

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

**NOTICE OF DECISION ON APPLICATION FOR SITE PLAN APPROVAL**  
**OPEN SPACE COMMUNITY**

**CLEAR VIEW**

Applicant:  
Eastland Partners, Inc.  
4 Charlesview Rd, Suite 1  
Hopedale, MA 01747

Date: September 9, 2019

Owner:  
Golfview Country Club Limited Partnership  
66 Park Hill Avenue  
Millbury, MA 01527

Premises affected:  
66 Park Hill Avenue  
Millbury, MA

2019 SEP 12 AM 9:07

Reference is made to the *Open Space Community* application of Eastland Partners, Inc., relative to the property located at 66 Park Hill Avenue, to be comprised of 71 duplex structures to be constructed on 117.46 acres (the "Application"). The Application was submitted to the Millbury Planning Board (the "Planning Board") on May 13, 2019 pursuant to Section 44 (Open Space Community) of the Millbury Zoning Bylaws.

The Planning Board convened a public hearing on Monday, June 10, 2019, continued to July 15, 2019, and August 19, 2019. The Planning Board **VOTED TO CLOSE** the public hearing on September 9, 2019. Five members of the Planning Board were present at each session of the public hearing. The Planning Board at its meeting on September 9, 2019 **VOTED TO GRANT** Eastland Partners, Inc.'s Application pursuant to Section 44 (Open Space Community) of the Millbury Zoning Bylaw subject to **CONDITIONS**, safeguards and limitations on time or use as attached hereto.

IMPORTANT: Any appeal from the decisions of the Planning Board can be made only to the Court pursuant to M.G.L. c. 40A, Section 81BB and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

Decision filed with Clerk September 12, 2019

Signature: \_\_\_\_\_

Matthew Ashmankas, Clerk

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

**DATE FILED: May 13, 2019**

**RECORD OF PROCEEDINGS**  
*On Application for Site Plan Review*  
*Open Space Community*

I, Mathew Ashmankas, Clerk of the Planning Board, hereby certify that the following is a detailed record of all of the Planning Board's proceedings relative to the application of Eastland Partners Inc. ("Applicant") for Site Plan Review under Section 44 (Open Space Community) of the Millbury Zoning Bylaw.

The Applicant desires to develop seventy-one (71) duplex structures on a 117.46 acre parcel (the "Site") located at 66 Park Hill Avenue (the "Project"). The Site lies within the Suburban IV District. The Project shall preserve 88.97 acres (75.7% of the total) of the Site as permanently protected open space (the "Open Space").

The history of these proceedings is as follows:

1. On Monday, May 13, 2019, Applicant's *Application for Approval of an Open Space Community Plan* (the "Application") was presented to the Planning Board. True copies of the Application are attached hereto as Exhibit A and is a part of the record of these proceedings;
2. A legal ad, a true copy marked as Exhibit B, was published in the *Millbury Sutton Chronicle*, a newspaper of general circulation in Millbury, on May 23, 2019 and May 30, 2019, and posted by the Town Clerk on May 14, 2019. Notice of the hearing was 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 June 10, 2019 the Planning Board opened a public hearing to consider the application and receive comments thereon. With the Applicant's consent, the hearing was continued to July 15, 2019, August 19, 2019, and September 9, 2019, at which time the Planning Board heard additional public comments and voted to close the public hearing. The Planning Board relied on the following documents, in addition to the testimony presented at the public hearing, in making its decision:

As amended through May 1/2, 2018	Town of Millbury Zoning Bylaws
As amended through December 13, 2010	Town of Millbury Rules and Regulations Governing the Subdivision of Land
June 12, 2006	Town of Millbury Rules and Regulations Governing an Open Space Community
May 10, 2019, last amended August 26,	"Clear View A Open Space Community Plan, 66 Park Hill Avenue, Millbury, Massachusetts" prepared by Turning Point Engineering (the

2019	"Definitive Plan").
March 25, 2019	"Proposed Open Space Community Clear View Site Context Map at 66 Park Hill Avenue, Millbury, Mass." prepared by Turning Point Engineering (the "Definitive Plan").
April 2019	"Traffic Impact Study for Proposed Residential Development, Park Hill Avenue, Millbury, Massachusetts", prepared by A.K. Associates
July 9, 2019	Memo and sketch of from A.K. Associates RE: Responses to Millbury Town Planner's Comments Relative to Clearview Country Club Traffic Study Review
September 8, 2019	Memo from A.K. Associates RE: Responses to Millbury Planning Board Comments Relative to Clearview Country Club Related Traffic
May 16, 2019, last amended September 8, 2019	"Proposed Reconstruction of Martin Street & Park Hill Avenue Intersection Millbury, Mass", prepared by Turning Point Engineering
Undated but stamped received May 13, 2019	"Development Impact Statement – Clearview"
Undated but stamped received May 13, 2019	Clearview Submission Narratives
May 13, 2019	Letter from Eastland and the following attached information: 1) Waiver Letter 2) Application Forms 3) Required Narratives 4) List of Legal Documents
July 12, 2019	Letter from Eastland and the following attached information: 1) Updated Waiver Letter 2) Updated List of Density Bonuses and Calculations 3) Updated Narratives
July 24, 2019	Letter from Eastland and the following attached information: 1) Updated Waiver Letter 2) Updated List of Density Bonuses and Calculations 3) Responses to Town Planner questions, comments and recommendations dated July 23, 2019 4) Responses to Stantec letter dated June 5, 2019 5) Memo RE: Narratives and 4 Step Design Process 6) Memo RE: Density Bonuses and Calculations
August 26, 2019	Letter from Eastland and the following attached information: 1) Updated Waiver Letter 2) Updated List of Density Bonuses and Calculations
September 9, 2019	Letter from Eastland RE: Waivers
Undated	"Clearview An Eastland Community" PowerPoint presentation
June 17, 2019	Email from Eastland RE: Uxbridge Public Schools Contact
June 3, 2019	Letter from Stantec
June 5, 2019	Letter from Stantec

August 9, 2019	Letter from Stantec
August 16, 2019	Letter from Stantec
September 6, 2019	Email from Stantec
June 6, 2019	Letter from Planning Director
July 29, 2019	Letter from Planning Director
July 11, 2019	Email from Planning Director
June 10, 2019	Letter from Millbury Police Chief and Fire Chief
June 10, 2019	Letter from Millbury Fire Chief to Mr. John Todd Miles
July 31, 2019	Email from Fire Chief
June 25, 2019	Email from Millbury Conservation Commission
December 9, 2005	Letter from former Millbury Police Chief
May 21, 2019	Letter from John Todd Miles

5. The Planning Board voted at its meeting on September 9, 2019 to **GRANT** the Approval of An Open Space Community Plan encompassing seventy-one (71) duplex structures, roadways and associated infrastructure substantially as shown on the plans entitled "Clearview, An Open Space Community Plan, 66 Park Hill Avenue, Millbury, Massachusetts", dated May 16, 2019, last revised August 26, 2019, prepared by Turning Point Engineering, 4 Charlesview Road, Suite 4, Hopedale, Massachusetts (collectively the "Plans") subject to the following conditions:
- a. All rules and regulations of the Millbury Zoning Bylaws and Rules and Regulations Governing An Open Space Community shall be adhered to;
  - b. Each condition of this permit 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;
  - c. All fees associated with this decision shall be paid;
  - d. The Planning Board indicated preliminary support for the following waivers from the Rules and Regulations Governing the Subdivision of Land:
    - 1) Waiver of lot lines;
    - 2) Millbury Subdivision Regulations, Section 6.7(5): Reducing the outside roadway diameter of a cul-de-sac to 120' and the placement of a circular landscaped island with a 20' diameter;
    - 3) Millbury Subdivision Regulations, Section 6.7(6): Reducing roadway widths to 24' (Road A) and 20' (Roads B, C, and D) provided that Road B shall be one-way;

- 4) Millbury Subdivision Regulations, Section 6.10: In lieu of vertical granite curb, installation of cape cod berm;
  - 5) Millbury Subdivision Regulations, Section 6.13: A single sidewalk on one side of sub-collector streets (Road A);
  - 6) Millbury Subdivision Regulations, Section 6.20: reducing the maximum 500' distance between hydrants and dwellings provided that hydrants are installed at intersections and along the water main extension on Park Hill Avenue. The hydrant layout will be further defined during the Definitive Plan permitting process in consultation with the Fire Chief.
- e. Prior to construction activities, the Applicant shall do the following:
- 1) Rescind the Definitive Plan approval issued by the Planning Board on December 12, 2005 and filed with the Town Clerk on December 13, 2005 to allow construction of 60 single family dwelling units and associated infrastructure as shown on the plan entitled "Clear View Estates, A Definitive Subdivision Plan in the Town of Millbury, Massachusetts" dated June 10, 2005, revised through November 1, 2005, prepared by Heritage Design Group, 1 Main Street, Whitinsville, MA.
  - 2) Obtain Planning Board approval for a Definitive Subdivision Plan in accordance with Section 5.3 of the *Millbury Rules and Regulations Governing the Subdivision of Land*. The Definitive Subdivision Plan shall substantially comply with this approval as specified in Section 44.13 of the Millbury Zoning Bylaws.
- f. In addition to the requirements set forth in Section 5.3 of the Subdivision Regulations, the Applicant shall submit the following information with its Definitive Plan application for Planning Board review and approval:
- 1) Elevation drawings for the proposed duplexes and club house.
  - 2) A landscape plan for stormwater management facilities and the development. The Applicant shall show how plantings will be used to enhance detention basins, recharge basins and the landscape.
  - 3) Details of any open space amenities that will be sited on Open Space A and Open Space B as well as ownership and maintenance of the common open space areas.
  - 4) Plans that depict all proposed improvements to Park Hill Avenue and the intersection of Park Hill Avenue and Martin Street. Park Hill Avenue shall be widened to a consistent width of 24' from its intersection with Martin Street to a point that will be defined during the definitive plan approval process.
  - 5) Supplemental study of existing and future (build) traffic conditions and levels of service of roads, ways and intersections that are north of the proposed development and within 1000 feet. Include the intersection of SW Cutoff (Route 20)/Granite Street/Park Hill Avenue in this study. Evaluate the impact of new traffic generated by the project on these roads, ways and intersections. Describe efforts to minimize traffic and safety impacts.

- 6) Details of measures that will minimize traffic and safety impacts at the Martin Street/Main Street intersection. Work shall be performed within the limits of the road ROW and without cost to the Town of Millbury.
- 7) Water distribution system layout and design, including details of the proposed booster station. The design shall include ties for abutters interested in tying in to the new water main.
- 8) Illustration that there will be no adverse effect of both sewer connections to abutting parcels of land.
- 9) Soil logs of each test pit conducted on 4/4/19.

g. The Applicant shall deed ownership of Open Space A and Open Space B, as shown on the Open Space Community Site Plan, to the Town of Millbury Conservation Commission, a state conservation agency (i.e. the Massachusetts Department of Conservation or Recreation), a nonprofit organization whose principal purpose is the conservation of open space, to a homeowners' association, or any combination thereof except as follows:

- 1) The Applicant shall deed ownership of proposed stormwater facilities within Open Space A and Open Space B, including a 20' wide area for access to maintain each stormwater facility, to the homeowners' association.
- 2) The Applicant shall deed ownership of a 50' x 50' area on the higher elevation of Open Space A, specific location to be determined by the Applicant, Fire Department and Police Department with approval of the Planning Board, for a possible public safety repeater site.

If ownership of Open Space A and/or Open Space B are deeded to a homeowner's association, a conservation restriction shall be granted to the Town of Millbury to ensure the permanent protection of the parcels. Also, maintenance of such open space and facilities shall be permanently guaranteed by the homeowner's association. The homeowner's association shall assent to allow the Town to perform maintenance of such open space and facilities, if the homeowner's association fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to affect these provisions.

The common open space (Open Space A and Open Space B) shall be used for the following purposes or a combination thereof: conservation, forestry, historic preservation, outdoor education, public safety repeater site, active recreation, and passive recreation. Prior to conveying ownership of Open Space A and Open Space B, the Applicant shall construct the parking lot, playing field and trails substantially as depicted on the Site Plan. The Applicant shall also donate and install a "DCR style" information kiosk at the trailhead that alerts potential users to the trail and features a trail map. Kiosk wording, final design and location are subject to Planning Board approval.

To the maximum extent feasible, mature trees, stone walls and fencing within required buffer areas shall not be disturbed or removed except where damage, disease or death are present.



- h. Site plan approval shall lapse one year from the date of this decision unless the Applicant has submitted an Definitive Subdivision Plan application, or within three years from the date of this decision unless building permits have been issued. Extensions may be granted subject to the review and approval of the Planning Board.

Members present: Richard Gosselin ( yes ), Mathew Ashmankas ( yes ), Bruce DeVault ( yes ), Terry Burke Dotson ( yes ), Paul Pikelis ( yes ).

Signature: \_\_\_\_\_

Mathew Ashmankas, Clerk





Exhibit A  
TOWN OF MILLBURY, MASSACHUSETTS  
FORM M

Copy

APPLICATION FOR APPROVAL OF AN OPEN SPACE COMMUNITY PLAN

Date 5/3/19

1. NAME OF APPLICANT Eastland Partners, Inc.  
Address 4 Charlesview Rd, Suite 1, Hopedale MA, 01747  
Phone Number 508-647-1919
  
2. NAME OF PROPERTY OWNER (if different than applicant) Golfview Country Club  
Limited Partnership  
Address 66 Park Hill Ave, Millbury MA, 01527  
Phone Number 508-754-6390
  
3. The undersigned's title to said land is derived from Golfview Country Club Limited Partnership by deed dated 10/17/1986 and recorded in the Worcester District Registry of Deeds Book 15071, Page 393, or by Land Court, Certificate of Title No. N/A; and said land is free of encumbrances except for the following: Deed to New England Power Company, dated 11/28/1958, Book 3989 Page 56. Reference made Recorded in Plan Book 857, Plan 69 and Plan Book 792, Plan 52.
  
4. NAME OF CONTACT PERSON Christopher Horne  
Address 4 Charlesview Rd, Suite 1, Hopedale, MA, 01747  
Phone Number 508-647-1919
  
5. PROJECT LOCATION 22 ASSESSOR'S MAP, LOT # 2, 96, 97, 98  
Access will be from the following streets Park Hill Ave  
Number of lots proposed 1 Total acreage of tract 117.46

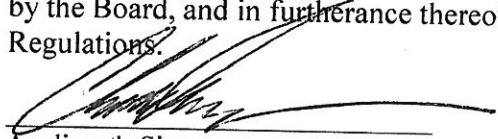
6. To the Planning Board of the Town of Millbury:

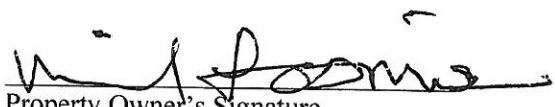
The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Clearview an Open Space Community, drawn by (Surv/Eng's Name) Bruce Wilson, (Address) 4 Charlesview Rd, Suite 4, Hopedale, MA, 01747 and dated 5/3/19, being land bounded as follows: East of Park Hill Ave, West of Brian Cir and Jacalyn Rae Dr, North of 40 Park Hill Ave and South of Weldon Dr

hereby submits said plan as an OPEN SPACE COMMUNITY plan in accordance with the Rules and Regulations of the Millbury Planning Board and makes application to the Board for approval of said plan.

TOWN OF MILLBURY  
FORM M – Page 2

The undersigned hereby applies for the approval of said OPEN SPACE COMMUNITY plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations.

  
Applicant's Signature

  
Property Owner's Signature

7. Affidavit that all required items are shown on the Plan or waivers are requested in writing.

Town Planner/Planning Board Clerk Signature \_\_\_\_\_ Date \_\_\_\_\_

**Submit 15 copies of the plan and 2 copies of Form M  
Plus the application fee (\$ ) and the technical review fee (\$ )  
Also: submit one copy of this form and checklist to the Town Clerk and  
one copy of this form, checklist and plan to the Board of Health**



Exhibit B

## TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-0438 • FAX. 508 / 865-0857

2019 MAY 14 PM 1:44  
MILLBURY, MASS  
TOWN CLERK

### MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, the Millbury Planning Board will hold a public hearing on Monday, June 10, 2019 at 7:25 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of Eastland Partners, Inc., 4 Charlesview Road, Hopedale, MA for Site Plan Approval for an Open Space Community under Article 4, Section 44 of the Millbury Zoning Bylaw. The Applicant is seeking approval for an Open Space Community consisting of 71 duplex structures (142 dwelling units), a club house and associated parking. The proposed development is located at 66 Park Hill Avenue in Millbury, MA.

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

Published in the Millbury Sutton Chronicle on May 23, 2019 and May 30, 2019