

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

**NOTICE OF DECISION
SITE PLAN APPROVAL &
STORMWATER MANAGEMENT PERMIT**

**58 ELMWOOD STREET, MILLBURY, MA
Assessor's Map 61, Lot 1**

Applicant/Owner:

Date: August 31, 2020

Millbury Public Schools
58 Elmwood Street
Millbury, MA 01527

Application Filed: May 25, 2020

On Monday, June 22, 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 58 Elmwood Street, Millbury, MA. The Applicant desires to demolish the existing single-story Shaw School and replace with a new 2-story structure and completely redesign the site, including parking, fields, play areas, and associated improvements. The June 22nd session of the hearing was held virtually via Zoom due to the ongoing COVID-19 pandemic. The hearing was continued and subsequent hearings were held on July 20, 2020, August 17, 2020 and August 31, 2020. Public hearings held on June 22, 2020, July 20, 2020, August 17, 2020, and August 31, 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 Pikelis (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 September 2, 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 Site Plan Approval and
Stormwater Management Permit

58 ELMWOOD 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 58 Elmwood Street, Millbury, MA, within the Residential II District shown on Millbury Assessors' Map 61 as Lot 1 (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 demolish the existing single-story Shaw School, replace it with a new 90,265 square foot, 2-story structure, and redesign the site, primarily within the previously developed envelope, including parking, fields, play areas, and associated improvements.
2. The Property is shown on a plan entitled "Proposed Raymond E. Shaw Elementary School, 58 Elmwood Street, Millbury, Massachusetts", dated May 25, 2020, last revised August 5, 2020, prepared by Turowski2 Architecture and Nitsch Engineering (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
May 7, 2020	"Millbury Site Plan Review Pre-Submission" for "Proposed Raymond E. Shaw Elementary School", prepared by Turowski2 Architecture
May 25, 2020	"Millbury Site Plan Review Submission" for "Proposed Raymond E. Shaw Elementary School", prepared by Turowski2 Architecture including Waiver Letter and Development Impact Statement, Application Forms, Traffic Impact and Access Study (dated April 17, 2020 and prepared by Green International); Geotechnical Report (dated February 27, 2020 and prepared by Lahlaf Engineering); Mass. Historical Commission Letter (dated April 1, 2019); Storm Water Report (dated April 22, 2020 and prepared by Nitsch Engineering);
May 25, 2020, last amended August 5, 2020	"Raymond E. Shaw Elementary School, 58 Elmwood Street, Millbury, MA 01527" Planning Board Submission – Update" prepared by Turowski2 Architecture and Nitsch Engineering (the "Site Plan").
May 25, 2020 <i>rev 1</i>	Letter from Turowski2 Architecture, Inc. RE: Raymond E. Shaw Elementary School Site Plan Review Pre-Submission

May 27, 2020	Planner Questions, Comments, and Recommendation for the Site Plan Review & Post-Construction Stormwater Permit
May 28, 2020	Email from Turowski2 Architecture to Dept. of Planning & Development RE: Revised narrative and additional waivers
June 5, 2020	Letter from Stantec RE: Traffic Impact Study Peer Review
June 10, 2020	Response from Turowski2 Architecture to “Planner Questions, Comments, and Recommendation for the Site Plan Review & Post-Construction Stormwater Permit for 58 Elmwood Street”
June 17, 2020	Letter from Stantec RE: Site Plan Submission Review
June 18, 2020	Email from Peter Turowski to Laurie Connors RE: Shaw School – Electrical Utility
June 22, 2020	Presentation entitled “Site Plan and Storm Water Permit Presentation, Raymond E. Shaw Elementary School Project” prepared by Turowski2 Architecture
July 13, 2020	Email from Peter Turowski to Laurie Connors
July 20, 2020	Presentation entitled “Site Plan and Storm Water Permit Continuance, Raymond E. Shaw Elementary School Project” prepared by Turowski2 Architecture
July 23, 2020	Email from Planning Board Member Ashmankas RE: Drainage Swale
July 31, 2020	Letter from Nitsch Engineering RE: Stantec Storm Water Comments
July 31, 2020	Letter from Green International Affiliates, Inc. RE: Response to Shaw School Traffic Peer Review Comments
July 31, 2020	Email from Planning Board Member Dotson with attachment “Town Owned Land as of 2019”
August 5, 2020	Letter from Turowski2 Architecture RE: Updated drawings and supplemental support documentation for Site Plan and Storm Water Application.
August 11, 2020	Letter from Stantec RE: Stormwater Management Plan & Stormwater Standards
August 11, 2020	Letter from Stantec RE: Traffic Impact Study Peer Review
August 12, 2020	Response from Turowski2 Architecture to “Planner Questions, Comments, and Recommendation for the Site Plan Review & Post-Construction Stormwater Permit for 58 Elmwood Street” dated May 27, 2020
August 12, 2020	Updated Planner Questions, Comments, and Recommendation for the Site Plan Review & Post-Construction Stormwater Permit
August 14, 2020	Email from Peter Turowski to Laurie Connors
August 14, 2020	Email from Tim Brennan to Laurie Connors, including Structural S0.01 Attachment
August 14, 2020	Email from David Billings to Laurie Connors
August 14, 2020	Letter from Stantec RE: Review of Proposed Under-Slab Drainage System
August 17, 2020	Email from Stantec to Laurie Connors RE: Shaw Elementary School Site Plan

August 28, 2020	Closed Drainage Memorandum prepared by Nitsch Engineering
August 28, 2020	Email from Dave Glenn RE: Shaw Elementary School Site Plan
August 31, 2020	Email from Dave Glenn RE: Shaw Elementary School Site Plan
August 31, 2020	Email from Peter Turowski to Laurie Connors

4. On May 25, 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 June 4, 2020 and June 11, 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 May 28, 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 June 22, 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 July 20, 2020, August 17, 2020, and August 31, 2020, on which date said hearing was closed. Five members of the Planning Board were present at each session of the public hearing. 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 APPROVE the following waivers from the requirements of Article I, Section 12.4 of the Millbury Zoning Bylaw as specified below:
 - a. Waiver from Site Plan Review Application Fee (\$500 + \$20/parking space) and Stormwater Management Permit Application Fee (\$200).
 - b. Section 12.44(a): Waiver from the requirement that all property corners be pinned and that at least three property boundary markers be indicated with Massachusetts Grid Plane Coordinates (both elevation and coordinates).
 - c. Section 12.44©: Waiver to allow submission of an unscaled birds eye view rendering in lieu of an isometric line drawing at the same scale as the site plan.
 - d. Section 12.44(e): Waiver to allow submission of 1/8" scale exterior elevation plans in lieu of the 1/4" scale required by this section.
 - e. Section 12.44(q): Waiver from requirement to install interior landscaping equal to 5% within parking areas over nineteen (19) spaces.
 - f. Section 22.3: Waiver from the height limitation of thirty feet (30') pursuant to MGL c. 40A sec. 3, the so-called Dover Amendment. The predominate height of the proposed building is under twenty-nine feet (29'), however there are three sloped roof sections designed to support photovoltaic arrays that exceed thirty feet (30') at the high end and two (2) sloped roofs at stair towers which provide access to the roof – these are just under forty feet (40') at their high end.
 - g. Section 34.6.01: Waiver from size limitation of 4 SF for wall signs and 6'H/6SF for freestanding signs pursuant to MGL c. 40A sec. 3, the so-called Dover Amendment. The Applicant is authorized to install two building mounted signs (freestanding letters mounted to the building façade) that are 86 and 76 s.f. and a freestanding sign with a total height of 7' and a total square footage of 76 s.f.

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 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) Update the Site Plan as follows:

- 1. Eliminate the discrepancy between the bioretention basin bottom elevation, which is shown as 538.00 on the site drainage plan on Sheet C5.03 and 528.00 on the bioretention basin detail on Sheet C11.04.
- 2. Provide a perimeter footing drain to be installed around the east wing of the proposed building and along the eastern side of the north wing. The drain shall consist of a 6-inch diameter slotted PVC pipe surrounded by at least 6 inches of ¾-inch crushed stone,


wrapped in a non-woven filter fabric. The drain shall be installed near or at the bottom of the footing. The drain shall discharge to the stormwater system or to daylight. Cleanouts shall be installed at regular intervals along the drain pipe.

3. Install vapor barrier beneath the first floor slab to reduce the potential for dampness in the proposed floor slab. The vapor barrier shall be protected from puncture during installation.
 4. Make increases in pipe sizes at three locations and upgrade five single grate catch basins to double grate catch basins as specified in the Closed Drainage Memorandum and associated attachments prepared by Nitsch Engineering dated August 28, 2020.
 5. Provide a typical cross-section of the main access drive.
 6. Provide a typical cross-section of the emergency access drive at the southerly end of the project to the shopping mall. Provide a plan for storm water mitigation associated with the driveway in this location.
 7. Eliminate overlapping text from Sheets C4.10, C4.11, C7.01 and C9.03.
 8. Label and define all signage symbology shown on Sheets C4.03 and C4.04.
 9. Add a stop sign at the Shaw School driveway's approach to Elmwood Street.
 10. Add sharrows to the access driveway heading towards Elmwood Street (southerly direction) and to the visitor lot/bus drop off where bike racks are proposed (Sheet C4.03).
 11. Remove the details of flush concrete curb, mountable granite curb, sloped granite edging, and flush granite curb from Sheets C11.01 and L4.2. The Applicant stated at the August 17th session of the public hearing that only vertical granite curb will be used on-site.
- 3) Submit a plan showing the location of new advanced warning signs, including a flashing school zone radar sign, along the eastern approach to the Elmwood Street School driveway.
 - 4) Provide rip-rap calculations for FES No. 3 to be included within the outlet protection sizing calculations packet.
 - 5) Perform additional test pits within the proposed stormwater BMP's footprint locations that are accessible. Test pit locations that are inaccessible during the early phases of construction due to the presence of the existing Shaw School may be postponed until the building is demolished. Test pits are to be witnessed by Stantec Engineering with results submitted to both Stantec Engineering and the Planning Board. To the extent required by the Planning Board, the Applicant shall modify the design if the test pit results are unfavorable.
 - 6) Once selected, the contractor shall submit detailed construction phasing plans to the Planning Board for their review and approval. The phasing plans shall take into account the recommendations included within Section 6.1 of the Shaw School Transportation Analysis dated April 17, 2020 that was prepared by Green International Affiliates, Inc.

- 7) Submit the final version of the Stormwater Pollution Prevention Plan (SWPPP) as per the NPDES Construction General Permit.
- g. New advanced warning signs, including flashing school zone radar signs, shall be installed prior to both the Shaw School driveway and the Elmwood Street School driveway on both travel ways in both directions along Elmwood Street.
 - h. All regulatory signs to be installed shall be consistent with the current Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.
 - i. Under the direction of the DPW Supervisor, roadside vegetation within the Elmwood Street right-of-way shall be selectively trimmed and cleared to improve sight distances at the site drive.
 - j. Native trees greater than 6" DBH shall not be removed in construction of the interpretive walking path. The path shall be laid out in consultation with the Landscape Architect and Planning Director.
 - k. 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.
 - l. 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.
 - m. The Applicant shall ensure proper maintenance of plantings on the site, including replacement of dead or diseased plantings in the following planting season.
 - n. 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.
 - o. Prior to issuance of a permanent occupancy permit, the Applicant shall file three copies of the "as-built" plan with the Planning Board, the Planning Board's consulting engineer and the Building Inspector. The as-built plan, which shall identify any deviations from the Site Plan, shall be certified by a registered professional engineer and registered land surveyor and reviewed by the design team. The as-built plan shall include a property line survey certifying that bounds were installed at all lot corners.
 - p. 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).
 - q. 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 (no), and Paul Piktelis (yes).

MILLBURY PLANNING BOARD



Mat Ashmankas, Clerk