

MINUTES

August 13, 2012

Millbury Planning Board

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, August 13, 2012, at 7:15 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Alan Linkevich, Anna Lewandowski, Paul Piktelis, Richard Gosselin, Alternate Member Michael Georges

Absent: Jeffrey Markarian

**7:15 p.m. Cronin Brook Heights Performance Guarantee Release**

Member Paul Piktelis and Alternate Member Michael Georges stepped down as they are abutters to the project.

Motion by Alan Linkevich, seconded by Anna Lewandowski, to release the sum of \$10,216.02 being held as a performance guarantee for the Cronin Brook Heights Subdivision, motion carried on a 3-0-1 vote, member Paul Piktelis abstained.

**7:30 p.m. 130 Westborough Street Site Plan Public Hearing**

Alan Linkevich read the public hearing notice.

Attorney Don Keavany was present on behalf of the applicant, Charles Kibbe, Trustee. He opened by addressing the Town Planner's comments, which included the following:

- Equipment is different from the 2007-08 proposal, a letter from the sales engineer was submitted to the board for reference, noise emissions will be equivalent or less, a signed copy will also be provided
- Equipment is able to process up to 1200 tons per day maximum
- Comments a – o are agreed to

Concrete and rock will be processed, which is a permitted use; no asphalt or wood processing would take place. DEP approval is required, approval of this application is necessary to proceed through the DEP process.

Scott Charpentier, Lenard Engineering, addressed the traffic flow, submitted specs from Whitney & Sons. Maximum capacity would equal about 30 trucks per day. Two parking plans for Phase I and II were submitted to depict parking. Truck queue will be added to the plan, there is no by-pass lane. It takes approximately three minutes to push the products from the truck to the pile.

Mr. Charpentier received comments from Tighe & Bond today and is not prepared to address them.

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12 OCT 24 AM 9:06  
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Alan Linkevich read letter dated July 25, 2012 from the Conservation Commission. The revised plan is outside of the buffer zone.

Mrs. Lewandowski read an excerpt from a discussion letter with DEP regarding a notice of enforcement, addressed to Charles Kibbe advising that they are in non-compliance storing waste asphalt, brick and concrete on site; a hearing was to be held on April 27, 2012 at 10 am. Attorney Keavany responded stating that he attended this meeting and met with the attorney for DEP, no action has been taken yet.

Chairman Gosselin opened the meeting to the public.

Richard Cravedi, 16 Pointe Rok Drive, Worcester accused the applicant of committing crimes, referred to MGL Chapter 111, Section 158 regarding solid waste and stated that he does not believe the Planning Board has jurisdiction over this, the Board of Health does.

Mr. Gosselin asked if the Grafton and Worcester Board of Health Departments were notified and Scott Charpentier stated that the applicant has submitted materials to DEP and the Millbury Board of Health. They were also required to advertise in a local paper.

Mrs. Lewandowski would like town counsel opinion as to whether this application is before the proper board.

Ms. Connors responded that the Planning Board is responsible for the site, including the access road, pad for processing, location of stockpiles, parking etc. The Board has already received an opinion from town counsel, and that any further discussion should take place in executive session.

Kevin Barrett, 3 Jackson Lane, Millbury, stated that the notice that was published specifically stated that it was for processing.

George Russell, District City Councilman, Worcester, asked how the Planning Board can approve the use if it does not have the authority to, how can they address the runoff or other issues if they don't know what is on site? Lake Quinsagamond is across the street, hundreds of homes are nearby.

Senator Michael Moore, 7 Momin Drive, Millbury asked if a decision could wait until DEP action is taken, and suggested that both the Planning Board and the Board of Health work together.

Steve Cope, 77 Pointe Rok Drive, Worcester, accused the applicant of the following: illegal dumping, noise, creating silica dust, unpermitted uses, failure to abide by cease

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and desist orders, working at 5:30 am and disregarding hours of operation, interfering with the public right-of-way, failure to notify abutting towns and cities. He asked the Planning Board to wait for DEP approval before making a decision.

Town Planner Connors advised the Board that pursuant to the Stormwater Permit application which was approved by the Board on January 9, 2012, Condition B requires proof to the Planning Board of DEP compliance prior to any construction activities.

Kate Toomey, At-Large Worcester City Councilor, who also lives in the same area, asked how long it will take trucks to drop off and/or pick up materials, and will the trucks be left there to idle while waiting? She asked that the applicant be required to comply with DEP requirements to remove materials, this company has a history of non-compliance, asked if explosives were stored on site, and commented that now there can be up to 30 trucks a day, at the last meeting it was 20. She asked if Grafton was aware of this change. Residents are concerned with their quality of life, and were skeptical that they would comply with the sound testing when they haven't done so before.

Mr. Charpentier responded by saying the hours of operation are in the proposed conditions, no explosives will be on site and will not be used, Creeper Hill Road in Grafton is in an Industrial zone.

Edward Wilson, 39 Pointe Rok Road, Worcester, stated that the applicant has heard their concerns, but doesn't care.

Motion by Alan Linkevich to continue the meeting to Monday, September 10, 2012, at 8:00 p.m., motion carried unanimously. The Board would like 1.5 hours of agenda time scheduled.

Chairman Gosselin declared a three minute recess.

### **9:00 p.m. 22 West Street, Public Hearing, con't**

Jeff Howland, JH Engineering was present on behalf of the applicant. Some alterations to the intersection with Water Street will be made per comments from the DPW Director. Mrs. Lewandowski asked if there would be parking along the building extension and he answered no.

Mr. Howland discussed the curbing and the fence detail, a concrete patio is to be built over the existing concrete pad. Traffic will generally be during the night and weekends, as opposed to the daytime. 103 parking spaces are proposed. Easements were recorded prior to the purchase, elevations are on the current datum. The existing storm drainage was tested and drainage will run to the manhole by the bridge.

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The waiver requests have been revised to include elevation and façade submission, the building already exists and a one story addition is proposed, however until the tenants and their needs are established the location of the doors, etc. are unknown at this time.

A waiver will also be requested for an 8' fence, landscaping, and a 30 scale vs a 20 scale for the existing site plan.

Mrs. Lewandowski asked that the reference to Worcester on sheet 5 be changed to Millbury.

Mr. Gosselin shared information on two points from a previous Coppus report on elevations brought in from the highway. He also asked that a note to the plan be added that results were based on 2 hour observations.

The amount of the engineering invoice from Tighe & Bond was discussed. The Board will hold approval of this invoice until they are able to review it with the project engineer, Tony daCruz.

Mr. Gosselin asked that the curbing as requested by the waiver be depicted on the plan. Ms. Connors asked that symbols also be included. Sidewalks were also discussed, applicant plans to keep the concrete sidewalk there and the concrete gutters. Mr. Linkevich asked about the diagonal space between the handicapped parking spaces and was told that there will be an additional 8 feet in front and 5 feet on the sides. The Board also requested that the limits of the walk near the loading dock be defined.

Comments have not been received from the DPW Director, Fire Chief or Tighe & Bond.

Richard Valentino asked how the parking requirements could be determined if you don't know who the tenants are. Mr. Howland responded that he based the calculations on the current uses and pro-rated for retail and office use.

Martin Hughes, Worcester resident, is investing in a business there. He stated that the applicants have done a beautiful job there so far, they need the Board's approval to open and asked the Board to work with the applicant and condition the plan as needed so that the tenants can move in.

Ms. Connors asked about the re-configuration of the intersection. The Planning Board determined that a traffic review would be unnecessary and will not ask Tighe & Bond for comments.

Motion by Paul Piktelis, seconded by Alan Linkevich, to continue the meeting to Monday August 27, 2012 at 7:00 p.m., motion carried unanimously.

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### **10:00 p.m. 6 Latti Farm Road – HMEA Signage Modifications**

Karen Mullen was present, directional signs are proposed. They will be aluminum signs with no illumination.

Motion by Alan Linkevich, seconded by Paul Piktelis, to approve a minor modification to the site plan for HMEA, 6 Latti Farm Road, Millbury, MA, prepared by J.M. Grenier Associates, 787 Hartford Turnpike, Shrewsbury, MA, dated May 4, 2011 and last revised on September 16, 2011. Sign modifications shall be as designed by Signs Plus, 89 South Main Street, Milford, MA, which are depicted on the final layout plans labeled A – G attached hereto. Motion carried unanimously.

### **10:10 p.m. ANR Plan – 1 Roe Lane**

Mr. Gosselin asked the applicant to be sure the corners are pinned, the applicant agreed to do so.

Motion by Alan Linkevich, seconded by Paul Piktelis to approve the ANR plan entitled “1 Roe Lane, Assessors Map 10 Parcel 104, Millbury, MA, prepared for Ronald & Kathleen Shilinsky 10 Roe Lane Millbury, MA”, dated August 10, 2012, prepared by Stephen M. Melesciuc, 33 Buckingham Drive, Reading, MA 01867, motion carried unanimously.

### **10:15 p.m. 16 S. Main Street – Fidelity Bank/VFW**

Modifications to the plan were made pursuant to conditions of approval. The applicant was given approval to begin the demolition process. Mr. Gosselin reminded the Board that the drain line must have a camera inspection completed.

Motion by Alan Linkevich, seconded by Paul Piktelis, to approve revisions dated July 20, 2012, to plan entitled “Proposed Site Plan for #16 South Main Street in Millbury, Massachusetts, Assessor’s Map 53, Lot 198, March 2012” prepared by Whitman & Bingham Associates, 510 Mechanic Street, Leominster, MA. Revisions were made pursuant to condition #5 (f) of the Site Plan Review and Stormwater Management Permit Decision dated June 25, 2012. Motion carried unanimously.

### **10:20 p.m. 1 – 5 Elm Street – Dunkin Donuts lighting scheme**

Motion by Alan Linkevich, seconded by Paul Piktelis, to approve the modifications as requested in letter dated July 25, 2012 from Attorney Peter Keenan, as depicted on the revised Photometric Plan for “Site Redevelopment located at 1 – 5 Elm Street, Millbury, Massachusetts” prepared by Land Planning, Inc., dated April 27, 2011, last revised July 20, 2012. Motion carried unanimously.

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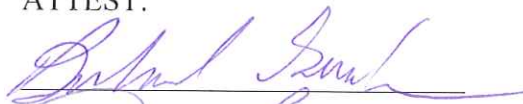
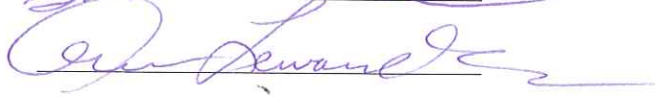
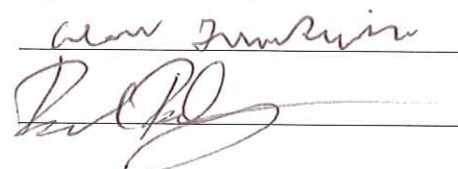
**Adjournment**

Motion to adjourn by Paul Piktelis, seconded by Alan Linkevich, motion carried unanimously. Meeting adjourned at 10:35 p.m.

Respectfully submitted,

Susan M. Dean

ATTEST:

  
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# 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

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12 AUG 13 PM 4:19  
MILLBURY, MASS.

REVISED

## PLANNING BOARD AGENDA August 13, 2012

- 7:15 p.m. Cronin Brook Heights Performance Guarantee Release
- 7:30 p.m. 130 Westborough Street Public Hearing
- 8:15 p.m. 22 West Street Public Hearing Con't
- 9:00 p.m. 6 Latti Farm Road - HMEA Signage Modification (Signs Plus)
- 9:10 p.m. 1 Roe Lane ANR Plan

### Other Business:

- Approve revised plan for 16 South Main Street
- Approve revised lighting scheme for 1-5 Elm Street
- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

- Subject to Change -

## SIGN-IN SHEET

130 Westborough St.

Date/Time

August 13, 2012 7:30 pm

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	RICHARD (RAY) DI	61 Pointe Rok Drive Worcester	X	
2	STEVE COPE	77 Pointe Rok Dr. Wore	X	
3	(Speak Cast)			
4	JAY HODGSON	64 Pointe Rok Drive Worcester		X
5	Mawreen Coulter	43 Pointe Rok Dr., Worcester		X
6	Linda Johnson	58 Pointe Rok Dr. Wore.		X
7	Robert Baron	58 Pointe Rok Dr., Wore		X
8	Chislaine Borno	57 Pointe Rok Dr. Wore		X
9	CARLEIGH McGUANE	46 " " " "		X
10	Edward S. Wilson	29 Pointe Rok Dr. Wore	X	
11	Jeremy Barrett	120 Westborough St Worcester		X
12	SARAH BAKESLID	120 Westborough St Worcester		X
13	Kevin Barrett	3 Stackman Ln Milbury		
14	DIANE RUBIN	56 Pointe Rok Dr. Wore		X
15	Allen Rubin	56 Pointe Rok Dr - Wore		X
16	Thomas Sewell-Bassett	414 Pointe Rok Drive Wore		X
17	Dea Shaughton	31 Star Drive Wore		X
18	Beth Simmarano	16 Flint Pond Road		X
19	Enzo Simmarano	16 Flint Pond Road		X
20	John Colario	166 Westborough St		X



SIGN-IN SHEET

130 Westborough St.

Date/Time

August 13, 2012 7:30 pm

	NAME	ADDRESS	I WISH TO SPEAK	
			YES/	NO
1	MARTIN NESSARD	108 Westwater St Worcester	✓	
2	Arthur Leonard	108 Westborough St Worcester		✓
3	Michael Moore	579 Tebeuse Boston MA		
4	Anthony Mamford	44 Pointe Rok Worcester MA	✓	
5	Joyce Brown	29 Pointe Rok Worcester MA		
6	CHARLES KACH	28 ETRÉ DR. WOR.		✓
7	Sam Mack	28 ETRÉ DR. WOR.		✓
8	Pete Conway	50 Ethel Road Worcester	✓	
9	Paul Campbell	44 ETRÉ DR. WOR.		
10	George Russell	30 Dolly DR Worcester Councils	✓	
11	Robert Sheehan	17 ETRÉ DR Worcester		
12	Tony Dantona	38 ETRÉ DR. Worcester 01604	✓	
13	Karen Dantona	38 ETRÉ DR. Worcester 01604	✓	
14	Mark Ansin	6 ETRÉ DR. Worcester 01604		✓
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SIGN-IN SHEET

22 West St.

Date/Time August 13, 2012 8:15pm

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	Mario Roman	6 Stone Rd		
2	BILL SCHROEDER	12 CAMDEN AVE, MA		X
3	<del>Maria Hughes</del>	37 HAMDEN LA. WORCESTER		X
4	David Standin	11 KENNEL ST. DUNLEY MA		X
5	MARIE HUGHES	39 BLODWIN LA. WORCESTER MA		X
6	CYNTHIA BURR	7 MAULE ST	Maybe	
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