

TOWN OF MILLBURY, MASSACHUSETTS  
The Planning Board

NOTICE OF DECISION

SITE PLAN APPROVAL &  
STORMWATER MANAGEMENT PERMIT

130 ELM STREET, MILLBURY, MA  
Assessor's Map 53, Lot 22

Applicant/Owner:

Date: March 22, 2021

Town of Millbury  
c/o Sean Hendricks, Town Manager  
Municipal Office Building  
127 Elm Street  
Millbury, MA 01527

Application Filed: January 29, 2021

On February 24, 2020, the Planning Board held a public hearing on the application of the Town of Millbury 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 130 Elm Street, Millbury, MA. The Applicant wants to construct a 17,535+ fire station, 31 parking spaces and associated improvements. With the Applicant's consent, the hearing was continued to March 8, 2021 (no testimony taken) and March 22, 2021, 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.

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 March 25, 2021.

**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**

**130 ELM 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 the Town of Millbury for property located at 130 Elm Street, Millbury, MA, within the Residential I District shown on Millbury Assessors' Map 53 as Lot 22 (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 17,535± fire station, 31 parking spaces and associated improvements.
2. The Property is shown on a plan entitled "Millbury Planning Board Review, Millbury Fire Headquarters, Site Plan Application Revised – March 1<sup>st</sup>, 2021, 130 Elm Street, Millbury, MA 01527", dated January 25, 2021, last revised March 1, 2021, prepared by Context Architecture, Garcia Galuska Desousa Consulting Engineers, and CBA Landscape Architects LLC. (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:

<b>Date</b>	<b>Document</b>
As amended through May 1-2, 2018	Town of Millbury Zoning Bylaws
As amended through 2018	Millbury Municipal Code
Marked received January 29, 2021	Application packet prepared by Garcia Galuska Desousa Consulting Engineers, Inc.
January 25, 2021, amended March 1, 2021	Site Plan entitled "Millbury Planning Board Review, Millbury Fire Headquarters, Site Plan Application Revised – March 1 <sup>st</sup> , 2021, 130 Elm Street, Millbury, MA 01527" prepared by Context Architecture, Garcia Galuska Desousa Consulting Engineers, Inc. and CBA Landscape Architects LLC. (the "Site Plan").
January 25, 2021, amended March 1, 2021	"Drainage Analysis for the Millbury Fire Station, 130 Elm Street, Millbury, MA 01527, Map 53/Lot 22" prepared by Context Architecture, Garcia Galuska Desousa Consulting Engineers Inc.
Undated, amended March 1, 2021	"Millbury Fire Station Planning Board Narrative" prepared by Garcia Galuska Desousa Consulting Engineers Inc.
January 25, 2021	Waiver Request Memo prepared by Context Architecture
February 11, 2021	Planning Director Questions, Comments and Recommendations

February 18, 2021	Letter from Stantec
March 2, 2021	Planning Director Questions, Comments and Recommendations
March 5, 2021	Letter from Stantec
March 8, 2021	Letter from Context Architecture RE: Continuance
March 10, 2021	Response from Garcia Galuska Desousa Consulting Engineers Inc. RE: Stantec Review Comments dated March 5, 2021
March 10, 2021	Response from Garcia Galuska Desousa Consulting Engineers Inc. RE: Planning Director Review Comments dated March 2, 2021
March 18, 2021	Email from DPW Supervisor
March 18, 2021	Email from Stantec

4. On January 29, 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 February 4, 2021 and February 11, 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 January 29, 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 February 22, 2021 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 March 8, 2021 (no testimony taken) and March 22, 2021 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 a waiver and voted to grant the following waiver from the requirements of Article I, Section 12.4 of the Millbury Zoning Bylaw as specified below:
  - a. Waiver from the requirement to submit application fees.
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 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) 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) Submit the Stormwater Pollution Prevention Plan (SWPPP) as per the NPDES Construction General Permit.
  - 4) Perform and submit test pit results within the footprint of subsurface detention basins #1 and #2 and subsurface infiltration basin #1. If results are unfavorable, the Planning Board may require the Applicant to alter the stormwater management design.
  - 5) Modify the site plan to depict vertical granite curb along the portion of the 6 space parking lot that is located east of the garage access along the front façade of the proposed building.
- g. Prior to issuance of a building permit, the Applicant shall specify the materials used for the wall-mounted signs and how they will be lit (if applicable).
- h. 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 insure availability of the work to be inspected as required herein.

- i. 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.
- 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 that bounds were installed at all lot corners and 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:**

RECEIVED

NAME Town of Millbury c/o Sean Hendricks, Town Manager

JAN 19 2021

STREET 127 Elm Street CITY/TOWN Millbury

MILLBURY PLANNING BOARD

STATE MA ZIP 01527 TELEPHONE (508) 865-4710

NAME OF PROPERTY OWNER (if different from Applicant) Town of Millbury

Deed recorded in the Worcester District Registry of Deeds Book Null Page Null

**SITE INFORMATION:**

STREET AND NUMBER 130 Elm Street

ZONING DISTRICT R1 ASSESSOR'S MAP/LOT #(S) Map 53/Lot 22

LOT SIZE 1.84 Acres FRONTAGE 236.5 Feet

CURRENT USE Educational Center

**PROJECT PLAN INFORMATION:**

PLAN TITLE Millbury Fire Station

Garcia, Galuska, DeSousa, Inc.

PREPARED BY (name/address of PE/Architect) 370 Faunce Corner Rd- Suite D, Dartmouth, MA 02747

DATES January 25, 2021

USES FOR WHICH SITE PLAN REVIEW PERMIT IS SOUGHT (refer to the Zoning Bylaw – Use Regulation Table):  
Municipal Use Not Elsewhere More Specifically Cited

CITE ALL APPROPRIATE SECTIONS OF THE ZONING BYLAW WHICH PERTAIN TO THIS APPLICATION; USE AND SITE: Zoning Bylaw Section 22.12,

Section 22.3, Section 33.

**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



Property Owner's Signature (if not Applicant)

# Exhibit B



## 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

### MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the Chapter 40A of the Millbury General Laws, the Millbury Planning Board will hold a public hearing on Monday, February 22, 2021 at 7:20 p.m., on the application of Millbury Fire Department, property located at 130 Elm Street, Millbury, MA, Assessors Map 53, Lot 22, for Site Plan Review under Article 1, Section 12.4 of the Millbury Zoning Bylaws, and for a Post-Construction Stormwater Management Permit under Chapter 13.15 of the Millbury Municipal Code, to construct a 17,535 square foot fire station structure, parking facilities and associated improvements.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting of the Millbury Planning Board will be conducted via remote participation via ZOOM (Meeting ID: 815 4558 1350 call-in number 929-205-6099). This meeting will be recorded and streamed by Millbury Public Access Cable Television. It will be available live on public access channels Charter 191 and Verizon 26. It will also be available through [Zoom.us/download](https://zoom.us/join). While no in-person attendance will be permitted, every effort will be made to ensure that the public can adequately access the proceedings and provide comment in real time using technological means.

For more information concerning this application, to view application materials, or to submit written comments in advance of the hearing, contact the Department of Planning & Development at 508-865-4754 or [scollins@townofmillbury.net](mailto:scollins@townofmillbury.net). Application materials may be viewed on the municipal webpage at <https://www.millbury-ma.org/planning-board/pages/projects-permitting-phase> or by appointment in the Department of Planning & Development, Municipal Office Building, 127 Elm Street, Millbury.

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 February 4, 2021 and February 11, 2021.