

**Board of Appeals
Meeting Minutes
Wednesday, January 31, 2024
7:00 pm**

In accordance with Chapter 40A of the Massachusetts General Laws and the Zoning Ordinances with the Town of Millbury, a public hearing was held on Wednesday, January 31, 2024 at 7:00 p.m. in the Millbury Senior Center and remotely through Zoom.us/download. The meeting was recorded and streamed by Millbury Public Access Cable Television. Chairman Ken Perro presided.

Present: Chairman Ken Perro, Dan Mezynski, Michael Georges, Adam Kobel, Harold Proodian, Derek McGovern, Robert Simmarano

7:00 p.m. Call to order

Meeting Minutes

Ken Perro entertained a motion to approve the meeting minutes of January 10, 2024.
Adam Kobel made a motion to approve the meeting minutes of January 10, 2024, Michael Georges Seconded, roll call vote 5-1, Robert Simmarano abstained.

**7:05 p.m. Public Hearing Con't – 40B Comprehensive Permit
17 Rice Road –SJV Investments**

Chairman Perro detailed the agenda items to be discussed.

James Tetreault, Azimuth Land Design, representing the applicant, stated that they are awaiting the updated traffic study.

Mr. Tetreault stated that in response to staff comments and in the conversation with the Fire Chief to discuss fire safety, there is a second point of access onto Rice Road which will be located south of Building #1. Fire Department access will be available around the building and the plan will be updated to show access to Buildings 2 and 3. Stand pipes will be installed in the stairwells of all buildings.

Mr. Tetreault stated that concept plans are to be created to addresses those comments. He is scheduling the onsite meeting with the Tree Warden and all Town Planner comments will be addressed.

Adam Kobel inquired regarding the status of the four trees located at the proposed fire access entrance. Chairman Perro referred to the letter received from the Tree Warden.

James Venincasa stated that they are awaiting receipt of the Stantec response letter.

Town Planner McCormack reviewed the Planning Department comments to the Board and stated that the comments are based on the December 29, 2023 plans received.

Mr. Tetreault stated that the updated site plans will address the comments received to this date.

Chairman Perro requested the updated site plan include the lighting plan and parking lighting areas be detailed consistently on all site plan pages.

Mr. Tetreault stated that they will submit an updated waiver letter based on the Planning Department comments.

Harold Proodian inquired and Town Planner McCormack stated the timeframe for the completed sidewalk could be a Board requirement before occupancy.

Town Planner McCormack stated staff comment letters from DPW have been reviewed by Stantec. He stated that he has not received the response letters from the Building Department and the Board Of Health as of this meeting. The Stantec stormwater update letter should be received by the end of the week and will be available for discussion at the next meeting. The Aquarion Water comment letter was not received as of this meeting.

Chairman Perro requested and Town Planner McCormack stated that he will track the comments addressed by the developer.

Chairman Perro inquired and Town Planner McCormack detailed the deadline process of the upcoming meeting.

Dan Mezynski inquired and Mr. Venincasa detailed the revised fire access to both rear buildings and the grade of the site.

Michael Georges inquired and Mr. Venincasa stated that tenants will be advised that there is no access around the building. They will be installing a retaining wall at the rear of the property.

Chairman Perro inquired and Mr. Venincasa confirmed that the updated fire access plan will be indicated on the next revision of site plans.

Harold Proodian inquired and Mr. Venincasa stated that there will not be parking available for RV's, boats and unregistered vehicles. They continually monitor the projects for any parking concerns with the tenants.

Mr. Tetreault requested to continue the public hearing to the next meeting scheduled for February 28 2024.

Steve Stearns, 12 Thomas Hill Road, expressed concern regarding the parking spots detailed on the plan.

Cody Mathieu, 11 Rice Road, recommended that the traffic engineer attend the meeting to respond to any questions the staff or public may have. He also expressed concern regarding the proposed fire lane abutting his property.

Chairman Perro confirmed that the Board will be conducting site visits in the future.

Chairman Perro inquired and Town Counsel Brian Faulk stated that a quorum is not allowed on a site visit. He recommended a structured visit with home owner.

Chairman Perro inquired and Town Planner McCormack detailed the parking requirements are set by the zoning bylaws and he stated that the applicant is requesting a parking waiver. He stated that the Board can request the parking metrics related to that waiver request and the Board could decide whether to grant that waiver.

Steven Venincasa stated planning on other projects requirements highest in abutting towns. He stated that past projects have received waivers from the Planning Board on the parking requirements. He stated that garages will be included in parking space count for the project.

Town Planner McCormack stated the current bylaw requirement is 2.1.2 spaces per unit.

Mr. Kobel inquired and Mr. Venincasa stated that the garages at similar developments are all rented and the monthly fee is currently \$150.00.

Terry Burke Dotson, 20 Salo Terrace, expressed concern regarding the current zoning bylaws and how they are applied to this project.

Melody Belliveau, 12 Sycamore Street, expressed concern regarding the potential of residents parking offsite on Rice Road.

Marie Cameron, 30 Miles Street, expressed concern regarding any potential fire emergency at the building and the lack of complete fire access around the buildings.

Nick Lazzaro, 9 Jaclyn Rae Drive, inquired and Chairman Perro stated that the applicant will be addressing the second emergency access.

Sean McGrath, 2 Aldrich Street, expressed concern regarding the need for the abutter's evacuation plan in the event of a fire emergency at 17 Rice Road. Mr. Venincasa stated that all buildings will have sprinklers and there will be hydrants onsite.

Catherine O'Connell, 7 Capt Peter Simpson Road, expressed safety concerns in the event of a fire emergency and the railroad safety at the current crossing.

Joe Arsenault, 1 Thomas Hill Road, inquired and Town Planner McCormack stated that if the Board meets for a site visit at 17 Rice Road it will be considered a meeting and notification will be sent out.

Dan Mezynski inquired and Town Planner McCormack stated that the railroad comment letter was received.

Michelle McGrath, 2 Aldrich Street, expressed concern in the event of a fire emergency and the access for fire apparatus.

Dan Mezynski inquired and Mr. Venincasa stated the State requirement for handicap spaces for the project and the number of spots proposed is above the state requirements.

Harold Proodian inquired and Mr. Venincasa stated that there will be one evaluator per building.

Dan Mezynski expressed concerns regarding fire safety and Mr. Venincasa stated that all construction materials will meet current fire codes. He stated that all the buildings will have firewalls.

Michelle McGrath, inquired and Town Planner McCormack stated that there is not a limit on the number of zoning waivers an applicant can request for a 40B application.

Fran DeSimone, 1 Weldon Drive, expressed several safety concerns with the project include the width of Rice Road, the height of the proposed buildings and the number of waivers requested.

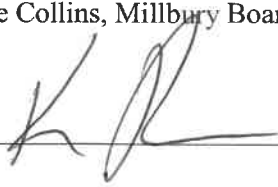
Dan Mezynski made a motion to continue the public hearing to Wednesday, February 28, 2024, Adam Kobel seconded, roll call vote unanimously 5-0.

Harold Proodian made a motion to adjourn, seconded by Mezynski, roll call vote unanimously 5-0.
Meeting adjourned at 8:39 p.m.

Respectfully submitted,

Stephanie Collins, Millbury Board of Appeals Administrator

Attest:



Ken Perro, Chairman



Daniel Mezynski, Vice Chairman



Michael Georges, Clerk



Harold Proodian



Adam Kobel