

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

**NOTICE OF DECISION**

**MULTI-FAMILY SPECIAL PERMIT &  
STORM WATER MANAGEMENT PERMIT**

**38 TAINTER HILL ROAD, MILLBURY, MA  
Assessor's Map 43, Lot 10-A**

2020 APR 30 PM 12:28

Applicant/Owner:

Date: April 27, 2020

Melissa M. Petrillo  
40 Tainter Hill Road  
Millbury, MA 01527

Application Filed: February 24, 2020

On Monday, April 13, 2020, the Millbury Planning Board held a public hearing on the application of Melissa M. Petrillo for a multi-family special permit under Article 1, Section 14.11(a) of the Millbury Zoning Bylaws and for a Post-Construction Storm Water Management Permit under Chapter 13.15 of the Millbury Municipal Code for property located at 38 Tainter Hill Road (formerly property was combined with 40 Tainter Hill Road), Millbury, MA, within a Residential II District. The Applicant desires to convert an existing barn into four multi-family units and build a parking lot consisting of 12 parking spaces and associated improvements. The public hearing was subsequently continued to April 27, 2020.

The public hearing was originally scheduled for March 23, 2020 at the Municipal Office Building, 127 Elm Street, Millbury, MA, however that meeting did not take place due to the State of Emergency in the Commonwealth given the coronavirus pandemic. 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 sessions of the public hearing held on April 13, 2020 and April 27, 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** the multi-family special permit site plan approval under Article 1, Section 12.4 of the Zoning Bylaws and storm water 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 (yes), 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 30, 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

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

**RECORD OF PROCEEDINGS**  
**On Application For Multi-family Special Permit and**  
**Storm Water Management Permit**

**38 TAINTER HILL ROAD, 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 Melissa M. Petrillo for property located at 38 Tainter Hill Road, Millbury, MA, within the Residential II District shown on Millbury Assessors' Map 43 as Lot 10-A (the "Property"), for multi-family special permit under Article I, Section 14.11(a) of the Millbury Zoning Bylaws and for a Post-Construction Storm Water Management Permit under Chapter 13.15 of the Millbury Municipal Code (the "Property").

1. The Applicant desires to convert an existing barn into a four-unit, multi-family structure, construct a parking lot consisting of twelve spaces, and associated improvements.
2. The Property is shown on a plan entitled "Site Plan, Multi-family Conversion, Map 43, Lot 10, 40 Tainter Hill Road, Millbury, Massachusetts", dated February 24, 2020, last revised April 20, 2020, prepared by Allen Engineering & 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:

<b>Date</b>	<b>Document</b>
As amended through May 1-2, 2018	Town of Millbury Zoning Bylaws
As amended through 2018	Millbury Municipal Code
February 24, 2020, last amended April 20, 2020	"Site Plan, Multi-family Conversion, Map 43, Lot 10, 40 Tainter Hill Road, Millbury, Massachusetts", dated, prepared by Allen Engineering & Associates, Inc. (the "Site Plan").
January 24, 2020	Special Permit and Storm Water Permit application packet
February 24, 2020	"Project Narrative, Waiver Request, and Development Impact Assessment", prepared by Allen Engineering & Associates, Inc.
October 31, 2019	"Change of Use & Alteration 2: Multi. Family, 40 Tainter Hill Road, Millbury, MA" prepared by Acropolis Design Consultants
February 24, 2020, last amended April 24, 2020	"Drainage Analysis", prepared by Allen Engineering & Associates, Inc.
April 20, 2020	"Stormwater Management System Operation and Maintenance Plan", prepared by Allen Engineering & Associates, Inc.
April 6, 2020	Memo from Allen Engineering & Associates, Inc. RE: Comment Responses, Special Permit, Site Plan Review and Stormwater Permit

April 20, 2020	Memo from Allen Engineering & Associates, Inc. RE: Revised Plans and Supporting Materials, Special Permit, Site Plan Review, and Stormwater Permit
April 22, 2020	Email from Allen Engineering, Inc.
March 31, 2020	Letter from Stantec
April 24, 2020	Letter from Stantec
April 27, 2020	Email from Stantec
March 30, 2020	Letter from Planning Director
April 22, 2020	Letter from Planning Director
March 25, 2020	Email from Ann Hancock
March 26, 2020	Email from Ann Hancock
March 31, 2020	Email exchange between Planning Director and Ann Hancock
April 1, 2020	Email exchange between Planning Director and Ann Hancock
April 6, 2020	Email exchange between Planning Director and Allen Engineering, Inc.
April 21, 2020	Email exchange between Allen Engineering, Inc. and Ann Hancock
April 27, 2020	Email from Ann Hancock
April 14, 2020	Email from Police Chief
April 23, 2020	Email from Assistant Assessor

1. On February 24, 2020, the Applicant submitted application materials to the Planning Board, a true copy marked as Exhibit A.
2. A legal ad, a true copy marked as Exhibit B, was published in the *Millbury Sutton Chronicle* on March 5, 2020 and March 12, 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 February 27, 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.
3. On April 13, 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 April 27, 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:



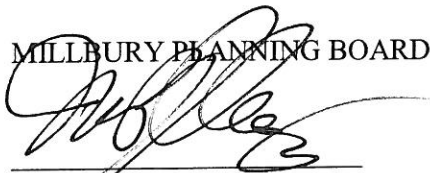
- a. Section 12.44(a): waiver from the requirement to depict existing and proposed topography at 1' contour intervals. Topography is depicted at 2' contour intervals with spot grades at parking lot corners.
  - b. Section 12.44(a): waiver from the requirement to submit a photometric plan.
  - c. Section 12.44(c): waiver from the requirement to submit an isometric line drawing.
  - d. Section 12.44(f): waiver from the requirement to submit a Traffic Impact Assessment.
  - e. Section 12.45(o): waiver of the requirement to install concrete curb and gutters around the perimeter of parking areas.
4. 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** Multi-family Special Permit and a Storm Water 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 Multi-family Special Permit 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) Modify the Site Plan for Planning Board review and approval as follows:
  1. Reflect the address of 38 Tainter Hill Road, which is identified as Assessors Map 43, Lot 10-A.
  2. Depict boundary markers in all property corners and at least 3 of those boundary markers shall be indicated with the elevation and coordinates.
  3. Depict a concrete or decorative stamped asphalt walkway in front of the multi-family structure instead of a standard paved walkway.
  4. Depict an anti-tracking pad at the intersection of Tainter Hill Road and the proposed driveway to prevent tracking of dirt onto Tainter Hill Road during construction.
  5. Relocate the snow storage area away from the swale that will drain into infiltration basin #1.
  6. Extend the limits of the sedimentation barrier to include the area adjacent/down gradient to the proposed sewer line and proposed water service alignment.
- 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. An existing 6" pvc pipe is located within the vicinity of the Tainter Hill Road right-of-way (ROW). If the pipe is encountered during construction, the Applicant shall notify Allen Engineering, Inc. immediately so that a plan to preserve and protect the pipe can be implemented. The pipe shall not be damaged or redirected without the prior written approval of the Town of Millbury.
- j. The Applicant shall ensure proper maintenance of plantings on the site, including replacement of dead or diseased plantings in the following planting season.
- k. 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.

- l. 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.
- m. 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).
- n. 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), Bruce Devault (yes), Terry Burke Dotson (yes), and Paul Piktelis (yes).

MILLBURY PLANNING BOARD  
  
Mat Ashmankas, Clerk