

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

NOTICE OF DECISION
ON
STORMWATER MANAGEMENT PERMIT

TOWN OF MILLBURY

Property located on Elm Street from its intersection with Harris Place to its Intersection with River Street, the Municipal Parking Lot and 112 Elm Street

2021 OCT - 1 AM 10:25
MILLBURY, MASS
TOWN OF MILLBURY

Applicant/Owner:

Date: September 27, 2021

Town of Millbury
Attn: Sean Hendricks, Town Manager
Municipal Office Building
127 Elm Street
Millbury, MA 01527

Premises Affected:

Municipal Parking Lot (Assessor's Map 53, Parcel 81)
112 Elm Street (Assessor's Map 53, Parcel 87)
Elm Street from its Intersection with Harris Place to its Intersection with River Street
Millbury, MA

On Monday, August 9, 2021, the Millbury Planning Board held a public hearing on the application of the Town of Millbury for a Post-Construction Stormwater Management Permit under Title 13, Chapter 13.15 of the Millbury Municipal Code for drainage upgrades proposed as part of the Armory Village Green Infrastructure Project- Phase II. Infrastructure upgrades include installation of porous pavers, rain gardens, bioswales, deep sump catch basins, and landscaped areas. With the Applicant's consent, the hearing was continued to September 13, 2021 (no testimony taken) and September 27, 2021, on which date comments were received and the hearing was closed. Both sessions of the public hearing were broadcast live on Millbury Public Access Television, live-streamed on the Millbury Public Access Television website, and live-streamed via ZOOM video and audio conferencing, allowing members of the public to follow the proceedings of the Planning Board while they were occurring and allowing members of the public to participate in the hearing through real-time active participation, in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20, dated March 12, 2020 and Chapter 20 of the Acts of 2021. On September 27, 2021, the Planning Board voted to **GRANT** the stormwater management permit under Title 13, Chapter 13.15 of the Millbury Municipal Code subject to conditions, safeguards and limitations on time or use. VOTE: Members present: Mathew Ashmankas (abstain), Terry Burke Dotson (no), Bruce DeVault (yes), Richard Gosselin (yes), and Paul Piktelis (yes).

THE PLANNING BOARD


Richard Gosselin, Chairman

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

DATE FILED: June 14, 2021

RECORD OF PROCEEDINGS
On Application For A Stormwater Management Permit

Property located on Elm Street from its intersection with Harris Place to its Intersection with River Street, the Municipal Parking Lot and 112 Elm Street

I, Richard Gosselin, Chairman of the Planning Board, hereby certify that the following is a detailed record of its proceedings relative to the application of the Town of Millbury for property located within the Elm Street right-of-way from its intersection with Harris Place to its intersection with River Street, within the Municipal Parking Lot (Assessor's Map 53, Parcel 81) and on 112 Elm Street (Assessor's Map 53, Parcel 87), Millbury, MA. The Town of Millbury seeks a stormwater management permit under Title 3, Chapter 13.15 of the Millbury Municipal Code (the "Property").

1. The Applicant desires to install drainage improvements.
2. The Property is shown on a plan entitled "Design Development Plans For Improvements to Millbury Downtown Phase 2, Elm Street From River Street to Municipal Lot", prepared by BL Companies, dated May 26, 2021, last revised September 21, 2021.
3. The Planning Board relied on the following documents, in addition to the testimony presented at the public hearing, in making its decision:

As amended through 2020	Millbury Municipal Code
May 26, 2021, revised September 21, 2021	Plan entitled "Design Development Plans For Improvements to Millbury Downtown Phase 2, Elm Street From River Street to Municipal Lot", prepared by BL Companies
May 25, 2021, revised September 2, 2021	Bound document containing Stormwater Management Summary and Memorandum, prepared by BL Companies
May 17, 2021	Document entitled "Operation & Maintenance Manual, Downtown Revitalization Project, Millbury, MA", prepared by BL Companies
July 9, 2021	Letter from GEI Consultants RE: Results of Test Pits and Laboratory Testing, Proposed Stormwater Improvements, Millbury Downtown Revitalization Project, Millbury, Massachusetts
September 2, 2021	Letter from BL Companies RE: Stantec Comments Dated July 5, 2021
September 13, 2021	Email from BL Companies RE: Planning Board Meeting 9/13/21
September 24, 2021	Email from BL Companies RE: Waiver
July 5, 2021	Letter from Stantec
September 23, 2021	Letter from Stantec

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DATE FILED: June 14, 2021

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June 14, 2021	Planning Director Questions, Comments and Recommendations
September 22, 2021	Planning Director Questions, Comments and Recommendations
June 26, 2021	Letter from Bob Simmler
September 14, 2021	Email Exchange Between Bob Simmler and Laurie Connors
September 27, 2021	Email from Matt Corey to Laurie Connors

4. On June 14, 2021, the Applicant submitted application materials to the Planning Board, a true copy marked as Exhibit A.
5. A legal ad, a true copy marked as Exhibit B, was published in the Millbury Sutton Chronicle, a newspaper of general circulation in Millbury, on July 15, 2021 and July 21, 2021 and posted by the Town Clerk on July 7, 2021. Notices of the hearing were mailed postpaid to the Applicant, abutters of land within 300 feet of the property line, being the same persons named in the Certified List of Abutters, to the Central Massachusetts Regional Planning Commission, and to the Planning Boards of every abutting community.
6. On August 9, 2021, the Planning Board opened the public hearing for the purpose of considering the application and receiving comment thereon. With the Applicant's consent, the hearing was continued to September 13, 2021 (no testimony taken) and September 27, 2021, on which date the Planning Board voted to close the public hearing. Five members of the Planning Board were present at both sessions of the public hearing when testimony was taken. After the public hearing was closed, the Planning Board acted on the waiver requests as follows:
 - a. Planning Board Fee Schedule: The Planning Board voted to waive the \$200 application fee.
 - b. Chapter 13.15.070(b)(6): The Planning Board voted to waive the requirement to meet an average annual pollutant removal equivalent to 80% for Total Suspended Solids (TSS) and 50% for Total Phosphorus (TP). Removal of these contaminants shall be to the maximum extent practicable.
7. After the hearing was closed and the waivers acted upon, the Planning Board, in accordance with Title 13, Chapter 13.15 of the Millbury Municipal Code, based upon its review of the projected impacts of the redevelopment project and having found that the Project is in conformance with the purposes of this Chapter, voted to **GRANT** the Stormwater Management Permit with conditions set forth as follows.
 - a. The Applicant shall comply with all applicable laws, by-laws, rules, regulations, codes, and obtain all necessary permits.
 - b. All rules and regulations of the Millbury Municipal Code shall be adhered to.
 - c. Any substantial change shall require application for a new permit. The Planning Board shall determine what constitutes a significant change.

- d. As part of the construction bid package, the Applicant shall revise the cross sections for each type of rain garden (Sheets DN11 through DN-14) to include test pit information and confirm separation of seasonal high ground water to bottom of the rain gardens where seasonal high ground water was observed in TP1, TP3 and TP4.
- e. As part of the construction bid package, the Applicant shall provide a detailed erosion and sedimentation control plan.
- f. Prior to construction, the Applicant shall provide the final versions of the Stormwater Pollution Prevention Plan (SWPPP) and erosion and sedimentation control plan to the Planning Board.
- g. Prior to construction, the Applicant shall perform test pits within the rain garden areas and porous paver areas within the Elm Street right-of-way to verify soil texture and seasonal high groundwater and shall provide the results for Planning Board review and approval. If necessary, the Applicant shall modify the rain garden design based on those results.
- h. All construction debris shall be disposed of in compliance with applicable local and state laws.
- i. Inspections shall be conducted at appropriate times in the construction schedule in accordance with Millbury Municipal Code, Title 13, Chapter 13.15.100. Any work which has been covered by subsequent work prior to inspection or is otherwise not available or obscured to the point of rendering inspection of the work difficult, shall be considered to be not acceptable to the Planning Board. Such subsequent work shall be removed as directed by the Planning Board or its representative to ensure availability of the work to be inspected as required herein.
- j. Hours of operation related to the construction of the project shall be limited to 7:00 AM to 5:00 PM, Monday through Friday, 8:00 AM to 4:00 PM on Saturday.
- k. Each condition of this permit shall be construed as separate to the end, and if any condition shall be held invalid for any reason, the remaining conditions shall continue in full force and effect.

Members present: Richard Gosselin (yes), Mathew Ashmankas (abstain), Terry Burke Dotson (no), Paul Piktelis (yes), Bruce DeVault (yes).

MILLBURY PLANNING BOARD


Richard Gosselin, Chairman

Exhibit A

TOWN OF MILLBURY
APPLICATION FOR STORMWATER PERMIT

APPLICANT:

NAME Town of Millbury

STREET 127 Elm Street CITY/TOWN Millbury

STATE MA ZIP 02157 TELEPHONE 508-865-4754

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

Deed recorded in the Worcester District Registry of Deeds Book N/A Page

SITE INFORMATION: Elm Street from South Main Street to River Street and the parking lot adjacent to the Millbury Baptist Church
STREET AND NUMBER Church

ZONING DISTRICT B1 & R1 ASSESSOR'S MAP/LOT #(S) 53-81

LOT SIZE N/A FRONTAGE N/A

CURRENT USE Public roads, parking lot and parks

PROJECT PLAN INFORMATION:

PLAN TITLE Town of Millbury Improvements to Millbury Downtown - Phase 1

PREPARED BY (name/address of PE/Architect) Nicholas Giardina PE
BL Companies, 100 Constitution Plaza, 10th Floor
Hartford, CT 06103

DATES May, 2021

USES FOR WHICH STORMWATER PERMIT IS SOUGHT
Reconstruction of municipal parking lot and roadway

CITE ALL APPROPRIATE SECTIONS OF THE GENERAL BYLAW WHICH PERTAIN TO THIS APPLICATION; USE AND SITE: Chapter 13.15 Warrant 32

TO THE MILLBURY PLANNING BOARD:

The undersigned, being the Applicant named above, hereby applies for a Stormwater Permit to be granted by the Planning Board and certifies that, to the best of applicant's knowledge and belief, the information contained herein is correct and complete.

Applicant's Signature

Property Owner's Signature (if not Applicant)

Exhibit B



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

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

MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Title 13, Chapter 13.15 of the Millbury Municipal Code, the Millbury Planning Board will hold a public hearing on Monday, August 9, 2021 at 7:00 p.m., at the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of the Town of Millbury, property located within the Elm Street right-of-way between its intersection with Main Street and its intersection with River Street and within the municipal parking lot located between Elm Street and Grove Street, for a Post-Construction Stormwater Management Permit under Chapter 13.15 of the Millbury Municipal Code. The proposed project modifies the existing drainage system to incorporate rain gardens, porous pavers and bioswales, resulting in a net reduction in impervious area of approximately 2,040 square feet.

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

Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Please publish in the Millbury Sutton Chronicle on July 15, 2021 and July 22, 2021.