

# MILLVILLE PLANNING BOARD

## MEETING MINUTES

Millville Town Hall  
290 Main Street

September 25, 2017

---

Board Members Present: Chairman John Hadley, Vice Chairman Richard Hurteau, Claudette Barrett, Michelle DuMond and Brian Mullaly.

Also present was Hillary Carney, Town Planner and Natalia Alward, Clerk.

---

### Minutes

*On a motion made by Mr. Hurteau and seconded by Ms. DuMond, the Planning Board voted 4/1 (Hadley, Hurteau, Barrett and DuMond in favor, Mullaly abstaining as he was not a Planning Board member at the time) to accept the minutes of July 10, 2017 and August 14, 2017.*

### Correspondence

- Public hearing notice from Uxbridge regarding a marijuana moratorium. It was noted that Ms. Carney will be attending a seminar given by the Massachusetts Municipal Lawyers Association at which the head of the Attorney General's Municipal Law Unit will be presenting.
- A memo from the Town Administrator, Jennifer Callahan, regarding the Special Town Meeting scheduled for November 13, 2017 at 7:00 PM.
- A business certificate application from Paul Canali, 24 Afonso Way for "Cooking with Tourette's, DBA". There is no need for any further act as he makes videos from his home for YouTube.

### Worcester Registry of Deeds

Board members signed the annual signatory page for the Registry of Deeds providing the registry with the proper names of the Planning Board for recording purposes.

### StormWater Management

StormWater Regulations were written and approved by the Planning Board in 2009. Ms. Carney suggested changes to the existing regulations to allow more copies so that the submittals could be properly circulated among the appropriate departments for comments. *Hurteau made a motion to accept the proposed changes to the regulations; Mullaly seconded the motion, which was unanimously approved.*

### **Missing Records**

Ms. Carney stated that there were numerous Planning Board minutes missing. Only three (3) sets of minutes have been posted on the website since October 1, 2016. If the original approved/signed copies cannot be located the Planning Board will be required to review and vote to accept them again.

### **Board Reorganization**

Ms. DuMond noted that the agenda for this meeting was not the same as the previous meeting, which had been cancelled after thirty five (35) minutes because the location was incorrectly advertised. Mr. Hadley stated that he had removed the item for re-organization from the agenda as he intended to stay on as Chair through April 2018. Ms. Barrett stated that the re-organization had been postponed because the Board was not complete but now it was. Mr. Hadley stated that as Chair he had authority to determine the agendas and decide when to reorganize and if there should be a public forum. Ms. Barret cited "Roberts Rules of Order" as stating that re-organization was always on "the table" for discussion. Town Counsel Brian Riley, who was present, stated that he had never heard that, and that Town Government was ruled by the Open Meeting Law not Roberts Rules of Order.

Ms. Barrett excused herself at 7:42 PM stating she was not feeling well. Ms. DuMond also left the meeting stating that she could not stay either.

### **Open Meeting Law Presentation**

Town Counsel, Brian Riley, distributed copies of his PowerPoint presentation of the Open Meeting Law to those present. The timetable for minutes was discussed and the appropriate timeframe for them to be submitted and approved is roughly thirty (30) days but no later than the third meeting. Ms. Carney asked about the use of emails and Attorney Riley explained that if any issues are discussed in email it is a violation of the Open Meeting Law and can be subject to fines and possible penalties, advising that it was best just to use email for scheduling purposes. Individual members could send questions or comments to the Town Planner regarding an issue but **not** as a mass email to all members. Mr. Mullaly asked if the meeting room was equipped with cameras and the meetings were recorded if those present need to be advised they were being recorded (YES). Those wanting to audio record the Planning Board meeting may do so once they have notified the Chair that they are doing so. Attorney Riley also noted that there is a formal process for the public to file complaints with the State; all forms are on the Secretary of State website.

### **Road Acceptances**

Carriage Estates – Mr. Hurteau is the developer of Carriage Estates. Since there would be no quorum if Mr. Hurteau recused himself the Board could not discuss this subdivision. Ms. Carney assured him that she was creating "place holder" warrant articles for the Special Town Meeting warrant for the road acceptances. Mr. Hurteau stated that he had sent a letter regarding the trees in the detention pond to which both Mr. Mullaly (Highway Supervisor) and Ms. Carney stated that the trees need to be cut down to the base and the tree trunks disposed of; do not pull out the root structures. Removing the tree roots will pull up the base of the detention basin.

Carriage Estates II – Ms. Carney stated that the deficiency inspection was conducted on September 14, 2017. The developer, Robert Paige, will be working on the items listed in the report to get the road ready for acceptance at the Special Town Meeting in November. “Place holder” warrant articles were being prepared for this road as well.

Afonso Estates – Dominic Afonso and his engineer, Craig Holmberg from Guerriere & Hanlon were present. Ms. Carney read the conditions of the Approved Definitive Subdivision decision for this subdivision that was approved in 1998, which included a section of sidewalk to be installed on Central Street. At the time the developer could not get easements from residents or the Town to build the sidewalk. In 2016 The Town received a MassWorks grant to rebuild Central Street with sidewalks on the opposite side of the street; therefore the Planning Board is requesting some consideration for mitigation in lieu of the sidewalk. Mr. Afonso stated that the costs submitted by the Town’s engineering firm were far more than he would send for the sidewalk as the engineer had used MassDOT specifications and the State required prevailing wage in calculating the cost. MassDOT specifications were not used in the original subdivision approval; it would only cost him Fifteen to Seventeen (\$15,000.00 to 17,000.00) Thousand Dollars to construct the same length of sidewalk. Mr. Afonso offered the Town Seventeen (\$17,000.00) Thousand Dollars in mitigation in lieu of building the sidewalk, which would go into an escrow bearing road mitigation fund with the Town if this mitigation was accepted.

Ms. Carney stated that this mitigation would require a public hearing for a Modification to the Approved Definitive Subdivision, which could be done prior to the road acceptance public hearing. She also stated that she would prepare “place holder” warrant articles for acceptance of these two roads as well.

### **Planners Update**

Home Occupations. It was noted that this was something that Ms. Barrett wanted to discuss. It will be put on the next agenda again.

Zoning Diagnostics. A representative from the Planning Board is requested to serve on the Zoning Diagnostics Committee to review and identify existing deficiencies and/or problems in the Zoning Code. Mr. Hadley volunteered.

ANR Berthelette Way. Ms. Carney explained that there was an ANR that needed to be addressed at the last Planning Board meeting (that was cancelled). The twenty-one (21) day time frame had expired with no action having been taken by the Planning Board therefore; Jason Berthelette had opted to take it to the Registry of Deeds himself, without the Planning Board’s endorsement, as it was holding up a pending sale of the property. The ANR was allowed by right and meet all zoning and area requirements and subsequently created two (2) additional lots along Berthelette Way. Mr. Hurteau was concerned about the fee still being charged when it was explained that the plan still had to have been reviewed for zoning requirements, research was required to determine if this plan was in compliance with the original subdivision plans (it was), filed with the Town Clerk and then a letter needed to be written by the Town Clerk’s office, so the plan could be recorded without Planning Board signatures.

Millville Estates. Ms. Carney met with Kevin O'Sullivan and Bruce Wilson for the developer. The test hole borings along Thayer Street are scheduled to commence this week. She also stated that she had reminded Mr. O'Sullivan and Mr. Wilson that the fire suppression water line had to be installed before any work could be done on the actual site.

Meeting Dates. Future meeting dates are as follows:

- October 10, 2017
- October 16, 2017 (Senior Center)
- November 6, 2017 (Senior Center)
- November 13, 2017 (Special Town Meeting)
- November 27, 2017

**Mr. Hurteau made a motion to adjourn the meeting which was seconded by Mr. Mullaly. The Board voted unanimously to adjourn the meeting at 8:58 PM.**

Respectfully Submitted,

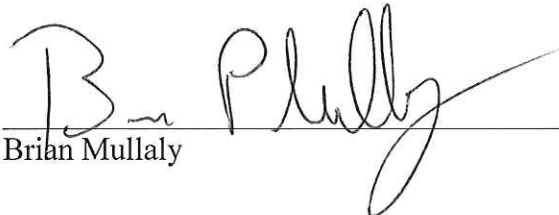
Hillary Young Carney  
Town Planner

  
John Hadley, Chairman

  
Richard Hurteau, Vice Chairman

\_\_\_\_\_  
Claudette Barrett

\_\_\_\_\_  
Michelle DuMond

  
Brian Mullaly

REC NOV 29 2017

PM1:01:22

TOWN CLERK