

Liability and Public Safety Issues Surrounding Proposed Chapter 40B Rice Pond Village Project

Date: Thursday, December 21, 2023
To: Millbury Board of Appeals
From: Steve Stearns
Reference: **Liability and Public Safety Issues Surrounding Proposed Chapter 40B Rice Pond Village Project**

As we all delve deeper into the discussions surrounding the proposed Chapter 40B Rice Pond Village project, it's become increasingly apparent that there are crucial liabilities and public safety concerns that demand our immediate attention.

Liability and Pre-Identified Risks:

Our initial investigations into liability associated with pre-identified risks have illuminated potential repercussions if we neglect public safety measures. The town officials must take heed: documented risks, especially those concerning public safety, significantly impact liability. Failure to adequately address these documented risks could result in severe consequences, potentially impacting taxpayers through increased insurance premiums or reduced local services.

Pertinent Public Safety Concerns:

The MassDOT crash data speaks volumes about the gravity of the situation. The vicinity of the proposed project site has been witness to multiple incidents, highlighting the pressing need for a meticulous examination and effective mitigation of these risks. Specific intersections, such as Providence Street and Rice Road, and the Providence & Worcester Railroad crossing, demand immediate attention and comprehensive resolution strategies.

Developer Oversight and Responsibility:

Alarming, the developer's assessment appears to have overlooked critical incidents and safety concerns. Their proposed solutions seem inadequate, casting doubt on the efficacy of their strategies in addressing the documented risks. Additionally, their reluctance to bear financial responsibility for essential safety upgrades places an undue burden on taxpayers.

A Call to Action:

It is imperative to prioritize the safety of our community above all else. While the need for affordable housing is crucial, it should not come at the expense of public safety. Our obligation is to safeguard the well-being of our residents. Therefore, we must prioritize discussions around public safety considerations over any requests for unwarranted waivers or concessions.

760 CMR 54.02 mandates town officials to "...protect the health or safety of the occupants of a proposed Project or of the residents of the municipality, to protect the natural environment, to promote better site and building design in relation to the surroundings..." in their evaluation of any project under consideration.

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Seeking Viable Alternatives:

Furthermore, it is pivotal to underscore that there exist more suitable locations for projects of this nature that pose minimal risk to public safety. Identifying and highlighting these locations will be instrumental in ensuring the development meets both the town's needs and safety standards.

This memo aims to bring to your attention the gravity of the situation surrounding the proposed Chapter 40B Rice Pond Village project. I urge each of you to consider these crucial points in our ongoing discussions and decision-making processes. It is incumbent upon us to ensure the safety and well-being of our community.

For in-depth insights compiled and shared by our community, visit <https://ricepondvillage.com/blog/liability-for-pre-identified-risks>. There, you'll find comprehensive statistics, maps, and additional pertinent details.