

**Board of Appeals
Meeting Minutes
Wednesday, December 13, 2023
7:00 pm**

In accordance with Chapter 40A of the Massachusetts General Laws and the Zoning Ordinances with the Town of Millbury, a public hearing was held on Wednesday, December 13, 2023 at 7:00 p.m. remotely through Zoom.us/download. The meeting was recorded and streamed by Millbury Public Access Cable Television. Chairman Ken Perro presided.

Present: Chairman Ken Perro, Dan Mezynski, Michael Georges, Adam Kobel, Harold Proodian, Robert Simmarano, Derek McGovern

7:00 p.m. Call to order

Meeting Minutes

Ken Perro entertained a motion to approve the meeting minutes of November 29, 2023
Adam made a motion to approve the meeting minutes of November 29, 2023, Harold Proodian seconded, voted 5-0.

**7:05 p.m. Public Hearing Con't – 40B Comprehensive Permit
17 Rice Road –SJV Investments**

Chairman Perro detailed the guidelines for the public hearing.

Brian Faulk, Town Counsel, detailed the 40B process. He stated that Judy Barrett is the consultant assisting the Town with the 40B application received.

Alex Parra, Attorney, representing the applicant, detailed that the project is a subcategory of the Comprehensive Permit application in which the applicant working the local officials, Board of Selectmen to enter into a development agreement. There will be developer obligations to the town if the approval is approved. There are proposed infrastructure improvements to public ways and intersections near the proposed project and also financial donation to the Town. They received the project eligibility agreement in August of 2023.

James Tetreault, Azimuth Land Design, representing the applicant, presented the application of Rice Pond Village located at 17 Rice Road to the Board. He detailed the current site and showed the proposed three buildings. They received the Order of Conditions from the Conservation Commission. The decision was appealed by an abutter and DEP reconfirmed the wetland boundaries.

Mr. Tetreault detailed the soil finding and the proposed drainage system design which will be conservative post development. There is a single point of entrance to the project across from Thomas Hill Road.

The aisles within the development will be 24 feet wide with standard parking spaces. There will be a total of 192 units within the three units and each building will consist of 64 units.

They will comply with the Comprehensive permit requirement of twenty-five percent affordable units. They propose forty-eight affordable units.

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They will be connecting to town utilities and providing an updated study by the outside consultant from the previous application to the Planning Board.

They included a landscaping plan which was designed by a registered landscaping architect, as well as the site lighting. There will be eleven pole lights onsite.

The proposed utilities will be designed based on the updated code. They are currently reviewing heating options.

Three infiltration units are designed onsite and he detailed the locations. All the proposed drainage will be directed onsite and will comply with the Conservation Commission and MassDEP requirements.

Mr. Tetreault stated that if there are specific traffic inquiries he requested they be directed to the applicant's Traffic Engineer.

Chairman Perro inquired and Mr. Venincasa confirmed and the design plans were uploaded for Board review.

Discussion ensued regarding the height and design of the buildings.

Harold Proodian inquired and James Venincasa stated that they have similar projects in area. They would be able to visit the Boylston ongoing project if the Board members would want to visit the site.

Chairman Perro inquired and Mr. Venincasa stated that the recently completed 19 Canal project is a different design.

Mr. Tetreault confirmed that they have received the peer reviews from Stantec and the Town. They will be submitting updated plans to the Board by the deadline for the next meeting.

Chairman Perro stated that staff has received peer review letters.

Chairman Perro requested and Mr. Tetreault confirmed that the applicant's will provide the updated detailed response letter to the Board prior to the next meeting.

Chairman Perro inquired and Planner McCormack confirmed the timeline of receipt of documents.

Mr. Tetreault will submit the Fire Department review detailing the ladder trucks ability to access the site.

Michael Georges stated in reference to the Fire Department review for the application that was filed and Heard through the Planning Board comment, the Board of Appeals will review a completely new application and designs. He stated that the Planning Board rendered their decision and that the BOA will render a completely separate decision.

Mr. Tetreault requested to continue the public hearing to the next meeting scheduled for January 10, 2024 at 7pm.

Town Planner McCormack inquired and the Board did not have any questions at this time regarding the peer review comments received.

Attorney Parra confirmed with his client, that they will respond within timeframe requirement to peer review comments and Mr. Venincasa stated that they will make the deadline for the next meeting and will also provide the responses to the Stantec review letter.

Chairman Perro stated that his responsibility is to control the flow of the meeting and noted that the public should respect the public hearing process.

Chairman Perro reviewed the conduct for the Board meetings going forward.

Discussion ensued regarding the length of public comments and time designated for peer review updates.

Steve Stearns, 12 Thomas Hill Road, expressed concerns regarding the structure of the agenda for the meetings.


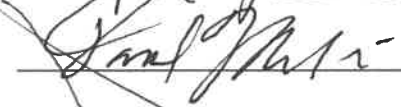


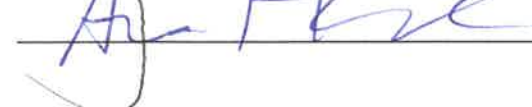


Harold Proodian made a motion to continue the public hearing to Wednesday, January 10, 2024, Michael Georges seconded, voted unanimously 5-0.

Adam Kobel made a motion to adjourn, seconded by Dan Mezynski, voted unanimously 5-0. Meeting adjourned at 8:11 p.m.

Respectfully submitted,

Stephanie Collins, Millbury Board of Appeals Administrator

Attest:

	Ken Perro, Chairman
	Daniel Mezynski, Vice Chairman
	Michael Georges, Clerk
	Harold Proodian
	Robert Simmarano
	Adam Kobel
	Derek McGovern