

MILLBURY PLANNING BOARD
MINUTES
December 12, 2016

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, December 12, 2016, at 7:15 p.m. in the Millbury Junior/Senior High School Auditorium, 12 Martin Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin Edd Cote, David Haak, Paul Piktelis, Michael Georges

Absent:

**7:15 p.m. Public Hearing on Citizens' Petition for Proposed By-Law Amendment
Regarding Methadone Clinics**

Edd Cote read the public hearing notice into record on a citizens' petition for a proposed addition to the Millbury zoning by-laws regarding methadone clinics.

Terry Burke Dotson, 20 Salo Terrace was present to provide an overview of the proposed amendment. Ms. Dotson stated the by-law came about as the Town did not have anything specific to Methadone Clinics in the zoning by-laws. Ms. Dotson also would like to amend the language to add the words lot line as follows:a proposed Methadone Clinic, will be determined by a straight line drawn between the closest boundary *lot line* of the Methadone Clinic to the closest boundary *lot line* of the school... This amendment will be acted upon at the January 3, 2017 Special Town Meeting.

Edd Cote made a motion to close the public hearing, seconded by Paul Piktelis, voted unanimously.

The Clerk will send a letter to the Board of Selectmen indicating that a public hearing was held on this matter.

Edd Cote made a motion to issue a report to the Selectmen to refer this petition to the Special Town Meeting to be held on January 3, 2017, seconded by Paul Piktelis, voted unanimously.

Chairman Gosselin indicated that he would like the citizens of Millbury to vote on the matter at Town Meeting. Ms. Dotson inquired if she could count on the Board's support. Chairman Gosselin, speaking on his own behalf, would support this at Town Meeting.

**7:20 p.m. Eastview Acres Subdivision – Request for Subdivision Bond Reduction and
Certificate of Completion**

Bob Vigneau of TPR Homes indicated that work has been completed at Irene Court and Luikey Way and is seeking a reduction of the bond amount based on the inspection by Stantec. In

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addition, Mr. Vigneau is seeking a Certificate of Completion for the project. This is a private neighborhood and will be controlled by 13 homeowners under a Homeowners' Association.

Edd Cote made a motion to reduce surety in the amount of \$217,705 leaving \$153,165 in a performance bond dated March 9, 2015 recorded in book 53457 page 313 regarding Eastview Acres Definitive Subdivision Plan, Millbury, MA dated September 13, 2004 amended September 2, 2008, TPR Homes LLC, seconded by Paul Piktelis, voted unanimously.

Mr. Vigneau is requesting a certificate of completion for the subdivision. Money is held until the roadways become public or are turned over to a homeowners' association. The subdivision cannot receive public acceptance, so the only way for acceptance is the certificate of completion. The Trust requires documentation of completion by the Planning Board.

David Glenn from Stantec identified three items still in need for completion; an additional manhole step is required at SMH 1 (sta 3+12) and DMH 1 (sta 3+00) and unable to verify concrete bound between Lot 18/20. Mr. Vigneau will take care of the open items identified.

Edd Cote made a motion to issue the Certificate of Completion pending the completion of the three open items, seconded by Paul Piktelis, voted unanimously.

7:25 p.m. Kevin Perry, 104 McCracken Road –Approval Not Required Plan

Chairman Gosselin noted there is no symbol on the plan for the iron rod set, however would not hold up approval for that.

Edd Cote made a motion to endorse the ANR plan for property owned by Kevin Perry and Stacey Gala prepared by Jarvis Land Survey, Inc., property location at 104 McCracken Road, Millbury Massachusetts, seconded by Paul Piktelis, voted unanimously.

New Business

Stratford Village - Corrected Certificate of Performance and Review of Easement Deeds

Board members signed corrected certificate of performance indicating unit numbers and street addresses.

Review of Proposed Special Town Meeting Warrant Article - Marijuana Moratorium Zoning

Chairman Gosselin informed the public that a resident brought some information to the Board's attention with regard to a zoning article for a marijuana moratorium. The Town should be

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ahead of the curve, giving the Town time to create a document that meets the Town's needs as well as stands the test of the Attorney General.

Edd Cote read the proposed by-law into record.

Anna Lewandowski, 5 Howe Lane informed the Board that the Town of Ashland had passed a bylaw and she contacted Mr. Gosselin. Ms. Lewandowski would like to see a by-law in effect in order to put some controls in place. She suggested that a committee will need to be established and thinks this is just good planning on the Town's part.

Edd Cote informed the public that this proposal will be presented at a public hearing on January 3, 2017 at 5:30 p.m. held at the media center at the Millbury High School.

Paul Wascavage, 9 Auburn Road inquired what is going on with medical marijuana and if something was approved on North Main Street. Edd Cote informed Ms. Wascavage that medical marijuana is allowed in I2 (Industrial 2) zoning. A section of North Main Street does allow for this use. Mr. Cote noted that a company met with the Selectmen but a formal application has not been submitted to Planning. Town meeting approved section 52 of the Millbury Zoning Bylaws which explains what is allowed for medical marijuana.

Review and Authorize Response to Open Meeting Law Complaint Filed by Kenneth Erikson on December 5, 2016 alleging a violation at the Planning Board's November 14, 2016 meeting

The Board reviewed an Open Meeting Law Complaint filed by Kenneth Erikson. A written response to the complaint needs to be sent to the Attorney General's office where a final decision will be made to the claim.

Edd Cote made a motion giving Town Counsel authorization to reply to the complainant and the Attorney General's office, Paul Piktelis seconded, voted unanimously.

Edd Cote read the open meeting law complaint into record.

United Material Management Decision Sign off – Sign Plan

Edd Cote acknowledged waiver requests that were included in the decision.

Edd Cote made a motion to use a plan scale on the Site Plan of 1 inch to 40 feet, rather than 1 inch to 20 feet as required by Section 12.44 (a), seconded by Paul Piktelis, voted unanimously.

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Edd Cote made a motion to waive Section 12.44 (a) to show existing and proposed contours on the Site Plan at 2-foot contours, rather than 1-foot contours, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to exclude an isometric line drawing showing the project and its relation to existing areas from the Site Plan, otherwise required by Section 12.44 (c), seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to waive requirements to provide building elevation plant at a scale of $1/16'' = 1'$ on the Site Plan, rather $1/4'' = 1'$ or $1/2'' = 1'$ as required by Section 12.44 (e), seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to allow them to not use granite curbing in front of sidewalks, otherwise required by Section 12.45 (o), seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to require strict compliance with the parking area landscaping requirements of Section 12.45 (q), seconded by Paul Piktelis, voted unanimously.

Other Business

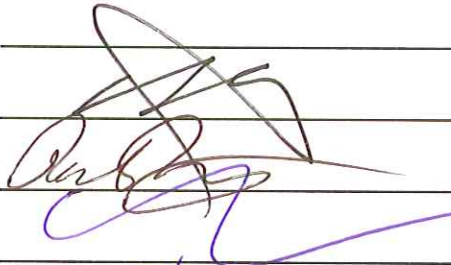
Adjournment

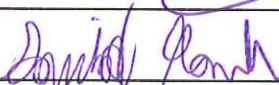
Paul Piktelis made a motion to adjourn, seconded by Edd Cote, voted unanimously. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Michelle T. Desorcy

ATTEST:







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

**PLEASE NOTE CHANGE OF MEETING LOCATION, 12/12/16
MILLBURY JUNIOR/SENIOR HIGH SCHOOL AUDITORIUM,
12 MARTIN STREET, MILLBURY, MA**

PLANNING BOARD AGENDA

December 12, 2016

- 7:15 p.m. Public Hearing on Citizens' Petition for a Proposed Zoning By-Law Amendment Regarding Methadone Clinics
- 7:20 p.m. Eastview Acres Subdivision - Request for Subdivision Bond Reduction and Certification of Completion
- 7:25 p.m. Kevin Perry, 104 McCracken Road - Approval Not Required, Plan Submission

New Business:

- Stratford Village, Burbank Street - Corrected Certificate of Performance and Review of Easement Deeds
- Review of Proposed Special Town Meeting Warrant Article - Marijuana Moratorium Zoning Bylaw
- Review and authorize response to Open Meeting Law Complaint filed by Kenneth Erikson on December 5, 2016, alleging a violation at the Planning Board's November 14, 2016 meeting

Other Business:

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

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16 DEC -9 AM 9:31
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MEETING NOTICE ONLY

FY 2017

RECEIVED
TOWN CLERK
16 DEC -9 AM 9:31
MILLBURY, MASS

Planning Board
Name of Board/Committee/Commission

Date of Meeting: 12/12/16

Time of Meeting: 7:15 p.m.

Location of Meeting: Millbury JR/SR High School
12 Martin Street (Auditorium)
DATES MEETING WILL BE HELD

Please note: Change of location from
127 Elm Street to 12 Martin St.
(Town Hall) (Millbury H.S. Auditorium)

OR CHECK OFF BOX AND PROVIDE INFORMATION

WEEKLY _____

MONTHLY _____

NOTE: IF YOU USE THIS NOTICE TO SCHEDULE MEETINGS IN ADVANCE YOU STILL NEED TO PROVIDE A FULL AGENDA FOR EACH MEETING TO BE IN COMPLIANCE WITH THE OPEN MEETING LAW G.L.C. 30A, §§ 18-25

CHAIRMAN/CLERK: Michele O'Keefe

SIGN-IN SHEET

Pumpkins Board

Date/Time

12/12/16

NAME	ADDRESS	I WISH TO SPEAK	
1		YES	NO
<i>Scott Deapner</i>	<i>21 Waters St</i>		<input checked="" type="checkbox"/>
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