

TOWN OF MILLBURY, MASSACHUSETTS  
The Planning Board

NOTICE OF DECISION

SITE PLAN APPROVAL &  
STORMWATER MANAGEMENT PERMIT

1497 GRAFTON WORCESTER ROAD, MILLBURY, MA  
Assessor's Map 6, Lot 190

RECEIVED  
TOWN CLERK  
22 FEB 16 AM 10:18  
MILLBURY, MASS.

Applicant/Owner:

Date: February 14, 2022

Parklund Place, LLC  
4 Abbott Place  
Millbury, MA 01527

Application Filed: November 23, 2021

On January 10, 2022, the Planning Board held a public hearing on the application of Parklund Place, LLC for Site Plan Review under Article I, Section 12.4 of the Millbury Zoning Bylaw and for a Post-Construction Stormwater Management Permit under Title 13, Chapter 13.15 of the Millbury Municipal Code for property located at 1497 Grafton Worcester Road, Millbury, MA. The Applicant wants to construct a duplex, parking lot with 6 spaces and associated improvements. With the Applicant's consent, the hearing was continued to January 24, 2022 (no testimony taken) and February 7, 2022, on which date the hearing was closed. Both sessions of the public hearing when testimony was taken were broadcast live on Millbury Public Access Television, live-streamed via 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 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 and Chapter 20 of the Acts of 2021.

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 Title 13, 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: February 16, 2022

**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**

**1497 GRAFTON WORCESTER ROAD, MILLBURY, MA**

I, Mathew Ashmankas, Clerk of the Planning Board, hereby certify that the following is a detailed record of its proceedings relative to the application of Parklund Place, LLC for property located at 1497 Grafton Worcester Road, Millbury, MA, within the East Millbury Business District shown on Millbury Assessors' Map 6 as Lot 190 (the "Property"), for site plan review under Article I, Section 12.4 of the Millbury Zoning Bylaw and for a stormwater management permit under Title 13, Chapter 13.15 of the Millbury Municipal Code (the "Property").

1. The Applicant desires to construct a two-family dwelling, parking lot consisting of 6 parking spaces and associated improvements.
2. The Property and Project are shown on a plan entitled "Site Development Plan for 1497 Grafton Road, Millbury, Massachusetts", dated November 2, 2022, amended through February 3, 2022, prepared by J.M. Grenier Associates, Inc., 325 Donald Lynch Boulevard, Suite 100, Marlborough, MA.
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 June 23, 2020	Town of Millbury Zoning Bylaws
As amended through 2020	Millbury Municipal Code
December 5, 2014	"New England Post Series N7" cut sheet by TerraCast Products
November 20, 2020	Site Inspection Report prepared by Stantec Consulting Group
Marked received November 23, 2021	Application packet prepared by J.M. Grenier Associates, Inc.
November 2, 2021, amended through February 9, 2022	"Site Development Plan For 1497 Grafton Road, Millbury, Massachusetts", prepared by J.M. Grenier Associates, Inc., 325 Donald Lynch Boulevard, Suite 100, Marlborough, MA. (the "Site Plan").
November 2, 2021	"Operation and Maintenance Plan, Abbott Place, Millbury" prepared by
October 14, 2021	"Elevations and Floor Plans", Sheets 3-6
November 2, 2021, amended February 3, 2022	"Stormwater Management Report, Abbott Place, Millbury, Massachusetts", prepared by J.M. Grenier Associates, Inc.
November 22, 2021	Letter from J.M. Grenier Associates, Inc. RE: Waiver Requests

December 28, 2021	Planning Director Questions, Comments and Recommendations
January 5, 2022	Letter from Stantec
January 24, 2022	Letter from J.M. Grenier Associates, Inc. RE: Request for Continuance
January 26, 2022	Letter from Millbury Police Chief
January 26, 2022	Email from Mat Ashmankas
February 3, 2022	Letter from J.M. Grenier Associates, Inc. RE: Response to Planning Director Comments
February 3, 2022	Letter from J.M. Grenier Associates, Inc. RE: Response to Stantec Consulting Services Comments
February 7, 2022	Planning Director Questions, Comments and Recommendations
February 8, 2022	Letter from Stantec

4. On November 23, 2021, 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 December 23, 2021 and December 30, 2021. The *Chronicle* is a newspaper of general circulation in the Town of Millbury. Notice of the hearing was posted by the Town Clerk on December 10, 2021 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 January 10, 2022 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 January 24, 2022 (no testimony taken) and February 14, 2022, on which date the 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 from the requirements of Article I, Section 12.4 of the Millbury Zoning Bylaw as specified below:
  - a. Zoning Bylaws, Section 12.44(c): The Planning Board waived the requirement to submit an isometric line drawing.
  - b. Zoning Bylaws, Section 12.44(f): The Planning Board waived the requirement to submit a Development Impact Statement.
  - c. Zoning Bylaws, Section 12.44(o): The Planning Board waived the requirement to install concrete curb and gutters around the perimeter of all driveways and the parking area. Cape cod berm and vertical granite curb shall be installed where depicted on the site plan.
  - d. Zoning Bylaws, Section 12.45(r): The Planning Board waived the requirement to install concrete car stops for all parking spaces.

7. In accordance with Article I, Section 12.46(a) of the Millbury Zoning Bylaw and Title 13, 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 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 and miscellaneous debris, including trash and tires dumped onsite, 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) Attend a pre-construction meeting with the Director of Planning & Development, the Planning Board's consulting engineer and representatives from applicable boards, committees, and departments from the Town of Millbury. At that meeting, the Applicant shall provide a construction schedule.
    - 3) Provide a photometric plan demonstrating that doorways, walkways, the driveway, and parking area will be adequately lit for safety and

security purposes, but there will be no spillover of light onto abutting properties.

- 4) Perform an additional test pit within the area of the proposed subsurface infiltration chamber system and submit results for Planning Board review and approval.
  - 5) Perform maintenance (remove sediment/debris) on the existing buried culvert located within the existing vegetated wetland.
  - 6) All walls retaining 4' or more of unbalanced fill require a building permit and engineered stamped drawings. The engineered retaining wall design shall be submitted for Planning Board review and approval.
- g. Inspections of the stormwater facilities shall be conducted at appropriate times in the construction schedule in accordance with Municipal Code, Title 13, 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 ensure 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. No sodium-based de-icing agents shall be utilized on site. Agents such as potassium chloride or calcium chloride are deemed acceptable for use at the site.
- 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 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

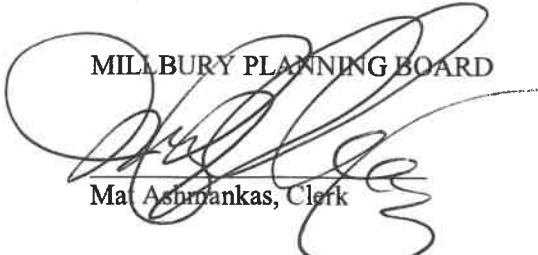
  
Mat Ashmankas, Clerk

Exhibit A

TOWN OF MILLBURY  
APPLICATION FOR SITE PLAN REVIEW

**APPLICANT:**

NAME Parklund Place, LLC

STREET 4 Abbott Place CITY/TOWN Millbury

STATE MA ZIP 01527 TELEPHONE (508) 335-7191

NAME OF PROPERTY OWNER (if different from Applicant) \_\_\_\_\_

Deed recorded in the Worcester District Registry of Deeds Book 40320 Page 80

**SITE INFORMATION:**

STREET AND NUMBER Abbott Place

ZONING DISTRICT Business ASSESSOR'S MAP/LOT #(S) Map 6 Parcel 190

LOT SIZE 0.96 Ac. FRONTAGE 205.09'

CURRENT USE Vacant/Wooded

**PROJECT PLAN INFORMATION:**

PLAN TITLE Site Development Plan at Abbott Place

PREPARED BY (name/address of PE/Architect) J.M. Grenier Associates, Inc.  
325 Donald Lynch Boulevard Suite 100 Marlborough, MA 01752

DATES \_\_\_\_\_

USES FOR WHICH SITE PLAN REVIEW PERMIT IS SOUGHT (refer to the Zoning Bylaw – Use Regulation Table):

Two Family Dwelling

CITE ALL APPROPRIATE SECTIONS OF THE ZONING BYLAW WHICH PERTAIN TO THIS APPLICATION; USE AND SITE: \_\_\_\_\_

Section 12.41(b), 25.11,

TO THE MILLBURY PLANNING BOARD:

The undersigned, being the Applicant named above, hereby applies for Site Plan Review to be granted by the Planning Board and certifies that, to the best of applicant's knowledge and belief, the information contained herein is correct and complete.

Applicant's Signature Donny M...

Property Owner's Signature (if not Applicant) \_\_\_\_\_

**TOWN OF MILLBURY  
APPLICATION FOR STORMWATER PERMIT**

**APPLICANT:**

NAME Parklund Place, LLC

STREET 4 Abbott Place CITY/TOWN Millbury

STATE MA ZIP 01527 TELEPHONE (508) 335-7191

NAME OF PROPERTY OWNER (if different from Applicant) \_\_\_\_\_

Deed recorded in the Worcester District Registry of Deeds Book 40320 Page 80

**SITE INFORMATION:**

STREET AND NUMBER Abbott Place

ZONING DISTRICT East Millbury Business ASSESSOR'S MAP/LOT #(S) Map 6 Parcel 190

LOT SIZE 0.96 Ac. FRONTAGE 205.09'

CURRENT USE Vacant/Wooded

**PROJECT PLAN INFORMATION:**

PLAN TITLE Site Development Plan at Abbott Place

PREPARED BY (name/address of PE/Architect) J.M. Grenier Associates Inc.  
325 Donald Lynch Boulevard Suite 100 Marlborough, MA 01752

DATES 11/2/24

**USES FOR WHICH SPECIAL PERMIT IS SOUGHT**


Stormwater Special Permit

**CITE ALL APPROPRIATE SECTIONS OF THE GENERAL BYLAW WHICH PERTAIN TO THIS APPLICATION; USE AND SITE:** \_\_\_\_\_

Section 25.11

**TO THE MILLBURY PLANNING BOARD:**

The undersigned, being the Applicant named above, hereby applies for a Special Permit to be granted by the Planning Board and certifies that, to the best of applicant's knowledge and belief, the information contained herein is correct and complete.

Applicant's Signature 

Property Owner's Signature (if not Applicant) \_\_\_\_\_





# 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

Exhibit B

## PUBLIC HEARING NOTICE Millbury Planning Board

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, the Millbury Planning Board will hold a public hearing on Monday, January 10, 2022 at 7:20 p.m. at the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of Parkland Place LLC, property located at 4 Abbott Place, Millbury, MA, for Site Plan Approval under Millbury Zoning Bylaws, Article 1, Section 12.4 and for a Post-Construction Storm Water Management Permit under Millbury Municipal Code, Title 13, Chapter 13.15. The Applicant proposes to construct a two-family dwelling and associated improvements, including a 6-space parking lot.

Application materials may be viewed on the municipal webpage at <https://www.millbury-ma.org/planning-board/pages/projects-permitting-phase> or in the Planning Department during regular business hours. Anyone wishing to be heard on this application should appear at the time and place designated above.

Richard Gosselin  
Chairman

Millbury Sutton Chronicle: Please publish on December 23, 2021 and December 30, 2021.

2021 DEC 10 5:10 PM  
MILLBURY, MASS.