

**TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board**

NOTICE OF DECISION

**SITE PLAN APPROVAL &
STORMWATER MANAGEMENT PERMIT**

**12 MARTIN STREET, MILLBURY, MA
Assessor's Map 36, Lot 95**

2020 APR 23 PM 12:17
TOWN CLERK

Applicant/Owner:

Date: April 20, 2020

Millbury Public Schools
12 Martin Street
Millbury, MA 01527

Application Filed: January 30, 2020

On Monday, February 24, 2020, the Planning Board held a public hearing on the application of Millbury Public Schools for Site Plan Review under Article I, Section 12.4 of the Millbury Zoning Bylaw and for a Post-Construction Stormwater Management Permit under Chapter 13.15 of the Millbury Municipal Code for property located at 12 Martin Street, Millbury, MA. The Applicant desires to construct two synthetic turf fields, a running track, grandstand, 1,200± square foot amenities building, parking facilities, and associated improvements. The February 24th session of the hearing was held in the Municipal Public Library, 128 Elm Street, Millbury, MA. The hearing was subsequently continued to March 23, 2020, however that meeting did not take place due to the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20, dated March 12, 2020. Notice of continuation of the public hearing to April 13, 2020 was posted on the front door of the Municipal Office Building and filed with the Town Clerk on March 23, 2020. The public hearing was subsequently continued to April 20, 2020. Public hearings held on April 13, 2020 and April 20, 2020 were broadcast live on Millbury Public Access Television, live-streamed on the Millbury Public Access Television website, and live-streamed via ZOOM video and audio conferencing, allowing members of the public to follow the proceedings of the Planning Board while they were occurring and allowing members of the public to participate in the hearing through real-time active participation, in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20, dated March 12, 2020.

Upon closing the public hearing, the Planning Board voted to **GRANT** site plan approval under Article 1, Section 12.4 of the Zoning Bylaws and stormwater management permit under Chapter 13.15 of the Millbury Municipal Code subject to conditions, safeguards and limitations on time or use. VOTE: Members present: Richard Gosselin (yes), Mat Ashmankas (yes), Bruce DeVault (yes), Terry Burke Dotson (no), and Paul Piktelis (yes).

The decision of the Board, together with a detailed record of its proceedings stating the reasons for the decision, shall be filed within 14 days after the hearing, in the office of the Town Clerk. Decision filed with Clerk April 23, 2020.

IMPORTANT: Pursuant to Article I, Section 12.49(f), of the Millbury Zoning Bylaw, any appeal from this Planning Board decision can be made only pursuant to M.G.L. c. 40A, Sec. 17, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

MILLBURY PLANNING BOARD
Clerk

A large, stylized handwritten signature in black ink, overlapping the text "MILLBURY PLANNING BOARD" and "Clerk".

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

RECORD OF PROCEEDINGS
On Application For Site Plan Approval and
Stormwater Management Permit

12 MARTIN STREET, MILLBURY, MA

I, Mat Ashmankas, Clerk of the Planning Board, hereby certify that the following is a detailed record of its proceedings relative to the application of Millbury Public Schools for property located at 12 Martin Street, Millbury, MA, within the Residential I District shown on Millbury Assessors' Map 36 as Lot 95 (the "Property"), for site plan review under Article I, Section 12.4 of the Millbury Zoning Bylaw and for a stormwater management permit under Chapter 13.15 of the Millbury Municipal Code (the "Property").

1. The Applicant desires to construct two synthetic turf fields, a running track, grandstand, 1,200± square foot amenities building, parking facilities, and associated improvements.
2. The Property is shown on a plan entitled "Millbury Junior/Senior High School Athletic Campus Renovations, 12 Martin Street, Millbury, Massachusetts", dated January 24, 2020, last revised March 13, 2020, prepared by Gale Associates, Inc. (the "Site Plan").
3. The Planning Board relied on the following documents, in addition to the testimony presented at the public hearing, in making its decision:

Date	Document
As amended through May 1-2, 2018	Town of Millbury Zoning Bylaws
As amended through 2018	Millbury Municipal Code
January 24, 2020, last amended March 13, 2020	"Millbury Junior/Senior High School Athletic Campus Renovations, 12 Martin Street, Millbury, Massachusetts", prepared by Gale Associates, Inc. (the "Site Plan")
January 24, 2020	Site Plan Review and Stormwater Permit application packet including Project Narrative, Athletic Lighting Illumination Plans, Amenities Building Plans, and Stamped Property Plan, prepared by Gale Associates, Inc.
January 24, 2020	"Stormwater Management Report", prepared by Gale Associates, Inc.
January 2020, amended February 2020	"Operation & Maintenance Plan", prepared by Gale Associates, Inc.
Undated	"Rip Rap Sizing Calculations" packet, prepared by Gale Associates, Inc.
January 30, 2020, amended February 20, 2020	Letters from Gale Associates, Inc. RE: Waiver Request

February 11, 2020	Illumination Summary, prepared by Musco Lighting
March 13, 2020	Letter from Gale Associates, Inc. RE: Planning Director Review Comments
March 13, 2020	Letter from Gale Associates, Inc. RE: Stantec Review Comments
April 7, 2020	Letter from Gale Associates, Inc. RE: Planning Director Review Comments
January 29, 2020	Letter from Millbury Public Schools Superintendent RE: Waiver Request
January 28, 2020	Email from Planning Director
February 20, 2020	Letter from Planning Director
March 25, 2020	Letter from Planning Director
February 20, 2020	Letter from Stantec
April 3, 2020	Letter from Stantec
April 7, 2020	Email from Fire Chief

4. On January 30, 2020, the Applicant submitted application materials to the Planning Board, a true copy marked as Exhibit A.
5. A legal ad, a true copy marked as Exhibit B, was published in the *Millbury Sutton Chronicle* on February 6, 2020 and February 13, 2020. The Chronicle is a newspaper of general circulation in the Town of Millbury. Notice of the hearing was posted by the Town Clerk on January 30, 2020 and mailed postpaid to the Applicant, abutters of land within 300 feet of the property line being the same persons named in the Certified List of Abutters, to the Central Massachusetts Regional Planning Commission, and to the Planning Boards of every abutting community.
6. On February 24, 2020 the Planning Board opened a public hearing to consider the application and receive comment thereon. With the Applicant's consent, the hearing was continued to March 23, 2020 (without testimony), April 13, 2020, and April 20, 2020 on which date the hearing was closed. Five members of the Planning Board were present at each session of the public hearing when testimony was taken. After the public hearing was closed, the Planning Board, in accordance with Article I, Section 12.44(g) of the Millbury Zoning Bylaw, considered the Applicant's request for waivers and voted to grant the following waivers from the requirements of Article I, Section 12.4 of the Millbury Zoning Bylaw as specified below:
 - a. Waiver from the requirement to submit application fees.
 - b. Section 12.44(c): waiver from the requirement to submit an isometric line drawing.
 - c. Section 12.44(f): waiver from the requirement to submit a full Development Impact Statement. The Applicant shall submit a general description of traffic patterns and expected construction traffic, environmental impact statement and fiscal impact statement only.
 - d. Section 12.45(f) and 12.45(g): waiver from the requirement to install cement concrete sidewalks and walkways of natural materials throughout the site. The

Applicant shall install cement concrete sidewalks where the sidewalk abuts the parking lot southwest of the track/playing field and at ADA-accessible ramps only. All other new walkways shall be bituminous concrete or decorative pavers.

- e. Section 12.45(o): waiver of the requirement to install concrete curb and gutters around the perimeter of parking areas. Bituminous cape cod berm shall be installed except that vertical granite curb shall be installed where the concrete sidewalk abuts the parking lot at the field/track location and no curb shall be provided alongside low impact design features.
7. In accordance with Article I, Section 12.46(a) of the Millbury Zoning Bylaw and Chapter 13.15 of the Millbury Municipal Code, based upon its review of the projected development impacts and the proposed methods of mitigating such impacts and having found that the proposed development is in conformance with the Zoning Bylaw and Chapter 13.15 of the Millbury Municipal Code, the Planning Board voted to **GRANT** Site Plan Approval and a Stormwater Management Permit subject to conditions, safeguards and limitations on time or use as follows:
- a. All rules, regulations and codes shall be adhered to including the Millbury Zoning Bylaw, Millbury Municipal Code, Massachusetts Building Code, and the Massachusetts Comprehensive Fire Code.
 - b. The Applicant shall obtain all necessary permits and approvals.
 - c. Any substantial change shall require application for a new Site Plan Approval and Stormwater Management Permit. The Planning Board shall determine what constitutes a substantial change.
 - d. All required fees and costs associated with the approval process and inspections shall be paid.
 - e. All construction debris shall be disposed of in compliance with applicable local and state laws.
 - f. Prior to construction activities, the Applicant shall do the following:
 - 1) Pay \$6,000 to the Town of Millbury for deposit into a special account established by the Town Treasurer under M.G.L. Chapter 44, Section 53G to finance inspections of stormwater facility installation. The balance of this account shall at no time be less than one-half (1/2) the initial deposit, and the Applicant shall deposit with the Treasurer such additional funds as are required to restore the account to the amount of the initial deposit upon notice from the Board that the amount on deposit has been decreased by the expenditures described herein to an amount at or below one-half (1/2) of the initial deposit. If the Applicant fails to restore the account balance and the balance is insufficient to pay incurred professional and technical review fees, the Board shall place a stop work order on construction activities by not authorizing additional professional or technical work, including inspections, until outstanding invoices are paid. Ninety (90) days following the Building Inspector's issuance of an Occupancy Permit, any excess amount in the account attributable to that project, including

any interest accrued, shall be repaid to the Applicant or the Applicant's successor in interest.

- 2) Perform one additional test pit, to be witnessed by Stantec, at the area of permeable pavers within the new 82-space parking lot.
 - 3) Update the lighting plan to ensure that lighting for the new 82-space and 18-space parking lots are adequate, but not excessive. Parking lot lights should be repositioned and/or shields added to prevent spillover onto abutting, residentially-occupied properties. For safety and security reasons, a minimum of 0.3 ft/candles shall be provided within the new parking lots. The photometric plan should be updated to reflect these changes and submitted for Planning Board review and approval.
 - 4) Submit the Stormwater Pollution Prevention Plan (SWPPP) as per the NPDES Construction General Permit.
 - 5) Update the final record plan so that Goff Street is correctly identified.
 - 6) Update the final record plan to depict an additional exit lane at the westerly egress onto Martin Street.
- g. Inspections of the stormwater facilities shall be conducted at appropriate times in the construction schedule in accordance with Municipal Code, Chapter 13.15.100. Any work which has been covered by subsequent work prior to inspection, or is otherwise not available or obscured to the point of rendering inspection of the work difficult, shall be considered to be not acceptable to the Planning Board. Such subsequent work shall be removed as directed by the Planning Board or its representative to insure availability of the work to be inspected as required herein.
- h. If blasting occurs, no perchlorate shall be used. The Applicant shall sample and analyze all wells for compounds contained in the proposed blasting materials prior to any blasting if those wells are located within five hundred (500) feet of the blast area. These wells shall also be tested for quantity prior to any blasting. The blast area shall be defined as the limits of construction. All structures within five hundred (500) feet of the blast area shall be reviewed for cracks prior to any blasting. The Applicant shall alert property owners within five hundred (500) feet of a blast area, via certified mail, when blasting is complete.
- i. When school is in session, all construction traffic shall utilize Orchard Street to access/leave the site.
- j. If approved by MassDOT and the Millbury Board of Selectmen, Dewey Street shall be made right turn only at its intersection with North Main Street.
- k. The Millbury School Department shall commit to the following traffic pattern: school busses shall depart school first, followed by students, and then teachers. So as to avoid cross-over traffic, the School Department shall assign parking spaces to students in accordance with where they will exit (i.e. students who typically exit campus by turning right on Martin Street will park within the campus' southwest parking lot).
- l. The Applicant shall ensure proper maintenance of plantings on the site, including replacement of dead or diseased plantings in the following planting season.

- m. Hours of construction of the project shall be limited to 7:00 am to 5:00 pm Monday through Friday, and 8:00 am to 4:00 pm on Saturday.
- n. Prior to issuance of an occupancy permit, the Applicant shall file two copies of the "as-built" plan, certified by a registered professional engineer and registered land surveyor, with the Planning Board and the Building Inspector identifying that bounds were installed at all lot corners and identifying any change from the approved plan.
- o. This permit shall lapse if a substantial use thereof or construction has not begun, except for good cause, within 18 months of issuance (excluding such time required to pursue or await determination of an appeal).
- p. Each condition of this decision shall be construed as separate to the end, and if any condition shall be held invalid for any reason, the remaining conditions shall continue in full force and effect.

Members present: Richard Gosselin (yes), Mat Ashmankas (yes), Terry Burke Dotson (no), Michael Georges (yes), and Paul Piktelis (yes).

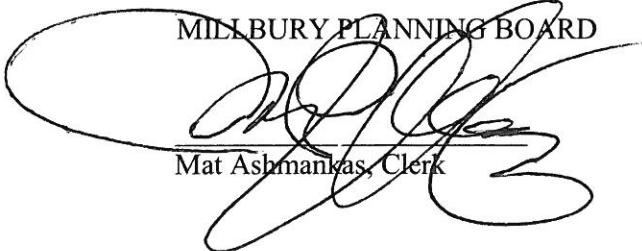
MILLBURY PLANNING BOARD

Mat Ashmankas, Clerk

Exhibit A



**SITE PLAN REVIEW
AND
STORMWATER MANAGEMENT PERMIT**

**TRACK AND FIELD RENOVATIONS PROJECT
MILLBURY JR/SR HIGH SCHOOL
MILLBURY, MASSACHUSETTS**

January 24, 2020

Prepared for:

Millbury Public Schools
12 Martin Street
Millbury, Massachusetts 01527

Prepared by:

Gale Associates, Inc.
163 Libbey Industrial Parkway
Weymouth, MA 02189
Gale JN 716383

Exhibit B



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-4754 • FAX. 508 / 865-0857

MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

RECEIVED
TOWN CLERK
2020 JAN 30 PM 1:14
MILLBURY, MASS.

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, the Millbury Planning Board will hold a public hearing on Monday, February 24, 2020, at 7:15 p.m., at the Millbury Public Library, 128 Elm Street, Millbury, MA, on the application of the Millbury Public Schools, property located at 12 Martin Street, Millbury, MA, for Site Plan Review under Article 1, Section 12.4 of the Millbury Zoning Bylaws, and for a Post-Construction Stormwater Management Permit under Chapter 13.15 of the Millbury Municipal Code. The Applicant seeks approval for the construction of two synthetic turf fields, a running track, aluminum grandstand, 1,200+ amenities building, and associated parking.

Application is available for review in the Planning Department during normal business hours. Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Please publish in the Millbury Sutton Chronicle on February 6, 2020 and February 13, 2020.