

Date: Monday, November 20, 2023
To: Millbury Board of Appeals
From: Richard Gosselin, Chairperson, Millbury Planning Board
Francis DeSimone, Member, Millbury Planning Board
Reference: **Recommendations for Chapter 40B Rice Pond Village Project**

We appreciate the opportunity to offer insights and recommendations to the Board of Appeals regarding the proposed Chapter 40B Rice Pond Village project. As we believe you are aware, the Planning Board rejected a project for 46 condominiums on the same site by the same Applicant due to significant concerns about public safety, environmental protection, and non-adherence to zoning bylaws and subdivision regulations. The developer's latest submission has failed to address any of our concerns; if anything, it has worsened the situation.

In addition to the local regulations and concerns outlined and documented in the Planning Board's February 14, 2022, denial decision which we have been informed has been provided to you, we remain skeptical that this project proposal meets the criteria for compatibility with neighboring uses and compliance with 760 CMR 56.04(4)(c), the pertinent regulations governing the design aspects of a Chapter 40B proposal. The project proposal fails to tackle the potential public safety issues at the Providence & Worcester Railroad crossing, the inadequacy of the infrastructure of Rice Road in its entirety, and the intersections of South Main Street and Providence Street. The positioning of the buildings raises concerns about potential environmental impacts to Rice Pond and the on-site wetlands habitats.

- The agreement between the Town and Applicant under the Local Initiative Program (LIP) specifies that the developer is obliged to provide specific deliverables as detailed herein:
 - We have not received the intersection improvement plan for Rice Road and Providence Street, making it impossible to evaluate at this moment. We retain the right once we receive it.
 - The submitted plans lack a sidewalk along Rice Road, preventing us from assessing its design and layout. We'll reserve our right to comment once we receive further details.
 - No traffic signage and marking plan has been presented, thus hindering our ability to provide an evaluation. We'll reserve our right to comment once we receive this information.
- The Applicant is proposing density of multifamily housing greater than what is allowed with a special permit in the Zoning Bylaws in Section 23.2, which is incompatible with the intent of the Suburban II Zoning District which prohibits multifamily dwelling units on a minor road.
- The Applicant is proposing three apartment buildings which will have heights in excess of the allowed 30 foot maximum in the Zoning Bylaws in Section 23.32, with building heights of 65.5 feet which dwarfs the majority of surrounding single-story single-family homes.
- The Applicant is proposing to provide parking at the ratio of 1.66 per unit rather than two per unit plus a third space per each three-bedroom unit in the Zoning Bylaws in Section 33.2, which based upon our experience is insufficient for the need.
- Rice Road's pavement width of 20-22 feet, coupled with additional design deficiencies for expected traffic volumes highlighted in the Applicant's updated traffic impact study, prompts further inquiries. The intersection of Rice Road and Providence Street currently requires upgrades, and this project demands significant redesign and reconfiguration. Please refer, at the very least, to the road design criteria in Sections 6.7(6), 6.7(4)(i), and 7.5 of the Subdivision

Rules and Regulations. To accommodate the size of this project, the necessary road pavement width should be at least 32 feet, accompanied by a 3-foot grass strip and a 5-foot sidewalk.

- The proposed development, according to Genesee & Wyoming Inc., the parent corporation of the Providence & Worcester Railroad has documented that the previously proposed development would cause the railroad crossing to be out of compliance with the American Railway Engineering and Maintenance-of-Ways Association (AREAMA) standards and would be required to be upgraded due to the Applicant's plans for development and traffic volume increases. Revamping the railroad approach and crossing for public safety is essential, though it's probable that Millbury taxpayers will bear the brunt of the burden of the costs.
- The project's single means of access poses potential safety hazards for project residents and those in the surrounding neighborhood. This includes concerns about vehicle entry and flow, pedestrian movement in the area, and the accessibility of essential emergency services such as police, fire, and ambulances. These issues directly conflict with the stipulations outlined in Section 32.6 of the Zoning Bylaws.
- The design of the building and the proposed site layout is inconsistent with the design requirements outlined in 760 CMR 56.04(4)(c) and the related Guidelines dated May 2013.
 - The proposed apartment structure is inconsistent with nearby existing residential building typology.
 - The proposed four-story apartment structures are not compatible with nearby structures in terms of height, mass, and scale.
 - Appropriate density of residential development depends on a number of different factors and must be reviewed on a case-by-case basis. In this case, however, it appears that the project is simply too dense.
 - The site plan does not provide a satisfactory design treatment of the edge between the site and the surrounding streetscape and does little to enhance the visual quality of the streetscape.
- We strongly advise the Board of Appeals to utilize all available technical consultants to assess and scrutinize this project thoroughly.
- It is important to recognize the role of the Town of Millbury as clarified in our regulations which in part state "...enacted for the purposes of protecting the safety, convenience and welfare of the inhabitants of Millbury..." This project does not conform to the purposes outlined in our governance in the Subdivision Rules and Regulation in Section 1.0.

This project could significantly affect the town, and we are prepared to support the Board of Appeals in assessing its impact and any project conditioning as may be required. We suggest a substantial reduction in the scale of this project or its denial, unless all the concerns mentioned here can be effectively mitigated.

We recommend denying all waiver requests for this project as it does not serve the best interests of the neighborhood or the town.

We appreciate the time and thought you have and will put into this matter.