seconded by Paul Piktelis, to recommend amending the zoning bylaws section 25.22 by adding Registered Marijuana Dispensary, motion carried on a 4-1-0 vote, Edd Cote was opposed.

Motion by Jeff Markarian, seconded by Paul Piktelis to recommend amending the zoning bylaws, Section 48.3, by adding Registered Marijuana Dispensary, motion carried on a 4-1-0 vote, Edd Cote was opposed.

Motion by Jeff Markarian, seconded by Paul Piktelis, to recommend amending the zoning bylaws, section 12.41 (d) motion carried on a 4-1-0 vote, Edd Cote was opposed.

Motion by Jeff Markarian, seconded by Paul Piktelis, to recommend amending Article 5 Definitions by adding Registered Marijuana Dispensary, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to recommend striking section 37 Temporary Moratorium on Medical Marijuana Treatment Centers, motion carried unanimously.

Motion by Jeff Markarian, seconded by Paul Piktelis, to recommend accepting the provisions of Chapter 43D of the Mass General Laws, to designate priority development sites, motion carried unanimously.

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Motion by Edd Cote, seconded by Jeff Markarian, to approve the minutes of March 10, 2014, motion carried unanimously.

Adjournment

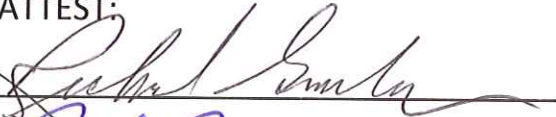




Motion to adjourn by Jeff Markarian, seconded by Paul Piktelis, motion carried unanimously. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Susan M. Dean

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ATTEST:



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 April 14, 2014

7:15 p.m. Amy Peterson – Proposal to Remove Land From Chapter 61A

7:20 p.m. Autumn Gate Estates – Performance Guarantee

7:30 p.m. 99 Worcester Providence Turnpike – Surety Release

Other Business:

- Vote on Planning Board-related Warrant Articles
- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

Subject to Change