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## TOWN PLANNER QUESTIONS, COMMENTS AND RECOMMENDATIONS #3

**From:** Conor McCormack, Director of Planning & Development

**To:** Millbury Board of Appeals

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### 17 Rice Road

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<b>Application:</b>	Ch. 40B Comprehensive Permit
<b>Applicant:</b>	SJV Investments, LLC
<b>Location:</b>	17 Rice Road Map 63; Lots 75, 75A, 75B, 75C & 144
<b>Application Submitted:</b>	October 31, 2023
<b>Legal Ad Publication Dates:</b>	November 9, 2023 & November 16, 2023
<b>Public Hearing Opened:</b>	November 29, 2023

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Comments based on the site plan entitled “*Rice Pond Village Site Plan of Land in Millbury, MA*”, dated October 24, 2023, revision date of February 19, 2024, prepared by Azimuth Land Design, LLC.

The Applicant submitted a response letter to Planning Staff comments, dated March 5, 2024.

**March 7, 2024 Planning Staff comment are in blue.**

**January 23, 2024 Planning Staff comments are in bold.**

November 16, 2023 Planning staff comments are in black.

Comments that have been satisfactorily addressed have been moved to the end of this memo (p. 16-26).

### **Questions, Comments, and Recommendations:**

Review of the Board of Appeals’ *Rules and Regulations Governing Comprehensive Permit Applications in Ch. 40B*:

1. Section 3.13 – Site Plan

- a. Land Plans, sheets L1-L3, appear to be from an unendorsed ANR plan from the Planning Board’s public hearing process. It does not reflect the current lot lines from the ANR plan that was endorsed by the Planning Board on June 22, 2020 and subsequently recorded. The plan also shows Parcels A-H being conveyed to adjacent abutters, a signature box for Planning Board endorsement, and the incorrect zoning district and owners listed. The Land Plan sheets should but updated to accurately reflect the current parcels, lot sizes, and owners.

The datum references only appear on the Land Plan sheets L1-L3. Please ensure the datum references are included on any revised plans.

**This comment has not been addressed.**

**The submitted Land Plans still show the proposed land transfers from the Planning Board public hearing with outdated owners and zoning information**

**provided. If the Applicant is working with any of the abutters on a land transfer, that will require a separate ANR filing with the Planning Board.**

**As noted in the most recent public hearing, the unendorsed ANR plan/Land Plans in the site plan show parcel Map 63, Lot 144 being 12.9927 acres. However, the ANR plan from 2005 that created that lot shows the parcel being 11.97 acres. Can the Applicant provide detail on the discrepancy?**

**This comment has not been addressed. The Applicant noted that their surveyor was ill and unable to revise the Land Plan sheets ahead of submitting the revised plan set but will submit them with the next iteration of the plans.**

- b. Section 3.13.2.6 – It appears that a fence is shown around two sides of the proposed pool. However, there is no detail provided or corresponding symbology in the legend. Please provide additional information on the proposed fence. The fence should enclose the entire pool area, per appropriate Building Code regulations. Additional Board of Health regulations and requirements may apply for the pool.

**The plan now shows a fence encompassing the pool area with a 6’ opaque privacy fence on the west and south sides and 4’ chain link fence around on the east and north sides. Details should be provided for both fence types. Requesting black vinyl-coated for the chain link fence.**

**Also noting their response letter says the fence is 3’ in height but the plan shows it as 4’. Deferring to the Building Department or Board of Health on appropriate height to enclose pool areas and any other requirements for the installation of a pool.**

**A detail for the 4’ chain link fence has been provided. Recommending a condition be added to require the chain-link fence be black vinyl coated.**

**The 6’ opaque privacy fence has been moved and extended, generally following the proposed retaining wall along Rice Road and the property line of 11 Rice Road. The Applicant noted a style for the privacy fence has not been determined and will be added to the next iteration of the plans.**

**On the Landscape and Lighting plan sheets, the privacy fence is only shown along the proposed retaining wall facing Rice Road, not extending the length of the retaining wall as shown on the Site Layout plan sheets. Can the Applicant clarify the extent of the privacy fence and reconcile the plans?**

- c. Section 3.13.2.7 – A table showing the zoning requirements for the site should be provided on the site plan.

A table showing zoning requirements has been provided. However, the Land Plan sheets still incorrectly label the site as being the R-I zoning district and provide the zoning requirements for that district.

The Applicant noted the zoning information on the Land Plan sheets will be updated on the next iteration of the plans.

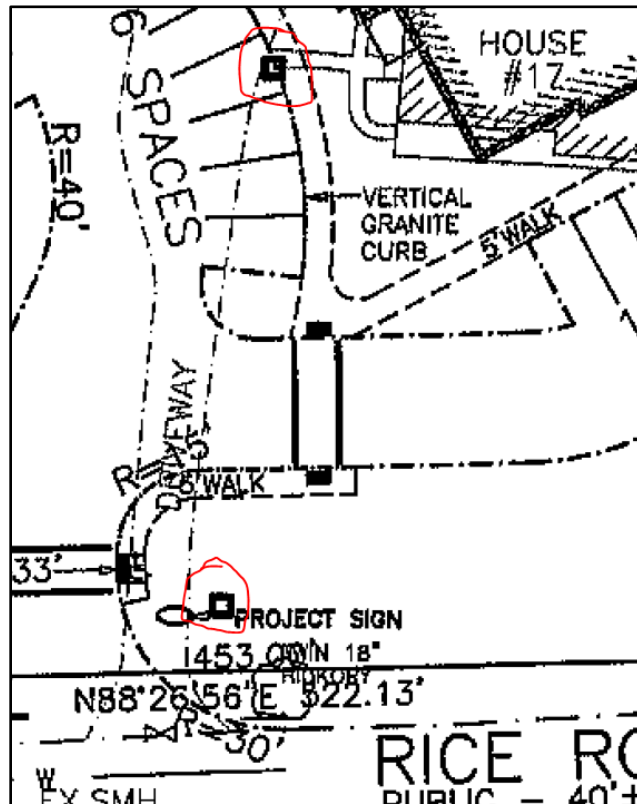
- d. Section 3.13.3.8 – Can the Applicant clarify the purpose of the questions mark symbol shown on the plan:

[Image removed]

The Applicant noted they still need to clarify or change the representation of those symbols on the plan. Also requesting clarification on this symbol:

[Image removed]

The “?” symbols have been removed. The applicant noted the bold squares represent a mailbox and light. It is unclear which is which. One of the squares appears to be partially within a parking space and a sidewalk. The other appears to be in a grassed area and does not appear on the lighting plan. Can the Applicant provide clarification?



- e. Section 3.13.5.11 – The Ch. 40B Rules & Regs require a turning analysis be provided for the interior circulation of an SU-30 sized vehicle so that fire apparatus will have adequate maneuvering space. Please confirm the proper vehicle size with the Fire Department and provide the turning analysis.

**This Applicant has not provided a turning analysis for the site but noted they plan to.**

**The Applicant provided a plan showing the Fire Department’s passage through the site. Reserving additional comment on this to the Fire Department and peer review traffic engineer.**

- f. Section 3.13.5.12 – The accessible parking spaces should have associated signage shown on the plan.

**The revised plans provide a detail for accessible signage. Requesting that the Site Layout sheets show the location of the accessible parking spaces on the plan.**

**This comment has not been addressed. While a detail for the accessible signage is provided, requesting the location of the signage be shown on the site plan.**

- g. Section 3.13.5.23 – Proposed electric/cable/telephone conduit are only shown from a transformer at the entrance of the project to Buildings 1-3. The locations of all electric conduit to additional areas on the site (i.e. lighting, garage, pool area) should be shown on the plan.

**Applicant noting that adding the additional electric/cable/telephone conduit may make the utility plan sheets busier. Staff still recommends they are shown on the plan.**

**The Applicant noted this will be shown on the next iteration of plans.**

- h. Section 3.13.5.24 – The site plan does not appear to show the location of dumpsters or other mean of managing trash/recycling from the site. Please show the location of any refuse containers and provide clarification on the proposed trash/recycling program for the site.

**An enclosure for two dumpsters has been provided at the rear turnaround of the driveway. Can the Applicant confirm that trash/recycling vehicles can maneuver to pick up the dumpsters? Can the Applicant provide dimensions to the dumpster enclosure and a detail on the proposed fencing?**

**The dumpster enclosure is not shown on the landscape plan. Requesting that be added and recommending some addition planting be provided around the enclosure for screening.**

**Questioning whether the two dumpsters shown are large enough to handle the trash/recycling volume for the proposed site. Can the applicant elaborate on the trash/recycling program for the site? Will residents all have to walk their trash/recycling to the dumpsters? If so, suggesting additional dumpster location(s) be added to the site for improved convenience for residents.**

**Noting that a portion of the dumpster pad is within the transmission easement. Can the applicant confirm whether a permanent structure is allowed within the utility easement?**

**The Applicant shifted the two dumpsters in the area of the turnaround at the north end of the parking area to outside of the utility easement and added three additional dumpsters between the garages.**

**The dumpsters at the turnaround appear to be easily accessible by trash vehicles. Can the applicant confirm that the dumpsters between the garages area accessible when vehicles are parked in the spaces across the driving aisle?**

**At a meeting with the Fire Chief, Acting Building Inspector, and myself, the Applicant noted that they would rearrange the landscaped islands in the parking area so that they align with the fire lane between Buildings #2 & #3. They will also provide a pedestrian connection via crosswalk and striping from Buildings #2 & #3 to the dumpsters between the garages.**

**Suggesting the Applicant extend the sidewalk on the west side of the parking around the turnaround or provide a pedestrian connection to the dumpsters at the end of the turnaround so that people do not need to walk in the driving aisle to access the dumpsters. Will residents of Building #1 be able to access dumpsters without needing to walk the driving aisles?**

**The Applicant should provide a detail of the proposed fencing enclosure for the dumpsters.**

- i. Section 3.13.6.1 – The design and layout of the driveway/circulation at a horizontal scale of 1"=40' and a vertical scale of 1"=4' is not included in the site plan. The proposed design and layout should be included in the site plan. A detail for the bituminous driveway should also be included.

**The Applicant requested clarification on which driveways needed plan and profiles sheets. Per Section 3.13.6.1, all driveways should have plan and profile sheets. The Applicant should provide that or request a waiver from that requirement.**

**The Applicant noted that they would provide plan and profiles sheets with the next iteration of the plan.**

- j. Sections 3.13.6.2 & 3.13.6.3 – The existing grades along the centerline and both sidelines of the street or way with centerline dimensioned should be provided with the site plan. The proposed finished centerline grades with elevations at 50-foot stations should also be shown on the plan.

The site plan should also provide the dimensions of the driveway aisle throughout the site. Only one 24' dimension is provided and it is unclear if the same dimension is consistent throughout the driveway aisle layout.

**Confirming the Applicant's request for clarification that this information can be shown on the plan and profile sheets.**

**The Applicant noted that they would provide plan and profiles sheets with the next iteration of the plan.**

- k. Section 3.13.8 – The Landscape and Lighting plan sheet reference 15 Rice Road and a different address for the owner, SJV Investments, LLC. Please revise to reference 17 Rice Road, the correct address, and to provide a label in the title block identifying the plan sheets.

**This comment has not been addressed.**

**The Applicant noted this will be addressed in the next iteration of the plans.**

**Additionally noting that the locations of the dumpsters on the Landscape Plans do not match the rest of the site plan, Requesting the Applicant reconcile the plans.**

- l. Section 3.13.8.6 – Please confirm whether the four mature trees (>16" diameter) along Rice Road will be preserved, three of which appear to be partially or fully within the Rice Road right-of-way. Recommending that the trees be protected, if possible, and a plan note and/or detail showing for tree protection during construction.

**The Applicant noted two of the trees are in poor health and that they will try to save them all but damage may occur from work in close proximity to their root system.**

**The Millbury Tree Warden provided a comment letter and obtained an evaluation from a certified arborist which include concerns and recommendations regarding the large public shade trees in front of the site. The arborist documented the trees having significantly larger diameter breast heights (DBH) than what is shown on the plan and that the trees appear to be healthy.**

The Applicant should provide additional detail on mitigation and protections for the trees that adhere to recommendations of the Tree Warden and arborist.

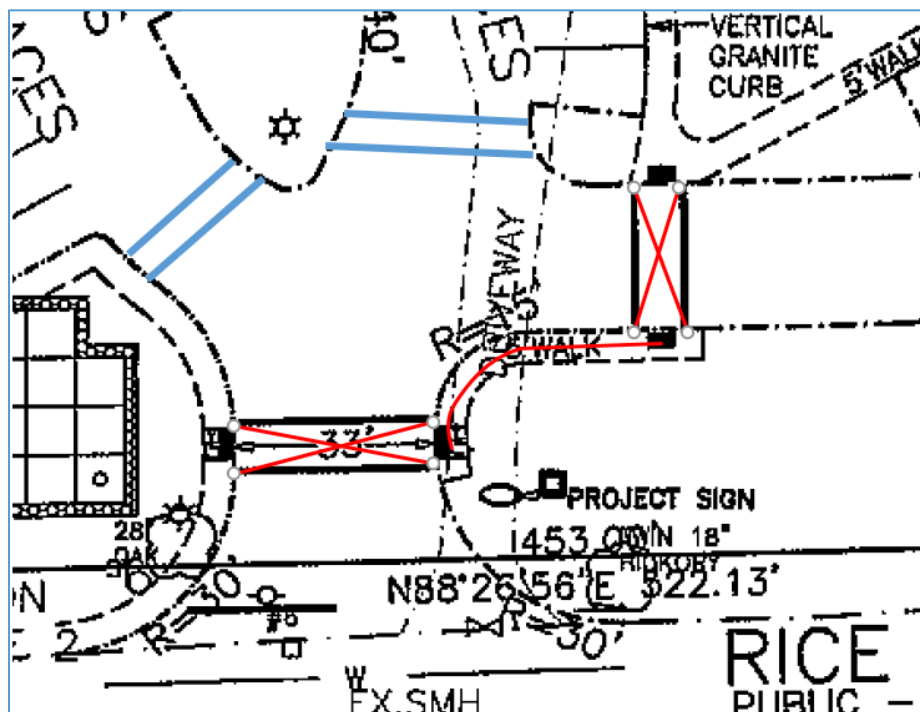
Given that these trees are subject to M.G.L. Ch. 87 public shade tree laws and the Tree Warden's requested protection of the Critical Root Zone, the Applicant should evaluate moving site features outside of the CRZ, including infiltration basin #3, the temporary settling basin, and the sidewalk on the east side of the site driveway entrance.

The Applicant met with the Tree Warden, the Warden's arborist, and myself onsite to review protection of the public shade trees. The Applicant agreed to move Infiltration Basin #3 farther away from the CRZ and to partially eliminate the sidewalk on the east side of the driveway entrance. These changes are reflected on the plan.

Per the onsite meeting and the Applicant's 2/9/24 email summarizing the site visit, the Applicant should revise the Grading Plan to reduce the amount of disturbance within the CRZ. The plan should also show the CRZ fenced off during construction and provide a detail for protection of the CRZ.

Can the Applicant review the location of the Temporary Settling Basin in the vicinity of the CRZ?

For additional CRZ protection, can the Applicant comment on the feasibility of entirely eliminating the sidewalk on the east side of the driveway and shifting the pedestrian route of travel through the parking island:



- m. Section 3.13.8.7 – The location of the streetlights on the Lighting plan sheet do not match the location of the streetlights on the rest of the site plan. Many of the light fixtures shown on the Lighting Plan sheet appear to be located in parking spaces or within the driveway aisle or curb. Please reconcile the conflicting locations.

**This comment has not been addressed. The Applicant noted they will reconcile this in a future iteration of the plan. Noting that the Lighting Plan sheet will need to be revised to show the photometrics of the actual light locations.**

**The Applicant has updated the Lighting Plan but noted this will be addressed in the next iteration of the plans.**

Can the Applicant comment on whether any lighting is proposed within or around the pool area? If any lighting is proposed, it should be shown on the site plan.

**This comment has not been addressed.**

**Recommending any proposed lighting around the pool area be shown with the revisions to the Lighting Plan.**

- n. Section 3.13.10.1 & 3.13.10.2 - Architectural floor and elevation plans must be drawn at a scale of 1/4"=1' for floor plans and not less than 1/8"=1' for elevation plans. Should the Applicant request a waiver from this requirement, I would support the granting of this waiver.

Section 3.13.10.2 – The Applicant should provide elevations and floor plans for the proposed clubhouse and garages.

**The Applicant noted they will be requesting a waiver from the plan scale requirements and the elevation and floor plans for the clubhouse and garage. Given the proximity and visibility of the clubhouse to the street, staff recommends requiring the elevations and floor plans.**

**The Applicant noted in their response that they will provide elevations and floor plans for the proposed clubhouse and garages.**

- o. Section 3.13.10.3 – Please provide an tabular summary on the elevation plans to include the proposed construction material, finished basement and floor elevations, floor area, outside dimensions , number of units and number of bedrooms by unit.

**Applicant noted they will include this in the next submission. This comment has not been addressed.**

**The Applicant noted in their response that they will provide this information.**



2. Section 3.14 – Waiver Request List

- a. A waiver request letter was provided as part of the application but it should be revised to include the various waivers outlined in the comment letter and as identified by other town staff and peer reviewers. Per section 3.14, the waiver request letter should also include a brief narrative for the basis of the requested exemptions.

**A revised waiver request list has not been provided.**

**An updated waiver request has been provided. Staff has also compiled a Waiver Request Memo to aid the Board is reviewing the requested waivers.**

Review of the *Town of Millbury's Zoning Bylaws (ZBL)*:

3. ZBL Section 12.44(a)

- a. The Land Plan sheets should be updated to reflect current lot lines, owners, abutters and not reference the Planning Board or being an ANR plan.

**This comment has not been addressed.**

**The Applicant noted this will be addressed in the next iteration of the plans.**

- b. Please identify snow storage areas on the site plan.

**This comment has not been addressed.**

**The Applicant identified some snow storage areas but noted that additional areas need to be identified; staff concurs.**

- c. Note that while refuse containers are not shown on the plan and requested in a comment above, this section requires them to be screened.

**As noted above, requesting a detail of the proposed fence and additional planting around the enclosure.**

**The Applicant noted that a detail will be provided on the next iteration of the plans.**

- d. Zoning setbacks should be shown on the site plan.

**This comment has not been addressed.**

**The Applicant provided setback distances from the nearest buildings from the required setbacks, confirming conformance with the zoning bylaw. Per ZBL Sec. 32.9, can the Applicant confirm that the pool, as an accessory structure, meets the 25' setback requirement?**

4. ZBL Section 12.44(c) – An isometric line drawing at the same scale of the site plan was not include in the application package. Given the scale and size of this project, I recommend the Applicant provide an isometric line drawing. Otherwise a waiver would be required.

**The Applicant noted they will request a waiver from this requirement. Staff still suggesting it be provided given the size and scale of the project.**

**The Applicant requested a waiver from this requirement. Staff maintains that an isometric line drawing may be helpful in the Board’s review of the project. The Board should determine if they are amenable this request.**

5. ZBL Section 12.44(f) – Development Impact Statement

A Development Impact Report was submitted as part of the Board’s Rules & Regulations submittal requirements. This is a substantially different document than the Development Impact Statement required ZBL Site Plan Review and Special Permits.

The Applicant submitted a traffic study but did not provide a project narrative or comments on the environmental, fiscal or historic impacts outside of the Development Impact Report. The Board should request additional information on these items if they feel additional information is necessary in their review.

**The Applicant noted they will submit a development impact statement.**

**The Applicant again noted they will submit a development impact statement. The Board should request a timeline for its submission.**

Additional Comments:

6. The LIP Agreement signed between the Applicant and the Board of Selectmen included several commitments by the Applicant. I suggest conditions of approval be included to incorporate the following commitments from the LIP:
  - a. The Applicant shall not request waivers from the town's standard fees for the issuance of building permits, water connections and septic approvals and installations.
  - b. The Applicant shall submit an intersection improvement plan, prepared in consultation with a traffic engineer, of the intersection of Rice Road and Providence Street to address the geometry of the intersection, to address the items outlined in the LIP Agreement.
  - c. The Applicant shall coordinate with the DPW to ensure the post-construction condition of Rice Road is substantially similar to its pre-construction condition.
  - d. The Applicant shall provide a donation to the town in the amount of \$100,000.00, paid in installments corresponding to the issuance of a certificate of occupancy for each of the buildings associated with the project. The town shall use a portion of the

funds for the improvement of Windle Field but the expenditures of the donations shall be made by the town at its sole discretion.

The LIP also stipulates that the project shall incorporate off-site improvements, including the installation of a sidewalk along the north side of Rice Road from the entrance to the project site to South Main Street and the installations of stop signs at Rice Road's intersection with Thomas Hill Road, Providence Street, Hillcrest Circle, and Aldrich Avenue. The Applicant should revise the site plans to include the above agreed upon off-site improvements.

**The Applicant noted that they will submit plans showing the agreed upon off-site improvements.**

**Recommending the Board condition the additional LIP Agreement commitments into any decision.**

**The Applicant has not submitted plans showing the offsite improvements but noted that they will. Can the Applicant comment on when those plans will be submitted?**

7. Can the applicant comment on how deliveries and mail will be handled at the project site? A mailbox station or location for delivery trucks is not identified on the site plan.

**The Applicant noted that loading zones are proposed in front of each building and that mail will be handled within the proposed clubhouse.**

**The Applicant noted that resident's mailboxes will be located in the clubhouse. Given that residents may frequent the clubhouse to collect mail, the Applicant may consider installing 15-minute (or some other abbreviated time) parking signs for some or all of the six standard sized parking spaces in front of the clubhouse. This may provide convenient access to the clubhouse/mailboxes for residents and alleviate the need for residents to walk a significant distance to collect their mail.**

8. I suggest the proposed plan include covered bike racks or interior bike storage to accommodate at least 5% of the total number of units.

**The Applicant noted they would consider the issue. Staff still recommends some number of covered or interior bike storage be provided.**

**The Applicant noted they are considering this amenity. The Board should determine whether to they think bicycle storage should be included in the plan.**

9. I suggest the Applicant provide EV parking spaces or EV-ready parking spaces for at least 10% of the proposed parking spaces.

**The Applicant noted they would consider the issue. Staff still recommends some number of number of parking spaces be both EV and EV-ready.**

**The Applicant noted they are deciding how many spaces to provide. The Applicant should review the Stretch Energy Code that as it appears that providing a percentage of spaces to be EV or EV-ready will be a requirement of the Code. The Applicant should update the plans accordingly.**

10. I would suggest additional plantings, both evergreen shrubs and deciduous trees be planted along the project's property lines with both 11 & 19 Rice Road to aid in screening the project from the existing residences and attenuating noise and headlights of vehicles.

**The Applicant noted they would consider the issue but did not revise the Landscape Plan. Staff strongly recommends additional plantings in these locations.**

**The Applicant revised the Landscape Plan to provide additional plantings along property lines with both abutters. Recommending additional plantings along the property line with 11 Rice Road to provide improved screening.**

11. The traffic study will primarily be reviewed by the Board's peer review engineer but highlighting the following items:
  - a. The traffic study describes the site as having 294 while the site plan shows 319 parking spaces.
  - b. The study was completed in 2022 and traffic counts collected in March 2021 and use COVID-19 adjusted calculations. Since that time, there have been changes to the intersection of Rice Road and South Main Street and Rice Road has been repaved by the Millbury DPW. The Board may want to request updated information.
  - c. It describes the sight distance for vehicles leaving the site (from the stop bar, approx. 15 ft. from the street line) as being 3.5" above roadway grade. However, the site plan shows that area to be about the same elevation of the street.
  - d. The site distances in the traffic study a provided from the proposed access drive. However, the site distances shown on the site plan are provided from the lot corners.
  - e. The traffic study does not comment the existing railroad crossing on Rice Road approx. 600 ft. east of the project access drive. The Board may want to request additional information from the Applicant's traffic engineer regarding the adequacy of the existing railroad crossing.

**The Applicant noted they defer to their Traffic Engineer on these comments. No response has received by the Traffic Engineer to date.**

**An updated traffic study has been provided by the Applicant's traffic engineer.**

**Per the recommendations from the study, the Applicant should shift the proposed *Japanese Stewartia* trees away from the frontage to provide better sight distances.**

**The Applicant should include the traffic engineer's comments regarding stop signs and stop bars at the Rice Road intersections with Thomas Hill Road and Providence Street**

into the Off-Site Improvement Plan that should be submitted as part of the LIP agreement.

Otherwise deferring to the Board's traffic peer review engineer for review of the traffic study.

12. The overall size and scale of the proposed project is clearly a significant shift from the largely single-family neighborhood between South Main Street and Providence Street.

The intent of the Suburban II zoning district, in which the proposed project lies, is to provide for "moderate density" where public water and sewer are provided. The project is proposing a much higher density, massing, building height, units per acre, and resulting traffic than what is presently on the site and what would normally be allowed in the S-II district.

While the Ch. 40B process provides for the Applicant to bypass some local zoning restrictions that inhibit the construction of low to moderate-income housing, the Board should look for opportunities to negotiate with the Applicant to reduce the scale and size of the project, while not making the project uneconomic. Examples could include a reduction in the total number of units; lowering the total building height/number of stories; setting the top floor of the building back or introducing a mansard roof style top floor to reduce the massing/appearance of the building; shifting the location of the building away from abutters; or providing more building at lower heights.

**The Applicant noted that they do not intend for significant changes to the project scope. The Board may still want to look at opportunities to work with the Applicant on the project size, height, massing, density, etc. to make the project better fit into the existing character of the neighborhood.**

**In particular, the Board may consider whether there is an opportunity to advocate for a flat roof over a pitched roof, which may could result in a significantly lower overall building height and reduce the visual massing of the buildings.**

**The Applicant indicated they would discuss the roof style with their architect. The Board may consider raising this issue with the Applicant during the public hearing.**

**New comments as of January 22, 2023:**

13. **Given the potentially large number of residents on the property, suggesting the Applicant provide fencing along the parcel's boundary with the railroad for safety purposes.**

**The Applicant noted they would consider installing a fence. In review of the Planning Board public hearing materials, the Applicant identified a deed from 17 Rice Road requiring the railroad to provide a fence along the property boundary. Recommending the Board include this requirement as a condition of approval and the Applicant can**

work out the responsibly party for installing the fence between themselves and the railroad.

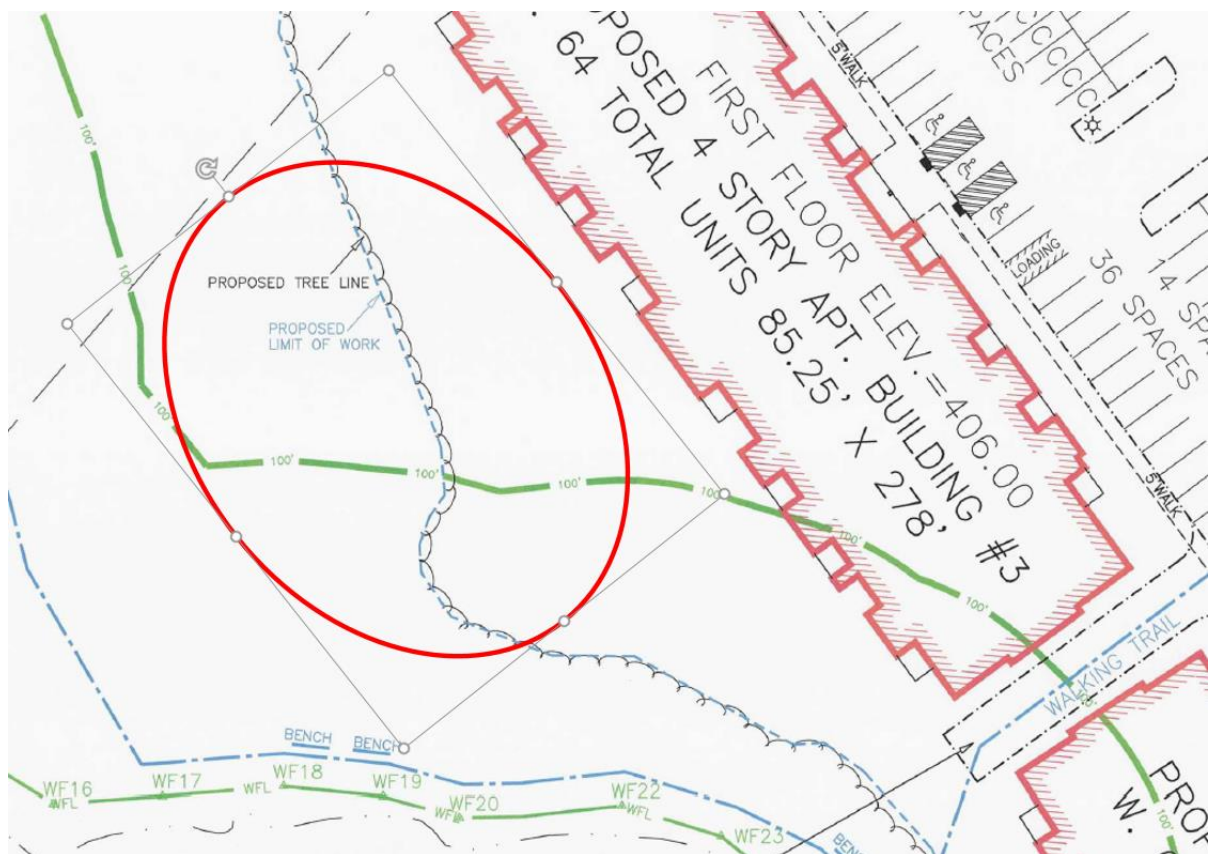
14. The plan calls for tying into the existing water and sewer on Rice Road. The plan should show how the Applicant will patch any disturbed sections of Rice Road.

The Applicant noted they will add a detail to address any required patching.

15. Can the Applicant comment on whether they have confirmed with Aquarion that there is enough capacity in the existing line on Rice Road? Noting that Aquarion has not responding to staff's request for comment on the project.

It is staff's understanding that the Applicant has submitted the required paperwork to Aquarion and is waiting on a reply.

16. Can the applicant comment on the feasibility of moving the pool and clubhouse to the location circled below. Suggesting this because of the potential impact of the proposed location's proximity to the abutter at 11 Rice Road. It may also be preferable for the development's residents for the clubhouse and pool to located farther away from the road.



- 17. Can the applicant comment on the possibility of installing a retaining wall along the east side of proposed Building #2 and pool to reduce the slope and potential for stormwater and erosion onto the abutting property at 11 Rice Road?**

The Applicant noted that it is not feasible to move the clubhouse as it is also serving as the mailroom and the proposed relocation would create additional impacts to the wetland Buffer Zone.

- 18. Noting that, as of this memo, the Applicant has not responded to the Board of Health and Building Department's comment letters, both submitted November 21, 2023. Also noting that the DPW provided responses to your comments on January 9<sup>th</sup>.**

The Applicant responded to Board of Health comment but has not responded to Building Department comments or DPW's updated comments from January 9<sup>th</sup>.

New comments as of March 7, 2024:

- 19. In response to a meeting with the Fire Chief, the Applicant revised the plan to include a 33' wide drive aisle at site entrance that can accommodate bidirectional fire apparatus traffic.**

The revised plan also includes two 20' wide fire lanes that partially surround Buildings #2 & #3, satisfying Fire Dept. concerns regarding the ladder tower's ability to reach portions of the buildings. The fire lanes will be grassed. One of the landscape islands that was created by the entrance to the fire lanes does not have any plantings shown on the Landscape Plan. Can the Applicant add plantings in this location?

The Applicant also confirmed in an email that the next iteration of the plan will include a revised parking area design that aligns the fire lane entrances with the gaps in the middle row of parking spaces. The Applicant also agreed to relocate the fire hydrant locations to better facilitate Fire Dept. access and resident egress in the case of an emergency.

- 20. Requesting the Applicant provide a detail for the proposed retaining wall along the property line with 11 Rice Road. The proposed retaining wall may have a significant visual impact on the abutting property. The Board may consider requiring additional plantings along the bottom and/or top of the retaining wall to provide additional screening. In particular, evergreen plantings may be particularly effective in providing some year-round screening.**
- 21. The Limit of Work line has been removed from the plan set in the most recent version of the plan. Requesting it be added back in the next iteration of the plan. It should be extended to include to include work within the dog park area.**



22. The architectural plans show three entrances along the front façade of each residential building. However, the Site Layout Plan only shows one pedestrian connection into the building. The Applicant should reconcile the discrepancy.

Can the Applicant comment on the whether there will be any entrances on the east side of Building #1? Presently shown, residents who park in that eastern lot would have to walk all the way around the building to enter.

23. Requesting datum references be added to the plan notes.
24. A detail or label should be provided for the proposed fencing for the dog park.
25. Noting that the Applicant has not paid the Board of Sewer Commissioners the required fee for the Board to determine if the existing sewer system has the capacity to accept the additional flow from the proposed development.

Additionally, the Applicant has an outstanding invoice from the Board of Sewer Commissioners from the Planning Board’s public hearing.

The Applicant should pay both invoices as soon as possible so that they and the Board can determine whether there is enough sewer capacity for the proposed project or if upsizing would be needed.

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**The following comments have been satisfactorily addressed by the Applicant.**

26. It does not appear that the Board of Appeals can claim Safe Harbor as the town does not meet the Statutory Minima or have a certified Housing Production Plan. The Subsidized Housing Inventory listed the town’s affordable housing unit count at 3.72% of total housing units in Millbury.

**No further comment.**

Review of the Board of Appeals’ *Rules and Regulations Governing Comprehensive Permit Applications in Ch. 40B*:

27. Section 3.5 – Existing Site Conditions
- a. The Application does not include “*a report to accompany the...site plan described below, which identifies the location and nature of existing buildings, street elevations, traffic patterns, on-site circulation, sight distances, and character of open areas, if any, in the neighborhood, as well existing impacts on municipal facilities, such as water, public safety, sewage treatment, wetlands, and wildlife habitat.*” The Applicant should provide a project narrative to accompany the Application.

**The Applicant did not submit a project narrative with the revised materials. The Application should provide a project narrative.**



**A Project Narrative was submitted on March 5, 2024. This comment has been addressed.**

28. Sections 3.8 & 3.11 – Drainage Calculations and Traffic Study

- a. Included in the Application Package and will primarily be reviewed by the Board’s peer review engineer, Stantec.

**No further comment.**

29. Section 3.9 – Earth Removal Calculations

- a. The Application did not include calculations on the amount of earth to be removed or fill to be brought in. The Applicant should provide this information to the Board.

**The Applicant provided a note on the site plan indicating a net balance between cut and fills on the site. This comment has been addressed.**

30. Section 3.12 – Master Plan Consistency Report

- a. This was not included with the Application. The Applicant should provide the required report or request a waiver from this requirement.

I would support granting a waiver from this requirement as the town does not have an up to date housing plan and the 2019 Master Plan does not specifically define “village centers”. Further, it is unlikely that the Board could successfully deny a permit based on the presumption that the Application is not “consistent with local needs” if the site is not located within a village center.

**The Applicant noted they will request a waiver for this requirement but has not provided an updated waiver request letter.**

**The Applicant requested a waiver from this requirement in an updated waiver request letter submitted on February 21, 2024. No further comment.**

31. Section 3.13 – Site Plan

- a. Section 3.13.1.2 – The zoning district boundaries should be shown on the plan. Note that the project is within the Suburban-II zoning district but is bordered by the Industrial-I and Residential-I zoning districts.

**This comment has not been addressed.**

**This comment has been addressed.**

- b. Section 3.13.1.3 – A deed reference for the parcel ownership should be provided on the site plan.

**This comment has been addressed.**

- c. Section 3.13.2.1 – Please review the abutters listed on the plans. Several of the abutting parcels have transferred ownership since the Planning Board public hearing and should be updated or have “N/F” added to them, specifically the Land Plans.

**This comment has been partially addressed. “N/F” has been added to the abutter’s names but there are still several abutters where the previous owners are listed.**

**The Applicant noted that the updated abutters names will be noted on the next iteration of the plans. With the “N/F”, considering this comment substantially addressed.**

- d. Section 3.13.2.8 – A table showing the proposed dwelling unit density, floor area ratio, building coverage, and total coverage of the site should be provided. The table should include the calculation for total number of parking spaces on site (standard, accessible, compact, and garage spaces).

**This comment has not been addressed.**

**The required information has been added to the Detail Sheet. This comment has been addressed.**

- e. Section 3.13.2.9 – The submitted Development Schedule shows there will be some construction phasing between the three buildings. However, the Pollution Prevention Plan on sheet D-4 indicates there will be no phasing. Can the Applicant clarify? If there will be phasing, please provide information on which building would be constructed first and what measures will be taken to sequence the construction to allow for residents to move in while construction continues on the site?

**The Applicant noted that earthwork will take place all at once but the construction of the three buildings will not take place at the same time. Can the applicant clarify whether they seek to occupy the building sequentially? If so, the Board may additional information on the sequencing of construction to allow for residents to move in while construction continues on the site.**

**The Applicant provided additional detail on the proposed earthwork sequencing. The Detail Sheet notes that the construction of the entire site will take place in one phase.**

- f. Section 3.13.3 – The Applicant should include a Recordable Plan Sheet for the Board to sign, to include appropriate surveyor and engineer stamps & a statement with the signature box that “*The plan is subject to a Comprehensive Permit granted by the Board with conditions and limitations, dated \_\_\_\_\_*”.

**The Applicant should review Section 3.13.3 and revise the Title Sheet or provide an additional plan sheet that provides the required on the *Recordable Plan Sheet* listed in this section.**

**This comment has been addressed.**

- g. Section 3.13.4.2 – Please provide information on the date and company that completed the wetland flagging on the plan.

**This comment has been addressed.**

- h. Section 3.13.5.21 – Proposed water line does not the show connection into the water main on Rice Road. This should be shown on the site plan.

**The Applicant noted that this is not shown on the revised plans but they plan to in the next iteration of the plan.**

**This comment has been addressed.**

- i. Section 3.13.5.4 – The site plan should show the setback dimensions for the buildings, in particular for the clubhouse front yard setback from Rice Road and the Building #2 side yard setback from the abutting property.

**This comment has been addressed.**

- j. Section 3.13.5.5 – Sheet D2 shows a detail for a guardrail but a guardrail does not appear on the site layout sheets. Please identify the location of the guardrail on the site plan.

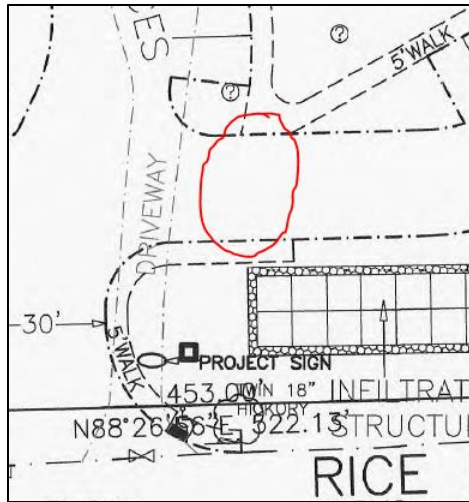
**This comment has been addressed.**

- k. Section 3.13.6.5 – Handicap-accessible ramps should be shown along the sidewalk on the site plan in locations adjacent to accessible parking spaces, in accordance with ADA/AAB requirements.

The sidewalk on the western side of the parking area should continue southward to the Rice Road right-of-way, similar to the sidewalk on the eastern side of the entrance to the site.

How is the pool accessed? Pedestrian access to the pool/pool area should be shown.

A crosswalk and ramps should be provided in the area shown below:



**Accessible ramps and an extension of the sidewalk on the western side of the driveway entrance have been added to the site plan. This comment has been addressed.**

1. Section 3.13.7.1 – Please provide a detail for the retaining wall. Note that engineered plans will need to be submitted to the Building Department for retaining walls 4’ or greater in height.

**The Applicant noted they will provide a stamped wall plan to the Building Department. Recommending that be included as a condition of approval prior to construction.**

**This requirement should be included as a condition of approval prior to construction/building permit. No further comment.**

- m. Section 3.13.7.2 – Please provide a detail for the proposed sidewalk.

**This comment has not been addressed.**

**A detail has been provided. This comment has been addressed.**

- n. Section 3.13.7.3 – Please provide a detail with dimensions for each type of parking space, including standard, accessible, and compact spaces. Dimensions should also be shown on the Site Layout sheet.

**The Applicant noted the proposed dimensions in their response letter but they were not added to the plan or detail sheet. Requesting that information be added to the site plan.**

**Dimensions for various parking space types have been added to the site plan. This comment has been addressed.**

- o. Section 3.13.8.1 – The site layout sheets show sloped granite curb throughout the site but the detail show both sloped and vertical granite curbing with a note that vertical granite curb will be used when up against sidewalk. Please clarify the location of sloped vs. vertical granite curb on the site plan.

**The Applicant noted in their response that they will update the symbology to reflect the location for the different curbing in the next iteration of the plan.**

**It is still difficult to differentiate on the plan where sloped vs. vertical granite curbing is proposed. However, the detail does clarify where the respective curbing will be installed. No further comment.**

- p. Section 3.13.8.2 – Please identify the proposed treatment for the disturbed areas on the site plan (i.e. loam and seed) and provide a corresponding detail.

**The Applicant noted that they will add a note to the plan that disturbed areas will be loam and seeded and areas steeper than 3:1 will have erosion control matting. A plan note and details for the matting should be added to the next iteration of the plan.**

**The Applicant identified a plan detail that addresses this comment.**

- q. Section 3.13.8.5 – Please add the limit of work to the site plan and note that the limit of work should be staked out in the field.

**This comment has been addressed.**

- r. Section 3.13.8.7 – Please provide a detail for the proposed stop sign at the exit of the site.

**This comment has not been addressed. Additionally requesting the stop lines, as recommended by the Applicant’s traffic engineer, be added to the site plan.**

**This comment has been addressed.**

Please confirm whether the project sign will be lit, either internally or externally. If the project sign is to be lit, electrical conduit to the sign should be shown on the site plan.

**The Applicant has not decided yet whether the project sign will be lit and have electric conduit.**

**Recommending a condition be included for plans for the project sign be submitted and approved by the Board prior to construction. No further comment.**

- s. Section 3.13.9.6 – Suggesting that the proposed Site Entrance Mat be widened to allow two vehicles to pass each other while entering/exiting during construction.

**This comment has been addressed.**

- t. Section 3.13.10 – Architectural floor and elevation plans should be stamped by a registered architect.

**The Applicant noted that they will submit stamped final plans to the Building Department. The 40B Rules and Regulations require stamped plans with the submission so the Applicant should provide them or request a waiver.**

**The Applicant has requested a waiver from this requirement and will provide them to the Building Department prior to construction. Recommending a condition be included to that extent. No further comment.**

32. Section 3.15 – Affordable Dwelling Units

- a. Per section 3.15.2 and the LIP Agreement, the applicant should provide the proposed method of selecting qualified tenants and should provide for a local selection preference of tenants, in accordance with Ch. 40B guidelines. I suggest making this a condition of approval.

**Staff suggesting this be included as a condition of approval.**

**The Applicant noted in their response that they are amenable to this being a condition of approval. No further comment.**

33. ZBL Section 12.44(a)

- a. The accurate and most recent map and lots numbers should be provided on the site plan.

**This comment has been addressed.**

- b. The ZBL requires contours at 1' intervals. The provided contours are at 2' intervals. The Applicant would need to request a waiver from this requirement.

**Applicant noted they will request a waiver from this requirement.**

**The Applicant requested a waiver from this requirement. No further comment.**

- c. The applicant should provide a structural design and dimensions for the proposed project sign.

**The Applicant noted the form and style of sign has not been decided upon yet.**

**Recommending this be a condition of approval prior to construction.**

34. ZBL Section 23 – Suburban Districts

- a. The Applicant did not provide the total lot coverage for the site. The maximum lot coverage in the S-II zoning district is 30%. The applicant should provide the total lot coverage and request a waiver if it exceeds 30%.

**This comment has been addressed.**

- b. The maximum building height in the S-II zoning is 30ft. The proposed height of all three residential buildings is 65', 6". The applicant has requested a waiver from this requirement.

**No further comment.**

- c. The proposed 192-unit multi-family dwelling is located in the Suburban-II (S-II) zoning district. The S-II district allows for Multi-Family Special Permits, if the a project:
  - i. Is serviced by public water and sewer
    - 1. The proposed project is serviced by public water and sewer
  - ii. Is accessed by a "major street", defined as a street substantially developed for single-family homes. Rice Road would be categorized a minor street. The Applicant would need to request a waiver from this requirement.

**The Applicant noted they will request a waiver from this requirement.**

**The Applicant has requested a waiver from this requirement. The Board should determine if they are amenable. No further comment.**

- d. The lot size requirement for this project in the S-II zoning district would be:
  - iii. 15,000sf (when serviced by public water and sewer)  
+  
10,000sf per additional unit and 5,000sf per additional bedroom:  
1,910,000sf (191 units x 10,000sf) + 565,000sf (113 additional bedrooms x 50,000sf)  
=  
2,490,000sf, or 57.16 acres required. 15.6 acres are provided.

The Applicant would need to request a waiver from this requirement.

**The Applicant noted they will request a waiver from this requirement.**

**The Applicant has requested a waiver from this requirement. The Board should determine if they are amenable. No further comment.**

35. ZBL Section 28.7.3 – Use, Dimensional, and Parking Requirements

This section of the ZBL limits multi-family dwellings to a density of four dwelling units per acre. The proposed project has a density of 12.3 units per acre.

(192 units/15.6 acres = 12.3 units/acre)

The Applicant would need to request a waiver from this requirement.

**Section 27 only relates to the Adaptive Reuse Overlay, which this project is not located within, please disregard this comment.**

36. ZBL Section 32.6 – One Structure Per Lot

This section states that “*more than one (1) multifamily structure may be placed on a lot if... each such multifamily structure will be served by access equivalent to that required for single or two-family structures on separate lots under the [Subdivision Rules & Regs].*”

In my opinion, this bylaw section does not refer to the existing public way on which the project is located (Rice Road) but rather the access drives within the site. The proposed development provides access to each multi-family structure via an internal driveway system.

However, because the project proposes more than 150 units, the Subdivision Rules & Regulations dictate a 60ft right-of-way and a 32ft paved width for access to the multi-family structures on the project site. The site plan appears to driveway aisles that are 24’ in width.

The Applicant would need to request a waiver from this requirement.

**The Applicant noted they will request a waiver from this requirement.**

**The Applicant has requested a waiver from this requirement. The Board should determine if they are amenable to the waiver request. No further comment.**

37. ZBL Section 33.2 – The total required parking spaces for a 192-unit multi-family under Section 33 of the Zoning Bylaws would be:

2 spaces per 1-bedroom unit (102 units x 2 spaces) = 204 spaces

3 spaces per 2-bedroom unit (66 units x 3 spaces) = 198 spaces

4 spaces per 3-bedroom unit (24 units x 4 spaces) = 96 spaces

Total of 498 spaces are required.

The Applicant is proposing 319 spaces, or 1.66 spaces per unit. While significantly less than what the ZBL requires, the number of spaces per unit is generally in line or



above national standards for parking demands of multi-family developments. See citations regarding parking demand in the submitted traffic study.

The Applicant has requested a waiver from this requirement.

**No further comment.**

**The Applicant revised the parking layout to accommodate fire lands to Buildings 2 & 3 which resulted in a new total of 310 spaces, or 1.61 spaces per unit. The Applicant has requested a waiver from this requirement. The Board should determine if they are amenable to the waiver request. No further comment.**

Review of the *Millbury Municipal Code Post-Construction Stormwater Management* requirements:

38. While the stormwater management requirements will primarily reviewed by the Board's peer review engineer and town engineering staff, highlighting the several items that do not appear to be provided as part of the Application submission:
- a. Drainage calculations based on the 1998 Cornett 24-hour rainfall calculations
  - b. Design Standards in the Mass. Stormwater Handbook & additional requirements in the town's stormwater bylaw are not addressed in the application package
  - c. An Operation and Maintenance Plan
  - d. An Illicit Discharge Statement

**Noting that a Checklist for Stormwater Report, a Drainage Report, an Operations and Maintenance Plan, and an Illicit Discharge Statement were submitted on January 3, 2024. Deferring to the Board's peer review engineer and town engineering staff for review of those materials.**

**Please refer to the Board's peer review engineer for review of the Post-Construction Stormwater Management requirements. No further comment.**

39. Given the residential character of the surrounding neighborhood, I would suggest a condition limited construction hours to 7:00am to 5:00pm, Monday through Friday and 8:00am to 4:00pm on Saturday, with no construction permitted on Sundays and federal holidays.

**Applicant is amenable to this being a condition. No further comment.**

40. **Can the Applicant comment on how Infiltration Structure #1 will be accessed/serviced? The plan does not appear to show any access to the structure.**

**The revised plan shows a 15' wide gravel access path. This comment has been addressed.**

cc: James Venincasa, SJV Investments, LLC

James Tetreault, Azimuth Land Design  
Dave Glenn, Stantec  
Millbury town staff