

MINUTES

September 10, 2012

Millbury Planning Board

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, September 10, 2012, in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

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

**7:15 p.m. Tony daCruz, Tighe & Bond – Invoice Discussion**

The Board questioned invoices for Felter's Mill. Mr. da Cruz agreed to take 3.5 hours off of the billing statement dated July 20, 2012.

**7:45 p.m. 22 West Street, Felter's Mill Public Hearing, cont.**

Jeffrey Howland, JH Engineering reviewed revised drainage, indicated that approval has been received from the Conservation Commission, and a 1,000 gallon grease trap was added. He met with the Fire Chief and as a result shifted the dumpster to provide an 8' clear path for access, provided sprinklers where required, and added a fire lane.

Motion by Jeff Markarian, seconded by Paul Piktelis, to close the public hearing, motion carried unanimously.

Motion by Jeffrey Markarian, seconded by Paul Piktelis, to grant a waiver from Section 12.44: Elevation and Façade Treatment Plans - A partial waiver is granted, however the Applicant shall submit a façade drawing showing proposed improvements to the one story brick building to the rear of the parking lot and obtain Planning Board approval for proposed façade changes prior to obtaining a building permit for this building, motion carried unanimously.

Motion by Jeffrey Markarian, seconded by Paul Piktelis, to grant a waiver from Section 12.44(f)(1): Traffic Impact Assessment – A waiver is granted from doing the full traffic study, motion carried unanimously.

Motion by Jeffrey Markarian, seconded by Paul Piktelis, to grant a wavier from Section 12.45(k): Landscaping Within the Setbacks – A waiver is granted to allow parking within the rear and side yard setbacks and to allow an 8' high stockade fence along the rear property line, motion carried unanimously.

Motion by Jeffery Markarian, seconded by Anna Lewandowski, to grant a waiver from Section 12.45(o): Curbing – A waiver is granted to allow concrete curb where sidewalks abut buildings and along the access drive, and to allow bituminous concrete curb around the parking lot islands and along the perimeter of the remainder of the parking lot, motion carried unanimously.

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TOWN CLERK  
12 SEP 27 AM 11:15  
MILLBURY, MASS.

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Motion by Jeffrey Markarian, seconded by Paul Piktelis, to grant a waiver from Section 12.45(a): Content – A waiver is granted to allow the Existing Conditions Plan to be shown at 1"=30', motion carried unanimously.

Motion by Jeffrey Markarian, seconded by Anna Lewandowski, to grant the Site Plan Review Permit, Adaptive Re-Use Special Permit, and Stormwater Permit, with conditions a – u, as shown on plan entitled "Proposed Site Plan, Felter's Mill, 22 West Street, Millbury, Massachusetts" dated May 17, 2012, last revised on August 30, 2012, prepared by JH Engineering Group, LLC, motion carried unanimously.

### **8:10 p.m. 130 Westborough Street Public Hearing, con't**

Member Jeffrey Markarian stepped down.

Donald Keavany, Esquire, and Scott Charpentier from Lenard Engineering were present on behalf of the applicant. They indicated that they have contacted manufacturers of the processing equipment and they do not test the noise of the operation, only test is on the motor. Comments from Tighe & Bond and Town Planner Connors were reviewed and they informed the Board as to how they addressed each one.

Mr. Georges asked what the anti-tracking pad's purpose was (eliminates deflected stones and excess dirt from the material yard).

Chairman Gosselin opened the meeting to the public.

Richard Cravedi, 61 Pointe Rok, Worcester asked if any of the Board members read the sections from MGL that he handed out at the last meeting. He read the enforcement action dated April 20, 2012 and told the Board that the abutters have established a defense fund to sue the Town of Millbury. This isn't a temporary site review, this decision is permanent. There are no homes in Millbury within a quarter mile, there are 350 homes in Worcester which are. He believes that pursuant to Chapter 111 Millbury has a responsibility to notify Grafton and Worcester Boards of Health. (Attorney Keavany rebutted, saying that is a DEP statute and does not apply to this application). Subdivisions do not have tractor trailers coming out of them, he has traveled that road for 23 years and has never passed one on the road.

Town Planner Connors advised that the Board is not granting permission to process, the applicant will go to the Board of Health and DEP for that. She identified the issues that were before them.

Dr. Michael Hirsh, Public Health Commissioner, City of Worcester advised the Board that he began this position in April and was informed about this application only five

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days ago. He has not had sufficient opportunity to determine if there were any health risks. A study would take 3 – 6 months to complete. He asked the Board to put this matter on hold. (Attorney Keavany stated that this would be addressed through the DEP process). Mr. Charpentier advised that the applicant has agreed to notify both Grafton and Worcester Boards of Health when they file with DEP.

Kate Toomey, Worcester City Councilor and a neighbor to the project asked when the revised plan was submitted, and asked to have it sent via email to herself, George Russell and Dr. Hirsh. She stated that if the applicant did not keep promises to DEP how are they going to follow through with this permit. This will impact the quality of life and health of the residents there. A truck from another company was on Westborough Street last week that was over the weight limit, she has a photo of it. As for historical impact, she believes that there was a delay in Worcester in the permitting process for Flint Pond, it was thought that there were Indians living there, she wanted the Planning Board to wait until they could do research there. She also stated that there was a bridge in Grafton that the tractor trailer trucks would have to go over, 36 trips with all that tonnage on a bridge that might not be sturdy enough. She asked about trucks idling there and if limits would be in place. She is going to go to the Town of Grafton to see if someone will attend the next meeting.

George Russell, Worcester District City Councilor, stated that people have lives and investments which will be changed forever, and it may even change their health. The Planning Board does not have to grant waivers, he asked that they deny all waivers. If the Planning Board had a traffic study it would have addressed this. They are processing and adding dust compromising the air quality, water will be used for dust mitigation, how will that affect Lake Quinsigamond? If the Board approves the project, limit to 18 vehicles.

Mrs. Lewandowski asked what the average tonnage of a truck would be. Mr. Charpentier said the trucks could hold 30 – 34 cubic yards, he is not sure of the weight, probably around 4,000 pounds per cubic yard.

Will Houston, 48 Pointe Rok, Worcester asked how many truck trips there would be every day (20 truck cue, estimate 18 trucks to and from), he is concerned with the health and safety with reference to what materials are in the current piles and whether the Board is approving of their storage there, wasn't the processing equipment supposed to be within an enclosure and how is this equipment compared to what is being used in Littleton. He was told no, the Board is not approving what is on site, but location of processing and storage. Littleton is not within an enclosure, the Board is more educated now and better understands what is necessary for this site. Mr. Houston asked if the Board requires some kind of bond in case there is any site contamination. It already sounds like processing is going on there.

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Dr. Thomas Houston, 48 Pointe Rok, Worcester, is concerned with the health risks, and the pre-existing conditions, how did the Board get better educated? If the stormwater runoff is not self-contained the runoff could have carcinogens in it, the present material should be removed from the site and the permit should start from the first operation. He was also concerned with the noise that will be generated.

Ken Salsman spoke and stated that the large excavator and processor will most likely be at a job site to pre-process materials before they get to Westborough Street. This is crushing equipment, not hammering of big boulders.

Joyce Brown, 29 Point Rok, Worcester, asked whether there was any law about existing materials, like there is for existing buildings, regarding toxic materials. Mr. Salsman responded that in all 50 states any demolition has to have hygienist approval, reports are to be filed, and if there is anything such as asbestos or lead paint, it has to be abated.

Ann Kach, 28 Etre Drive, Worcester, said the noise is already audible there, what about the banging of the back door of the trucks, how will dust be prevented from coming down to her neighborhood, and enclosed system would be better. She asked that the Board not grant waivers.

In response to Mr. Gosselin's request, Attorney Keavany read his list of requested waivers.

Kevin Preston, 17 Flint Pond Road, asked if there was an access road from Millbury, and is there a law that would require that.

Town Planner Connors said no, it is not a requirement. This is a by-right use, and as long as the applicant abides by the regulations, the Board must approve it. If they believe that they have not complied, the Board must identify which sections have not been complied with. The Board can analyze things such as intersections, count cars, look at signalization, road improvements. Scott Charpentier stated that when the Flint Pond subdivision went in, no intersection improvements were required. Mr. Gosselin added that the Board could not require improvements to the roads in Grafton and Worcester.

Jeremy Barrett, 120 Westborough Street, believes that the idling of the trucks will become an issue.

Motion by Alan Linkevich, seconded by Paul Piktelis to close the public hearing. Motion carried on a 3-1-0 vote. Anna Lewandowski was opposed.

The Board agreed to discuss the decision at its meeting on September 24, 2012 at 7:30 p.m.

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10:45 p.m. member Jeffrey Markarian returned to the meeting.

**Other Business**

Mrs. Lewandowski asked that the intersection at Canal Street and Howe Avenue be looked into, backups are occurring as people try to turn into Windle Field. Ms. Connors will ask the Board of Selectmen to check into this.

**New Planning Board Policy**

The Board was unanimous in agreement that if any new material for a public hearing shows up on the day of the meeting the applicant will be informed that there will be an automatic continuance of the public hearing.

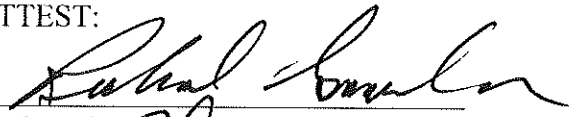
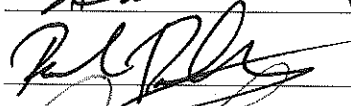
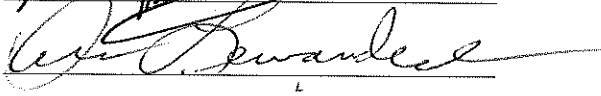

**Adjournment**

Motion to adjourn by Paul Piktelis, seconded by Jeffrey Markarian, motion carried by a 4-1 margin. Alan Linkevich opposed. Meeting adjourned at 11:00 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

## PLANNING BOARD AGENDA September 10, 2012

7:15 p.m. Tony De La Cruz – Discussion of Tighe & Bond Invoices

7:30 p.m. 22 West Street Public Hearing Con't

8:00 p.m. 130 Westborough Street Public Hearing Con't

### Other Business:

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

-Subject to Change-

SIGN-IN SHEET

Folkers 23 West Street

Date/Time September 10, 2012 7:30pm

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
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## SIGN-IN SHEET

Greenville - 130 Westborough St.  
 Date/Time September 10, 2012 8:15 PM

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	Allen Rubin	56 Pointe Rok Dr. Wore		✓
2	Diane Rubin	56 Pointe Rok Dr. Wore		✓
3	Jeremy Barrett	120 Westborough St Wore	✓	
4	Swah Blakeslee	120 Westborough St Wore		<del>✓</del>
5	RICHARD CRAVEDI	61 Pointe Rok Drive WORCESTER	✓	x
6	Sally Trone	50 Ideal Rd. Wore.	✓	
7	MICHAEAL H. CASH/MO	25 MENE ST WORCESTER MA	✓	
8	ANTHONY MANIFOLD	44 POINTE ROK WORCESTER MA		x
9	HANNAH MANIFOLD	44 POINTE ROK WORCESTER 01604 M		x
10	Joyce Brown	29 Pointe Rok, Wore. 01604	✓	
11	Christaige Bennu	57 Pointe Rok Drive 01604		<del>✓</del>
12	Robert Baran	58 Pointe Rok Drive 01604		✓
13	Linda Johnson	58 Pointe Rok Dr. Wore 01604		✓
14	George Russell	30 DOLLY DR WORC	✓	
15	Ann Sack	28 ETR Dr. Wore.	✓	<del>✓</del>
16	Charles Kael	28 Etree Dr. Wore		✓
17	Will Jabonka Haulta	48 Pointe Rok Dr. WARC.	?	?
18	Thomas Squios - Duffin	48 Pointe Rok Dr Wore	✓	
19	Enlo SIMMARANO	14 Flint Pond Rd. Wore	✓	<del>✓</del>
20	Beth Simmarano	16 Flint Pond Road Worcester MA	✓	

Kevin Preston