

Millbury Planning Board  
127 Elm Street

09/27/2021 Planning Board Meeting – 17 Rice Road

The current direct-abutters strongly oppose the Town of Millbury Application for Special Permit filing for multifamily dwellings made by Whitney Street Home Builders, LLC on March 26, 2021. **When accounting for all direct-abutters, 69% hand-signed opposition letters to the proposed project at 17 Rice Road** (8% of direct-abutters are non-residential) because they adamantly believe this project as proposed will adversely impact the existing community.

The proposed development at 17 Rice Road has been labeled a “monstrosity” and the massive increase in density as “insanity.” In the current proposed project, 56% of homes will occupy a mere 39% of the land area in the neighborhood. These density numbers are in sharp contrast to the 71 units being built on 117.46 acres as part of the project at 66 Park Hill Avenue (Clear View Project). In the *Notice of Decision* for the Clear View Project, 75.7% of the land will be permanently protected open space. Building single-family homes at 17 Rice Road would be in greater harmony with the existing neighborhoods, and single-family homes would bring the project into favorable density numbers as observed in the Clear View Project.

According to the 2020 Census, Millbury’s population grew by 4.3% percent (13,261 -> 13,831) from 2010 which only equates to 570 new residents. A conservative estimate of 104 people would move into the proposed 52 units at 17 Rice Road. To emphasize the magnitude of this project, it would be like placing 18% of all individuals who moved into town in the last decade onto this tiny 15.6-acre parcel. Such extreme figures may be acceptable in the city of Worcester but should not be allowed in the town of Millbury, as strongly expressed by the steadfast neighbors whose continuous oppositional feedback has been publicly voiced at every Planning Board meeting should speak volumes. Since May 10, 2021, the existing community has stated robust opposition to this incredibly overbuilt project, and we will not yield until we start seeing tangible results.

As stated in all the original hand-signed opposition letters:

“As a member of this community, I/we hope that all of the public comments submitted to the Millbury Planning Board for your consideration will assist you in upholding your obligations to protect and serve the existing neighborhoods of Millbury residents and **deny all special permits and variances requested for the proposed Rice Pond Village Project** (17 Rice Road) as submitted...”

The following portion of this letter contains 7 questions that require answers as it pertains to this project, the questions have been highlighted below in yellow.

- I. The Town of Millbury Zoning Bylaws, specifically section 12.45 Design Standards, starts with the following text:

*“All site plan review applicants shall adhere to the following general principles when designing a site plan for land within the Town of Millbury”*

Section A of 12.45, states the following:

*“Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.”*

Section E of 12.45, states the following:

*“Insofar as possible, low impact development best management practices shall be utilized such that the site’s natural features and environmentally sensitive areas, such as wetlands, native vegetation, mature trees, slopes, natural drainage courses, permeable soils, floodplains, woodlands and soils are preserved. Use of stormwater management components that provide filtration, treatment and infiltration such as vegetated areas that slow down runoff, maximize infiltration and reduce contact with pave surfaces are strongly encouraged.”*

#### Questions to the Planning Board:

1. As it pertains to the second revision of this project, do any of you feel as though the project is making any attempt to comply with our design standards cited above?
2. Besides maximizing financial gain by cramming the small parcel of land with as many units as possible, do any of you see any legitimate reason as to why this project should not go back to the drawing board for a third revision?

To reiterate, denying the special permit for multifamily dwellings, would bring this project into harmony with the existing neighborhood. Single-family homes would erase the public’s concern over the major increase in traffic. Single-family homes will lessen the environmental impact because this build-site contains a pristine ecological system in the pond and surrounding wetlands. Single-family homes will drastically lower the density and align with 69% of the existing community that signed opposition letters.

- II. The Town of Millbury Subdivision Rules and Regulations, specifically Section 6.0 (General) starts with the following text:

*“1. The subdivision shall be designed in a manner consistent with the guidelines set forth in Appendix C, relating to development by landscape types, which may be amended in the same manner that the Board may amend its Rules and Regulations.*

*2. All standards under this section shall be considered minimum standards and may be varied from or waived where the Board considers that alternative conditions will serve substantially the same objective. All waivers requested and granted by the Board shall be made in writing, with an explanation for the reasons therefore.*

*Design and construction shall minimize, to the extent possible, the following:*

*c. Areas where existing vegetation will be disturbed, especially if such vegetation is located within two-hundred feet (200') of a river, wetland, or water body, or in areas having a slope of more than fifteen percent (15%)”*

#### **Questions to the Planning Board:**

3. Can the Planning Board please advocate for the existing communities wishes by removing units 7, 8, 9, 10, 11, 12, 13, and 14 and putting nothing in their place?
4. The Armory Village Revitalization project was commended for its environmental aspects, as Governor Baker applauded the project on its “climate vulnerability planning.” As a Town, how can we contradict ourselves by supporting environmental causes in downtown Millbury but allow the destruction of the pond and natural woodlands?

As of the last Planning Board meeting, the developer had proposed placing snow directly next to the wetlands, clearly indicating that preserving the ecosystem is not a priority from their perspective. Several links and studies have been provided to the Planning Board members and the Conservation Commission which explained the dangers of road salt and de-icers in freshwater ecosystems. Please see the screenshot below (Item A), simply asking residents to refrain from using harmful chemicals is not realistic. There is no mechanism to police their usage. Road salt and de-icers will do irreversible damage to this ecosystem and these chemicals will flow northward, polluting more wetlands (Item B). A paid consultant will not sway me otherwise especially considering the widely published scientific material on the subject matter. The only way to prevent this destruction is to remove the units (7-14) proposed above. The pond is home to a vast array of wildlife including foxes, turkeys, deer, hawks, cranes, skunks, opossum, woodchucks, ducks, crayfish, turtles, snakes, among others. Removal of the units closest to the pond (7-14) will preserve this vital natural resource for future generations. According to the 2020 Census, one in five residents of Millbury is under the age of 18.

## Item A:

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This is a sensible suggestion and we forgot to keep this on the plans when we revised the road layout to include two entrances onto Rice Road. We will show the mailbox area off the right side of the right of way at station 15+50.

*19) Please demonstrate that all turning radii are sufficient to accommodate the Fire Department's Tower 1 truck (truck specifications are attached). Hydrant locations are subject to Fire Department review and approval*

The Fire Department's Tower Truck requires a minimum 42 foot inside curb radius to turn and stay on its side of the road. The smallest curb radius proposed within the project will be 51 feet at stations 6+75 and 8+00 of Hillcrest Circle.

*20) Due to the presence of wetlands and proximity of the project to the Town's water supply reservoirs, I recommend inclusion of a Condition of Approval stating that no sodium based de-icing agents shall be utilized on the site. Agents such as potassium chloride or calcium chloride are deemed acceptable for usage at the site.*

We have no objection to this possible condition of approval.

## Item B:



III. Please see the following excerpt from The Town of Millbury Subdivision Rules and Regulations, specifically 6.7 Streets and Ways:

*“The width of street right-of-ways and traveled ways shall not be less than the following:”*

<i>Right-Of-Way Type</i>	<i>No. of Dwelling Units Potentially Served</i>	<i>Right-Of-Way Width</i>	<i>Traveled Way Width</i>
Access	0 to 20	40 Feet	22 Feet
Sub-Collector	21 to 149	50 Feet	26 Feet
Collector	Over 150	60 Feet	32 Feet

**Questions to the Planning Board:**

5. Based on the number of units proposed in this project, what type of street will Hillcrest Circle be considered (Access/Sub-Collector/Collector)?
6. Is the proposed width currently meeting its ‘Traveled Way Width’ requirement?

IV. Pond as seen from Southern Side (Photo taken on 09/08/2021)



The developer has stated, *“tree branches and brush will be hand cut as necessary to create a clear path”*. As you can see from the photo, the vegetation on the north side is incredibly dense. As noted by a neighbor, the water level decreases considerably in the summer months. There is immense concern that removal of the dense vegetation which overhangs the water by several feet will adversely impact the stability of this ecosystem. The walking path on the north side of the pond will become polluted due to litter regardless of whether trash bins are installed. With the vast vegetation there will not be visibility to the pond and therefore the walking path should be removed entirely. I’m proposing two openings with benches to enjoy the pond view versus an entire path on the north side of the pond because it will have a lower environmental impact.

### Question to the Planning Board:

7. A walking path spanning the pond was a nonstarter. The highly dense vegetation on the north side of the pond would need to be destroyed entirely to create sight lines for a walking path which would span a negligible distance. To reduce the environmental impact and the resulting litter which will end up the pond, would the Planning Board support two viewing areas with benches in lieu of a walking path? This idea would also curb would be trespassers from venturing further onto property that does not belong to them.

As a neighbor correctly stated, “this project is going backwards.” We have been at this since May, and the second revision of the project has zero regard for the extensive feedback provided by the existing residents during every Planning Board meeting. We have not received any finalized proposals on a vast array of topics of concern. Here is a compiled list of the unaddressed concerns from the existing community:

- 1. Conduct a noise study to quantify the baseline train noise for a 48-hour period**
  - *UNIFIED<sup>2</sup> owns 383-acres straddling the Millbury/Sutton Town line, which is indicative of a major uptick in train traffic – hindsight is 20/20. The developer must prepare as though there will be a serious increase in train traffic to protect the existing and new residents*
- 2. A final working proposal for the intersection near South Main**
  - *The proposed plan did not mitigate the dangerous site lines or narrow width of the road for either party ascending/descending the hill. The developer must be responsible as they intend to greatly increase traffic on this minor road (FedEx/UPS/Amazon/new residents and their visitors etc.)*
- 3. A final working proposal for the intersection near Providence Road**
  - *I support Steve Stearn’s proposal, maximizing the road width to facilitate safer passage over the tracks by moving existing utilities further aside*
- 4. How does the developer plan to safely manage traffic backing up on both sides of the railroad gate with the increased traffic on the street?**
  - *The increase in train traffic as expected with the UNIFIED<sup>2</sup> warehouse project, this will be a great danger for all new and existing residents*
- 5. Provide EMF readings to the Planning Board and public**
- 6. There has been no proposal to mitigate the increased noise from the train, irrespective of what the regulations define:**

- *The traffic study “was not based in reality”, the reality is the train noise needs to be managed after all the trees are removed because the noise is a nuisance*
- *A noise barrier 12-13 ft high should be constructed the length of the railroad boundary, similarly, constructed in Leominster as noted in the report provided by Steve Stearns*

**7. What type of fence will be installed to stop trespassers from the new development venturing into the existing neighbors’ yards on the south side of the pond?**

- *This was voiced as a major concern by numerous neighbors on several calls, a 6-foot black fence would be highly desirable to reduce impact on the existing residents*

**8. Define the number of units (2 & 3 bedrooms) in the development so we can confirm they will comply with 33.2 Schedule of Requirements (Section 33 Parking and Loading Requirements):**

Dwellings: One (1) space per two (2) dwelling units if serving subsidized elderly housing, two (2) spaces per dwelling unit and three spaces (3) per two-bedroom, multi-family dwelling unit. One (1) additional space per bedroom shall be added for each multi-family dwelling unit containing an excess of two bedrooms.

We are calling for a third revision of the project proposed at 17 Rice Road. With all the outstanding action items unaddressed, this project should be very far from seeking any type of approval.

At a minimum, the third revision must remove units 7, 8, 9, 10, 11, 12, 13, and 14 to protect the pristine ecosystem that is the pond, and nothing shall be placed in their current locations. If the Planning Board will not deny the multifamily special permit as so many people are vehemently requesting, then the number of units should be lowered to 18 or less. The developer must also show a willingness to protect the existing community by dealing with essential items such as traffic at both ends of the road, noise mitigation, and design a project that is more environmentally sustainable for the existing and future generations of this community.

**To the Planning Board, please continue to do everything in your power to protect the existing residents of this community.**

**Thank you kindly for your continued support.**