

November 17, 2021

**Via Electronic Mail and Hand Delivery**

Planning Board, Town of Millbury  
c/o Laurie Connors, Director of Planning & Development  
127 Elm Street  
Millbury, MA 01527

*Re: Application for Site Plan Review, 192 Millbury Ave.*

Dear Members of the Planning Board:

I write on behalf of Dan and Amy Rizika, owners of 198 Millbury Ave and 2 Shore Terrace (the “Abutting Properties”), regarding the Application for Site Plan Review (the “Application”) filed by Katherine Fairbanks (the “Applicant”) for approval of a site plan for property located at 192 Millbury Ave (the “Property”). As expressed at the public hearings on this matter, my clients have significant concerns regarding the proposed site plan (the “Site Plan”). The Rizikas’ concerns include, but are not limited to, the following issues.

**Property Boundary Dispute**

The Rizikas dispute the property boundary shown on the Site Plan between the Property and the Abutting Properties. At the recommendation of the Planning Board, the Rizikas have retained Bertin Engineering and Huntley Associates to perform a survey and analysis of the disputed boundary.

At the Board’s continued public hearing on November 8, 2021, it was suggested by the Chair that the Rizikas have their survey professionals contact the Applicant’s land surveyor, Mr. Norman Hill, to facilitate a review of the boundary in dispute. Based on discussion at the hearing, and confirmed by Ms. Laurie Connors, the Town Planner, the deadline for submission of any analysis was noon on Wednesday, November 17.

Given the nine (9) day period provided by the Board to submit any findings, a meaningful analysis of the survey performed by the Applicant would require a review of Mr. Hill’s underlying survey data and CAD files. Steve Pikul of Bertin Engineering contacted Hill Engineering on November 12, and the Applicant’s survey professionals were initially unwilling to share this information. Some limited data was provided by Hill Engineering at 11:15 a.m. on

Tuesday, November 16 - approximately twenty-four hours prior to the deadline for a submission to the Planning Board.

With the limited information received from the Applicant, Bertin Engineering will need to perform a full independent land survey of at least the Property and the Abutting Properties. Such a survey cannot be accomplished within the nine (9) day period provided by the Board for feedback. Bertin Engineering has begun the survey process, but will need at least six to eight weeks to submit their findings.

Certainly, if the property boundaries shown on the Site Plan are inaccurate, this will have a substantial impact on whether the Site Plan complies with the Town of Millbury Zoning By-Law (the "By-Law").

### **Peer Review by Bertin Engineering**

Bertin Engineering has also performed an independent peer review of the Site Plan and has identified numerous areas of concern. Bertin Engineering's peer review findings are submitted with this letter.

### **Compliance with Zoning By-Law**

There are several aspects of the Site Plan that do not appear to comply with the provisions of the By-law. As the Board is aware, the Property includes land located in both the B-II and R-III Zoning Districts, with an intended mixed use of commercial office space and two two-bedroom apartment units.

### **Insufficient Side Yards**

Under Section 25.3 of the By-Law, yard requirements in the B-II district for any non-residential uses are as follows: front - 75 feet, side - 10 feet, rear - 10 feet. If the subject parcel abuts a residential district - which the Property does - the necessary yards are increased by twenty five percent, and thirty percent of the required yard area must be "free of any paving and maintained with vegetation." Based on the Site Plan, neither side yard at the Property appears to comply with this requirement.

Furthermore, the Site Plan calls for the construction of retaining walls immediately adjacent to the side and rear lot lines of the property, and concrete pilings and decking along the rear lot line of the Property. It is the Rizikas' position that these improvements are "structures" as that term is defined under the By-Law, and therefore encroach upon the required yards.

### **Extension of Use into Residential District**

Section 21.4 of the By-Law provides that, “[w]here a district boundary line divides any lot existing at the time such line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than thirty feet into the other district.”

The improvements to support the proposed mixed commercial and residential use, including retaining walls and erosion controls, extend more than thirty feet into the R-III Residential district, and therefore the Site Plan does not comply with the requirements of Section 21.4.

### **Noncompliant Parking Design**

Under Section 33.2 of the By-Law, the proposed development of a mixed use commercial office space with two two-bedroom apartment units requires nine (9) total off-street parking spaces.

Under Section 33.3 of the By-Law, “[w]ithin a required front yard no parking area or driveway shall be located closer to a side lot line than the required side yard setback.” The entrance to the single parking spot on the southwest side of the Property extends through the front yard to the side lot line and therefore does not comply with this requirement.

Where this project contains a parking area for six (6) or more cars, Sections 33.31-33.35 of the By-Law are applicable.

Section 33.31 provides that “[p]arking area use shall not require backing onto a public way.” The single parking spot on the southwest side of the building requires backing onto a public way and therefore does not comply with this requirement.

Section 33.33 provides that the parking lot “shall be screened from any abutting residential use by densely planted shrubs or a fence.” The Site Plan does not demonstrate sufficient screening along either of the side lot lines, or along the six-foot retaining wall at the east of the Property, to screen the parking area from the abutting residential uses.

### **Conclusion**


The Rizikas have significant concerns regarding the Site Plan in its current form. The violations of the By-Law alone would be an appropriate basis to require further modifications to the Site Plan or to deny the application for Site Plan Review. At a minimum, the Rizikas request that the Planning Board continue this matter to allow the Applicant to address these deficiencies, and to provide the Rizikas’ land surveyor sufficient time to prepare an independent assessment of the property boundary with 198 Millbury and 2 Shore Drive.



**Fletcher Tilton** PC  
Attorneys at law

Thank you for your attention to this matter.

Very truly yours,



**Michael E. Brangwynne**

**FLETCHERTILTON PC**

12 Post Office Square, 6<sup>th</sup> Floor

Boston, MA 02109

P: 617-336-2281 | F: 617-336-4481

Email: [mbrangwynne@fletchertilton.com](mailto:mbrangwynne@fletchertilton.com)



November 17, 2021

Millbury Town Hall  
Office of the Planning and Development  
127 Elm Street  
Millbury, Massachusetts 01527

Attn: *Laurie Connors, Director*  
RE: *Peer Review for Site Development Plan at  
192 Millbury Avenue, Millbury, Massachusetts  
BEI Project No. 21M-170  
Mass DEP File No. 224-0826*

Dear Ms. Connors,

Bertin Engineering, Inc. (BEI), at the request of Fletcher Tilton, PC (FTPC) has performed a Peer Review of the site plans, project narratives and stormwater report for a site plan development located at 192 Millbury Avenue in Millbury, MA (Assessors Map 23, Lot 147, Business-II).

Bertin Engineering is in receipt of a site plan entitled "Site Plan" for Katherine Fairbanks Located at: "Tax Map 23, Lot 47" and supporting documents prepared by Robert G. Murphy (RMA) dated 09-24-21 and revised on 10-19-21. The materials listed above have been reviewed for conformance with the Town of Millbury Subdivision & Zoning Regulations, Millbury Stormwater Management Plan (MS4) dated September, and 2020 Millbury Conservation Commission decision dated October 6, 2021. BEI requests that the applicant would provide a formal response to our comments in writing along with the supporting plans and calculations, if and when the design is revised.

Respectfully submitted,

Bertin Engineering, Inc.  
*Steven J. Pikul*  
Steven J. Pikul  
Senior Project Manager

CC:\

Adam C. Ponte  
Michael E. Brangwynne  
Daniel Rizika

Fletcher Tilton, PC  
Fletcher Tilton, PC

**Peer Review  
Millbury Planning Board**

Parcel Identification Number: 23-047  
192 Millbury Avenue  
Millbury, Massachusetts

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BEI has referenced the subdivision and zoning regulations in *Italics*. BEI offers the following comments with reference to specific articles and sections of the Millbury Subdivision Regulations:

## 1. Design Review for Millbury Design Compliance

**BEI Comment 1:** 5.3.3 (c)(e) and 6.12 -Sidewalk grades along Millbury Street are not provided 100-feet along Millbury Street southwest of the proposed site entrance. It is unclear... how the RMA plans to resolve existing sidewalk grading with the new driveway openings. In addition, sidewalks will change the existing roadway drainage patterns. These patterns will contribute to an already erosive quantity to adjacent downstream properties.

**BEI Comment 2:** 6.12, 6.11 & 6.13 -Sidewalks through driveways (Mass DOT, E107.7.0) are not provided for the proposed site entrance(s) at two (2) locations. All waivers must be submitted in writing to the Millbury Planning Board.

**BEI Comment 3:** The site plan sheets for Millbury Avenue provide a (Town of Millbury) baseline having Station "48+00," designated twice at two (2) different locations, 100-feet apart. These designations should be corrected.

**BEI Comment 4:** 6.7(e) -The entrance radius of the driveway intersection at Millbury Avenue is unknown, but a minimum radius of 30-feet is required. No radius appears to be listed.

**BEI Comment 6:** 5.3.2 (f) - Regularity factor calculations in conformance with the Millbury Zoning Bylaws, Section 32.12 Odd-Shaped Lots, not shown on plans.

**BEI Comment 7:** 6.13 –The parking area grades from the accessible parking space to the public sidewalk, do not comply with 521 CMR ABB & PROWAAC, Chapter 5.

**BEI Comment 8:** 8.0 –No operation and maintenance plan as required by 314 CMR Chapter 4.00 and Millbury (MS-4) Section 13.15.080, rev. 05-10-21.

**BEI Comment 9:** 6.17.4 (a) -All drain pipes shall be at least twelve inches (12") inside diameter, made of High Density Corrugated Polyethylene (HDPE). It is unclear... why the RMA has specified 6 and 8-inch PVC for storm drainage piping on drawing sheet 1 and 2.

**BEI Comment 11:** 6.17.5 –BEI notes: that is unclear... what flow velocity will exit the pipe end, adjacent to Dorothy Pond. Construction details shall be prepared by an engineer and submitted to the Board for review and approval by RMA.

**BEI Comment 12:** 5.3.2 (g) – No Location of Base Flood elevation, if encountered within one hundred feet (100') of the project is listed on the site development plans.

**BEI Comment 13:** 6.10.4 –The Mass DOT, slope curbing is incorrectly referenced as "4-inch" reveal. The Mass DOT, Construction Details dated October 2017 lists the curb reveal as "6-inch."

**BEI Comment 14:** 6.10.4 –The Mass DOT, Method of Setting Vertical Granite Curb is incorrectly referenced (E106.3.0) and referenced a vertical reveal of six (6) inches.

**BEI Comment 15:** 6.19 –Parking area lighting and monumentation is not included on the proposed plans. No

**BEI Comment 16:** 6.17.4 (d) -pipe discharge ends shall be placed a distance of not less than



sixty-five feet (65-feet) from the way line. It is unclear... why the designer has placed the pipe end thirty three (33-feet) from the shore line.

**BEI Comment 17:** 12.45 (a) The proposed grading and use of retaining wall to resolve grades and does not comply with the “*shall only depart minimally*” in this designated in this bylaw. The designer should use other means to resolve adjacent grades.

**BEI Comment 17:** 12.45 (k) The proposed paved area does not provide for twenty (20) feet of “*low-level planting*” at the northerly and southerly property lines as designated in this bylaw.

**BEI Comment 18:** 12.45 (l, m) BEI requests... a turning analysis plan for the proposed design, which includes each design vehicle designation for review. The reviewer sees potential vehicle conflicts, which need to be resolved with additional analysis.

**BEI Comment 19:** 12.45 (q) The designer proposes no measures or references for the storage snow. The snow melt area needs delineated, which provides for a melt can be contained and recharged back to groundwater. The design does provide for this measure.

**BEI Comment 20:** 12.45 (s) The soil log locations are not labeled on the plan, which makes it difficult to discern if the standard is met.

**BEI Comment 21:** 12.45 (t) The designer has not provided a photometric plan for lighting as required for the subject bylaw.

## 2. MassDEP Stormwater Standards

**Stantec Comment 10:** “An illicit discharge statement was not included as part of this submission. We recommend this be provided by the applicant”

**BEI Comment 22:** The standard has not been met.

**BEI Comment 23:** MS4, Section 2.3.5 (iii) 4 –. BEI notes that since the proposed stormwater system has no proper means to protect stormwater from draining into Dorothy Pond and function effectively, it may not be feasible to provide an outlet for the storm drainage. However, It is therefore unclear... how the RMA, wishes to protect construction activities sediment laden flows.

## 3. Inland Bank

**BEI Comment 18:** The 10-19-21 site plan that includes the site development proposed to fill an unknown square footage of river-front areas. However, the area of the newly proposed wetland fill is not labeled on the plans. The applicant should confirm the total amount of wetlands being filled for the subdivision are as the Wetlands Protection Act only allows filling up to 5,000-square feet for this project combined with the solar development. Although, filling of wetlands is not under the purview of the Millbury Planning Board, this issue will likely impact the site design if the current layout is not allowed per wetland regulations.

## 4. Land Under Water

**BEI Comment 19:** Land Under Water occurs in association with Dorothy Pond as well. No impacts appear to be proposed to Land Under Water.

## 5. Land Subject to Flooding

**BSC Comment 20:** BEI notes that the RMA plan dated 10-19-2021 provides a FEMA Firmette floodplain for Map and Parcel 23-047, which is provided at a scale where the boundaries of Land Subject to Flooding (100-year floodplain) on the project site are not clear. In their plan, BEI recommends that the project engineer evaluate the most recent National Flood Insurance Program flood profile data to confirm the extent of Bordering Land Subject to Flooding on the site. BEI also recommends that the Applicant provide a Site Plan with the 100-year Floodplain/Land Subject to Flooding clearly delineated.

## 6. WPA Form 5

**BSC Comment 21:** On page 3 of Form 13, the Applicant indicates that 0.0-square feet of Riverfront will be altered, and that 0.0-square feet will be replaced. BEI recommends that the Applicant clarify this statement, as Site Plans do not appear to indicate any level of impact of Riverfront is proposed to be impacted? The impact area(s) should be identified on Site Plans and in the text, along with plans for replication, and the Applicant is advised that this size of impact exceeds the 5,000-square feet threshold (per 310 CMR 10.55(4)) that would trigger a requirement for a Variance from the Wetlands Protection Act, among other things.

## 7. Millbury Stormwater Bylaw /Massachusetts Stormwater Management Regulations

**BSC Comment 22:** The Mean Annual High Water line for Dorthoy Pond does not appear to have been fully delineated, and the complete Riverfront Area boundary does not appear to have been included on Site Plans. As noted above, the Applicant should add these resource area boundaries to the site plan, as well as the line delineating Land Subject to Flooding.

## 8. Mass DEP Wetlands Program Policy 17-1

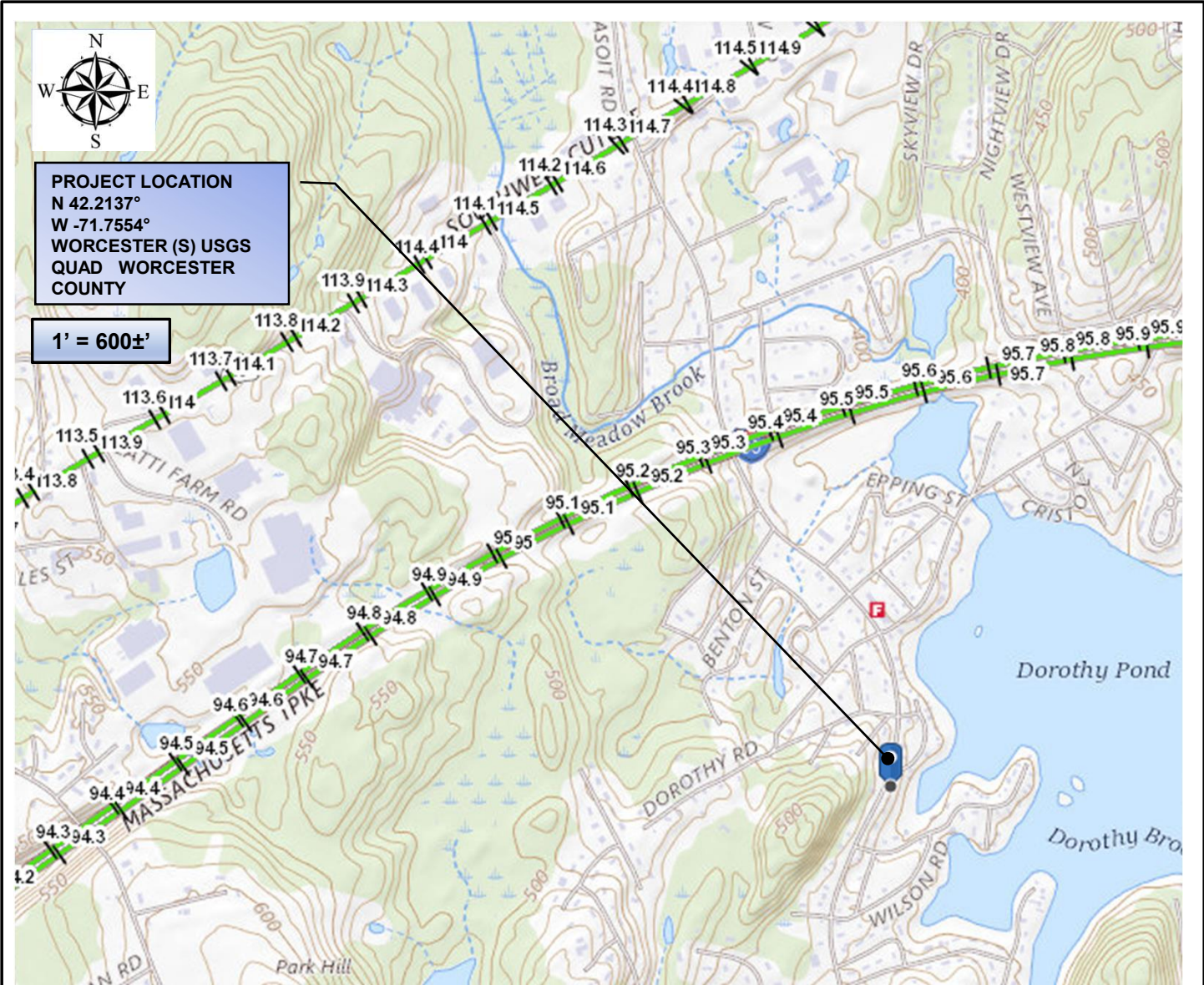
**BSC Comment 23:** Under Mass DEP Wetlands Program Policy 17-1, an alternatives analysis that evaluates the impacts of proposed resource area alterations must be conducted which includes, but is not limited to, considerations for upland locations, alternative interconnection locations and types available, as well as discussion of how the site development can be reduced while maintaining project viability. MassDEP Policy 17-1 requires that the Applicant describe how work in the Buffer Zone will minimize erosion and sedimentation, demonstrate that ancillary structures in wetland resources are using best design and management practices, raise fencing at least 6-in off the ground, and apply the principles of environmentally sensitive site design and low impact development in the design and monitoring of stormwater controls. While the proposed Project does not include any direct resource area alterations, it does propose disturbance within the 100-foot Riverfront Buffer Area. BEI recommends that an alternatives analysis for these areas be completed by the Applicant, and that the Applicant address the specific requirements of this policy (the B series wetland and one at the A series wetland), the sedimentation control line overlaps and just barely crosses the 50-foot Buffer Zone line. In accordance with the Bylaw,

(Section X), the burden of proof is on the Applicant to demonstrate that proposed impacts within the Buffer Zone do not have, "...an unacceptable significant or cumulative effect upon the resource area values protected by this bylaw...". *BSC recommends that a description of the ecological condition of the state-regulated 100-foot Buffer Zone be provided, as well as a functional assessment regarding the potential impact of proposed activities on the adjacent BVW and Inland Bank interests and values. BSC recommends that the total square footage of buffer zone to be impacted be provided. Further, BSC recommends that the proposed limit of work be moved so as to be completely outside the 50-foot Buffer Zone.*



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- 1. Location Plan**
- 2. 2019 Aerial Project Location**
- 3. 2001 Aerial Project Location**
- 4. 2005 Aerial Project Location**
- 5. Project Site Ortho Photo Exhibit**

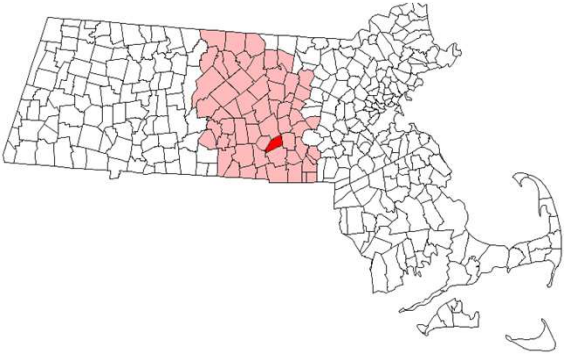


**Legend**

**Jurisdiction**

Jurisdiction

- Massachusetts Department of Transportation
- Other State Agency
- Department of Conservation and Recreation
- Federal
- County Institutional
- City or Town accepted road



AERIAL IMAGERY FROM OFFICE OF GEOGRAPHIC AND ENVIRONMENTAL INFORMATION (MASSGIS) COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

**BERTIN ENGINEERING**

**192 MILLBURY AVENUE**  
**MILLBURY, MASSACHUSETTS**  
**WORCESTER COUNTY**  
**KATHERINE FAIRBANKS**

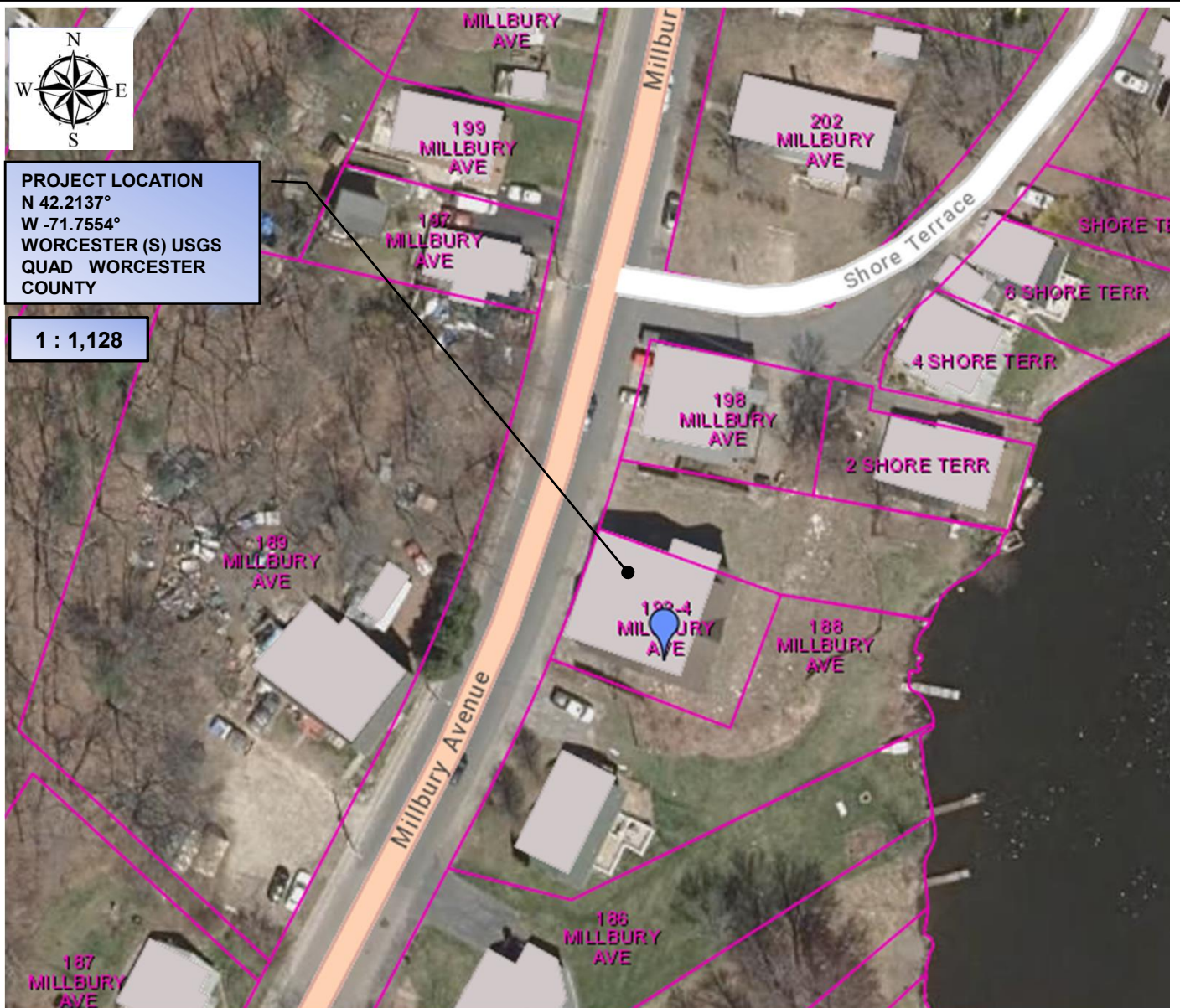
**USGS PLAN**  
**PROJECT LOCUS**  
 NOVEMBER 2021 FIGURE 1





PROJECT LOCATION  
N 42.2137°  
W -71.7554°  
WORCESTER (S) USGS  
QUAD WORCESTER  
COUNTY

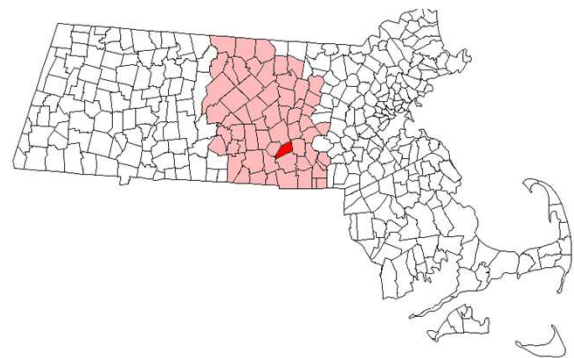
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Active Data Layers

Check all | Uncheck all | Remove all

- Tax Parcels for Query
- Detailed Features
- Tax Parcels for Display
- Structures



AERIAL IMAGERY FROM OFFICE OF GEOGRAPHIC AND ENVIRONMENTAL INFORMATION (MASSGIS) COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS



**192 MILLBURY AVENUE**  
**MILLBURY, MASSACHUSETTS**  
**WORCESTER COUNTY**  
**KATHERINE FAIRBANKS**

**AERIAL MAP**  
**PROJECT LOCUS**  
NOVEMBER 2021 FIGURE 2





**PROJECT LOCATION**  
N 42.2137°  
W -71.7554°  
WORCESTER (S) USGS  
QUAD WORCESTER  
COUNTY

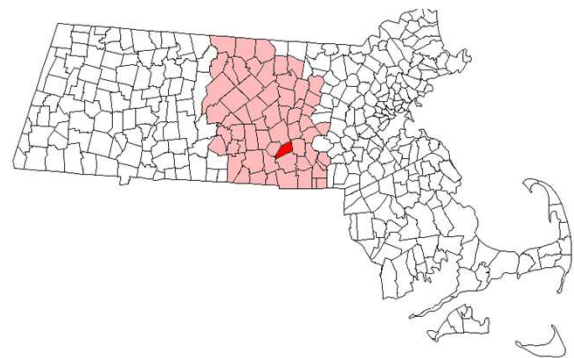
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**Active Data Layers**

Check all | Uncheck all | Remove all

- 2001 Color Orthos
- Tax Parcels for Query
- Detailed Features
- Tax Parcels for Display
- Structures



TOWN OF WEBSTER, MA MAKES NO CLAIMS AND NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE VALIDITY OR ACCURACY OF THE GIS DATA PRESENTED ON THIS MAP. GEOMETRY UPDATED 11/07/2021 DATA UPDATED 8/16/2021



**192 MILLBURY AVENUE**  
**MILLBURY, MASSACHUSETTS**  
**WORCESTER COUNTY**  
**KATHERINE FAIRBANKS**

**AERIAL MAP**

**PHOTO 2001**

**NOVEMBER 2021 FIGURE 3**





**PROJECT LOCATION**  
N 42.2137°  
W -71.7554°  
WORCESTER(S) USGS  
QUAD WORCESTER  
COUNTY

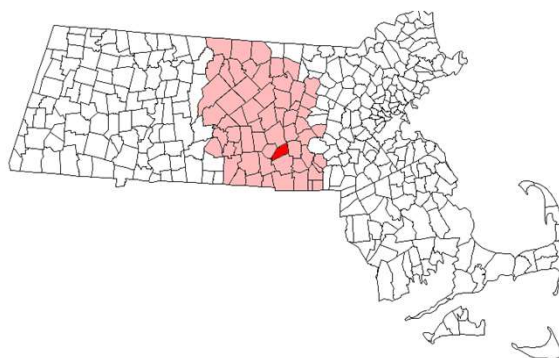
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**Active Data Layers**

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- Tax Parcels for Query
- Detailed Features
- Tax Parcels for Display
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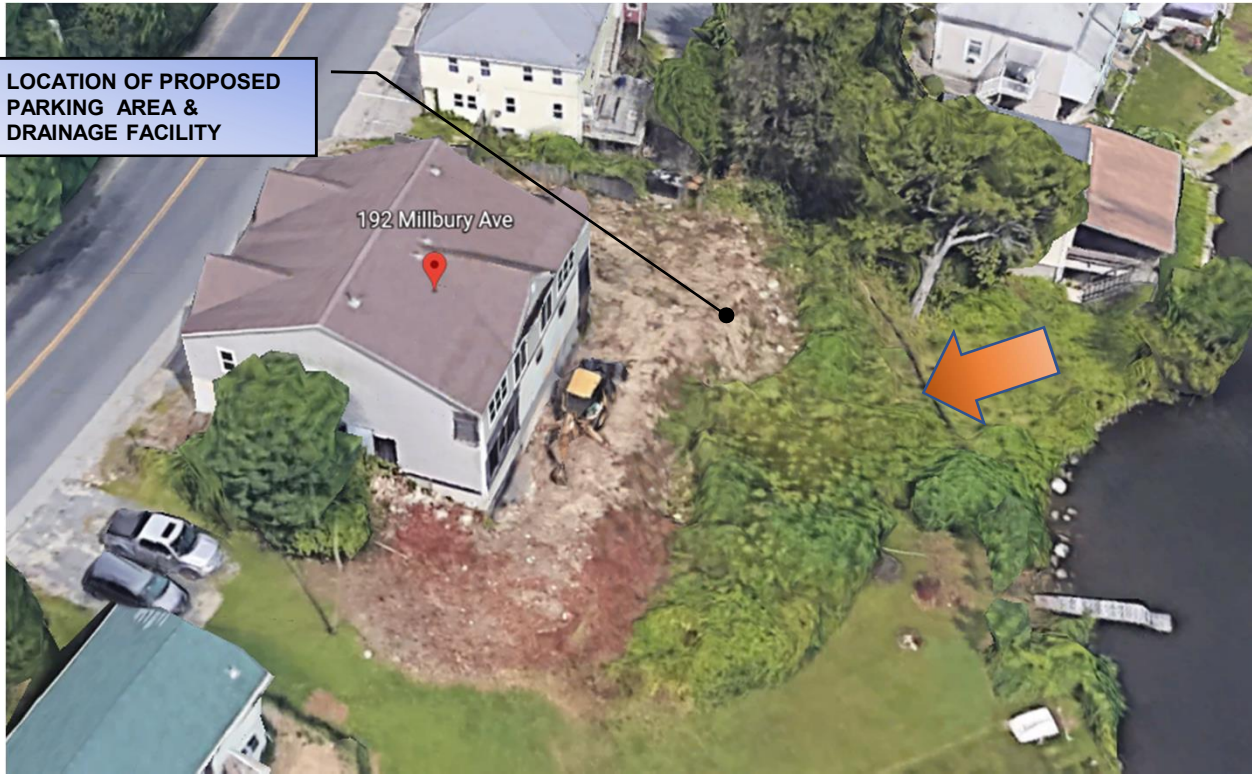


**192 MILLBURY AVENUE**  
**MILLBURY, MASSACHUSETTS**  
**WORCESTER COUNTY**  
**KATHERINE FAIRBANKS**

**AERIAL MAP**  
**PHOTO 2005**

**NOVEMBER 2021 FIGURE 4**





**ORTHO PHOTO 01:** PROJECT\_FILL AREA AT PROJECT SITE, VIEWING NORTHERLY (GOOGLE EARTH 2019)



**ORTHO PHOTO 02:** Project Fill Area for Parking and Storm Drainage Detention System, VIEWING NORTHWEASTERLY (GOOGLE EARTH 2019)



**192 MILLBURY AVENUE  
MILLBURY, MASSACHUSETTS  
WORCESTER COUNTY  
KATHERINE FAIRBANKS**

**ORTHO PHOTO  
EXHIBIT**



**Appendix A: Millbury Planning Meeting Mintues dated October 25, 2021**

MILLBURY PLANNING BOARD  
MINUTES  
October 25, 2021

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, October 25, 2021 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA and also available through Zoom.us/download. The meeting was recorded and streamed by Millbury Public Access Cable Television. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Terry Burke Dotson, Paul Piktelis, Bruce DeVault, Mat Ashmankas,  
Alternate Fran DeSimone

Pledge of Allegiance

**7:15 p.m. Public Hearing Con't– Stormwater Management Permit  
192 Millbury Avenue  
Robert Murphy**

Robert Murphy, representing the applicant, presented the plan updates to the Board since the last meeting. They will address all of the Planning Director's comments on the revision.

They meet the minimum parking space requirements but there was an error on the parking calculations table specified on the plan. This will be corrected on the revised plans.

Mr. Murphy stated that there will not be a dumpster on site. Trash will be via tote.

They received the lighting plan from LSI lighting and it will meet the requirements of the Board. They will install a fence with the retaining wall.

Mr. Murphy requested a continuance of the public hearing to address the stormwater management comments.

Chairman Gosselin inquired and Mr. Murphy stated that the datum coordinates are specified on the site plan.

Discussion ensued regarding the requested waivers for the project.

Dan Rizika, 18 Manor Road and owner of 2 Shore Terrace, expressed concern over the fill put on the property.

Ms. Dotson inquired and Mr. Rizika stated that the fill is on the property line. They have appealed the decision of the Conservation Commission. He is requesting more privacy screening via the fencing.

Amy Rizika, 18 Manor Road, expressed concern over the stormwater flow onto her property.

Mr. Murphy stated that the previous Order of Conditions included installation of haybales and silt fencing at the base of the slope.

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Susan Schroeder, 186 Millbury Ave, inquired if the Board has visited the site. She expressed concern regarding the parking lot.

Mat Ashmankas made a motion to continue the public hearing to 7:15 p.m. on November 8, 2021, Paul Piktelis seconded, voted unanimously.

**8:00 p.m.        Public Hearing Con't – Multi-family Special Permit, Site Plan Review &  
Stormwater Management Permit  
17 Rice Road – Rice Pond Village  
Whitney Street Home Builders, LLC**

Mr. Ashmankas referred to the email received from James Tetreault regarding the public hearing. They are requesting a continuance of the public hearing and to be placed on the agenda for November 22, 2021.

Paul Piktelis made motion to continue the public hearing to 7:15p.m. on November 22, 2021, Mat Ashmankas seconded, voted unanimously.

**8:13 p.m.        ANR – 4 Manor Road**

Nicholas Buffone, 4 Manor Road, stated that they are requesting approval from the Board to subdivide the property into two properties. They meet all the requirements of the Town.

Paul Piktelis made a motion to endorse the ANR plan entitled: "Plan of Property Surveyed for Nicholas F. Buffone, Trustee of 4 Manor Road, LLC, Realty Trust, 4 Manor Road, Millbury, Massachusetts", dated July 30, 2021, prepared by Jarvis Land Survey, Inc., 29 Grafton Circle, Shrewsbury, MA, Bruce DeVault seconded, voted unanimously.

**8:17 p.m.        Final Release of Performance Guarantee/Certificate of Completion  
Stratford Village – Off Burbank Street**

Gerald Finn, 9 Emily Drive, expressed concern about the Site Supervisor's failure to backfill the new shrubs installed at the property.

Jesse Germain, Stratford Village, Site Supervisor, 111 Mill Road, Boylston, stated that he visited the site and he backfilled the bushes at the site this evening.

Discussion ensued regarding the landscaping recently completed.

Ms. Dotson recommended holding the amount of \$4,000.00 for one year to ensure that the new plants survive.

Laurie Connors recommended that the Board release the Tri-partite Agreement serving as performance guarantee for Phases I and III.

Mat Ashmankas made a motion to release the sum of \$18,431.15 plus interest held as performance guarantee for Phase II of the Stratford Village Open Space Community such that \$4,000.00 will remain in cash, Paul Piktelis seconded, voted unanimously.

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Mat Ashmankas made a motion to release the sum of \$ 81,895.00 plus interest held as performance guarantee for Phase I & III of the Stratford Village Open Space Community such that \$0 will remain, Paul Piktelis seconded, voted unanimously.

**Other Business**

Paul Piktelis made a motion to cancel the December 27, 2021 Board meeting, Terry Burke Doston seconded, voted unanimously.

Terry Burke Dotson made a motion to discuss the submittal requirements for projects to be the Wednesday prior to a meeting, Mat Ashmankas seconded.

Discussion ensued regarding the deadline for finalizing the agenda and submission of plans for Board meetings.

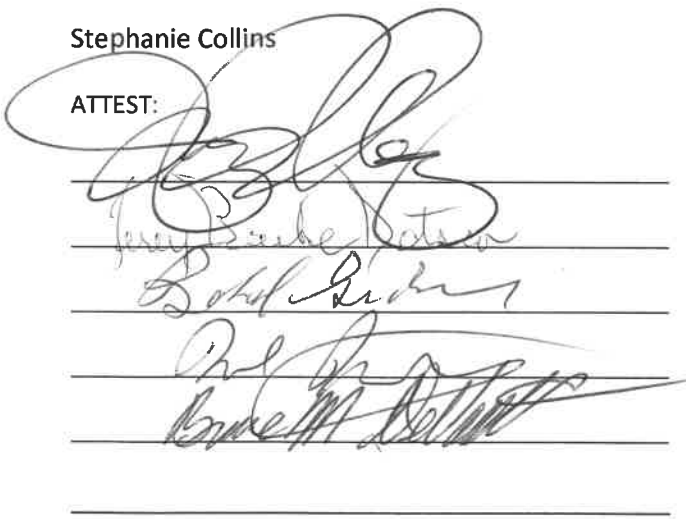
The vote was Terry Burke Dotson in favor, Mat Ashmankas, Bruce DeVault, Paul Piktelis and Richard Gosselin opposed, the motion failed.

Mat Ashmankas made a motion to adjourn, seconded by Paul Piktelis, voted unanimously. Meeting adjourned at 8:44 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST:



The block contains four handwritten signatures written over horizontal lines. From top to bottom, the signatures are: Terry Burke Dotson, Richard Gosselin, Paul Piktelis, and Bruce DeVault. The signature of Paul Piktelis is the most prominent and is written in a large, bold, cursive style.

**Appendix B: Stantec Peer Review dated September 24, 2021**





**Stantec**

**Stantec Consulting Services Inc.**

65 Network Drive 2nd Floor, Burlington MA 01803-2767

September 24, 2021

File: 179411027

**Attention: Mr. Richard Gosselin, Chairman**

MILLBURY PLANNING BOARD

Municipal Office Building

127 Elm Street

Millbury, Massachusetts 01527

**Reference: Site Plan/Stormwater Management Permit**

**192 Millbury Avenue**

**Millbury, Massachusetts**

Dear Mr. Gosselin:

Pursuant to the Board's request, Stantec Consulting Ltd. has reviewed the Site Plan/Stormwater Management Permit *192 Millbury Avenue*, a proposed multi-family building in Millbury. The following materials were received on September 6 and 7, 2021.

- Site Plan, Stormwater Plan, and Landscape Plan (3 Sheets), dated August 25, 2021; Application of Site Plan Review and Application for Stormwater Permit, dated August 30, 2021; Stormwater Management Analysis, dated August 25, 2021; Stormwater Pollution Prevention Plan, dated August 25, 2021, and supporting documentation each as prepared by Robert G. Murphy & Associates, Inc. (RMA)

The Site Plan/Stormwater Management Permit submittal was reviewed for conformance with the Town's Zoning Bylaws, the Board's Design Standards, and generally accepted engineering practice. We offer the following comments regarding the *Site Plan/Stormwater Management Permit 192 Millbury Avenue* submittal for the Board's consideration.

**SITE VISIT**

As part of the Stantec's review, Mr. David Glenn (Stantec) conducted a site visit to view existing surface features and site conditions.

**SITE PLAN**

The proposed site development consists of an existing vacant commercial building (approximately 2,560 square feet) with associated parking, infrastructure, and landscaping. **The existing 0.26-acre parcel is located within the Business II (B-2) and Residential III (R-3) Districts, with 89.49 ft of frontage off Millbury Avenue as shown on sheet 1 of 3. We note the Business II (B-2) Zoning District requires a minimum 100 feet of frontage and recommend this item be addressed by RMA.**



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**Reference: Site Plan/Stormwater Management Permit  
192 Millbury Avenue**

The project site is located off Millbury Avenue with ingress and egress to the project site is shown via two (2) proposed paved drives of 9 feet and 20 feet in width. The site will be serviced by municipal water and sewer

Topographic features of the parcel are typified by moderate to steep slopes ranging on average from 13 % to 25 % generally fall off in an east to west direction towards the rear property line which abuts Dorothy Pond.

**Section 12.4 - Site Plan Review, Subsection 12.44 – Contents and Scope of Application of the Town's Zoning Bylaws requires specific information be shown on the Site Development Plan. Stantec has performed a technical review of these requirements with the understanding the Town Planner will perform an independent review of the Site Plan for conformance with the site plan review zoning bylaw. We offer the following comments for the Board's consideration:**

1. North Arrow and correct scale in title box be shown on site plan sheet 1 of 3.
2. Construction of the two paved drives off Millbury Avenue will require reconstruction of the existing sidewalk and curbing. We recommend these improvements be further identified on the site plan.
3. We question on-site snow storage locations and recommend additional provisions for snow removal be addressed by the applicant.
4. Location and dimensions of all signage and refuse containers need to be identified on the site plan.
5. The site plan indicates the site will be serviced by municipal water and sewer. We question if the applicant has received approval from the Town DPW and Aquarion Water Company regarding these service connections.
6. Lighting and Photometric Plan was not provided with the Site Plan submission. We recommend this item be addressed by the applicant.
7. Parking calculations on sheet 3 of 3 identify nine (9) proposed parking spaces. Stantec recommends the applicant provide documentation to support the proposed number of parking spaces as required per Section 33. Parking and Loading Requirements. We also recommend pavement markings delineating the parking spaces be shown on the plan and provisions for handicap accessible spaces be addressed by the applicant.
8. An isometric line drawing, building plans and development impact statement were not provided with the Site Plan submission.



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**Reference: Site Plan/Stormwater Management Permit  
192 Millbury Avenue**

Section 12.4 - *Site Plan Review*, Subsection 12.45 – *Design Standards* of the Town's *Zoning Bylaws* requires applicant to adhere to general principles regarding site design. **In We offer the following comments for the Board's consideration:**

1. Landscaping: As shown on sheet 3 of 3, proposed grading includes fills between 2 and 6 feet within the site. As such, retaining walls are proposed along the northerly and easterly property line in varied height between 2 and 5 feet. We recommend the applicant provide final designed stamp drawings of the proposed retaining walls and evaluate the need for a guard rail adjacent to the proposed parking areas. We note segments of the proposed retaining walls are approximately 2 feet off the property line and question the need for temporary construction easements from the abutting properties.
2. Circulation: Proposed parking area internal circulation, deliveries and signage be identified on the site plan.
3. As previously noted in subsection 12.44, Lighting and Photometric Plan was not provided with the Site Plan.
4. Landscaping: We question if the proposed landscaping complies with the "landscaping within the setbacks requirements".
5. Interior Walkways/Pedestrian Path: We recommend proposed walkways and pedestrian paths within the parking area be identified on the site plan.

**STORMWATER MANAGEMENT**

The Stormwater Management Report is included under a separate cover of the same name with the Site Plan submission. The report includes a narrative with attachments which addresses the Town's General Bylaw Chapter 16 – *Water, Sewer and Sewage Disposal* for Stormwater Management, which includes addressing the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Standards.

Stantec offers the following comments and recommendations for the Board's consideration.

**The following list refers to the Millbury Planning Board Submission of Stormwater Plan Review Checklist. Our review has only included "design" related items as part of the checklist.**

- The location of existing and proposed utilities has been identified on the Site Plans.
- The existing site hydrology is shown on the Site Plans.



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**Reference: Site Plan/Stormwater Management Permit  
192 Millbury Avenue**

- Soil logs 1 and 2 have been provided on Sheet 3 of 3, entitled Landscape Plan. The seasonal high groundwater elevation has only been provided for both basin locations.
- Existing and proposed ground cover and runoff coefficients have been provided in the Stormwater Report.
- A drainage area map showing pre and post conditions have been provided in the Stormwater Report.
- A sequence of construction has been provided in the Stormwater Pollution Prevention Plan. We recommend the construction sequence be added to the Site Plan.
- Stantec recommend cross section of the proposed two subsurface chamber systems identifying items such as existing and proposed grades, refusal and/or seasonal high groundwater be provided on the plans.
- Provide calculations regarding the average annual load of Total Phosphorus and estimated pollution removal

**MassDEP Stormwater Standards**

**We offer the following comments on the proposed stormwater management system, specifically for compliance with the ten performance standards as outlined in the MassDEP Stormwater Management Standards. We also note that the Stormwater Report Checklist needs to be stamped by a professional engineer.**

1. No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.

**We note the applicant has not provided rip-rap sizing calculations at the subsurface chamber outfall and recommended these calculations be provided for review.**

2. Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

**Recommend rainfall amounts used be based on the 1998 Cornell University Study, NOAA Atlas Volume 10 Point Precipitation Frequency be used in estimating the pre and post development peak discharge rates for the 2, 10 and 100 yr. storm events.**

3. Loss of annual recharge to groundwater should be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a



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**Reference: Site Plan/Stormwater Management Permit  
192 Millbury Avenue**

minimum annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type.

**The applicant has provided groundwater recharge and time required for the two subsurface chamber systems. Stantec recommend cross section of the proposed two subsurface chamber systems identifying items such as existing and proposed grades, refusal and/or seasonal high groundwater be provided on the plans.**

4. Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This Standard is met when:
  - a) Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan, and thereafter are implemented and maintained.
  - b) Structural stormwater best management practices are sized to capture the required water quality volume determined in accordance with the Massachusetts Stormwater Handbook; and
  - c) Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook

**Standard 4 is met. The applicant provided a worksheet to confirm the required TSS removal rate 80%.**

5. For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such uses as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Water Act, M.G.L. c. 21, §§26-53 and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.

**The project is not associated with a land use with higher potential pollutant load; therefore, this standard is not applicable.**

6. Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or to any other critical area, require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, considering site-specific factors. Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best





September 24, 2021  
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**Reference: Site Plan/Stormwater Management Permit  
192 Millbury Avenue**

practical method of treatment. A "stormwater discharge" as defined in 314 CMR 3.04(2)(a) 1 or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of a public water supply.

**The project is not within a critical area; therefore, this standard is not applicable.**

7. A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions

**This project is a redevelopment project and is required to meet the above Stormwater Management Standards.**

8. A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.

**Erosion and sedimentation control measures are identified on the Site Plans and further described in the submitted Stormwater Pollution Prevention Plan. A sequence of construction has been provided in the Stormwater Pollution Prevention Plan. We recommend the construction sequence be added or referenced to the Site Plan.**

9. A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.

**An operation and maintenance plan has been included in the Stormwater Pollution Prevention Plan (SWPPP). As noted in the SWPPP, the proposed stormwater management facilities shall be owned, operated, and maintained by the applicant. In Stantec's opinion the standard is met.**

10. All illicit discharges to the stormwater management system are prohibited.

**An illicit discharge statement was not included as part of this submission. We recommend this be provided by the applicant.**



September 24, 2021  
Mr. Richard Gosselin, Chairman  
Page 7 of 7

**Reference: Site Plan/Stormwater Management Permit  
192 Millbury Avenue**

If there are any questions regarding our comments and recommendations, please do not hesitate to call at 1-781-221-1134.

Regards,

**STANTEC CONSULTING SERVICES INC.**

*Vannary Tan*

Vannary Tan  
Civil Engineer Designer  
Phone: 781-221-1114  
vannary.tan@stantec.com

*David Glenn*

David Glenn, P.E.  
Senior Transportation Engineer  
Phone: 781-221-1134  
david.glenn@stantec.com

cc. Ms. Laurie Connors, Town Planner

**Appendix C:**

**Mass DEP WPA Form 5, File No. 224-0826 dated 10-06-21  
Mass DEP WPA Form 7, File No. 224-0513 dated 07-12-21**

# Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 11/8/2021 2:21:51 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
124163	EXTENSION PERMIT		65983/327	09/02/2021	
<b>Property-Street Address and/or Description</b>					
192-194 MILLBURY AVE					
<b>Grantors</b>					
MILLBURY CONSERVATION, FAIRBANKS KATHERINE					
<b>Grantees</b>					
<b>References-Book/Pg Description Recorded Year</b>					
34443/138 ORD 2004					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					





**WPA Form 7 – Extension Permit for Orders of Conditions**

224-513  
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**



2021 00124163

Bk: 65983 Pg: 327

Page: 1 of 3 09/02/2021 02:59 PM WD

Important:  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Katherine Fairbanks  
Name

192 Millbury Ave  
Mailing Address

Millbury  
City/Town

MA  
State

01527  
Zip Code

2. Property Owner (if different):

Name

Mailing Address

City/Town

State

Zip Code

**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

Date Issued by: Millbury Conservation Commission  
Conservation Commission

for work at: 192-194 Millbury Ave 23 47  
Street Address Assessor's Map/Plat Number Parcel/Lot Number

recorded at the Registry of Deeds for:

Worcester 54122 287  
County Book Page

Certificate (if registered land)

is hereby extended until: 7/7/2022 7/11/2018  
Date Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

BK 34443 PS 138

RECEIVED

JUN 2 2 2021

MILLBURY BUILDING  
DEPARTMENT

③ LH



**WPA Form 7 – Extension Permit for Orders of Conditions**

224-513

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

**B. Authorization (cont.)**

7/12/21  
Issue Date (mm/dd/yyyy)

Signatures:

*Ronald Stead*  
Signature

RONALD STEAD  
Printed Name

*Paul DiCiccio*  
Signature

PAUL F. DiCiccio  
Printed Name

*Christopher J. Weepe*  
Signature

Christopher J. Weepe  
Printed Name

*Laymond Kelly Jr*  
Signature

Laymond Kelly Jr  
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name



**WPA Form 7 – Extension Permit for Orders of Conditions**

224-513

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

**C. Recording Confirmation**

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Millbury Conservation Commission  
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

192-194 Millbury Ave  
Project Location

224-513  
DEP File Number

has been recorded at the Registry of Deeds of:

Worcester  
County

for:

Katherine Fairbanks  
Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Book

\_\_\_\_\_  
Page

If recorded land the instrument number which identifies this transaction is:

\_\_\_\_\_  
Instrument Number

If registered land, the document number which identifies this transaction is:

\_\_\_\_\_  
Document Number

\_\_\_\_\_  
Signature of Applicant

ATTEST: WORC. Kathryn A. Toomey, Register

# Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 11/8/2021 2:14:59 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
148764	ORDER		66357/186	10/22/2021	
<b>Property-Street Address and/or Description</b>					
192 MILLBURY AVE					
<b>Grantors</b>					
FAIRBANKS KATHERINE, MILLBURY TOWN CONSERVATION					
<b>Grantees</b>					
<b>References-Book/Pg Description Recorded Year</b>					
64695/351 DEED 2021					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					







**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
224-0826  
 MassDEP File #  
 \_\_\_\_\_  
 eDEP Transaction #  
Millbury  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Worcester  
 a. County \_\_\_\_\_ b. Certificate Number (if registered land) \_\_\_\_\_  
64695 \_\_\_\_\_ 351 \_\_\_\_\_  
 c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: 08/30/2021 \_\_\_\_\_ 10/6/21 \_\_\_\_\_ 10/6/21 \_\_\_\_\_  
 a. Date Notice of Intent Filed \_\_\_\_\_ b. Date Public Hearing Closed \_\_\_\_\_ c. Date of Issuance \_\_\_\_\_
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Site Plan 192 Millbury Ave \_\_\_\_\_  
 a. Plan Title \_\_\_\_\_ b. Prepared By \_\_\_\_\_  
Robert G Murphy and Assoc. \_\_\_\_\_ Norman Hill \_\_\_\_\_  
8/25/2021 \_\_\_\_\_ 1"=10' \_\_\_\_\_  
 d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_
- f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply    b.  Land Containing Shellfish    c.  Prevention of Pollution  
 d.  Private Water Supply    e.  Fisheries    f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply    h.  Storm Damage Prevention    i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



**Massachusetts Department of Environmental Protection**  
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**B. Findings (cont.)**

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	_____ c. nourishment cu yd	_____ d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	_____ a. square feet	_____ b. square feet	_____ c. nourishment cu yd	_____ d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or Inland Land Under Waterbodies and Waterways, above			
	_____ a. c/y dredged	_____ b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____ a. square feet	_____ b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet





Massachusetts Department of Environmental Protection  
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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 10/6/2024 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number 224-0826"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1)  is subject to the Massachusetts Stormwater Standards
- (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.





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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

#### See Attached Special Conditions

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The \_\_\_\_\_ hereby finds (check one that applies):  

Conservation Commission

  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
    - 1. Municipal Ordinance or Bylaw \_\_\_\_\_
    - 2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
  - b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
    - 1. Municipal Ordinance or Bylaw \_\_\_\_\_
    - 2. Citation \_\_\_\_\_
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

\_\_\_\_\_



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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

10/16/2021  
 1. Date of Issuance

Please indicate the number of members who will sign this form.

5  
 2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

*[Handwritten Signature]*

*Jeffrey Raymond*

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

*[Handwritten Signature]*

*PAUL T. DiCicco*

*Ronald Stead*

*Ronald Stead*

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

*[Handwritten Signature]*

*Raymond Kerry Jr*

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

*[Handwritten Signature]*

*Christopher J. Weagle*

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

by hand delivery on  
October 18/2021  
 Date

by certified mail, return receipt requested, on  
 \_\_\_\_\_  
 Date



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
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**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
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### G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

\_\_\_\_\_  
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

-----

To:

\_\_\_\_\_  
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

\_\_\_\_\_  
 Project Location

\_\_\_\_\_  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

\_\_\_\_\_  
 County

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

for: \_\_\_\_\_  
 Property Owner

and has been noted in the chain of title of the affected property in:

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

In accordance with the Order of Conditions issued on:

\_\_\_\_\_  
 Date

If recorded land, the instrument number identifying this transaction is:

\_\_\_\_\_  
 Instrument Number

If registered land, the document number identifying this transaction is:

\_\_\_\_\_  
 Document Number

\_\_\_\_\_  
 Signature of Applicant





## TOWN OF MILLBURY • CONSERVATION COMMISSION

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508-865-5411

Conservation Commission  
Ronald Stead, Chairman

Paul DiCiccio  
Raymond Keddy  
Christopher Weagle  
Jeff Raymond

### Special Conditions for DEP File #: 224-0826 Order of Conditions for:

Katherine Fairbanks  
192 Millbury Ave, Millbury, MA

#### General Conditions:

21. Cement trucks shall not be washed on the site. Any deposit of cement or concrete products into the wetland areas shall be removed by hand.
22. The Commission reserves the right and opportunity to modify this Order, or to require a new Notice of Intent to reflect concerns or issues raised, or project changes or mitigation measures proposed or required by other agencies and departments reviewing this project.
23. Additional Alteration Prohibited; There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
24. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order (and Town Bylaw and Bylaw Regulations).
25. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
26. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this Order, and that are created or modified after the issuance date of this Order, along with a statement that

this Order shall supersede any conflicting contractual arrangements, plans or specifications.

27. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.
28. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
29. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.
30. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein.
31. There shall be no pumping of water from wetland resource areas.
32. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from rivers, unless specified in this Order.
33. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
34. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent.
35. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
36. Removal and storage of hazardous waste, if in an area subject to protection under Massachusetts Wetlands Protection Act and Town Bylaw:
  - a. Shall be conducted only when approved and directed by the Department of Environmental Protection, Environmental Protection Agency or other applicable state or federal agency under which

remedial activities are directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.

- b. All hazardous materials, products and waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the Order of Conditions and appropriate state and federal licensing and permitting agencies.
  - c. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
  - d. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, Board of Health, Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency.
  - e. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.
37. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Massachusetts Wetlands Protection Act or the Town's Bylaw.
38. This Order shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.
39. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

**Appendix D: RMA Site Plans dated October 19, 2021**





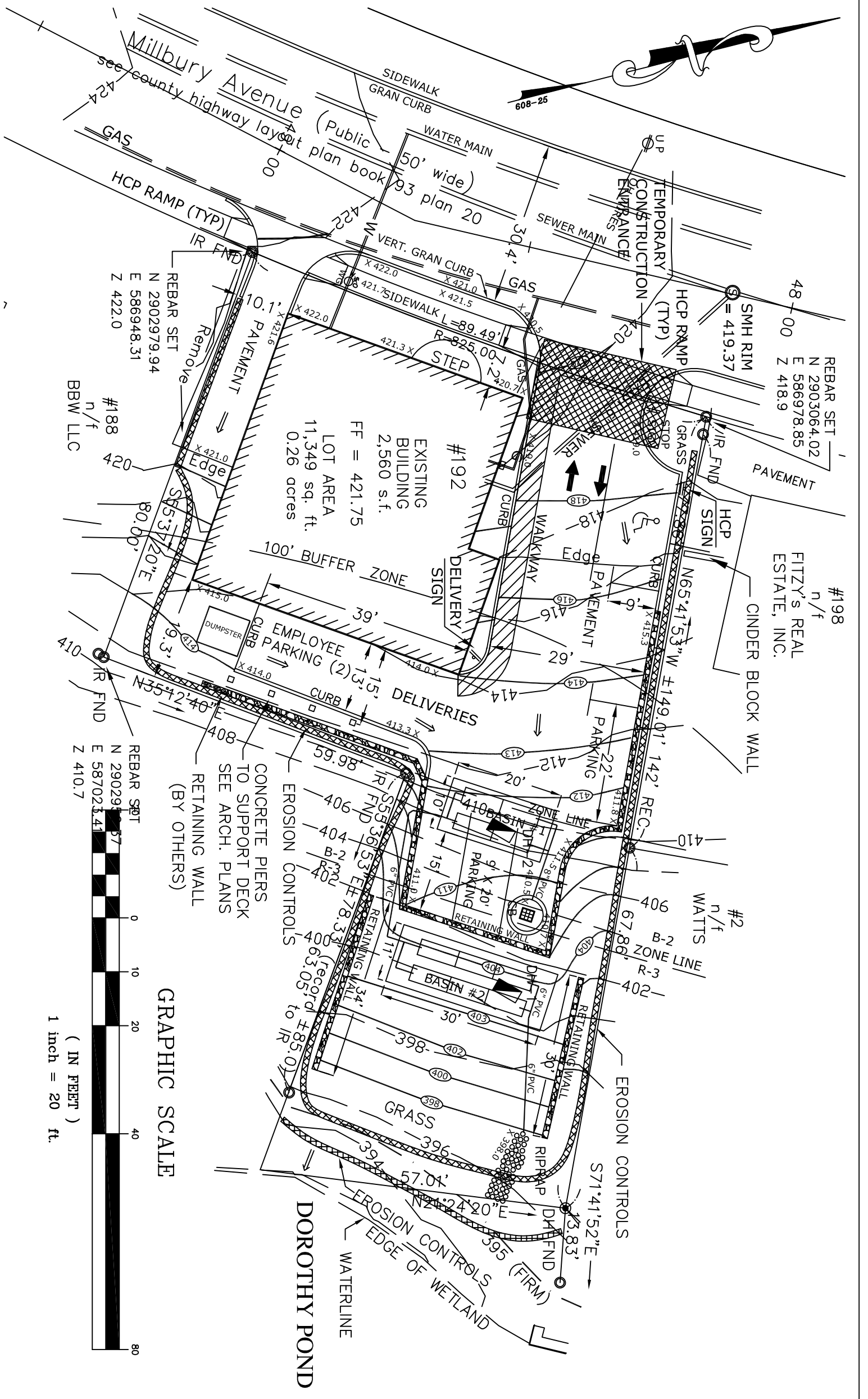


**CONSTRUCTION SEQUENCE - EROSION & SEDIMENTATION CONTROL**  
**192 MILLBURY AVENUE, MILLBURY, MASSACHUSETTS DEP FILE #24-0826**

The following is a list of the proposed construction sequence and erosion controls for the redevelopment of the existing commercial site.

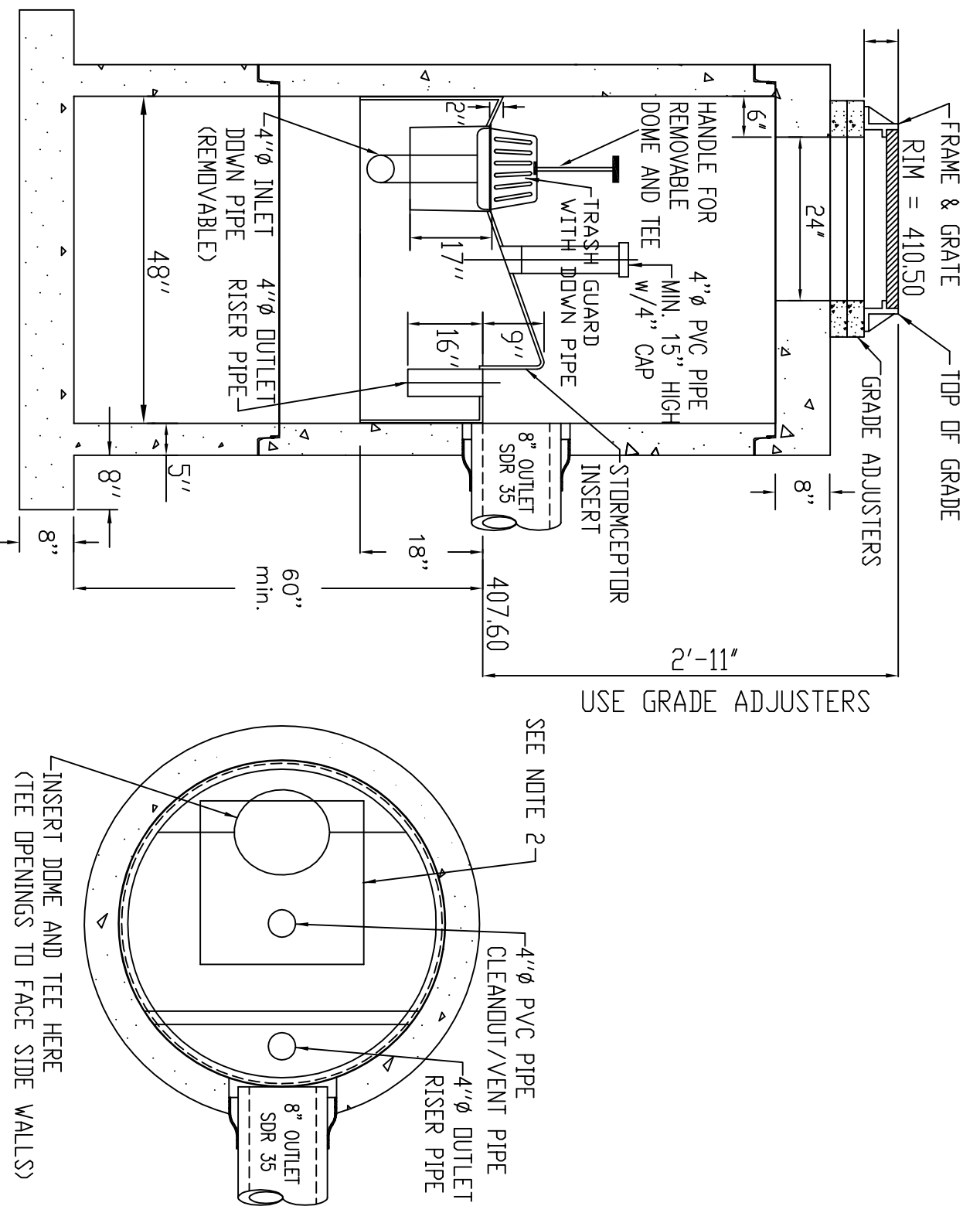
- The contractor and all sub-contractors are to be made aware of the Conditions of Approval as issued by the Millbury Conservation Commission. A copy of this permit and the approved plans are to be readily available for inspection purposes, on site at all times.
- Prior to the commencement of construction, the owner of the project is to conduct an onsite pre-development meeting with all concerned parties. Present at this meeting shall be the owner and/or their legal representatives, the project superintendent for the general contractor, the environmental consultant, and site-contractors responsible for the installation of the erosion and sedimentation controls. During this meeting, the limits of land clearing and perimeter of construction shall be clearly identified. The names and telephone numbers of these parties are to be supplied to the Millbury Conservation Commission to avoid time delays during emergency situations.
- The parking area rough grading and land clearing activities are to be completed during the first phase of this project. For this reason, all the erosion controls are to be in place and inspected prior to the commencement of construction. Approved erosion controls are to be installed where shown on the site plans and are to function as a limit of work. The temporary detention basins are to be constructed with no outflow at this time. The contractor is responsible for the daily maintenance of the erosion controls and to identify and correct all sources of erosion immediately. Due to the possibility of high intensity rainfall during thunderstorms and hurricanes, a "protective" approach to controlling erosion will be required. Refer to the Stormwater Management - Operation and Maintenance Schedule in this report.
- All earth removal and land clearing activities within the entire site are to be done with minimal amounts of securing and removal of the existing topsoil to limit the potential for erosion. The staging areas for clearing activities are to be located well away from all wetland areas. Additional erosion controls may be required along the perimeter of the temporary staging area. Chipping of tree limbs is recommended to provide greater erosion control along exposed slopes. At no time are the chips to be directed onto adjacent properties. Construction materials are to be stockpiled well away from the temporary sediment basins in a manner that will not impact the adjacent wetlands.
- The removal and rough grading of the site should commence in the south-western area away from the roadway where possible. Access to the excavated areas will be limited to the temporary construction entrance. Progressing in a north-westerly direction in a stepped manner will allow the contractor to identify the potential runoff drainage routes before they become a problem. Stabilization of disturbed slopes with wood chips and bark mulch will provide protection at this stage of construction. It should be noted that the contractor will be responsible for the "common sense" approach of maintaining the temporary sediment basin during all phases of this project. Refer to the Stormwater Management plan for additional details.
- All work adjacent to Millbury Ave. shall be performed in accordance with the 1988 & 1995 editions of the Commonwealth of Massachusetts Highway Department Standards and Specifications for Highways and Bridges, and the Supplemental Specifications dated July 11, 2015. The Millbury Department of Public Works (DPW) is to be contacted prior to the installation of utilities adjacent to the highway.
- The permanent surface and subsurface infiltration structures are to be installed once the land clearing is completed and the need for heavy equipment passing through the site is limited. The catch basins are to be fitted with Silt Sack as soon as possible to limit unnecessary sediments from entering. In trenches where drainage runoff is expected, special care is to be taken to avoid routing water through gutters toward the lower property. All utility trenches are to be fitted on a daily basis. Under no circumstances are utility trenches to be left open for a period exceeding twenty-four hours. The contractor is to use proper judgment relative to construction practices during adverse weather conditions. No work is to be performed within 30 feet of Cold Spring Brook during periods of heavy rainfall. Staging areas for the heating, maintenance and storage of construction equipment are to be located where they will not impact the wetland resource areas and all adjacent properties.
- All spillages of petroleum products is to be cleaned immediately and disposed of following DEP guidelines. All construction debris is to be stored in dumpster trailers and removed in a timely fashion. In areas where the erosion control barriers have been damaged, they are to be repaired immediately. Extra straw wattles and silt fence fabric are to be stored on site for this purpose.
- All exposed slopes are to be stabilized as soon as possible. No slopes are to be left untreated for a period exceeding fifteen days. A heavy fiber Hydroseed mixture with a tackifier will limit the potential for erosion of fine sediments along graded slopes that are not yet completed. Special care is to be taken to limit drainage runoff from concentrating within the graded slopes and channeling toward the recently stabilized areas.
- Once the rough grading of the pavement has been completed and the temporary entrance is installed, the mobilization of various construction vehicles throughout the site will be possible. For this reason, the daily stabilization of the exposed cut and fill slopes should be a priority over all the other construction activities from this point on. Vegetated areas should be planted and maintained in an immediate succession to the completion of underground utilities. Vegetated slopes greater than 2 to 1 are to be stabilized with a layer of organic mulch to limit fine soil particles from eroding and to stabilize the infiltration trenches. The installation of all underground utilities within the site will require a coordinated effort by the various subcontractors to assure the least amount of time that open trenches are exposed within the buffer zones. In areas where exposed trenches may project outside of the stabilized slopes, it may be necessary to install temporary erosion control barriers to limit routing drainage through the unstabilized soils. This applies to sloped swales and culverts as well.
- Once the site utilities have been completed and inspected as per the Order of Conditions, the binder course of pavement is to be installed. As previously stated, the paved areas are to be constructed as a single phase. However, the paving may be completed as a progression of steps to protect the completed sub-base within the parking areas from erosion. As a result of the introduction of the increased impervious areas as well as the reduction of drainage flows within the immediate site, there will be an increase in storm water flows to the down-slope areas. Special attention to prevent concentrated discharges from bypassing the stormwater detention controls will be necessary at this time. Temporary erosion control barriers will need to be maintained daily during this period.
- During periods of heavy rainfall, there may be occurrences of erosion of the unstabilized slopes once the pavement has been installed. Immediate attention to the maintenance of these eroded areas will further ensure the successful stabilization of the down gradient slopes while limiting the impacts to the specific areas. Wood chips and stump grindings provide an excellent source for creating temporary check dams to control drainage runoff during high intensity storms. During the summer months it is crucial for the protection of all vegetated slopes that concentrated flows of runoff be directed away from recently stabilized areas. For this reason, the general contractor will be responsible to delegate authority to at least one individual who will be available at a moment's notice (7 days a week).
- Periodic inspections of the entire construction site are to be performed by a competent representative who will ensure the adherence to the regulations as set forth in the Clean Water Act, as amended (33 USC 1251). An authorized Agent of the Millbury Conservation Commission may conduct inspections of the jurisdictional areas and consult with the project engineer as necessary before, during and after the commencement of construction.
- Robert G. Murphy is to be granted authority by the owner of the project to monitor the erosion and sedimentation controls and to cease and desist all construction activities if, in his discretion, said activities are in violation of the Stormwater Management Permit and supporting documents. Refer to the recorded Order of Conditions.

- The contractor is to allow unimpeded access to the site by the authorized Agent of the Millbury Conservation Commission in order that they may view the construction procedures. Members of the Municipal Boards and/or their Agents shall not engage in the direction of construction procedures or other areas of current construction activity without first notifying the General Contractor and/or their representatives. All complaints and/or concerns are to be done through the proper "chain of command". No unauthorized individuals are to enter the construction area without the expressed consent of the owner and/or their representatives. All parties are to be properly insured (with adequate proof) before entering the construction site.
- It is the responsibility of the owner to verify that all construction permits for this project are obtained and kept up to date. Once the project has been completed, the owner is to notify the Millbury Conservation Commission and the Board of Health in order to complete the specific requirements for certification.



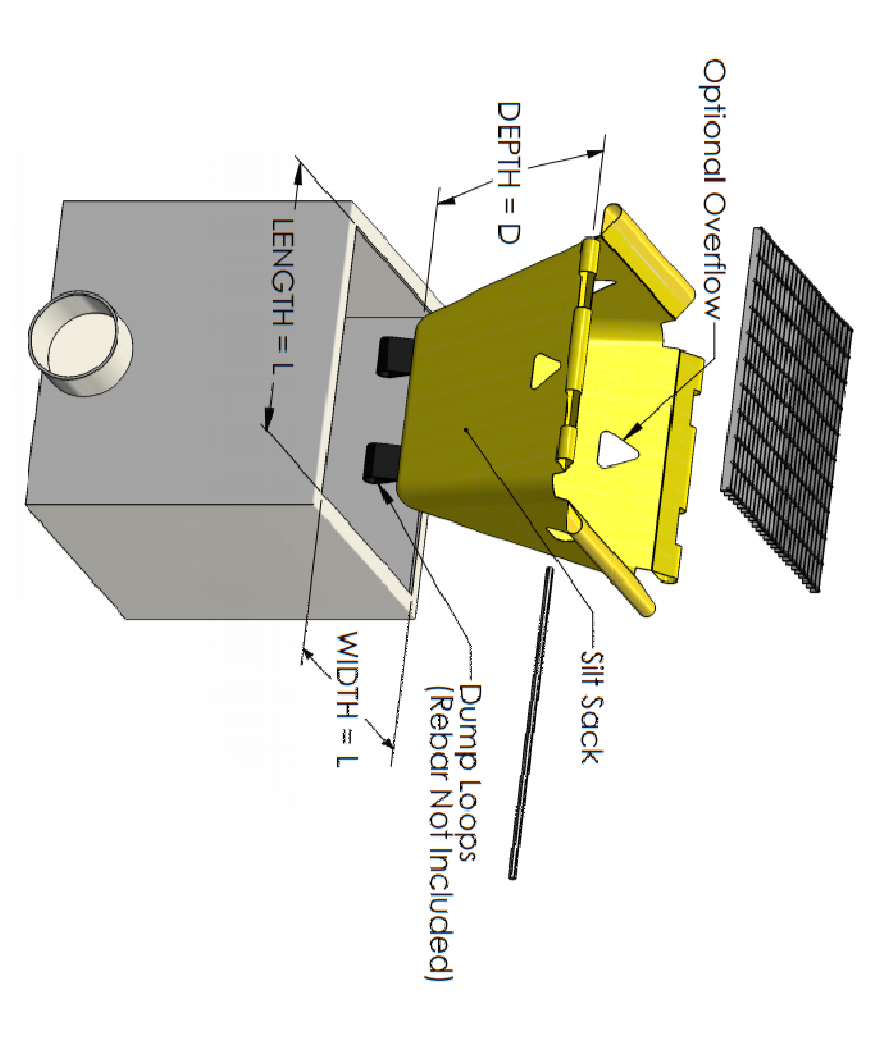
**EROSION & SEDIMENT CONTROL PLAN**

**STC 450i Precast Concrete Stormceptor**  
 (450 US Gallon Capacity)

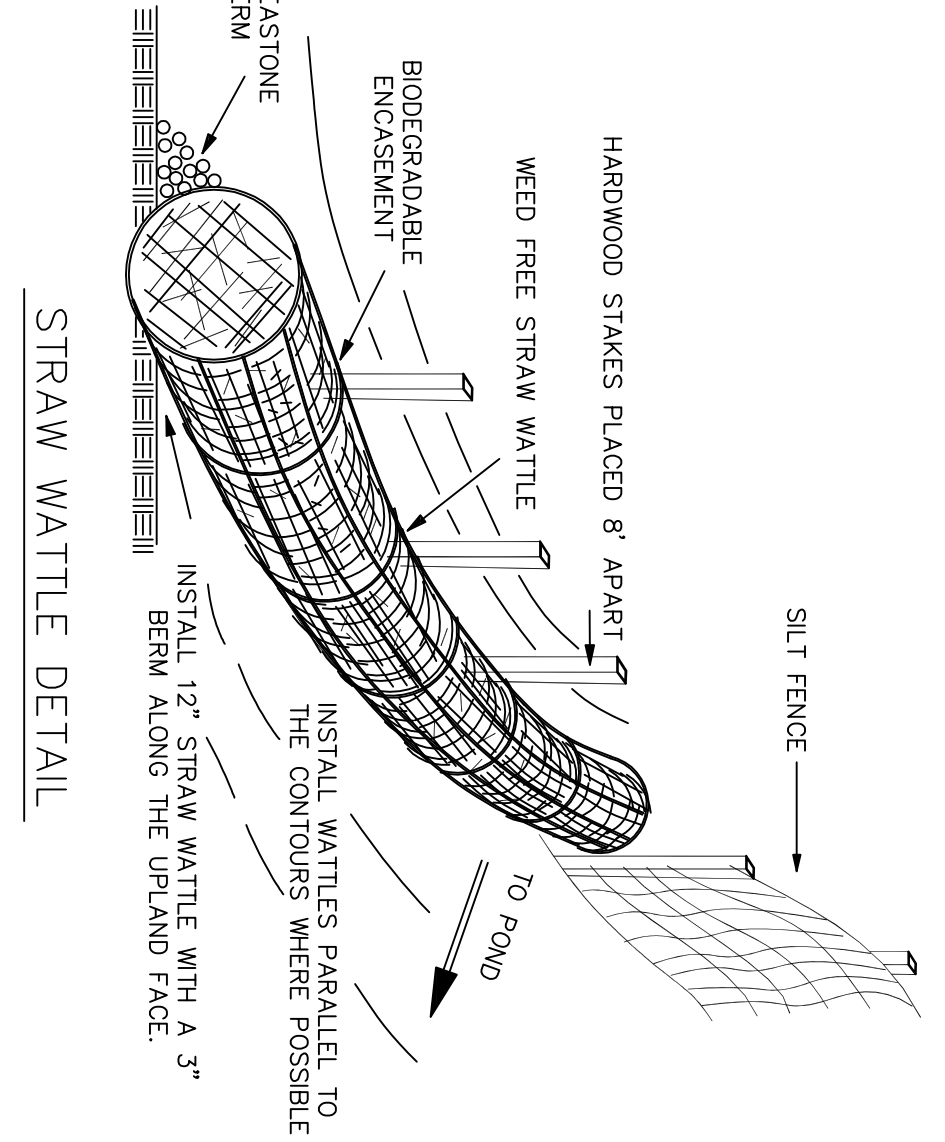


- NOTE:
- THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE OUTLET WHERE APPLICABLE.
  - THE COVER SHOULD BE POSITIONED OVER THE 4" Ø CLEANOUT/VENT PIPE AND THE 4" Ø INLET DOWN PIPE.
  - OFF THE FOLLOWING U.S. PATENTS: #4985148, #5498331, #5725780, #5753115, #5849181.
  - CONTRACTOR TO PROVIDE CRANE TO SET UNIT (HEAVIEST SECTION WEIGHS 5000 LB)

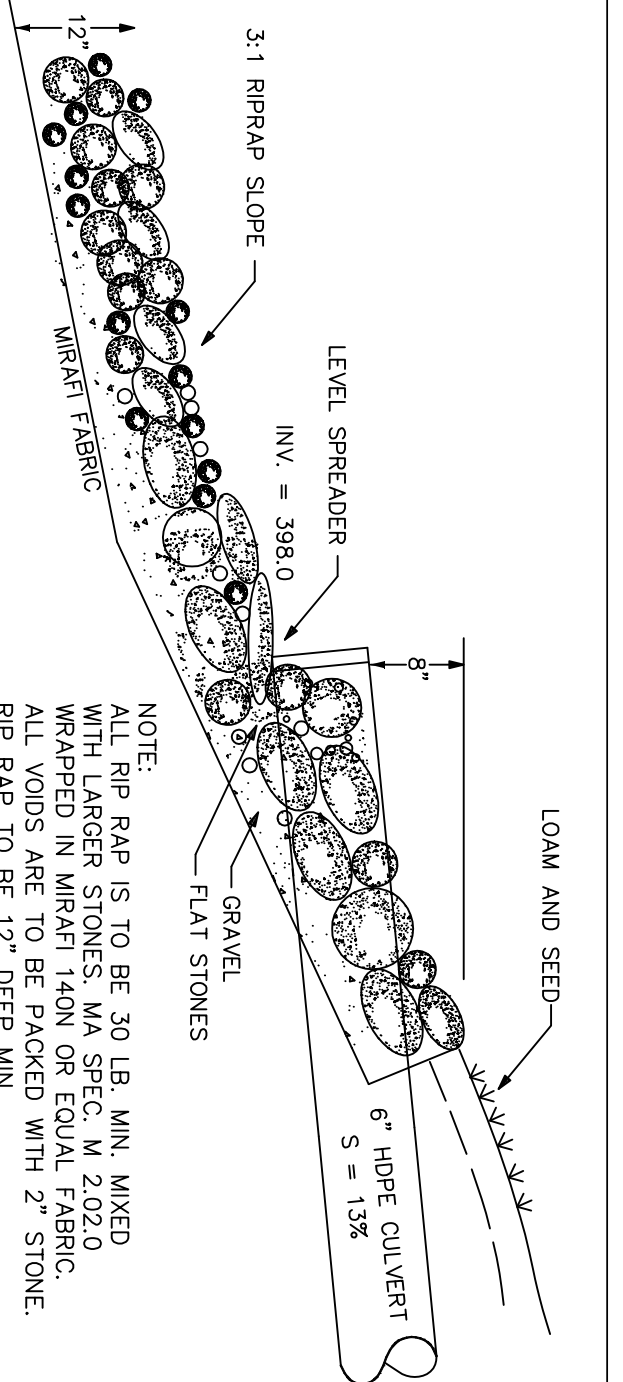
**STORMCEPTOR® STC 450i CATCH BASIN**  
 NTS



**POLYPROPYLENE SILT SACK**



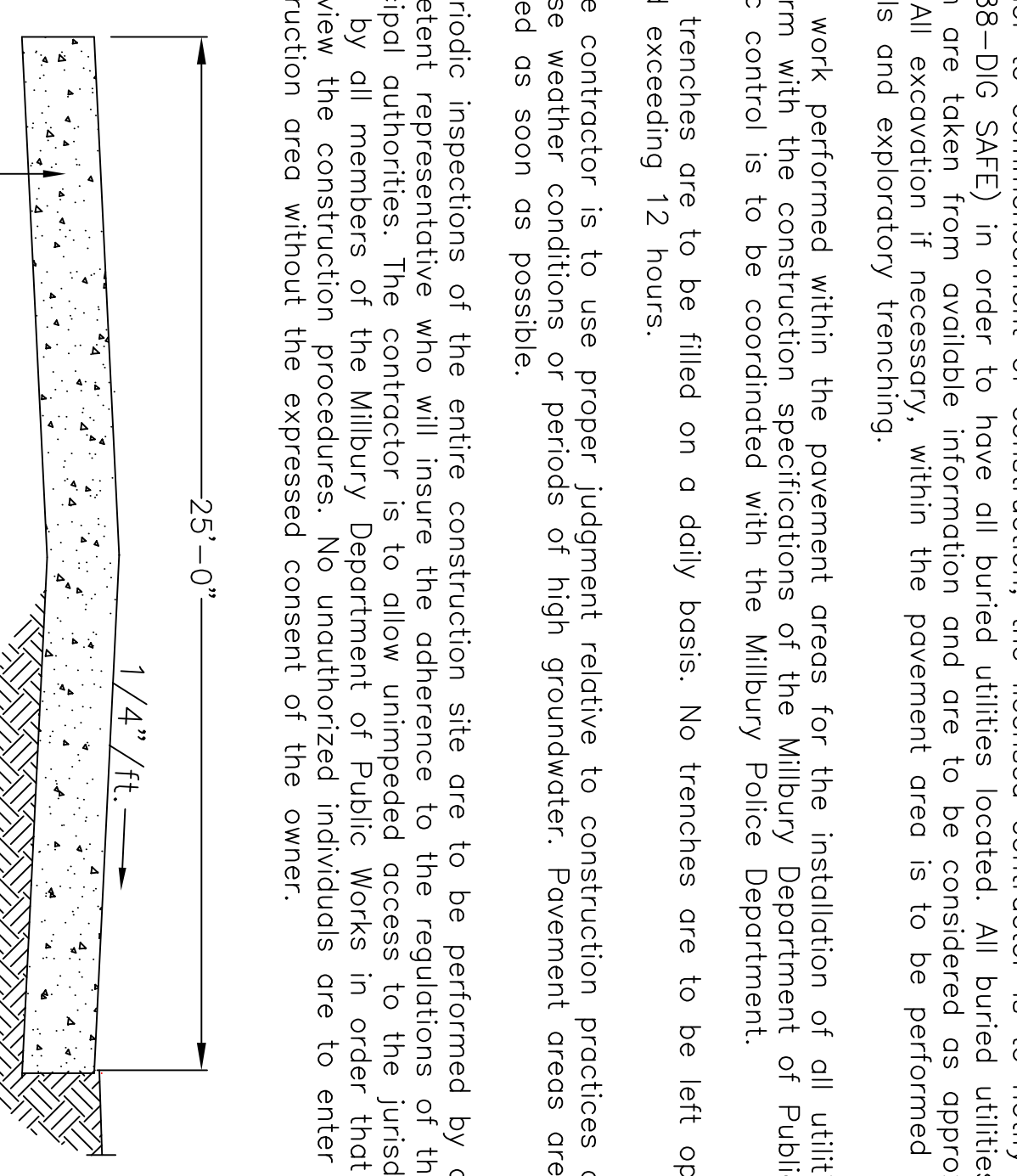
**STRAW WATTLE DETAIL**



**HDPE CULVERT-OUTLET DETAIL** N.T.S.

RIPPRAP SIZING IS BASED UPON THE ISBASH CURVE AS TAKEN FROM THE NATIONAL ENGINEERING HANDBOOK. THE MAXIMUM VELOCITY OF THE DRAINAGE OUTFLOWS IS EQUAL TO 6 FPS. 5" STONE WITH A MINIMUM WEIGHT OF 30 LBS IS TO BE PLACED AT THE DRAINAGE OUTFLOW.

- Prior to commencement of construction, the licensed contractor is to notify DIG SAFE (1-888-DIG SAFE) in order to have all buried utilities located. All buried utilities are shown on drawings from available information and are to be considered as approximate only. All excavation if necessary, within the pavement area is to be performed with hand shovels and exploratory trenching.
- All work performed within the pavement areas for the installation of all utilities is to conform with the construction specifications of the Millbury Department of Public Works. Traffic control is to be coordinated with the Millbury Police Department.
- All trenches are to be filled on a daily basis. No trenches are to be left open for a period exceeding 12 hours.
- The contractor is to use proper judgment relative to construction practices during adverse weather conditions or periods of high groundwater. Pavement areas are to be repaired as soon as possible.
- Periodic inspections of the entire construction site are to be performed by a competent representative who will insure the adherence to the regulations of the various municipal authorities. The contractor is to allow unimpeded access to the jurisdictional areas by all members of the Millbury Department of Public Works in order that they may view the construction procedures. No unauthorized individuals are to enter the construction area without the expressed consent of the owner.



**Temporary 25' Construction Entrance**  
 NTS

LEGEND	
—100—	EXISTING TOPO
—(2)4—	PROPOSED GRADE
—S—	BUILDING SETBACK
—W—	UTILITY POLE
—>—	DRAINAGE FLOW
—E—	ELECTRIC LINE
—S—	SEWER LINE
—W—	WATER LINE

DEP FILE # CERO 224-0826 SHEET 2 OF 3  
 DESIGNED BY: R G Murphy DRAWN BY: R G Murphy DATE: 8-25-2021

**ROBERT G. MURPHY & ASSOC., INC.**  
 ENVIRONMENTAL CONSULTANTS  
 214 Worcester Street  
 No. Grafton, Massachusetts 01536  
 Fax: (508) 839-5914

**STORMWATER MANAGEMENT PLAN**  
 192 MILLBURY AVE.  
 MILLBURY, MASSACHUSETTS

REVISIONS: AS PER STATE REVIEW DATED 9-24-21, RGN 10-19-2021

CONTRACTOR TO NOTIFY DIG SAFE  
 72 HOURS PRIOR TO ANY EXCAVATION  
 TELEPHONE NUMBER 1-888-344-7233  
 WWW.DIGSAFE.COM

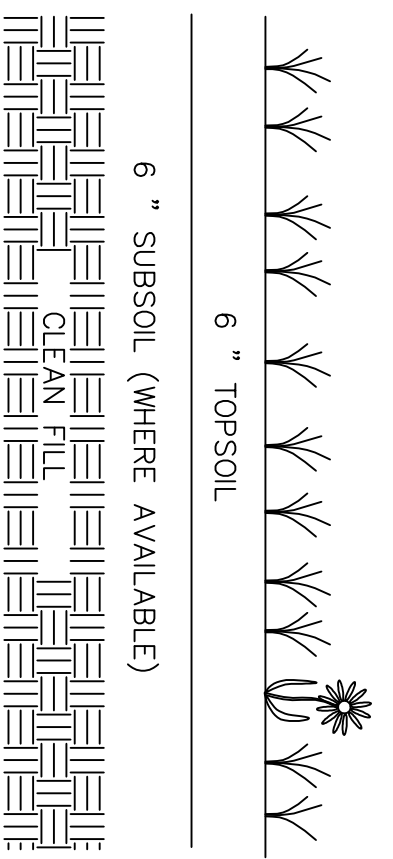
PROPOSED CONSTRUCTION IS NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE AE (395) REFER TO FIRM MAP 25027C0809E, 7-4-2011

**NORMAN G. HILL, PE**  
 10-19-2021  
 DATE  
 LAND PLANNING, INC.  
 214 Worcester Street  
 North Grafton, Massachusetts 01536

SITE PLAN APPROVED  
 MILLBURY PLANNING BOARD

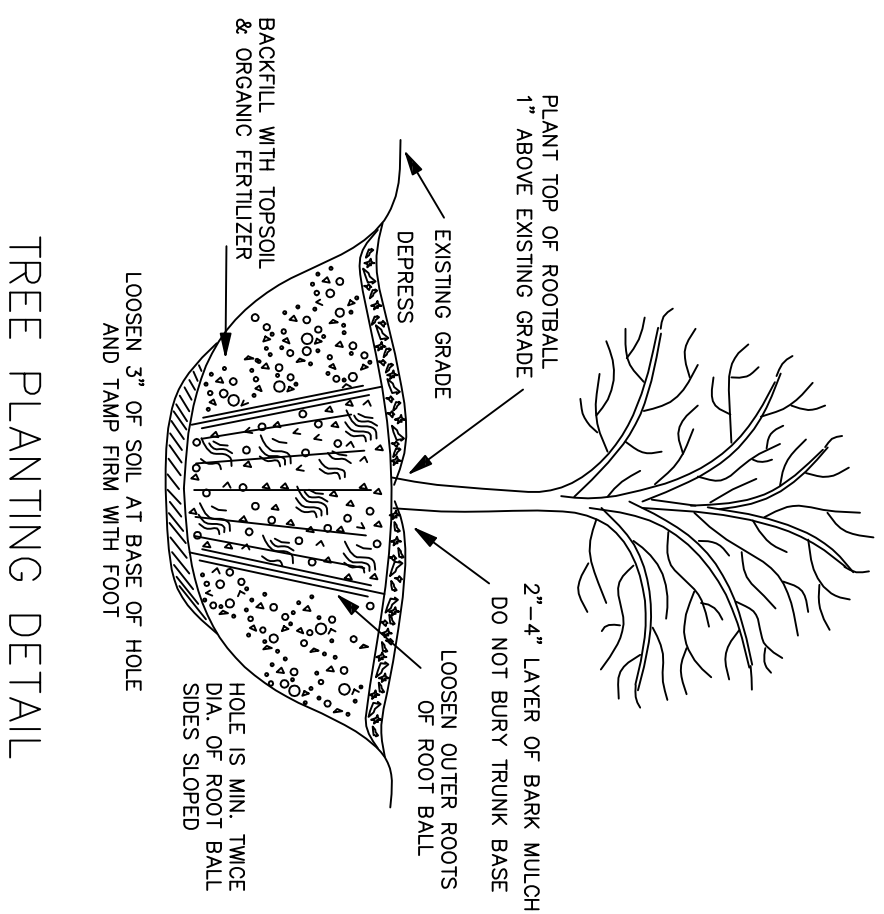
DATE \_\_\_\_\_



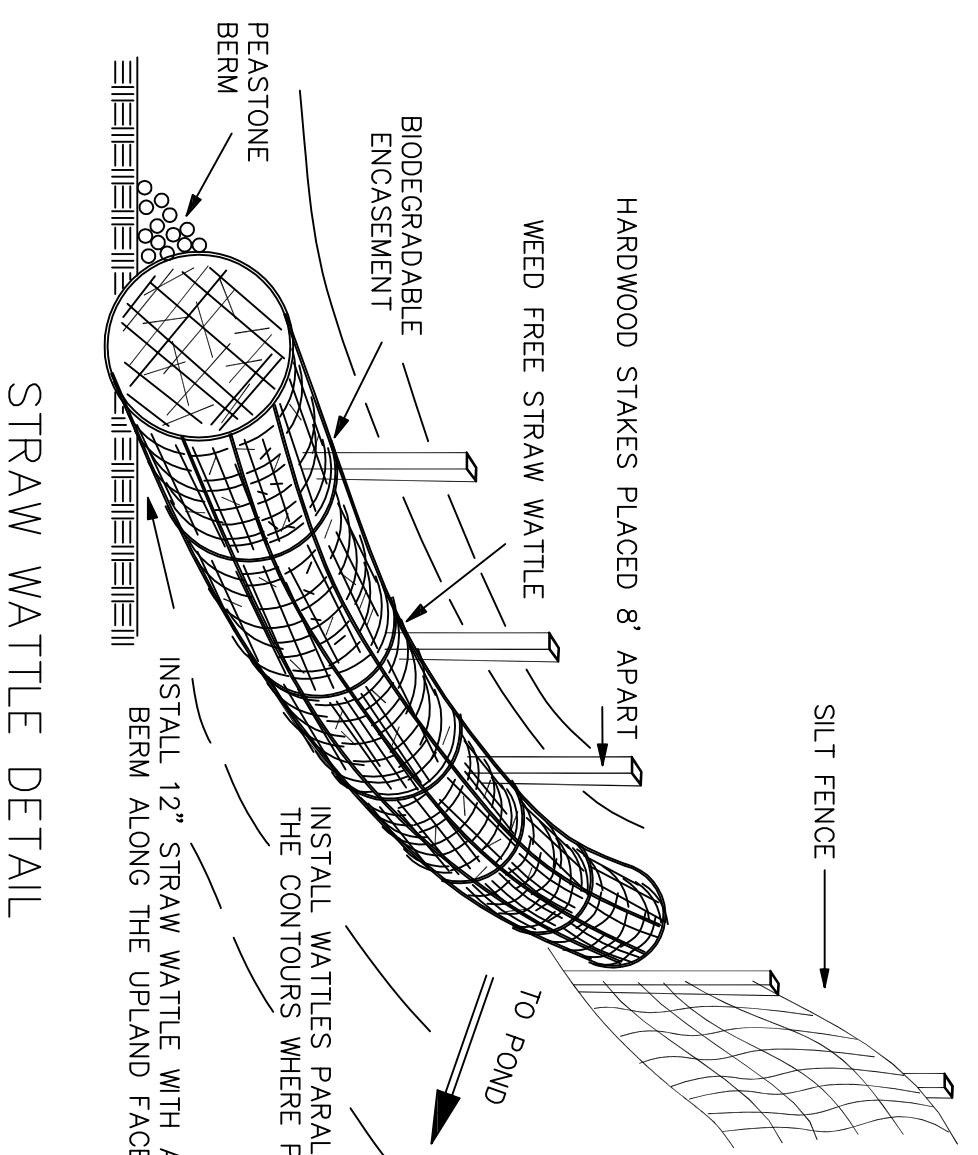


**LAWN PLANTING DETAIL**

USE NATIVE PLANTS - LOCALLY GROWN IN NEW ENGLAND TEMPERATE ZONE 5

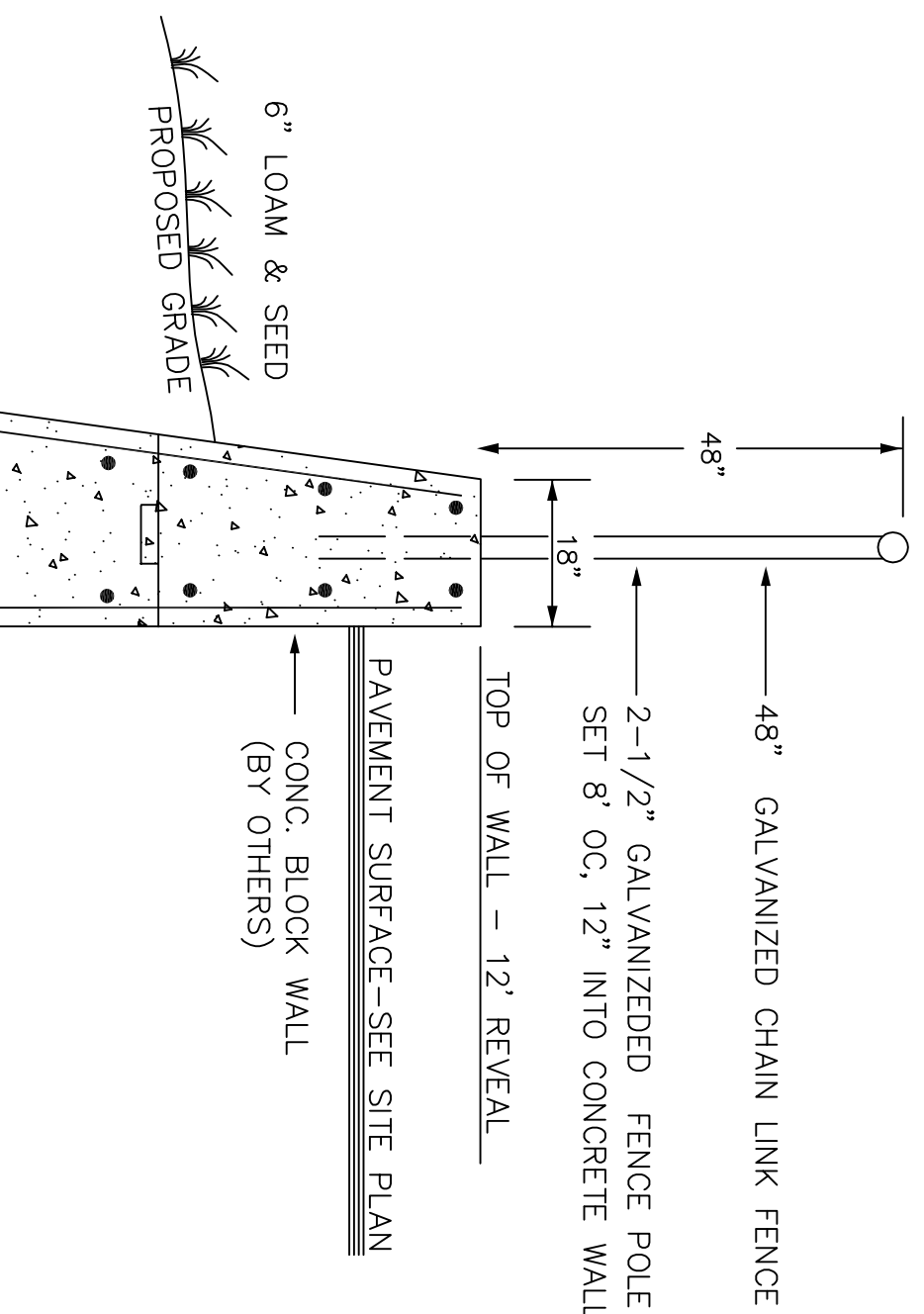


**TREE PLANTING DETAIL**



**STRAW WATTLE DETAIL**

EROSION CONTROLS ARE TO BE UPDATED AS REQUIRED DURING ALL CONSTRUCTION PHASES TO PREVENT SEDIMENTS FROM ENTERING DOROTHY POND.

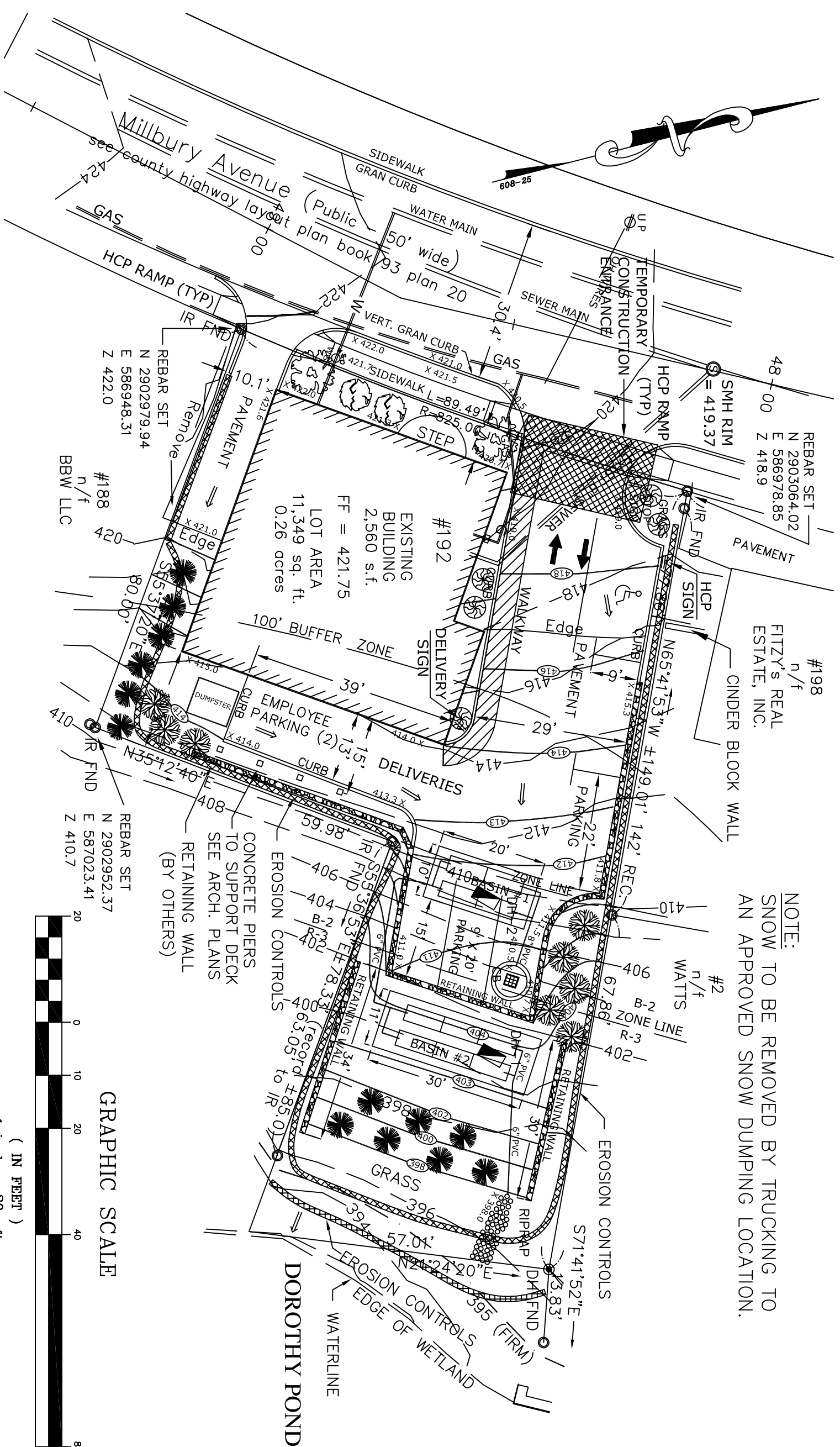
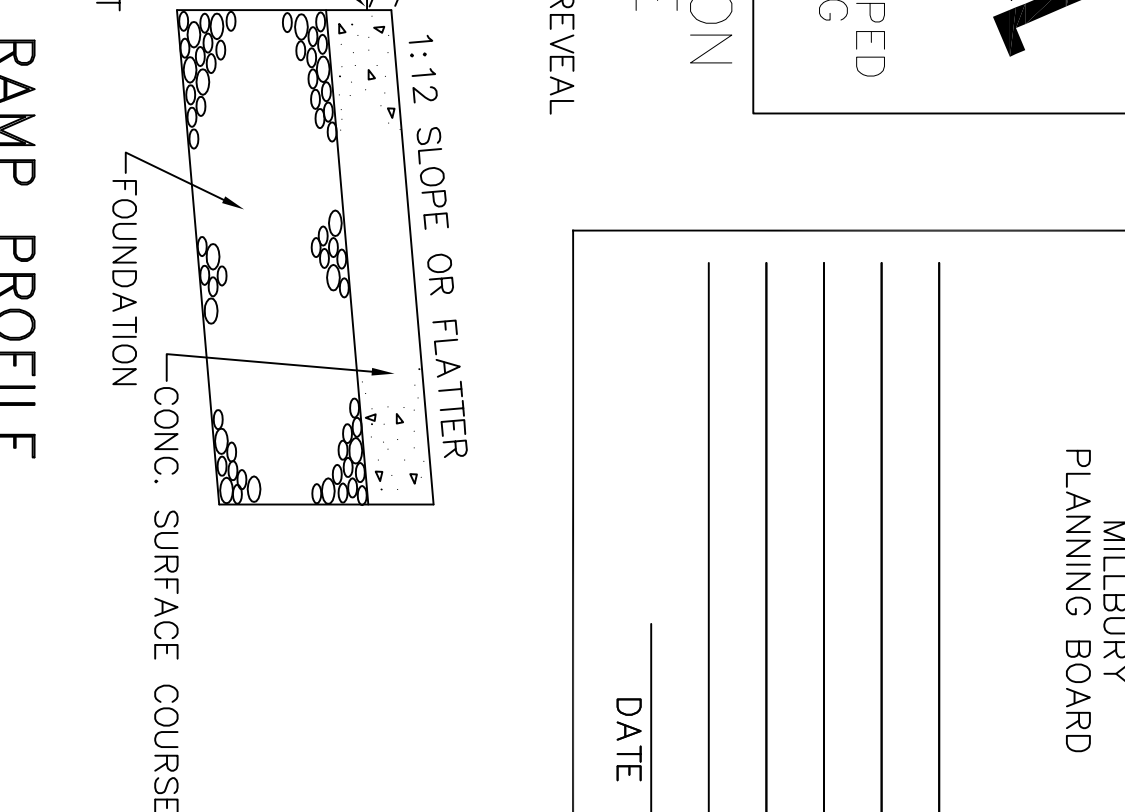
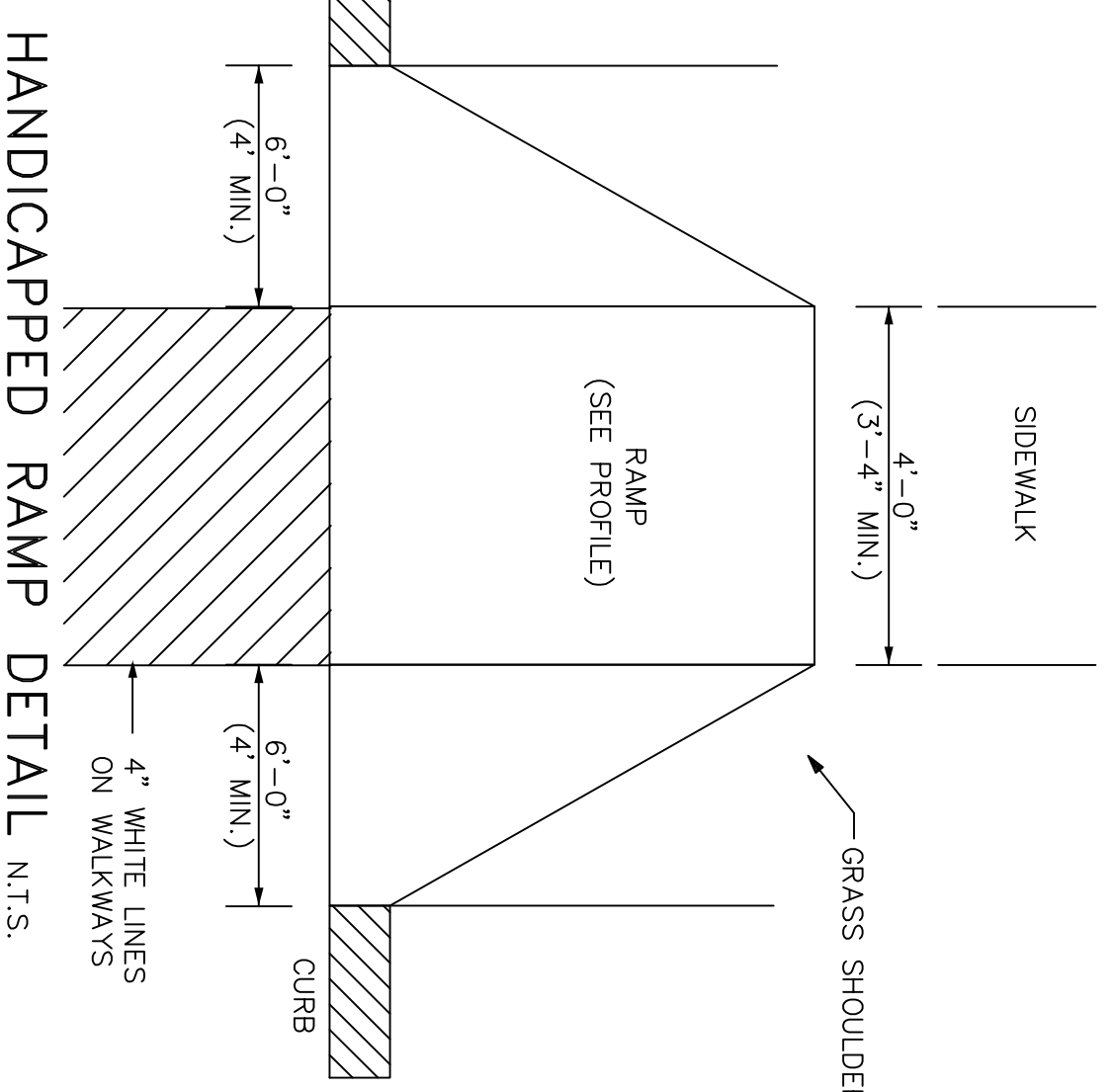


**LIST OF PLANT MATERIALS**

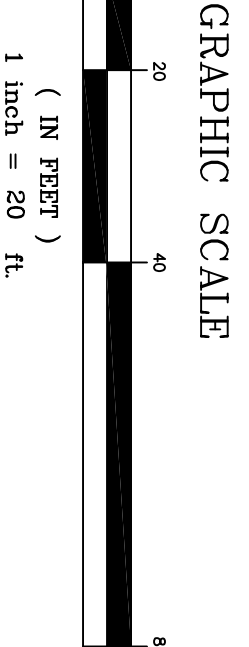
- USE NATIVE PLANTS - LOCALLY GROWN IN NEW ENGLAND TEMPERATE ZONE 5
- 2 MAUS Florida, Flowering Crab 2 1/2" Dia.
  - 8 THUJA Occidentalis, Emerald Arborvitae 4" Tall
  - 6 JUNIPERUS Sargentii, Sargent Juniper 18" Tall
  - 7 JUNIPERUS Pfitzeriana, Pfitzer Juniper 18" Tall
  - 2 RHODODENDRON Catawbiense, Pink Rhododendron 18" Tall

**SEC 33.2 PARKING REQUIREMENTS**

Three (3) parking spaces per two-bedroom, multi-family dwelling.  
Two (2) parking spaces for business employees. One (1) HCP Parking Total of 9 spaces provided.



**LANDSCAPE PLAN**



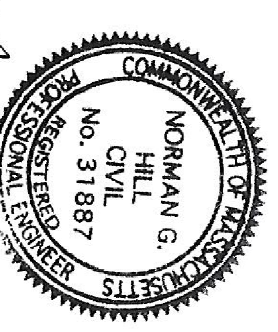
EXISTING GRADE = 401.0	EXISTING GRADE = 408.0
10" "A" SANDY LOAM TOR 3/2	48" "FILL" GRAVEL
30" "Bw" SANDY LOAM TOR 6/8	70" "C" SANDY LOAM TOR 6/6
"C" GRAVELY SAND MERIMAC FSL 2.5Y 6/4	NO NOTES
78" MOTTLED 394.5	96" WET 393.0

**SOIL LOG 1**

JULY 1, 2021  
192 MILLBURY AVE.  
MILLBURY, MA

**SOIL LOG 2**

JULY 1, 2021  
192 MILLBURY AVE.  
MILLBURY, MA



**NORMAN G. HILL, PE**  
DATE: 10-19-2021  
LAND PLANNING, INC.  
214 Worcester Street  
North Grafton, Massachusetts 01536

ALL EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROXIMATE ONLY. THE PROPOSED SITE IS TO BE SERVICED WITH MUNICIPAL WATER, SEWER, GAS, TEL. & ELECTRIC AS REQUIRED.

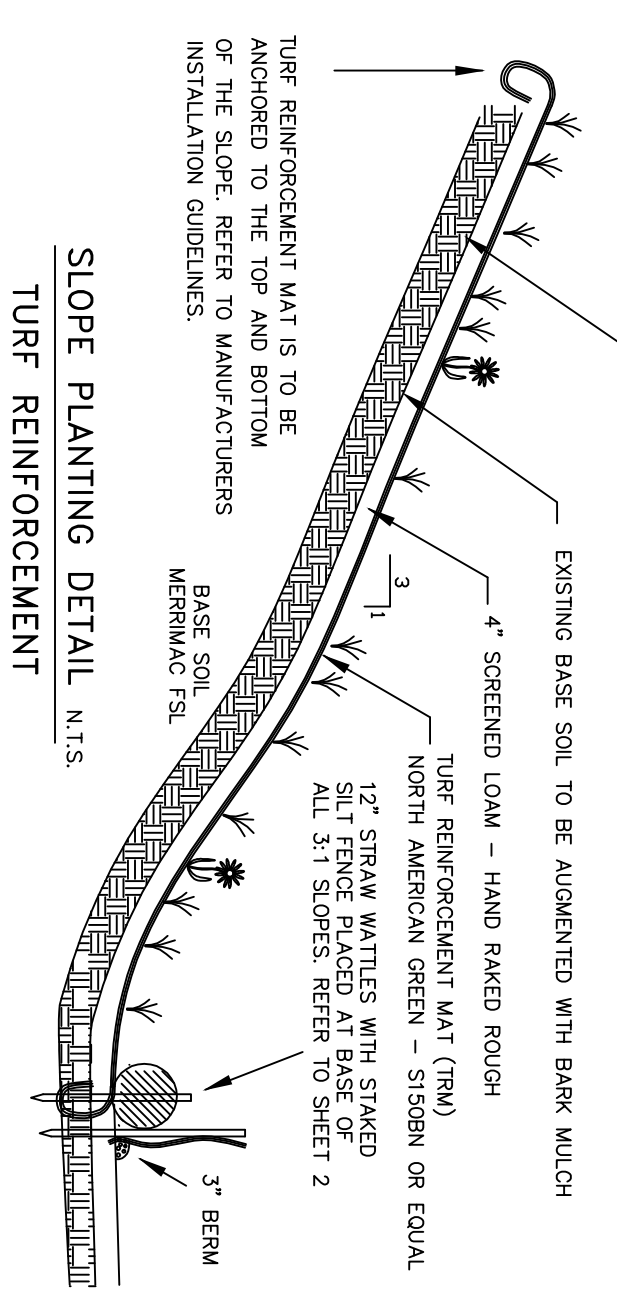
**MAINTENANCE - STORMWATER MANAGEMENT SYSTEM**

192 MILLBURY AVE., MILLBURY, MASSACHUSETTS

THE STORMWATER MANAGEMENT SYSTEM CONSISTS OF A HYDRODYNAMIC DRAINAGE SEPARATOR AND STONE LINED SUBSURFACE INFILTRATION CHAMBERS. THESE STRUCTURES ARE TO BE INSPECTED BI-ANNUALLY TO DETERMINE IF THEY ARE DRAINING PROPERLY AND OR REQUIRE MAINTENANCE. NO TREES OR SHRUBS ARE TO BE PLANTED OR ALLOWED TO GROW WITHIN THE TRENCHES AND SWALES. THE SUBSURFACE INFILTRATION CHAMBERS ARE TO BE KEPT CLEAN OF DEBRIS AND ORGANIC MATTER. ALL DOWNSPOUTS ARE TO BE SEALED AT THE BASE. THE FILTER BOX IS TO BE INSPECTED DURING SPRING AND FALL AND CLEANED AS NECESSARY. THE LANDOWNER IS TO BE PROVIDED WITH COPIES OF THE APPROVED SITE PLANS, ORDER OF CONDITIONS AND STORMWATER MANAGEMENT DOCUMENTS.

THE EROSION CONTROLS HAVE BEEN SHOWN IN A GENERAL MANNER. DURING THE COURSE OF THE PROJECT, THE EROSION CONTROLS WILL NEED TO BE INSPECTED AND UPDATED ON A DAILY BASIS RELATIVE TO EXISTING WEATHER CONDITIONS. ALL AREAS SUBJECT TO EROSION ARE TO BE REPAIRED IMMEDIATELY. TEMPORARY BASINS ARE TO BE CONSTRUCTED AS NEEDED.

LANDSCAPED SLOPES - ALL SLOPES GREATER THAN 3 TO 1 ARE TO BE COVERED WITH A MINIMUM OF 4" OF HARDWOOD BARK MULCH AND TAMPED IN PLACE. AREAS SUBJECT TO EROSION ARE TO BE STABILIZED WITH 4" RIP RAP AS REQUIRED.



**SLOPE PLANTING DETAIL N.T.S.**

ALL SLOPES GREATER THAN 3:1 ARE TO BE STABILIZED WITH A TURF REINFORCEMENT MAT (TRM) MANUFACTURED TO MEET THE FOLLOWING SPECIFICATIONS.

FUNCTIONAL LONGEVITY = 12 MONTHS  
FUNCTIONAL WIDTH = 12 FEET  
100% BIODEGRADABLE WITHIN 30 MONTHS  
6" WIDE X 100' LONG ROLLS, MINIMUM TENSILE STRENGTH = 156 X 110 LBS/FT<sup>2</sup>  
SHEAR STRESS = 1.80 LBS/FT<sup>2</sup>

DEP FILE # CERO 224-0926

DESIGNED BY: R. G. Murphy DATE: 6-25-2021  
DRAWN BY: R. G. Murphy DATE: 6-25-2021  
SCALE: 1" = 20' SHEET: 3 OF 3

**ROBERT G. MURPHY & ASSOC., INC.**  
ENVIRONMENTAL CONSULTANTS  
214 Worcester Street  
No. Grafton, Massachusetts 01536  
(508) 839-0310  
Fax: (508) 839-5914

**LANDSCAPE PLAN**  
192 MILLBURY AVE.  
MILLBURY, MASSACHUSETTS

REVISIONS: 45 PER STATE REVIEW DATED 9-24-21, ROW 10-19-2021