

Chapter 40B
Neighborhood and Community Public Comments

### **Steve Stearns**

#### Neighborhood and Community Spokesperson

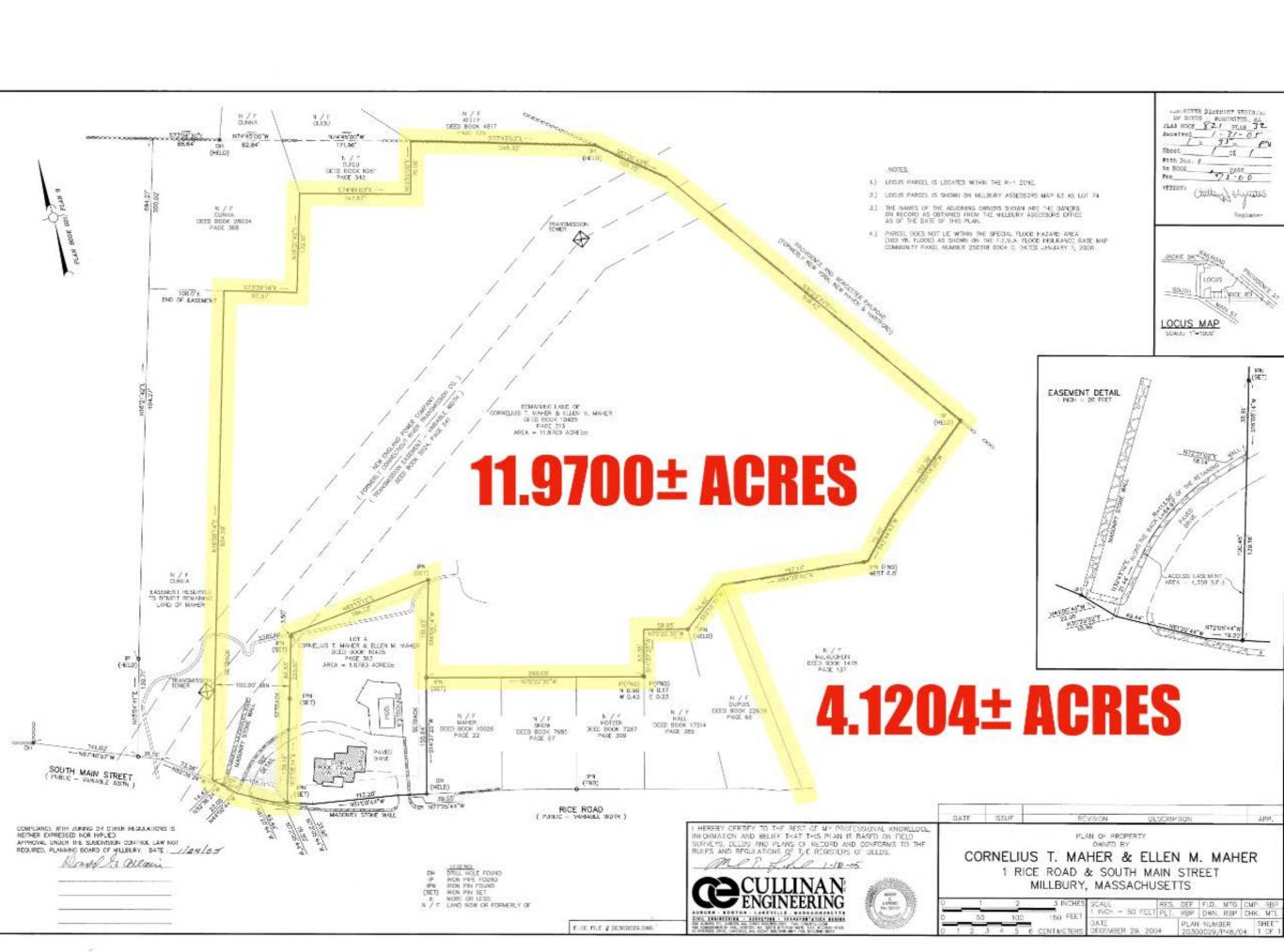
- Advocating for the concerns of more than 100 local residents
- Proficient in civil and environmental engineering
- Deep roots in the affected neighborhood, having grown up there and returned
- Urged the Planning Board to close the public hearing and reject the prior condominium proposal on the site due to unresolved public safety issues from the developer
- Successfully rezoned the north side of Rice Road
- Passed a temporary moratorium on multi-family development with over 80% community support at Town Meeting

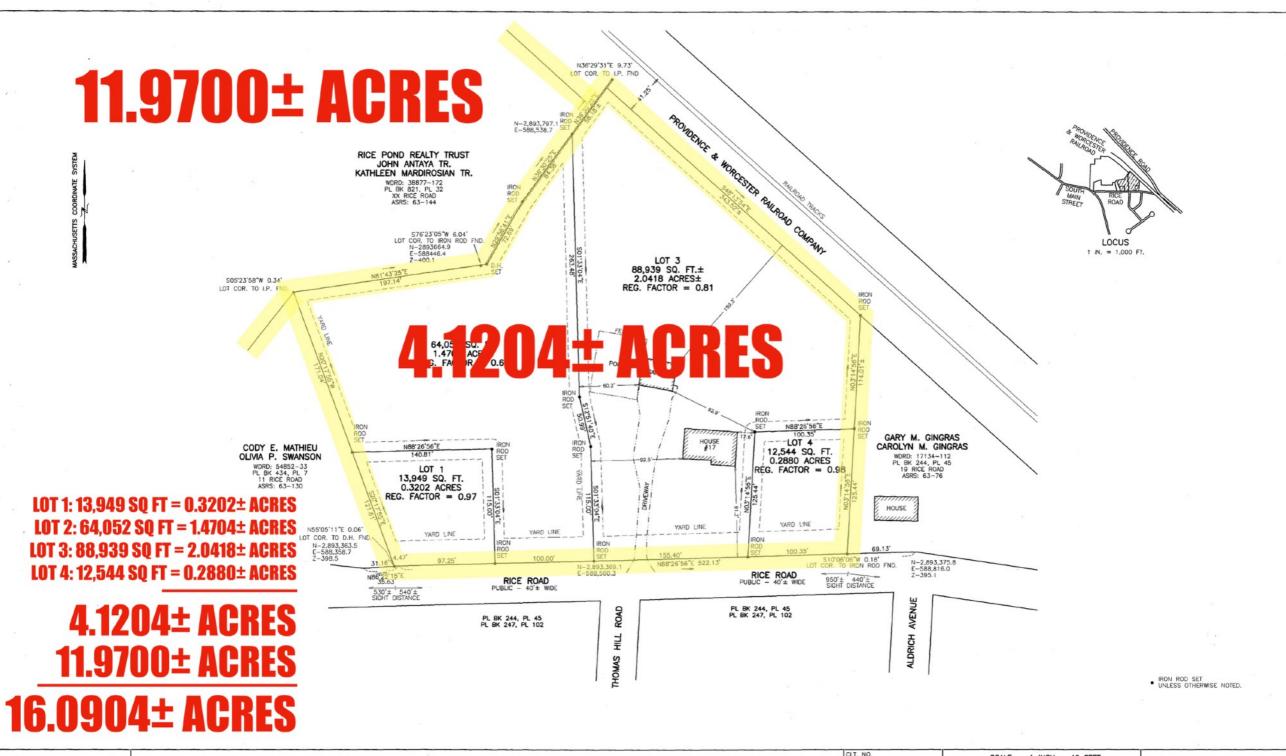
# Conflicting Information...

#### Who Are We Dealing With?

- Rice Pond Village, LLC
- SJV Investments, LLC
- Elite Homes, LLC
- Whitney Street Home Builders, LLC

Make sure to thoroughly investigate and don't take anything at face value unless it's confirmed by a trustworthy source through your own independent research.





WORCESTER DISTRICT REGISTRY OF DEEDS-WORCESTER, MA PLAN BOOK 950 PLAN 65 2/8/20 45 m A N ATTEST: Kashiga a Tomey

ZONE: R-1
SINOLE FAMILY
AREA: 12,500 SQ, FT, WITH WATER AND SEWER
FRONTAGE: 100 FT,
FRONT YARD: 25 FT,
SIDE & REAR YARD: 10 FT,
COVERAGE: 30% MAX.
ALL THE LOTS MEET THE MINIMUM REQUIRED
FRONTAGE ON A PUBLIC WAY, LOT AREA AND
STREACK REQUIREMENTS.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED. MILLBURY PLANNING BOARD COMPLIANCE WITH ZONING OR OTHER REGULATIONS IS NETTHER EXPRESSED NOR MINUTED.

MARCH 2, 2020

SCALE: 1 INCH = 40 FEET 186-3234 MCLAUGHLIN ANR-1

TEL: 508-869-6151 FAX: 508-869-6842 EMAIL: info@tiginc.net

OWNED BY:
MCLAUGHLIN FAMILY LIVING TRUST 17 RICE ROAD THOMPSON-LISTON ASSOCIATES, INC. MILLBURY, MASS. 01527 PROFESSIONAL CIVIL ENGINEERS WDRD: BOOK 41522, PAGE 260 PROFESSIONAL LAND SURVEYORS 51 MAIN STREET, PO BOX 570 BOYLSTON, MASS. 01505-0570 WDRD: BOOK 41522, PAGE 262

PLAN OF LAND IN MILLBURY, MASSACHUSETTS

ASSESSORS: 63-75

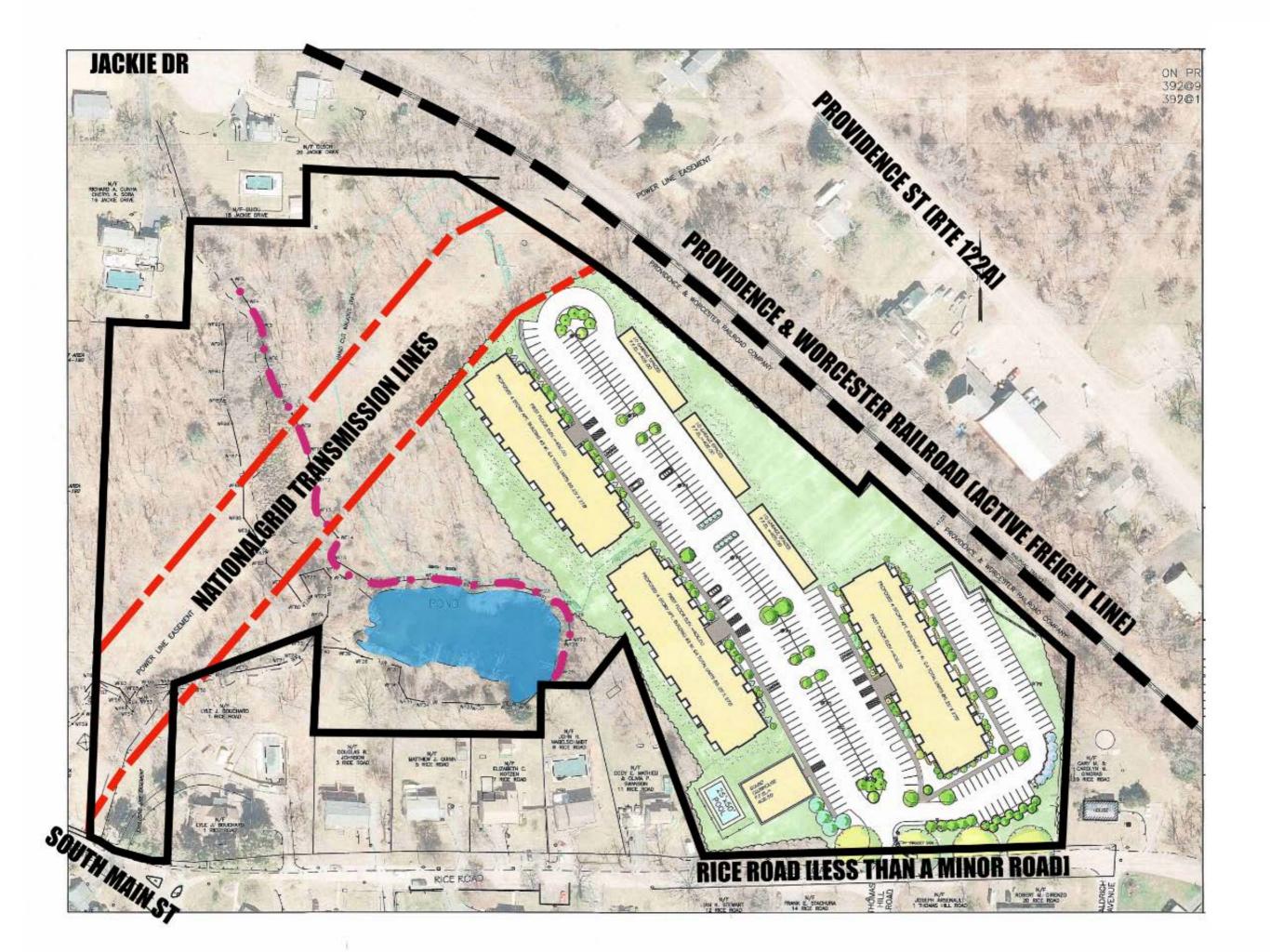
# Sample Building Elevation

#### Rice Pond Village Architectural Plans

Wait, is this a 4-story building with 5 stories worth of windows? In a Suburban II zoning district with a maximum building height of 30 feet, the roof peak stands at a towering 65 feet and 6 inches.



# First Impressions



## Waiver Requests

#### Square Peg Round Hole Scenario



The proposed Rice Pond Village comprehensive permit development will require three waivers from the Millbury Zoning Bylaw:

- 1. From Section 23.2 The Applicant is proposing density of multifamily housing greater than what is allowed with a special permit.
- 2. From Section 23.32 The Applicant is proposing three apartment buildings which will have heights in excess of the allowed 30 foot maximum.
- 3. From Section 33.2 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.

# Our Focus

## **Consistent with Local Needs**

M.G.L. c 40B § 20

Consistent with Local Needs – means the need "...to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing..."

Meeting the Subsidized Housing Inventory (SHI) threshold of 10% is not necessary to align with "consistent with local needs," as per the state requirements outlined in Chapter 40B.

### Uneconomic

M.G.L. c 40B § 20

Uneconomic — "...any condition brought about by any single factor or combination of factors to the extent that it makes it impossible for a public agency or nonprofit organization to proceed in building or operating low or moderate income housing without financial loss, or for a limited dividend organization to proceed and still realize a reasonable return in building or operating such housing within the limitations set by the subsidizing agency..."

### **Local Concerns**

#### 760 CMR 54.07(3)(d-f)

- (d) Health, Safety, and the Environment.
- (e) Site and Building Design.
- (f) Open Space.

### **Local Concern**

527 CMR 18.2.3.3

18.1.2.3 More than one fire department access road shall be provided when it is determined by the Authority Having Jurisdiction (AHJ) that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

### **Local Concern**

527 CMR 18.2.3.4.8

18.2.3.4.8 Travel in the Opposing Lane. The use of the opposite travel lane is prohibited in the design of all new fire apparatus access roads.

## Local Concern 780 CMR 427.9

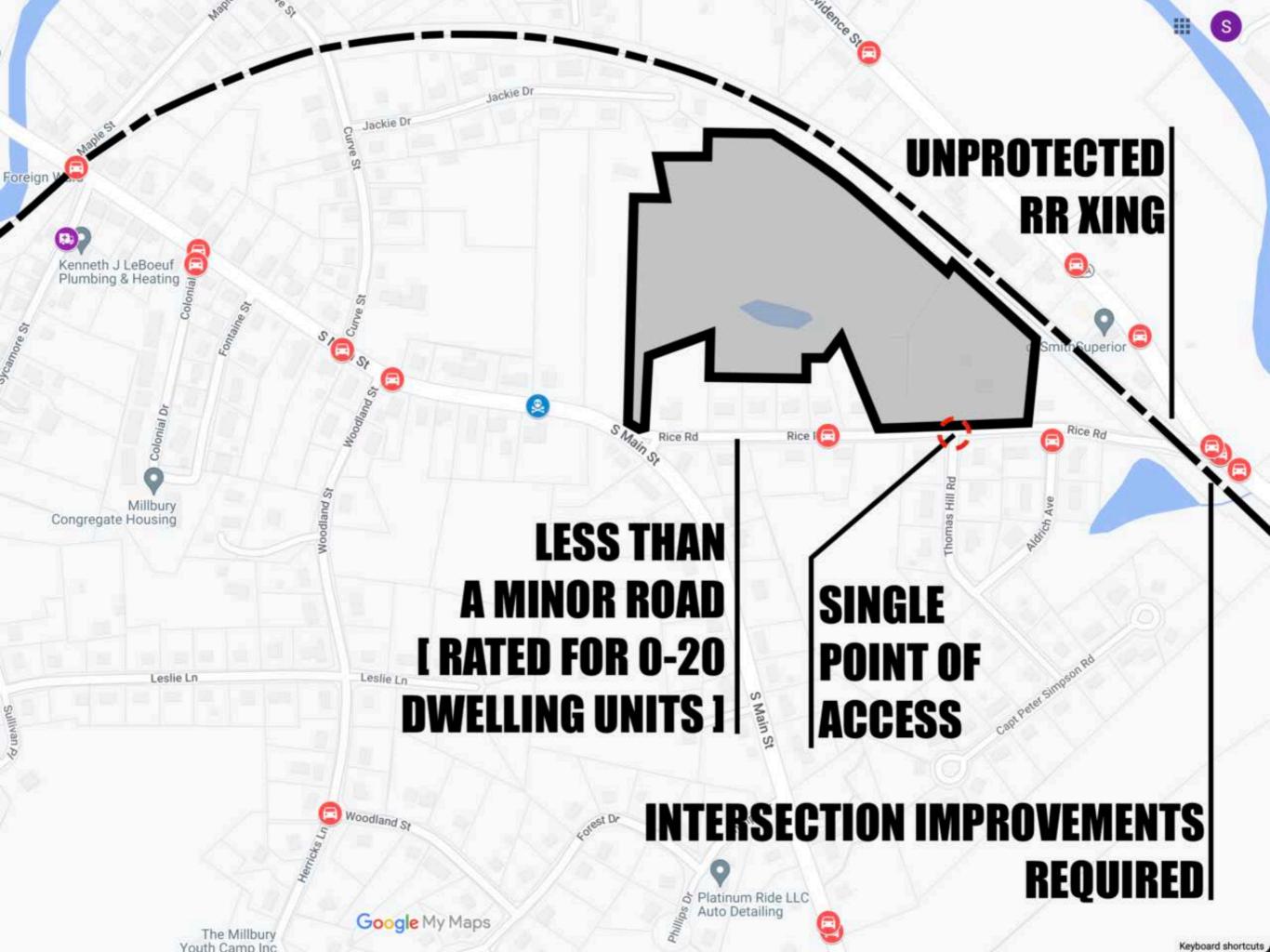
427.9 Fire Department Access Roadways. Fire department access roadways shall be provided on at least two sides of the building with such access to be approved by the head of the fire department prior to any construction. Fire hydrants shall be provided in locations approved by the head of the fire department.

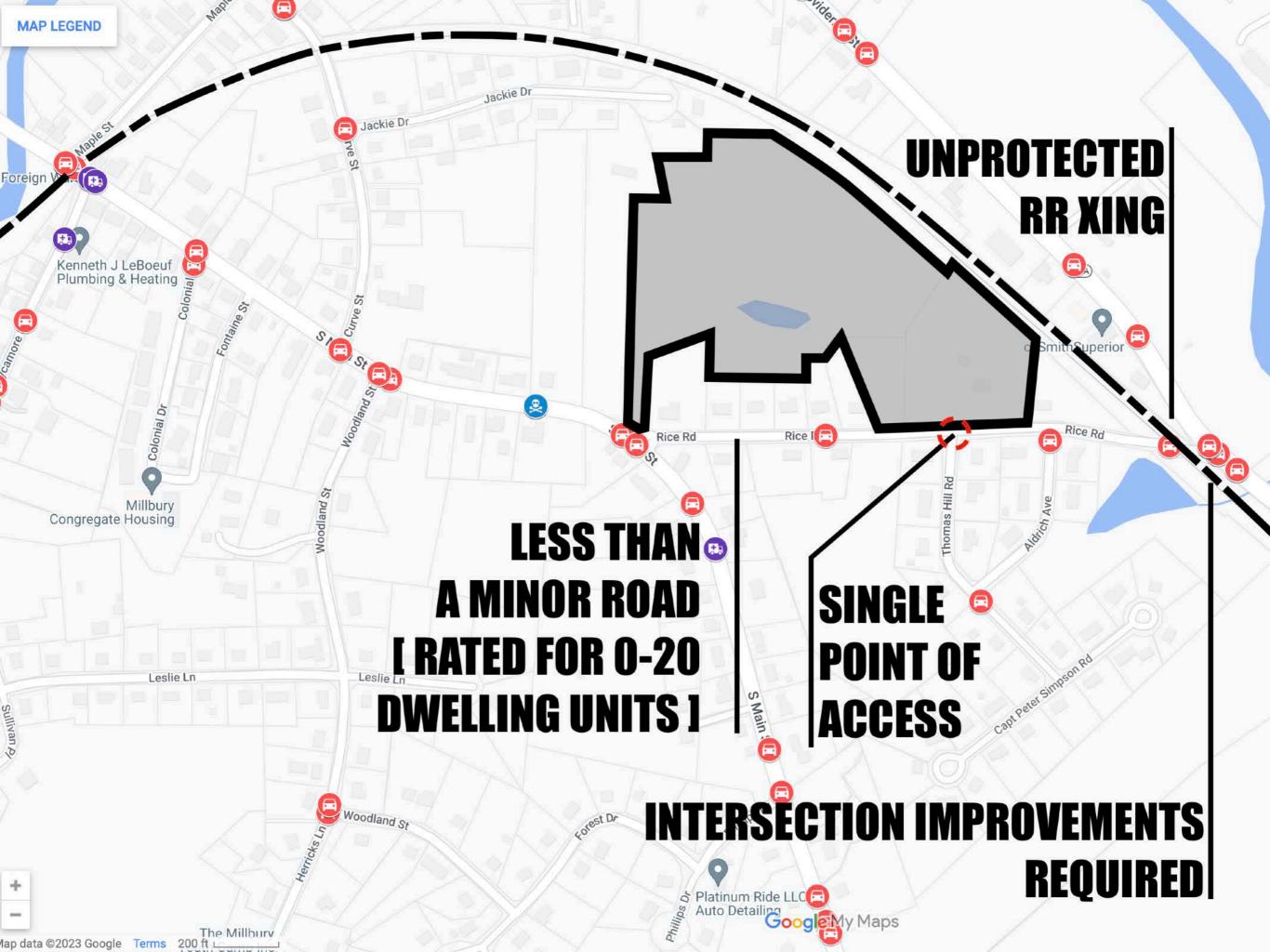
# Public Safety & Health

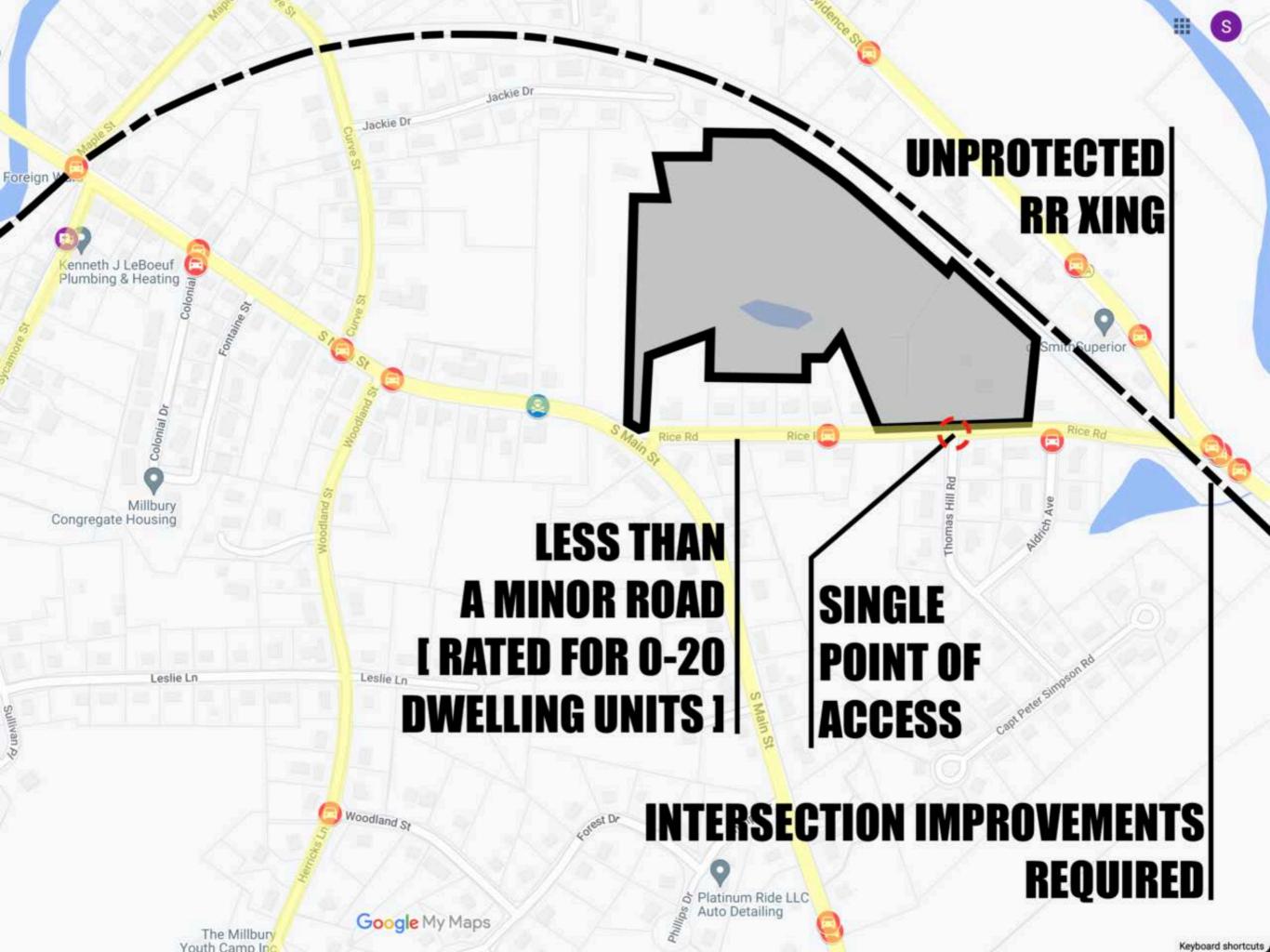
### Section 11

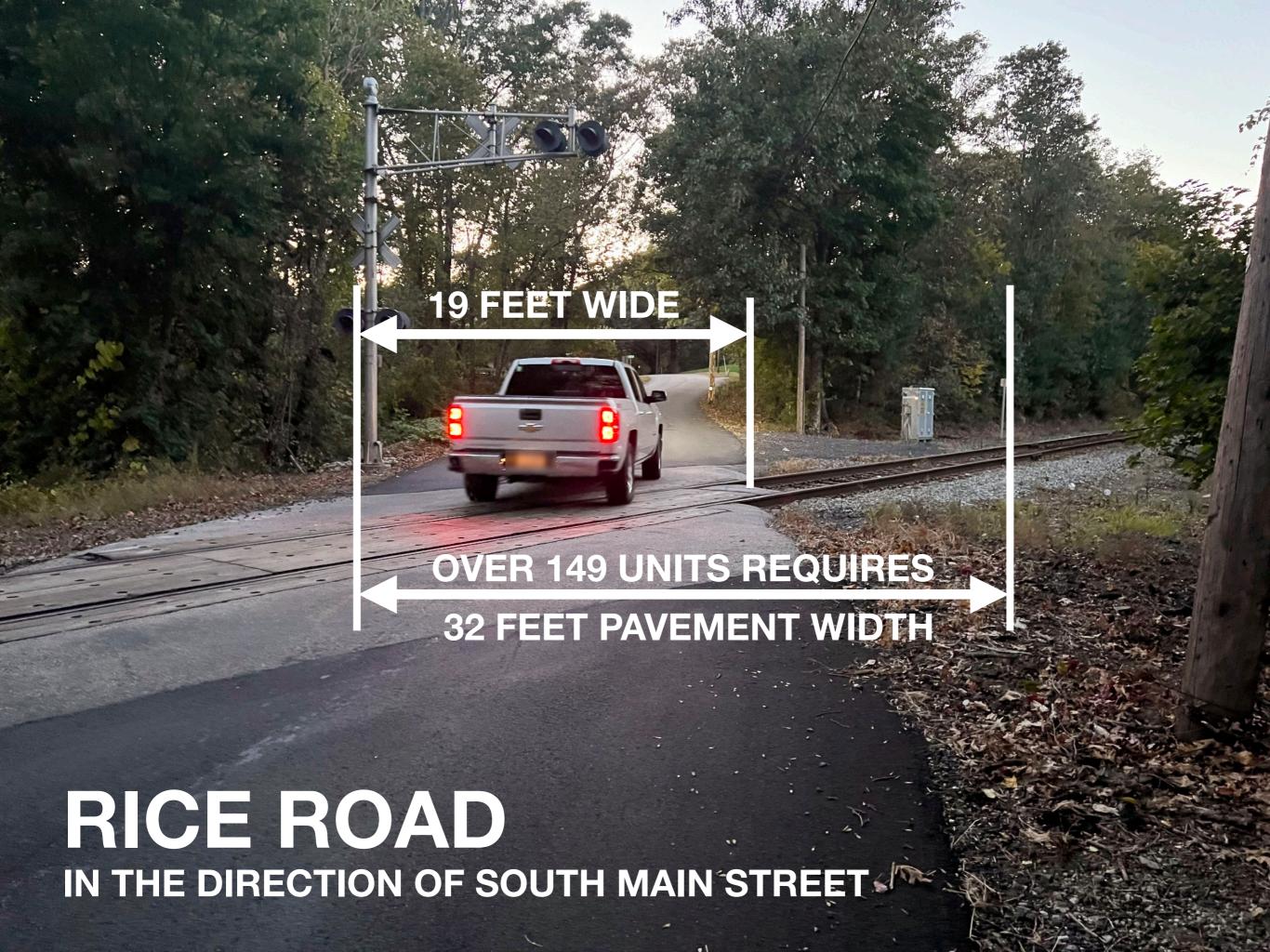
#### **Zoning Bylaws**

The purpose of this [Zoning] Bylaw is to promote the health, safety, convenience, amenity and general welfare of the inhabitants of the Town of Millbury, through encouraging the most appropriate use of land, as authorized by Chapter 40A of the General Laws, and by Article 89 of the Amendments to the Constitution.













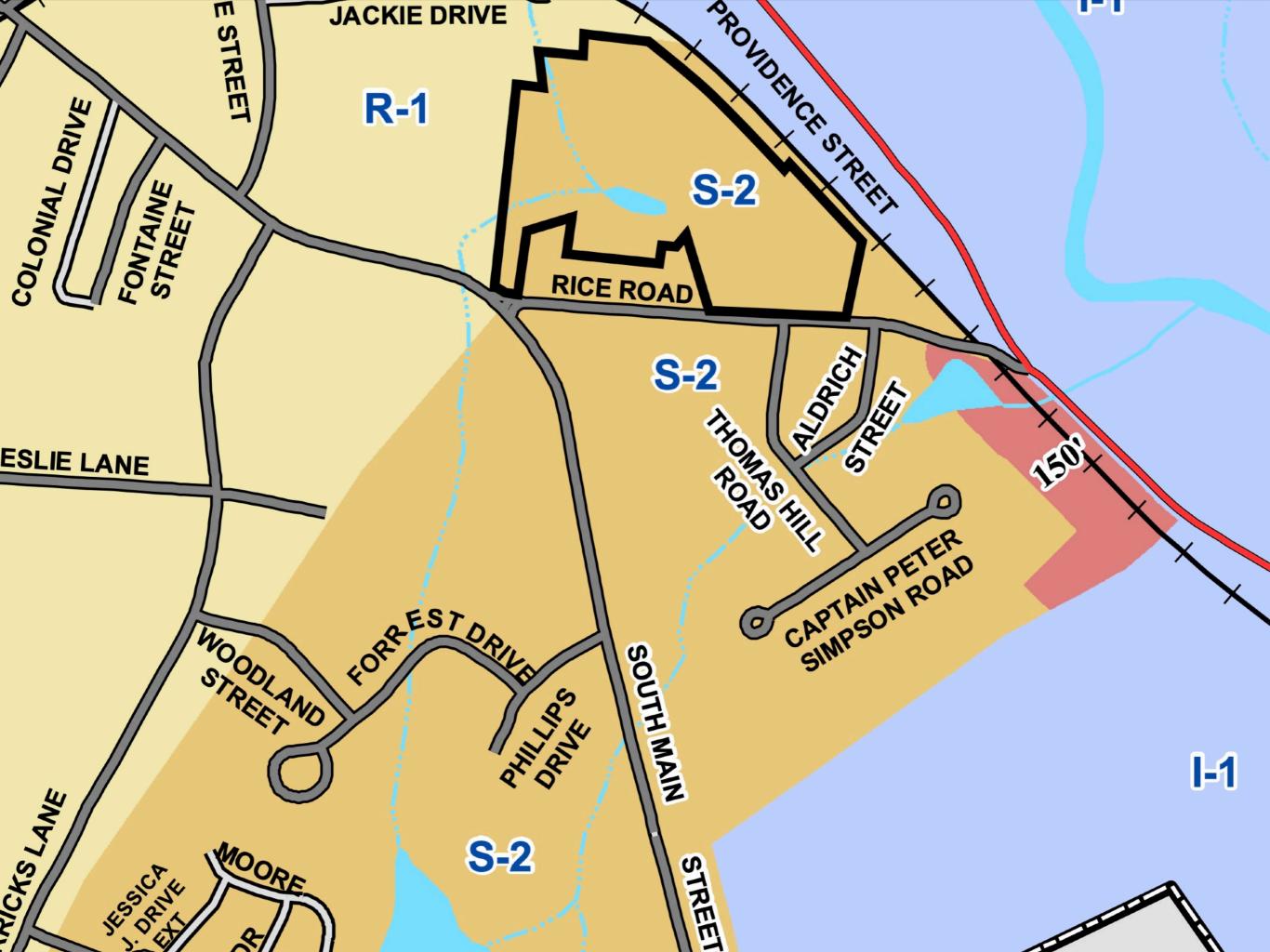
# **Taking The Trash Out**

#### **How Many Dumpsters Do You Really Need?**

The latest site plans reveal **two dumpsters** allocated for the 192 apartments, encompassing 1-, 2-, and 3-bedroom floor plans. Having been involved in board duties and actively managing day-to-day operations, our experience with 132 1- and 2-bedroom condominiums necessitated the weekly emptying of **five 10-yard dumpsters**, with extra pickups during the holiday season.



# Design



# Section 23

#### **Zoning Bylaws**

The intent of Suburban Districts is to provide for low-density **one** and two family development at moderate density where public services are provided and at low density where they are not.

## **Multifamily Densities**

#### **Density = Units ÷ Acres (or Units Per Acre)**

Complex	Acres	Units	Density
19 Canal Street Apartments *	2.7600±	59	21.38
22 Rhodes Street *	0.7197±	14	19.45
Rice Pond Village * (if approved)	16.0904±	192	11.93
Cobblestone Village Apartments *	7.0611±	72	10.20
Woodside Apartments	6.0612±	51	8.43
Spark Millbury (Cordis Mills)	18.1024±	112	6.19
Existing Neighborhood			→ 2.5 ←

<sup>\*</sup> Denotes properties owned by Steven Venincasa, individually or under a limited liability corporation.

## **Section 23.1 and 23.11**

#### **Zoning Bylaws**

23.1 In a Suburban District, only the following uses are permitted:

23.11 Permitted Residential Uses: **One family dwelling** other than a mobile home; Boarding, lodging or tourist homes; and Residential use in accordance with Section 47.

### Section 23.2

#### **Zoning Bylaws**

23.2 In a Suburban District, the following principal uses are permitted if granted a Special Permit for an exception by the special permit granting authority:

 Multifamily dwelling, provided that it is serviced by public sewerage and public water, and provided that access from a major street as herein defined does not require use of a minor street substantially developed for single-family homes. In a Suburban Zone for dwelling units in excess of one, increase the minimum lot area requirement by 10,000 s.f. per additional dwelling unit, plus 5,000 s.f. per additional bedroom.

# **Section 5 - Definitions**

#### **Zoning Bylaws**

"Major Street", all state-numbered highways (Routes 20, 122, 122A, and 146) and Interstate I-90, Auburn Road, Carleton Road, Elm Street, Grafton Street, Greenwood Street, Howe Avenue, Martin Street, Millbury Avenue, McCracken Road east of Greenwood, North Main Street, Stone Road, Sutton Road, West Main Street, plus any street subsequently laid out with right-of-way width of sixty feet (60') or more.

To provide some context, Rice Road was and is officially laid out and accepted as a 40 foot right-of-way and is substantially developed for single-family homes.

### Section 23.32

#### **Zoning Bylaw**

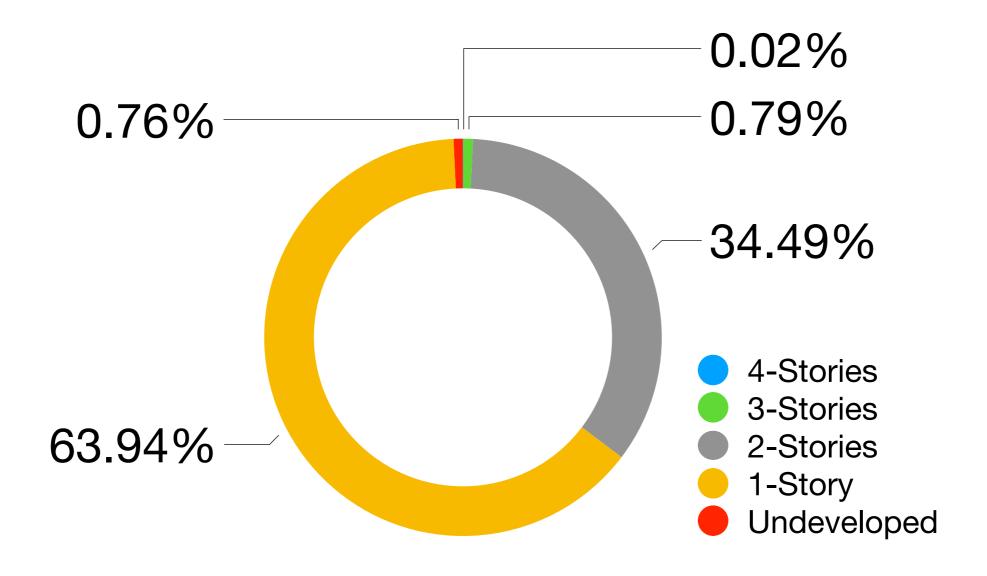
#### 23.32 In a Suburban II District:

Min. Lot Max. Bldg. Area	Min. Lot Frontage	Min. Yds. Front/Side/ Rear	Max. Coverage	Max. Height
40,000* sf (15,000 sf )	150 ft	25 ft / 10 ft / 10 ft	30%	30 ft
			?	65 ft 6 in



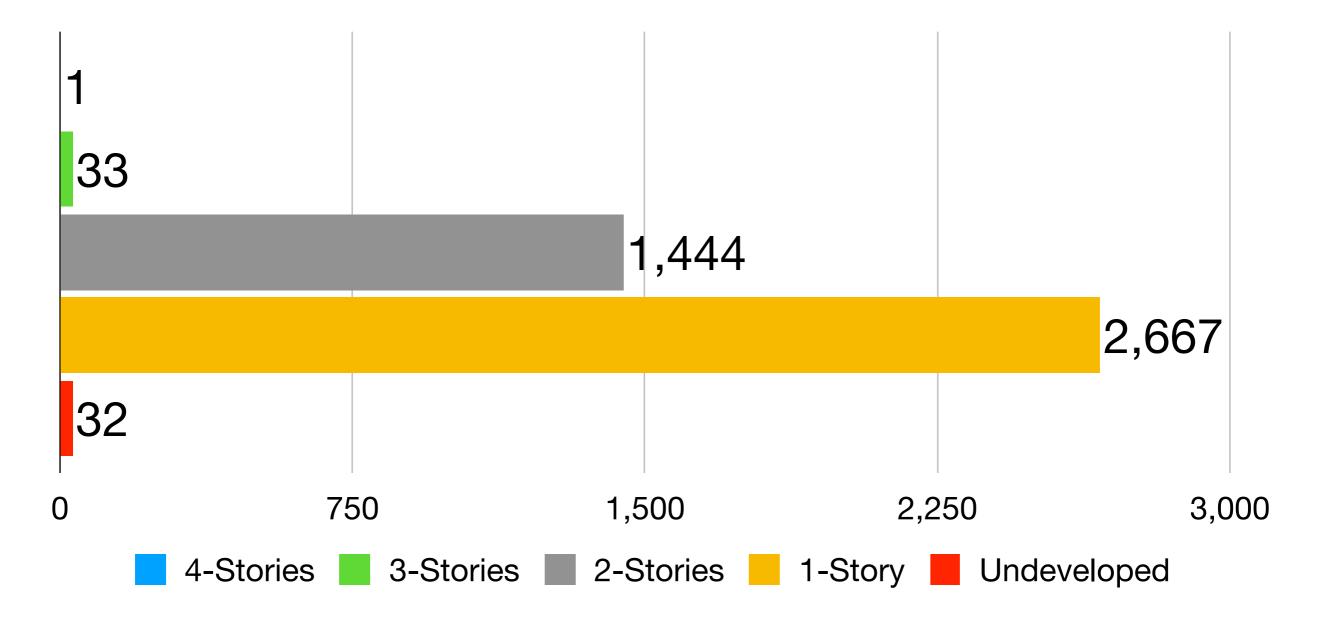
# **Building Heights**

#### **An Inventory Of Residential Properties**



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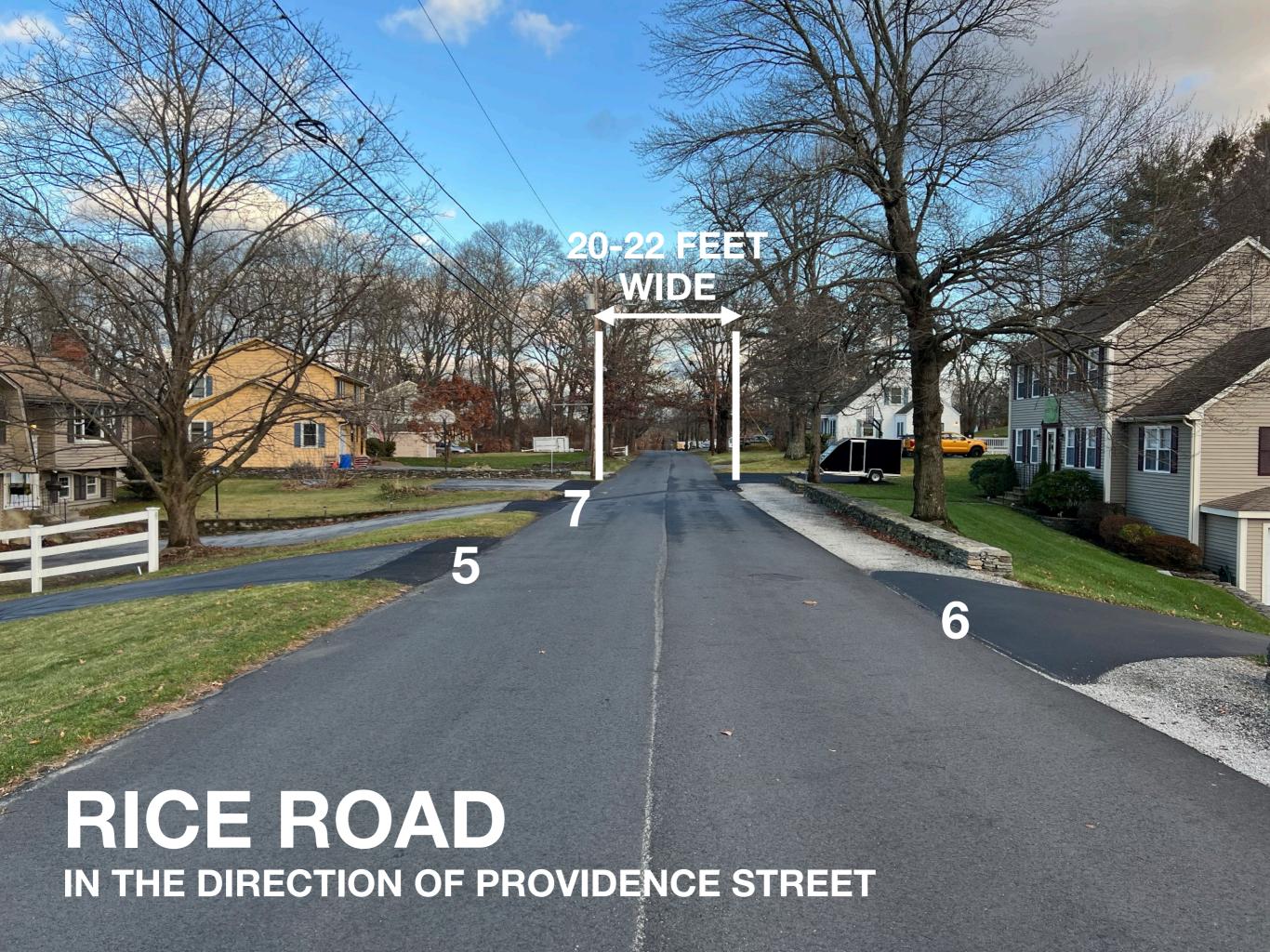


## **Building Heights**

#### 3-4 Story Residential Buildings (>8 Units)

Properties	Stories	Buildings	Units
Centerview Apartments 1	4	1	54
Spark Millbury (Cordis Mills)	3	1	112
Cobblestone Village Apartments <sup>3</sup>	3	6	72
19 Canal Street Apartments <sup>3</sup>	3	1	59
Woodside Apartments	3	4	51
22 Rhodes Street <sup>3</sup>	3	1	12
9 West Street	3	1	12
Barrow Block Building <sup>2</sup>	3	1	11
126 West Main Street	3	1	10
60 Millbury Avenue	3	1	9

<sup>&</sup>lt;sup>1</sup> town-owned properties, <sup>2</sup> mixed-use properties, and <sup>3</sup> those owned by Steven Venincasa, individually or under a limited liability corporations











# Environmental

### **Wetland Protection Act**

#### 310 CMR 10.00

**M.G.L. c. 131, § 40** sets forth a public review and decision-making process by which activities affecting Areas Subject to Protection under M.G.L. c. 131, § 40 are to be regulated in order to contribute to the following interests:

- protection of public and private water supply
- protection of ground water supply
- flood control
- storm damage prevention
- prevention of pollution
- protection of land containing shellfish
- protection of fisheries
- protection of wildlife habitat

### **Blackstone River Watershed**

#### **Donna Nagelschmidt**

The Blackstone River [Watershed] is the lifeblood of the area and supports **significant ecological resources**. Thus, protecting its water quality is critical. It is therefore my position that any new development project does not increase water use or negatively impact water quality in any amount and ideally, such projects will contribute to improving current conditions. The project should be designed to minimize water use to the fullest extent possible, especially non-essential uses such as outdoor water use which does not recharge the groundwater.

Please refer to Donna Nagelschmidt's comment letter to the Board of Appeals for further details.

### **Blackstone River Watershed**

#### **Theodore Beauvais, BRWA President**

The Blackstone River Watershed Association's (BRWA) mission is to engage, educate and advocate for improved water quality in the Blackstone River watershed. The BRWA understands development for housing is important and necessary for the growth of a community. However, it is important that every effort is made to ensure that the ecological resources are protected to ensure the quality of the water and the wetlands are not adversely impacted by any development project.

# The Homes At Highland Ridge

#### **Berlin Conservation Commission**

The Town of Berlin's Conservation Commission issued an **multiple** "Stop Work Orders" for wetlands-related concerns regarding the ongoing construction of The Homes At Highland Ridge project in Berlin, Massachusetts on November 15, 2023. While prior actions of these developers might not necessarily predict future behavior, it's advisable for the Millbury Conservation Commission to thoroughly examine these specifics to prevent similar issues from arising in Millbury with Rice Pond, Simpson's Pond, the Blackstone River, and their associated wetland ecosystems.

Please refer to meeting minutes for the Town of Berlin Conservation Commission for further details.

# Local Regulations

## **Section 6.7(4)(i)**

#### **Subdivision Rules and Regulations**

 Requirement for two or more points of access for a development with 20 or more dwelling units to allow for a single means of access as proposed by the Applicant, finding that two or more points of access are necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws.

# **Section 6.7(6)**

#### **Subdivision Rules and Regulations**

 Requirement that roads serving more than 149 dwelling units shall have a 32-foot-wide traveled way to allow for a roadway serving the Project with a 22-foot width as proposed by the Applicant, finding that a 32-foot wide traveled way is necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws.

### Section 7.5

#### **Subdivision Rules and Regulations**

 Requirement to install a 5-foot grass strip between the curb and the 8-foot sidewalk to allow for a sidewalk abutting the curb as proposed by the Applicant, finding that a grass strip between the curb and the sidewalk is necessary to provide access equivalent to that required for single or two-family structures on separate lots, per Section 32.6 of the Zoning Bylaws.

## **Section 12.44(a)**

#### **Zoning Bylaws**

- Location of all existing and proposed on-site snow storage areas.
- Zoning district lines.
- Zoning and other applicable setback distances; and zoning parking calculations.
- The location, type, style of fixture, and intensity of lighting; the location, structural design and dimensions of all signage and any site amenities; the location and screening of refuse containers.

## **Section 12.44(f)**

#### **Zoning Bylaws**

 Development impact statements which shall describe potential impacts on the proposed development, compare them to the impacts of uses which are or can be made of the site without a requirement of site plan review, identify all significant positive or adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts.

### **Section 28.7.3**

#### **Zoning Bylaws**

#### 28.7.3 Use, Dimensional, and Parking Requirements

- 3. For all new buildings and structures, the dimensional requirements of the underlying zoning district shall apply. For all new buildings and structures, the following use densities or intensities shall apply:
  - A. Multi-family dwellings: four (4) dwelling units per acres.

### Section 33.2

#### **Subdivision Rules and Regulations**

#### 33.2 Schedule of Requirements

 Dwellings: One (1) space per two (2) dwelling units if serving subsidized elderly housing, two (2) spaces per dwelling unit and three spaces (3) per two-bedroom, multi-family dwelling unit. One (1) additional space per bedroom shall be added for each multi-family dwelling unit containing an excess of two bedrooms.

<b>Bedrooms</b>	Spaces Per Bedroom	Units	Total Required
1	2	102	204
2	3	66	198
3	4	24	96
	Required Parking Spaces	192	498
	Proposing 1.66 Parking Spaces/Unit	192	319
	Parking Spaces Short		-179

# Initial Findings



### **Building Typology** 760 CMR 54

- The proposed apartment structure is inconsistent with nearby existing residential building typology. The Applicant's proposed site plans do not adequately mitigate the impact of the proposed building's connection to the existing neighborhood; the Project fails to make a reasonable transition to this wellestablished residential neighborhood.
- The proposed four-story apartment structures are not compatible with nearby structures in terms of height, mass and scale.

Excerpts from the MassHousing denial decision for Medfield Meadows for the initial 200 dwelling units.

### **Building Typology** 760 CMR 54

 Appropriate density of residential development depends on a number of different factors and must be reviewed on a case-bycase basis. In this case, however, it appears that the Project is simply too dense for the lot on which it is located; nearly the entire buildable Site is occupied by the proposed building program and the limited areas for open space are not sufficient to mitigate the project's effective density. While there are no maximum density thresholds, it is advisable to develop at a density that takes some cues from the existing community context.

Excerpts from the MassHousing denial decision for Medfield Meadows for the initial 200 dwelling units.

### **Building Typology** 760 CMR 54

- 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. The building facades face Rice Road and create a poor visual relationship to this adjacent roadway and single-family residences.
- The design of the building and the proposed site layout are inconsistent with the design requirements outlined in 760 CMR 56.04(4)(c) and the related Guidelines.

Excerpts from the MassHousing denial decision for Medfield Meadows for the initial 200 dwelling units.









# Invite

# Neighborhood Walk

As a representative of our neighborhood, we extend an invitation for you (the Board members) to join us on a walk along Rice Road. This firsthand experience will offer insight into the public safety concerns we hold regarding the proposed Chapter 40B Rice Pond Village project, allowing you to grasp the impact it could have on our lives. We previously undertook this walk with Planning Board members, and it proved to be an enlightening and eye-opening experience. Walking is a better experience than driving, as you experience more and tend to be more observant.

### Site Walk

To align with the Chapter 40B Handbook for Zoning Boards of Appeal's recommendation for a site walk, we suggest that the Applicant mark the four corners of each building and use balloons flown at those corners, elevated to match the peak of the roof (at 65 feet 6 inches) above the proposed grades. This setup would enable participants to visually grasp the height, mass, scale, and positioning of the proposed buildings in relation to the existing neighborhood during the site visit.

This proposal isn't exclusive to this setting; it was presented during a neighboring town's Select Board meeting as well.

# Thank You

learn more at ricepondvillage.com



