



**Eastland Partners Inc.**

4 Charlesview Road Suite 1, Hopedale MA, 01747

August 26, 2020

*Revised: October 15, 2020*

Mr. Richard Gosselin, Chairman  
Millbury Planning Board  
127 Elm Street  
Millbury, MA 01527

***RE: Waiver Request List  
Clearview - Open Space Community  
66 Park Hill Avenue  
Millbury, MA***

Dear Mr. Gosselin:

As part of the Definitive application for the project known as “Clearview - Open Space Community”, below please find a list of requested waivers from the Millbury Rules and Regulations Governing the Subdivision of Land. For the overall design and project program, these waivers are appropriate and necessary to create the best development possible for the future residents, the Town of Millbury, and the greater community. Each of these waivers received preliminary support from the Planning Board during the Site Plan Review process, as indicated in the Notice of Decision on Application for Site Plan Approval, dated September 9, 2019.

The following waiver requests are based on the *Open Space Community* bylaw, which states:

*“The OSC bylaw allows for greater flexibility and creativity in the design of resident developments; facilitates the permanent protection of open space and natural, historic, and scenic resources; and encourages a more economical and efficient form of development that is less sprawling, consumes less open land, does not tax community services unduly, respects a site’s physical characteristics, and minimizes the total amount of disturbance to the site.”*

**1. Waive the requirement to create lot lines.**

Since the proposed project will be a condominium community comprised of duplex-style units, a waiver to create lot lines as would occur in a conventional subdivision is requested.

**2. Section 5.3(1)(n) – Soil surveys and/or test pits or borings every 100 feet along proposed roads.**

Since a significant number of borings were performed in a grid pattern throughout the property, in addition to deep hole test pits in proposed stormwater areas, a waiver is requested from the requirement to perform test pits or boring every 100 feet along the proposed roads.



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### **3. Section 5.3(5)(b) – Existing and proposed topography to be shown at 1' contour intervals.**

A waiver is requested from this section since there is considerable topographic relief throughout the project site and the 2' contour intervals provided adequately illustrate existing and proposed topographic conditions.

### **4. Section 6.7(6) – Roadway Widths**

A waiver is requested to allow for a reduced roadway width on sub-collector streets. Eastland proposes to build the main roadway (Clearview Terrace) at a width of 24 feet, which provides ample room for fire apparatus access as discussed with the Fire Chief. The interior roadways (Logan's Run, Horizon Drive, and Pinnacle Way) are proposed at a width of 20 feet to reduce the amount of impervious surface while still providing safe access for residents and emergency vehicles. Sidewalks proposed throughout the project will allow for safe pedestrian circulation within the community. Building roads at 26 feet wide creates unnecessary infrastructure, increases in impervious surfaces, and increases in stormwater runoff. All of these items cause increased maintenance costs for the community with minimal benefit.

### **5. Section 6.10 – Curbing**

A waiver is requested to allow the installation of Cape Cod berm in lieu of vertical granite curb. Clearview is being developed as a private limited access, low volume, residential condominium community. As previously noted, unlike a typical subdivision, all ownership and maintenance of infrastructure will remain with the Homeowner's Association (HOA).

Cape Cod berm is a more appropriate curb in this rural setting. Cape Cod berm is pedestrian friendly, functional as device to convey stormwater runoff, and economical to repair which make it the most appropriate solution both short and long term. Granite curbing, while durable, is unfriendly to pedestrians. Typically used in urban settings, granite curb adds no real value to the development, only significant unnecessary cost.

### **6. Section 6.13 – Sidewalk**

A waiver is requested to allow a sidewalk along one side of the proposed roads. Having sidewalks on both sides of the road creates an unnecessary and redundant asset which only increases impervious surfaces and associated maintenance for the proposed community. The speed limit within the community will be posted at 15 MPH making for a pedestrian safe environment. Like other Eastland private communities, residents will feel comfortable walking within the roads. Note that wherever possible, the sidewalk is designed to be continuous and located on the opposite side of the street to proposed units.



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A waiver is requested to terminate sidewalks before the cul-de-sac on Horizon Drive and Pinnacle Way. The multiple driveways proposed within each cul-de-sac leaves little room to implement sidewalks and would like unsightly. Residents wishing to walk will have more than enough space to walk within the paved roadway of the cul-de-sac to access the sidewalk. Low traffic volumes will contribute to pedestrian safety for residents walking in these areas.

#### **7. Section 6.19 – Street Lighting**

A waiver is requested to allow the location of street lights per the recommendation of the Millbury Fire Chief. During the Site Plan Approval process, Eastland received a plan from Chief Hamilton showing the ideal placement of hydrants and he indicated that street lights should be placed as close as possible to each hydrant. On July 31, 2019, Chief Hamilton wrote an e-mail to Laurie Connors and Eastland Partners confirming his ideal locations of street lights.

#### **8. Section 6.20 – Fire Hydrants**

A waiver is requested to allow the location of fire hydrants per the recommendation of the Millbury Fire Chief. During the Site Plan Approval process, Eastland received a plan from Chief Hamilton showing the ideal placement of hydrants and he noted that all fire trucks in town carry 1,200 feet of hose and would have no issue serving the development with hydrants in the proposed locations. On July 31, 2019, Chief Hamilton wrote an email to Laurie Connors and Eastland Partners confirming his preferred locations.

#### **9. Section 6.75 – Cul-De-Sac Diameter**

A waiver is requested to reduce the cul-de-sac diameter to 120' with a landscaped island having a 20' radius, where the regulations require a 160' diameter, with a 20' radius landscaped island. A diameter of 120' provides adequate access for fire apparatus and reduces impervious surface, lessens stormwater management, and decreases overall infrastructure. This allows us to deliver a better designed product to the customer and more benefit to the Town of Millbury.