

MINUTES  
MILLBURY PLANNING BOARD  
SEPTEMBER 28, 2015

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, September 28, 2015, at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Edd Cote, Scott Despres, Richard Gosselin, Paul Piktelis, Michael Georges

Chairman Richard Gosselin welcomed Scott Despres to the Planning Board. He also clarified the Board's role and its relationship to the school population.

**7:15 p.m. ANR Plan – Michael & Linda Konisky, Greenwood Street**

Edd Cote read letter from Norman Hill explaining the ANR plan that was submitted.

Norman Hill, Land Planning, was present on behalf of the applicant. He does not believe that the remaining acres will be subdivided, there are other problems there such as a power line easement.

Motion by Edd Cote to waive the requirement to survey the remaining area of the 22 acre lot, seconded by Paul Piktelis, motion carried unanimously.

Motion by Edd Cote, seconded by Paul Piktelis, to endorse the ANR Plan for Linda and Michael Konisky, dated August 26, 2015, property located at 390 Greenwood Street, prepared by Land Planning, Inc., 214 Worcester Street, Grafton, MA, motion carried unanimously.

**7:20 p.m. Minutes:** Motion by Edd Cote, seconded by Paul Piktelis, to approve the minutes of September 14, 2015, motion carried on a 4-0-1 vote, member Scott Despres abstained as he is a new member to the Board and was not present at this meeting.

**7:25 p.m. Other Business: Potential Acceptance of Oakwood Heights Roadways**

Ms. Connors explained that the Board has hand drawn as-built plans and roadway descriptions, she was approached by a resident to see if the Board would sponsor a warrant article to accept the roadways within this subdivision. She stated that the residents could get this on the warrant if they obtained the required amount of signatures.

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

Edd Cote read the public hearing notice.

Brendan Gove, President of Zero Point was present on behalf of the applicant, with Michael Loin, Bertin Engineering Associates.

Mr. Loin explained the location and the extent of the project. All utilities within the residential area will be underground. There is a 9% access drive and a turn-around that will accommodate the fire apparatus. If the panels will exceed the maximum height allowed, a waiver request will be required, and applicant will review this.

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Mr. Cote asked what the underground land consisted of, and what would happen if they encountered ledge. Mr. Loin stated that if they hit ledge they would just drill through it.

Mr. Cote read the following letters:

1. Letter requesting reconstruction of Westborough Road from Bob Spain, Town Manager
2. Joint letter from Michael Moore and Mary Keefe, enclosing additional correspondence from Kathleen Shepard from Worcester
3. Mr. Cote read comments from Kathleen Shepard and her related concerns
4. Letter from Richard Hamilton, Fire Chief

Mr. Gosselin will not accept the corner locations without monuments.

Mr. Gove stated that the project is already before the Conservation Commission.

Mr. Gosselin asked if any materials would be taken off site. He was told no, if anything a small amount of fill might be brought in.

The Board asked about the type of truck equipment that would be necessary to construct the site. Mr. Gove stated that large equipment will not be necessary, small bulldozers, etc.

Mr. Gosselin asked how long the project would take to complete – approximately 5 weeks.

Mr. Cote asked Fire Chief Hamilton if Valenti Drive would be sufficient, and he replied yes.

Mr. Cote read letter from Enzo Simmarano, regarding his surveillance camera equipment and what he has viewed at this site. He also identified several concerns, and referenced two additional letters.

Mr. Cote read letter dated June 4, 2015 to Mr. Etre, regarding heavy equipment on his property and damage to his property.

Mr. Cote read letter to Zero Point Development from Mr. Simmarano, regarding heavy equipment on his property and damage to his property.

Mr. Gosselin clarified that people have the right to have their property surveyed and may go onto abutting property if the owner is given the required notice.

Mr. Gove stated that the applicant made sure that all equipment stayed on their own property. Mr. Loin acknowledged that a mistake was made by an employee however, and they will work with Mr. Simmarano to rectify that.

The Board was asked by Brendan Koch, 19 Valenti Drive, if all abutters were notified. Ms. Connors showed him the abutter's lists for Millbury and Worcester.

Jeff Marchese stated that the people in this area purchased their homes knowing they abutted industrial land, so if there are concerns with property value, it should have been disclosed to the buyers.

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George Russell, District City Councilor of Worcester, MA, stated that this solar farm is an obvious defect that will affect the value of property. He stated that the Board did not announce what this hearing was being held for. Ms. Connors stated it was for site plan review. He asked about access – Ms. Connors advised that this issue has gone before the Millbury Building Commissioner who determined that there was sufficient access. He asked if a curb cut was necessary and would that have to go to Worcester? He was told no by Mr. Gove. He agreed with Mr. Spain's letter and is disappointed that Millbury has not done anything to improve its portion of Westborough Road.

Mr. Gosselin asked if there was frontage on Westborough Road – Mr. Loin said yes the contiguous parcel of land has frontage, not the solar array itself.

Mr. Russell showed the Board a picture of the curb which was on his phone. It obviously needs a curb cut to him, even though the engineer says it does not.

Mr. Etre, owner of the property stated that the curb cut was always there, the end of the cul de sac will be in Millbury. The picture shown to the Board is not for his project.

Mr. Loin brought two copies of a package of frequently asked questions about solar farms, issued by the state.

Mr. Cote read letter from Enzo Simmarano and impact to his ability to sell his property.

Mr. Cote read letter from abutter at 16 Flint Pond Road and the concerns he raises via email.

Mr. Gosselin asked if a vegetative buffer can be added – Mr. Gove stated that there is a 100 foot buffer, and advised that a lot of abutters have encroached on Mr. Etre's property. They have taken down trees and also filled wetland areas there too.

Mr. Gove stated that they have already addressed 95% of the town's engineering consultant comments. They will also revise the plans to address the Fire Chief comments.

Motion by Edd Cote, seconded by Paul Piktelis, to continue the public hearing to October 19, 2015 at 8:00 p.m. , motion carried unanimously.

Chairman Gosselin declared a five minute recess.

**8:40 p.m.      Wide World of Indoor Sports Preliminary Plan**

Rodney Galton, CLA Engineers, Inc. was present on behalf of the applicant and explained the proposal. It is a very large building, almost 2 acres, and he explained the grading and drainage necessary to accommodate the building on this site.

Drainage for proposed roadway not finalized yet. Name of road is open for discussion as proposed name does not comply with the regulations. Waiver will be requested for curbing and sidewalks. A partial waiver of earth and berm buffer will be requested as there is a large vegetative area there.

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Mr. Georges asked for a description of the wetlands areas. Mr. Galton reviewed wetland review comments with the Board, including species present there and floodwater ponding.

Landscaping requirements were misinterpreted and the necessary trees etc. will be provided. Lighting will comply with the bylaws, as well as the height and design of the retaining wall, with a maximum height of 12 feet.

Comments from the review engineer were discussed. A potential zoning issue was identified, Mr. Galton advised that this location has been changed to an Industrial II zone and this has been approved by the Attorney General. This roadway will be public and will meet all requirements. Landscaping in the center radius has been removed. Many issues will be addressed at the time of the filing of the definitive plan. The applicant is also in negotiations with DOT. Road widths will be identified as well as whether the roadways are public or private.

Mr. Gosselin asked if the access easement on Fisk Road already exists? Not an access easement, a utility easement, and it will be identified on the plan. Mr. Gosselin wants the book and page reference on the plan, and a separate surveyed plan of land. All corners on the plan must be pinned or have a drill hole. Two wetlands are being crossed will there be replication – only crossing one of them, with a temporary crossing for utilities. Mr. Gosselin is very concerned with the slope. Mr. Galton stated it is a 2:1 slope, Mr. Gosselin would like a 3:1 slope.

Mr. Despres asked what the distance was from Route 146 to the building and Mr. Galton responded that it was approximately 425 feet, and also, this will be a public town road. Mr. Despres stated that the town's plow equipment must be able to have adequate access. He asked if this facility was only for soccer? Mr. Galton stated yes, that is the intention, however it may be used for a small event like a dog show. Typical hours of operation will be addressed on the plan.

Mr. Gosselin wants the name of the owner of the property on the plan. Mr. Galton showed him where it was on the plan, together with the applicant's name and both addresses.

Mr. Despres asked about impact to safety for vehicles entering and exiting the property – will they have to drive in the breakdown lane, will they have to slow down at some point? Mr. Galton stated that there has been discussion of a deceleration lane, one suggestion was a delta island to prevent people from turning too fast into the property. He also stated that there may be an issue turning the wrong way onto Route 146. He was told that signage will be present. Mr. Gosselin would like street lights at that intersection. Mr. Galton said yes, there will be one inside the town right-of-way.

Two hydrant locations are shown on the plan.

Fire Chief Hamilton asked about the capacity of people in the building. Mr. Galton will find out. He also asked if the wires coming in were underground and was a told yes.

9:15 p.m.      50 Howe Avenue (Self Storage Facility) Site Plan Review Decision

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Ms. Connors reviewed the conditions for the proposed decision.

Motion by Edd Cote, seconded by Paul Piktelis to grant a waiver from Zoning Bylaws, Section 12.44 (a) waiver from requirement to depict at least three property boundary marker locations, remotely separated, with Mass Grid Plan Coordinates, VOTE: 4-1-0 Scott Despre abstained as he is a newly appointed member to the Board and was not present at the former public hearings.

Motion by Edd Cote, seconded by Paul Piktelis to grant a waiver from Zoning Bylaws, Section 12.44 (b) waiver from the requirement to submit a landscape plan. Michael Georges was opposed. Mr. Despres abstained. Motion carried on a 3-1-1 vote.

Motion by Edd Cote, seconded by Paul Piktelis to grant a waiver from Zoning Bylaws, Section 12.44 ( e ) waiver from the requirement to submit a building elevation plans at a scale of  $\frac{1}{4}'' = 1'$ . No significant changes are proposed to the exterior of the structure. Michael Georges was opposed. Mr. Despres abstained. Motion carried on a 3-1-1 vote.

Motion by Edd Cote, seconded by to approve the site plan as depicted on plan entitled "Howe Avenue Self Storage, Sit Plan Development, AM 38, Parcels 2&3, 50 Howe Avenue, Millbury, Massachusetts", dated June 23, 2015, last revised on September 14, 2015, prepared by Level Design Group, 249 South Street, Unit 1, Plainville, MA, subject to conditions a – n. Mr. Georges was opposed, Mr. Despres abstained, motion carried on a 3-1-1 vote.

**Other Business: Casa Verde Village – Approval of Trust Documents:** Ms. Connors advised that this is not ready for discussion this evening.

**Other Business: Brierly Pond Release of Tri-Partide Agreement**

Ms. Connors advised that a check in the amount of \$40,000 has been received.

Motion by Edd Cote, seconded by Paul Piktelis to grant a Release of Municipal Interest in Lender's Agreement, dated July 15, 2013, and recorded with the Worcester District Registry of Deeds in Book 51950 Page 129 , motion carried unanimously.

Motion by Edd Cote to issue a Certificate of Completion for plan entitled " Brierly Pond Village II, An Adult Living Community" dated 6/25/04 last revised December 13, 2004 , in its entirety, seconded by Paul Piktelis, motion carried unanimously.

**Adjournment:** Motion to adjourn by Paul Piktelis, seconded by Edd Cote, motion carried unanimously. Meeting adjourned at 9:25 p.m.

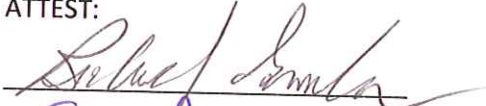




Respectfully submitted,

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

## MILLBURY PLANNING BOARD September 28, 2015

- 7:15 p.m. ANR Plan – Michael & Linda Koninsky, Greenwood Street
- 7:30 p.m. Westborough Street Solar Site Plan Review Public Hearing
- 8:00 p.m. Wide World of Indoor Sports Preliminary Plan
- 8:30 p.m. 50 Howe Ave (Self-Storage Facility) Site Plan Review Decision
- 8:45 p.m. Casa Verde Village – Approval of Trust Documents

### Other Business:

- Mail, Minutes, Vouchers
- Discuss Potential Acceptance of Oakwood Heights Roadways
- All business not reasonably anticipated to be discussed

## SIGN-IN SHEET

Flint Pond - Flint Pond Salu-Tam  
 Date/Time 9/28/15 7:30 PM

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 MICHAEL LOIN	FLINT STREET, SOUTHBORO	X	
2 Brenda Gove	391 CEDAR ST. NEEDHAM	X	
3 Dennis J. GAY Mitten	3025 E County Rd Rutland, MA		
4 Paul & Margaret Alley	10 Flint Pond Rd Worcester MA 01511		
5 Shann + Paul Whipe J	9 Flint Pond Rd		X
6 BRENOAN M KAN	20 Flint Pond Rd		
7 Beth Simmarano	19 VALENTE DRIVE	X	
8 Warren S. Catherwood JR	16 Flint Pond Rd Worcester, MA	X	
9 George Russell	38 HANCOCK RD. SOUTHBORO, MA		Maybe
10 Enio Simmarano	10 PRESIDENT RD. MILBURY MA		MAYBE
11 Amie Marchese	30 Dolly Dr WORCESTER	X	
12 Victoria Pellegrino	16 Flint Pond Rd		X
13 Jeffrey Marchese	60 Flint Pond Rd Worcester		X
14 Tracy Testa Rick	8 Flint Pond Rd Worc		X
15 Paul Lamontagne	6 Flint Pond Rd Worc	X	
16 Scott Schlegel	18 Flint Pond Rd. Worc.		X
17 Tony Pawlik	7 FLINT POND RD worc		X
18 Ronald Fine	8 FLINT POND RD Wore		X
19 Art Lomas	NONA CT		X
20 DONALD KIMMAN	2 Peter's Way Grafton		
	30 Ideal Rd Worc.	X	
	15 FLINT POND RD WORCMA		X