

**TOWN OF MILLBURY, MASSACHUSETTS**

**The Planning Board**

**NOTICE OF DECISION  
ACCESSORY DWELLING SPECIAL PERMIT AND STORMWATER MANAGEMENT  
PERMIT**

Applicant/Owner:

Date: February 24, 2020

Marilyn Kobel  
41 Potter Farm Rad  
Auburn, MA 01501

Application Filed: January 17, 2020

Premises Affected:

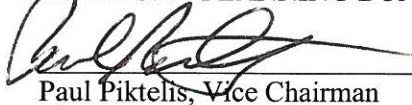
8 Auburn Road

On Monday, February 10, 2020, the Millbury Planning Board conducted a public hearing on the application of Marilyn Kobel for a special permit for accessory dwelling use under Article 1, Section 14.11 (e) of the Millbury Zoning Bylaw and for a Post-Construction Stormwater Management Permit under Title 13, Chapter 13.15 of the Millbury Municipal Code. The hearing was continued to February 24, 2020, on which date the hearing was closed. The first session of the public hearing was held at the Municipal Office Building, 127 Elm Street, Millbury, MA; the second session was held at the Millbury Public Library, 128 Elm Street, Millbury, MA. After closing the public hearing, the Planning Board voted on February 24, 2020 to GRANT the special permit for accessory dwelling use under Article 1, Section 14.11(e) of the Zoning Bylaws and the 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: Terry Burke Dotson (yes), Bruce DeVault (yes), Richard Gosselin (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 26, 2020

**IMPORTANT:** Pursuant to Article I, Section 12.49(f), of the Millbury Zoning Bylaw, any appeal from this decision of the Planning Board 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**

  
Paul Piktelis, Vice Chairman

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

**RECORD OF PROCEEDINGS**  
**On Application for Accessory Dwelling Special Permit and**  
**Stormwater Management Permit**

I, Paul Piktelis, Vice Chairman of the Planning Board, hereby certify that the following is a detailed record of its proceedings relative to the application of Marilyn Kobel for property located at 8 Auburn Road, Millbury, MA 01527, shown on Millbury Assessors' Map 60 as Parcel 62 (the "Property") for accessory dwelling special permit under Article 1, Section 14.11(e) 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 single family home with an accessory dwelling.
2. The Property is shown on a plan entitled "Site/Special Permit Plan, Marilyn Kobel, 8 Auburn Road, Millbury, Massachusetts", prepared by Robert G. Murphy & Assoc., Inc., dated January 15, 2020, last revised February 24, 2020.
3. 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 2018	Millbury Municipal Code
January 15, 2020, last revised February 24, 2020	Plan entitled "Site/Special Permit Plan, Marilyn Kobel, 8 Auburn Road, Millbury, Massachusetts" prepared by Robert G. Murphy & Associates, Inc.
January 14, 2020, revised February 18, 2020	Stormwater Management Analysis, Single Family Residence, 8 Auburn Road, Millbury, Massachusetts", prepared by Robert G. Murphy & Associates, Inc.
January 15, 2020	"Maintenance & Inspection, Stormwater Pollution Prevention Plan, Single Family Residence, 8 Auburn Road, Millbury, Massachusetts" prepared by Robert G. Murphy & Associates, Inc.
Stamped received January 17, 2020	"Predeveloped" Plan
Stamped received January 17, 2020	"Postdeveloped Drainage" Plan
December 3, 2019	"Kobel Family Residence, Elevation" drawings prepared by R.C. Searles Associates
January 15, 2020	Letter from Robert G. Murphy
February 18, 2020	Letter from Robert G. Murphy
February 6, 2020	Letter from Stantec

February 10, 2020	Email from Stantec
February 24, 2020	Letter from Stantec
February 10, 2020	Letter from Planning Director
February 14, 2020	Email from Michael Troiano

4. On January 17, 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*, a newspaper of general circulation in Millbury, on January 23, 2020 and January 30, 2020 and posted by the Town Clerk on January 21, 2020. Notices of the hearing were 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 February 10, 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 February 24, 2020, at which time the Planning Board voted to close the public hearing. Four members of the Planning Board were present at both sessions of the public hearing. After the public hearing was closed, the Planning Board acted on the waiver requests as follows:
  - a. Zoning Bylaws, Section 12.44(b): Partial waiver granted to show existing trees. All trees to remain within the area of disturbance shall be flagged in the field prior to clearing activities.
  - b. Zoning Bylaws, Section 12.44(c): Waived the requirement to submit an isometric line drawing;
  - c. Zoning Bylaws, Section 12.44(d): Waived the requirement to submit a locus plan at a scale of 1" = 100'. The locus plan is at a scale of 1" = 1000';
  - d. Zoning Bylaws, Section 12.44(f): Waived the requirement to submit a Development Impact Statement.
7. After the hearing was closed and the waivers acted upon, the Planning Board, 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 Millbury Zoning Bylaw and Municipal Code, voted to **GRANT** the Accessory Dwelling Special Permit and Stormwater Management Permit with conditions set forth as follows.
  - a. The Applicant shall comply with all applicable laws, by-laws, rules, regulations, codes, and obtain all necessary permits and approvals, including a Driveway Permit from the Department of Public Works (DPW).
  - b. All rules and regulations of the Millbury Zoning Bylaw and Millbury Municipal Code shall be adhered to.

- c. Any substantial change shall require application for a new Accessory Dwelling 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 and walls retaining more than 4' of unbalanced fill require a building permit.
- f. Prior to construction activities, the Applicant shall 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.
- g. Inspections of the stormwater facilities shall be conducted at appropriate times in the construction schedule in accordance with Millbury 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 unacceptable 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. The Applicant shall ensure proper maintenance of plantings on the site, including replacement of dead or diseased plantings in the following planting season.
- j. 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.

- k. 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 in accordance with the Site Plan and any change from the approved plan.
- l. 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).
- m. 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 Terry Burke Dotson yes Paul Piktelis yes Bruce DeVault yes.

MILLBURY PLANNING BOARD

  
Paul Piktelis, Vice Chairman



RECEIVED

JAN 17 2020

MILLBURY PLANNING BOARD

TOWN OF MILLBURY  
APPLICATION FOR SPECIAL PERMIT / SITE PLAN REVIEW

2020 JAN 21 AM 8:49

MILLBURY, MASS.

APPLICANT:

NAME Marilyn Kobel

STREET 41 Potter Farm Rd. CITY/TOWN Auburn

STATE MA ZIP 01501 TELEPHONE 508-832-6876

NAME OF PROPERTY OWNER (if different from Applicant) David Tessier

Deed recorded in the Worcester District Registry of Deeds Book 32683 Page 167

SITE INFORMATION:

STREET AND NUMBER 8 Auburn Road

ZONING DISTRICT S-1 ASSESSOR'S MAP/LOT #(S) 60-62

LOT SIZE 75,141 SF FRONTAGE 150.27'

CURRENT USE Undeveloped Woodland

PROJECT PLAN INFORMATION:

PLAN TITLE Site/Special Permit Plan

PREPARED BY (name/address of PE/Architect) Norman G. Hill, P.E.

DATES 1-15-2020

USES FOR WHICH SPECIAL PERMIT IS SOUGHT (refer to the Zoning Bylaw - Use Regulation Table):

Single Family House - Accessory Dwelling

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

Section 22.2 & Section 46.2

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)

Marilyn Kobel  
David Tessier

TOWN OF MILLBURY  
APPLICATION FOR STORMWATER PERMIT

RECEIVED

JAN 17 2020

MILLBURY PLANNING BOARD

APPLICANT:

NAME Marilyn Kobel

STREET 41 Potter Farm Rd. CITY/TOWN Auburn

STATE MA ZIP 01501 TELEPHONE 508-832-6876

NAME OF PROPERTY OWNER (if different from Applicant) David Tessier

Deed recorded in the Worcester District Registry of Deeds Book 32683 Page 167

SITE INFORMATION:

STREET AND NUMBER 8 Auburn Road

ZONING DISTRICT S-1 ASSESSOR'S MAP/LOT #(S) 60-62

LOT SIZE 75,141<sup>sf</sup> FRONTAGE 150.27'

CURRENT USE Undeveloped Woodland

PROJECT PLAN INFORMATION:

PLAN TITLE Stormwater Management Plan

PREPARED BY (name/address of PE/Architect) Norman G. Hill, P.E.

DATES 1-15-2020

USES FOR WHICH STORMWATER PERMIT IS SOUGHT

Single Family Residence  
Land Clearing in excess of 5,000<sup>sf</sup>

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

Municipal Code - Section 13.15.040

TO THE MILLBURY PLANNING BOARD:

The undersigned, being the Applicant named above, hereby applies for a Stormwater 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)

Marilyn Kobel  
David Tessier



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

### 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, February 10, 2019 at 7:15 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of Marilyn Kobel, property located at 8 Auburn Road, Millbury, MA for a Special Permit for Accessory Dwelling under Article 1, Section 14.1(e) and Site Plan Review under Article 1, Section 12.4 of the Millbury Zoning Bylaws, and Stormwater Permit under Chapter 13.15 of the Millbury Municipal Code. Applicant proposes to construct a single family home with an accessory dwelling.

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 January 23, 2020 and January 30, 2020