

J&B REALTY TRUST
c/o Bab-Far Equipment Corporation
1308 Main Street
Millis, MA 02054

March 20, 2017

Mr. Robert Cantoreggi, Chairman
And Board Members
Town of Millis Planning Board
900 Main Street
Millis, MA 02054

Re: Rezoning Petition-1280 Main Street

Dear Chairman Cantoreggi and Board Members:

I am writing to you in advance of the Public Hearing on my Petition to rezone a portion of my land located at 1280 Main Street from Residential to Industrial to request your support. Most of the land is zoned Industrial and has been used for commercial purposes for the last forty years. It is unclear to me when the zoning district line between Residential and Industrial was moved from the property boundary lines to a location cutting through my land, which has always been taxed as an Industrial property. In 1997 the Town granted a Special Permit to store construction equipment on the entire parcel. A rezoning of the entire parcel to Industrial as requested would be consistent with its commercial use.

In addition, the rezoning of the portion of my land now zoned Residential would allow a solar facility to be constructed on it, a use which is more desirable than its current use under the Special Permit or a residential use. The Town would benefit from additional tax revenues without the impact of increased burden on Town resources that accompany a residential use. To the extent abutters who reside on Cedar Street (which group includes me and my wife at 25 Cedar Street) have concerns regarding the Rezoning Petition, the property is already being used under the Special Permit for a commercial purpose and concerns as to a future use once rezoned would be fully addressed during a site plan review process.

Thank you for your time and consideration.

Very truly yours,


Bruce A. Berry

TOWN OF MILLIS

2017 SPRING ANNUAL TOWN MEETING

PETITION FOR RE-ZONING OF PROPERTY

TO: The Citizens of the Town of Millis
And the Honorable Board of Selectmen

February 21, 2017

WHEREAS, the undersigned is the owner of property located at 1280 Main Street, shown on Assessor's Map 22 as Lot 27, described in that certain Certificate of Title No. 147890 filed with the Land Registration Office for the Norfolk County Registry of Deeds in Registration Book 740, Page 90 and consisting of approximately 23.8 acres of land;

WHEREAS, said property is presently located in a split zoning district resulting in the property be zoned in part as "Industrial-I-P 2" and in part as "Residential R-S";

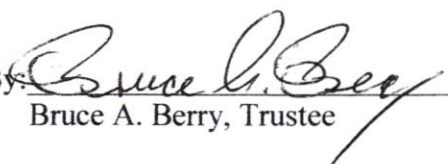
WHEREAS, said Industrial-I-P-2 zone permits large scale ground-mounted solar photovoltaic installations;

WHEREAS, said large scale ground-mounted solar photovoltaic installations are prohibited in residential zones, including Residential R-S districts, and all other zoning districts except for Industrial zones;

WHEREAS, the undersigned desires to have the zoning district boundary which splits the property into the two zoning districts altered so that the entire property is located within one zoning district, the Industrial I-P-2 zone, as the best use of the property is for industrial purposes, including the use of the property for the installation of a solar facility.

THEREFORE, the undersigned respectfully petitions that the Town vote, pursuant to M.G.L c. 40A and the Town of Millis Zoning Bylaw, to amend the official Zoning Map of the Town of Millis, Massachusetts dated June 8, 1959 and last amended on November 2, 2015 and as incorporated in Section III (c) the Zoning By-Law of the Town of Millis dated May 14, 1975 and last amended on May 9, 2016, so as to re-zone the property located at 1280 Main Street, shown on Assessor's Map 22 as Lot 27, described in a Certificate of Title No. 147890 filed with the Land Registration Office for the Norfolk County Registry of Deeds in Registration Book 740, Page 90 and consisting of approximately 23.8 acres of land so that the entire property is located within the Industrial I-P-2 zoning district.

Respectfully submitted,
J&B Realty Trust, Petitioner

By: 
Bruce A. Berry, Trustee

ARTICLE AMEND ZONING MAP

To see if the Town will vote pursuant to M.G.L. c. 40A, to amend the Town of Millis Zoning Map dated June 8, 1959, as amended, and rezone the following properties as stated:

From split zone Industrial I-P-2 and Residential R-S to Industrial I-P-2:

Assessor Map/Lot	Location	Lot Size	Title Reference
22/27	1280 Main Street	23.8 acres +/-	Certificate of Title No. 147890

or take any other action relative thereto.

Submitted by Property Owner
Bruce A. Berry, Trustee of J&B RealtyTrust

TOWN OF MILLIS

2017 SPRING ANNUAL TOWN MEETING

PETITION FOR RE-ZONING OF PROPERTY

Registered Voters

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>
Brian Plimeno	<i>Brian Plimeno</i>	262 Union St
KEVIN KNEHR	<i>K. Knehr</i>	176 PLEASANT ST
Jodieanne Knehr	<i>Jodieanne Knehr</i>	176 Pleasant St
Randell M Tucker	<i>Randell M Tucker</i>	326 Village ST
Matthew S Peste	<i>Matthew S Peste</i>	5 Clark RD
Ron Pettis	<i>Ron Pettis</i>	109 Acorn St
Vincent G. Howler	<i>Vincent G. Howler</i>	94 Village st
Kerry Corsiglia	<i>Kerry Corsiglia</i>	343 Plain St
Tom Howard	<i>Tom Howard</i>	343 Plain st.
Katherine Lannon	<i>Katherine Lannon</i>	6 Cedar St.
Leslee Hodgman	<i>Leslee Hodgman</i>	21 Cedar St
Cam Hodgman	<i>Cam Hodgman</i>	21 Cedar St.
Bill Sawyer	<i>Bill Sawyer</i>	24 Cedar St
Nancy Sawyer	<i>Nancy Sawyer</i>	24 Cedar Street
Bruce A. Berry	<i>Bruce A. Berry</i>	25 Cedar Street



February 27, 2017

Millis, MA

1 inch = 268 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



BABFAR
EQUIPMENT CORPORATIONsm

*Temporary Heating
Specialistssm*

October 23, 1997

Town of Millis
Millis, Mass. 02054
Attn. Mr. Charles Aspinwall

Dear Mr. Aspinwall,

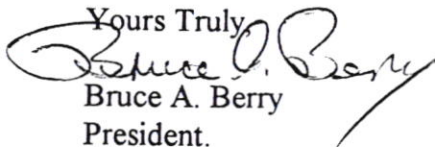
In response to your letter dated October 17, 1997, I take issue with your statement that no communication between you and I had taken place. You are correct that no written communication took place.

On October 7, 1997, I personally met with you and the state official on the property in question's concrete driveway, Map 22, parcel 18, 25, 27. At that meeting two subjects were discussed at length. First, the state official stated additional funds would have to be addressed to replace the concrete. I stated that asphalt was not acceptable.

Second, the taking of land for replication of wetlands. It was proposed that the area adjacent to my driveway on the west end of the property be taken for cost reasons. My response was no, that was not acceptable, and taking that area could cause a hardship in the future. I stated that the town could take a portion on the most easterly end where the rail bed meets Rte 109, Main Street, that would pose no future hardship. The state official stated that option was looked at but it was higher in cost and preferred the westerly area. I again stated that a hardship would result if the westerly section was taken. You then asked if you could get a copy of the print I was holding, either from my office or my land surveyor, Robinson Assoc. I replied, yes. You were then going to review the plan, and respond with another proposal specifying the state taking for replication in writing. I informed you that I would hold off signing the granting authority until it was stated in writing exactly what area was to be taken on Lot 18, 25, 27, Map 22.

I did not expect a letter stating that no meeting ever took place.

Yours Truly,


Bruce A. Berry
President.

cc

Casner & Edwards
David Chavolla, Esq.



TOWN OF MILLIS

Planning Board

March 13, 1997

Mr. Bruce Berry
Bab-Far Equipment Corporation
1380 Main Street
Millis, MA 02054

Dear Mr. Berry:

The Planning Board has received your Special Permit application. Please be advised that a public hearing will be held on Tuesday, April 8, 1997, at 8:00 p.m. in the Clyde Brown Elementary School faculty room.

To assist members of the Board and the public in understanding what you are proposing to do at the site, we would ask that you have available a scaled plan of the property that shows existing features and the area that you propose to use for storage.

If you have any questions, please feel free to contact me.

Very truly yours,

Donald L. Roman, Chairman
Millis Planning Board

DLR/rc



TOWN OF MILLIS

Rec. 1 MARCH 3, 1997 2:15 PM

Roma L. Curran
ASST. TOWN CLERK

Planning Board

SPECIAL PERMIT APPLICATION

Applicant's Name BAB-FAR Equipment Corp.

Address 1380 Main Street

Town Millis, State/ZIP Ma. 02054 Phone 508/376-5600

Property Location Lot on Main Street

Assessors' Map 22/32 Parcel 18, 25, 27 / 41

Zoning District I

Owner's Name J & B Realty Trust / BAB-FAR Equipment Corp.

Address 1380 Main Street

Town Millis, State/ZIP Ma. 02054 Phone 508/376-5600

Nature of application: To Store finished goods, construction heaters, during
the "off season", to be transported to construction sites for operation .

Date: March 3, 1997

Signed *Bruce A. Berry*
Applicant

Signed _____
Owner, if other than applicant



TOWN OF MILLIS

Planning Board

March 16, 1994

Roma L. Curran
Town Clerk
Town Hall
Millis, MA 02054

5768011

RULES AND REGULATIONS - MILLIS PLANNING BOARD

At a meeting of the Millis Planning Board held March 15, 1994, it was Voted as follows:

The Millis Planning Board fees for Special Permits shall consist of (1) an Application Fee, (2) a Review Fee, (3) a Revision Fee.

Application Fee \$ 350.00

Review Fee 1,000.00

The Board will require the Applicant to supplement this initial fee as costs are incurred in reviewing the application.

Revision Fee 150.00 per revision.

Donald L. Roman

Donald L. Roman, Chairman *R*

Rec. March 17, 1994
Roma L. Curran
TOWN CLERK

BLACKSTONE
AT&T

Jim Carter

508-883-4545

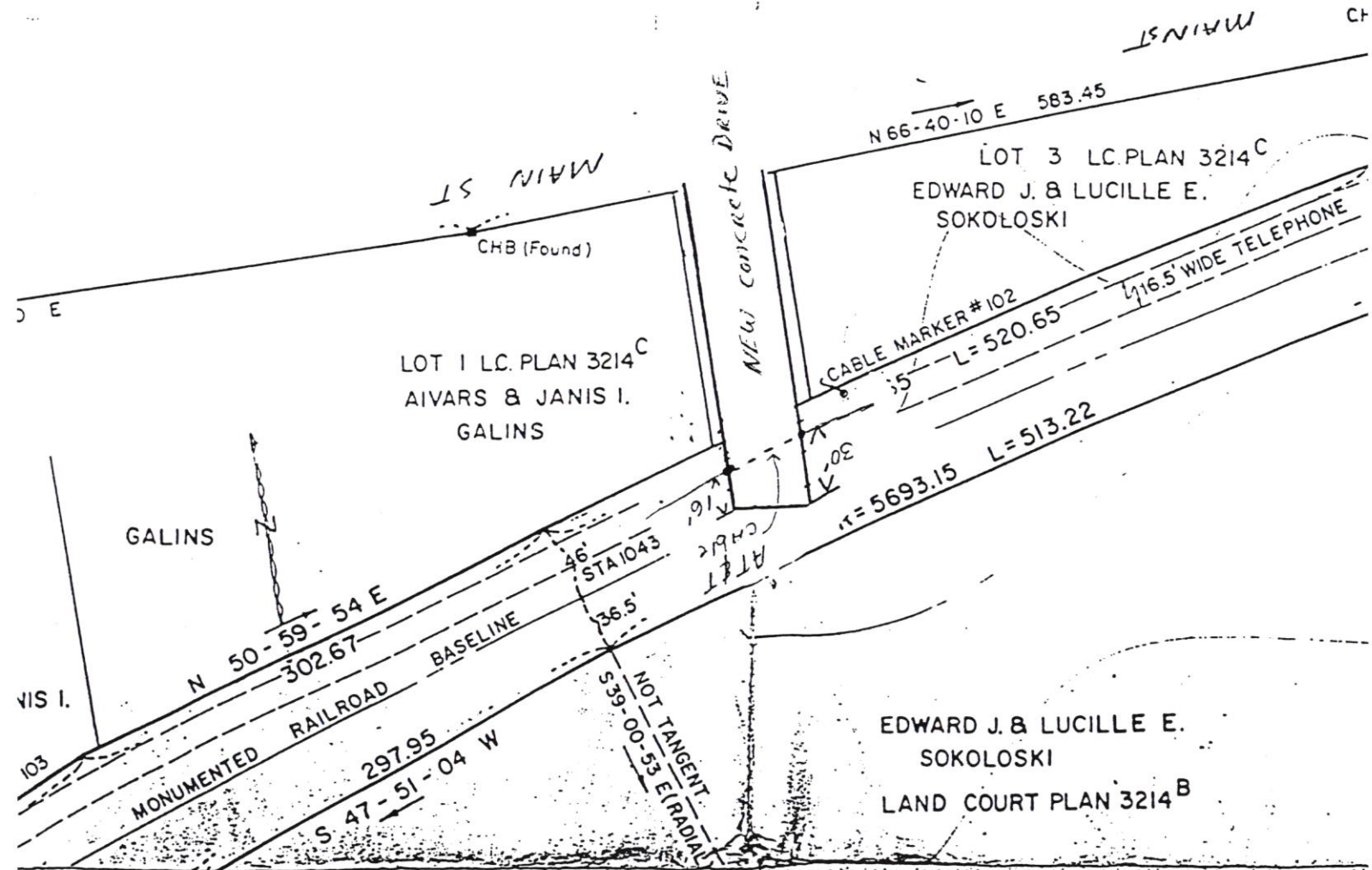
DAVE L CAME OUT TO STAKE

Cable 10/3/97

Safe to dig 9/25

Confirmation # 973901529 For dig safe

~~XXXXXXXXXX~~





TOWN OF MILLIS

REC. JUNE 3, 1997 7:50 PM

Romeo L. Curran
ASST. TOWN CLERK

Planning Board

Decision on the Special Permit Application Submitted by Bab-Far Equipment Corporation

Acting upon a Special Permit application submitted on March 3, 1997 by Bruce Berry of Bab-Far Equipment Corporation, the Millis Planning Board convened a public hearing under provisions of Chapter 40A, Section 11 of the Massachusetts General Laws, on Tuesday, April 8, 1997 at 8:00PM in the Faculty Room of the Clyde Brown School.

Notice of the public hearing was duly advertised in the Milford Daily News on March 20, 1997 and March 27, 1997. Abutters to the subject property were notified by mail. A list of abutters is available in the Office of the Town Clerk, 64 Exchange Street, Millis, MA.

Special Permit Application

Under Section V, Use Regulations, Table 1, Wholesale, Transportation and Industrial, item #12, of the Millis Zoning Bylaw, a Special Permit from the Planning Board is required for the 'Open storage offinished goods, or construction equipment' in an industrial zone.

The applicant proposes to store finished goods and construction heaters on an unnumbered parcel of land opposite 1279 Main Street in Millis, MA. The property in question has frontage on Main Street (Route 109) and is currently zoned for industrial use.

The site is currently an unimproved lot composed of various types of indigenous vegetation. The applicant proposes to create a curb cut on Main Street, construct a bituminous concrete driveway apron, provide water service to the site and clear a portion of the property to create a parking area. Other than the driveway apron, the parking area will not be paved. The finished surface will be of a gravel composition. No electrical service, lighting, drainage improvements, signs or structures of any type, including fencing, are proposed at the site. The applicant proposes to use the site for the storage of material and construction equipment during the 'off-season'. No repair work will be undertaken at the site. No chemicals, fuels or hazardous materials will be stored at the site.

Public Hearing

The Chairman called the public hearing to order at 8:04PM on April 8, 1997. The Clerk read the Notice of Hearing. Mr. Roman, Mr. Santospago, Mr. Priest, Ms. Bragg and Ms. MacInnes were present for the hearing. Four (4) abutters were in attendance.

Mr. Berry described the proposed use of the property and his need to arrange for a new site for the storage of equipment since the current site at the Tresca property will no longer be available.

Mr. Paul Robinson, a surveyor retained by Mr. Berry, displayed a site map of the property and described the topography of the land and the development limitations caused by adjacent wetlands.

Following presentations by Mr. Berry and Mr. Robinson, members of the Board raised a series of questions concerning traffic flow in and out of the property, potential noise and dust issues related to the movement of heavy equipment, the location of the curb cut, potential limitation on hours of operation and the potential need for security fencing to prevent unauthorized access to the site.

Abutters to the site raised questions concerning traffic flow and the location of the proposed driveway in relation to the driveway on the opposite side of Main Street.

After discussion, the Board decided to continue the public hearing to allow members of the Board an opportunity to visit the site.

Acting on a motion by Ms. MacInnes, seconded by Mr. Santospago, the Board voted unanimously to continue the public hearing to Tuesday, April 29, 1997 at 8:30PM in the Clyde Brown School Cafeteria.

Continued Public Hearing

The Chairman called the public hearing to order at 8:30PM on Tuesday, April 29, 1997. Mr. Roman, Mr. Priest, Mr. Santospago, Ms. Bragg and Ms. MacInnes were present. The Clerk read the Notice of Hearing.

The Chairman noted that a letter, dated April 9, 1997 had been received from Ms. Ellinor Harkins, an abutter to the property, raising a number of questions about the proposed development.

The Chairman polled the Board and determined that each member had visited the site.

The Board discussed various issues with the applicant and focused on the possibility of relocating the proposed driveway as far eastward as possible to offset the proposed

driveway from that located on the opposite side of Main Street. Mr. Robinson indicated that the adjacent wetland would limit relocation of the driveway. Mr. Berry indicated that he was not opposed to relocating the driveway.

The Board also discussed the need for a defined 'buffer' area to limit activity on those portions of the property adjacent to residential zones. Mr. Berry was not opposed to maintaining a 'buffer' area where the existing vegetation would not be disturbed as a way to protect adjacent residential properties.

Acting on a motion made by Ms. MacInnes and seconded by Mr. Priest , the Board voted unanimously to close the public hearing.

Findings

Under Section XII, paragraph Q. of the Millis Zoning Bylaw, the Board is required to determine if the all of the general conditions listed have been met before a Special Permit can be granted. The Board makes the following findings.

- 1.) A public hearing was held within 65 days of the filing of the application. The application was filed on March 3, 1997. The public hearing was held on April 8, 1997.
- 2.) The requested use is listed in the Table 1 Use Regulations requiring a Special Permit from the Planning Board for the proposed use in an industrial zone.
- 3.) The requested use is desirable to public convenience in that its use promotes development and job creation.
- 4.) With the conditions incorporated herein, the requested use will not create undue traffic congestion. Since there are no sidewalks on either side of Main Street at this location, the requested use will not impair pedestrian safety.
- 5.) The requested use will not overload any public water, drainage, sewer system or other municipal service. While water service will be installed, this is being done at this time to avoid future disruption to Main Street. No sewer connection is being proposed. Drainage will be handled on site.
- 6.) Since the property is not in the Special Flood Hazard District, the provisions of Section XI do not apply.
- 7.) The requested use will not impair the integrity of the district or adjacent zones since the area is predominantly used for industrial/commercial purposes.

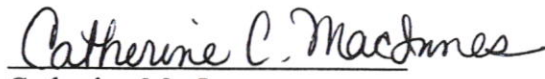
Decision

At a public meeting held on Tuesday, May 20, 1997, acting on a motion by Mr. Roman and seconded by Mr. Priest, the Board voted unanimously to grant a special permit to Bar-Far Equipment Corporation to store finished goods and construction equipment at property located opposite 1279 Main Street, as shown on a map dated March 21, 1997 prepared by Paul N. Robinson Associates, subject to the conditions listed below. Voting in favor were Mr. Roman, Mr. Priest, Ms. Bragg, Ms. MacInnes and Mr. Santospage.

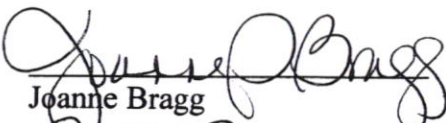
- 1.) An undisturbed fifty (50) foot buffer zone will be maintained on those sides of the property which directly abut properties used for residential purposes.
- 2.) The property will be used exclusively for the storage of equipment. No repairs or other activity is permitted.
- 3.) The entrance driveway will be relocated as far eastward as conditions permit.
- 4.) To the greatest extent possible, no movement of equipment to, from or within the site should occur after 7:00PM nor before 7:00AM.
- 5.) Storage of all equipment will be at ground level - no 'stacking' of equipment is permitted.
- 6.) The applicant shall file an 'as-built' plan with the Planning Board within 60 days of the filing of this decision with the Town Clerk.




Donald L. Roman



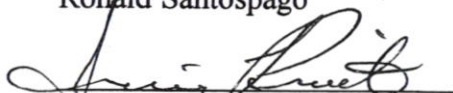
Catherine MacInnes



Joanne Bragg



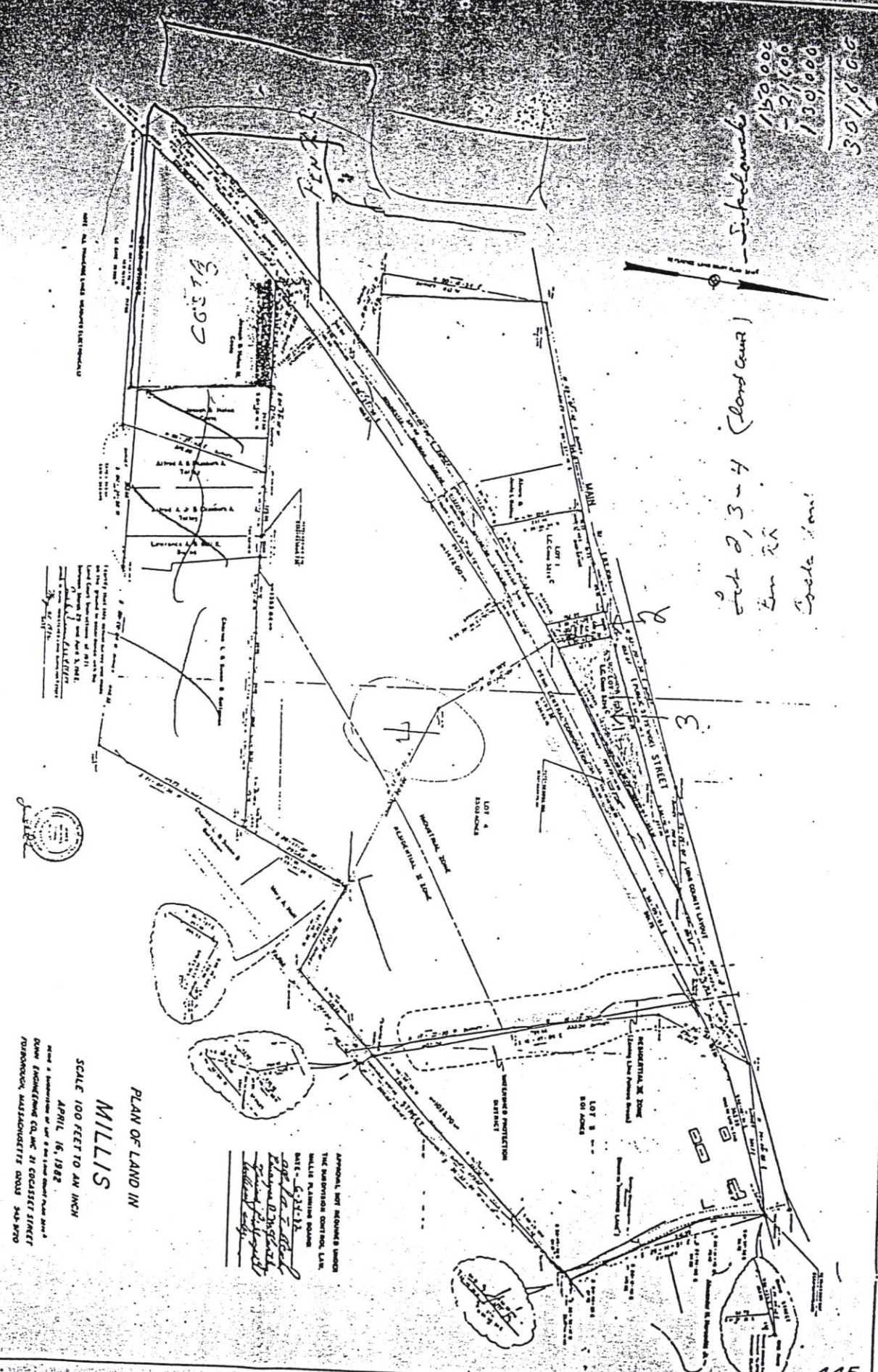
Ronald Santospage



Irving Priest

Appeals of this decision, if any, shall be made pursuant to provision of Chapter 40A, Section 17 of the Massachusetts General Laws and shall be filed within twenty (20) days after the date this decision is filed in the Office of the Town Clerk.

JUNE 3, 1997
Date Filed



150,000
 - 21,000
 130,000
 30/18 G.C.

Lot 2, 3 & 4 (long curv)
 1/2 in 2 1/2
 Grade 100'

PLAN OF LAND IN
MILLIS
 SCALE 100 FEET TO AN INCH
 APRIL 16, 1982
 DREW & ENGINEERS CO., INC. 21 COCKLE STREET
 FRYBURNCK, MASSACHUSETTS 02034 348-8700

APPROVAL, NOT REQUIRED BY
 THE SUBDIVISION CONTROL ACT,
 MILLIS PLANNING BOARD
 DATE - 5/21/82
 [Signature]
 [Signature]

SPECIAL PERMIT APPLICATION

Applicant: Bruce Berry
Bab-Far Equipment Corp.
1380 Main Street
Millis, MA

Members present: Donald L. Roman, Chairman
Ronald A. Santospago, Clerk
Catherine C. MacInnes
Joanne S. Bragg
Irving A. Priest

Also present: Bruce Berry, Applicant
Paul N. Robinson, Jr. P.L.S.

Linda Halfrey, Suburban Press

There were four abutters in attendance.

The hearing was called to order at 8:04 p.m., and the notice of the published hearing was read by the Chairman.

Mr. Bruce Berry, applicant, stated the place of storage is not at 1380 Main Street. The location for the storage is raw land so there is no street number. It is east of 1380 Main Street. If there were a number it probably would be 1300. The parcel goes up behind 1380. The reason he needs the special he is now storing the equipment at Tresca Bros. and they are now asking for the land for their own use. He needs to remove some trees and clear the land.

Mr. Paul Robinson submitted a plan showing the outline of the property showing the main parcel, a parcel on Cedar Street, the old railroad bed and a triangle of land on Main Street, bordered by Residential III to the east and Residential II to the southwest.

Mr. Santospago asked does the equipment have any gasoline or oil in them?

Mr. Berry replied "no". These are propane and natural gas units. All maintenance would be done at 1380 Main Street.

Mr. Roman asked if he would be adverse to a condition as to seasonal time?

Mr. Berry replied that this would be difficult because he is not sure that all of the equipment would be gone at one time.

Mr. Roman asked if he would be adverse to a condition to have a fenced in enclosure?

Mr. Berry replied that financially he would not be able to fence it in at this time. He does not rely on walk-in traffic. He transports to anyplace in the country.

Mr. Santospago stated the tractor trailers will be driving into the lot so there would have to be a turning radius for the trucks to get in.

Mr. Robinson stated there is a lot of scrubby growth on the property. This land used to be pasture land.

Mr. Santospago stated the original facility was on Main Street near the Charles River. This was only one acre. Now Mr. Berry is looking at five acres.

Mr. Berry stated he occupies 4.5 acres at the Tresca pit now.

Mr. Roman stated the Board is concerned about dust and dust control. Is it possible that the entrance road can be covered by some sort of crushed stone.

Mr. Berry agreed to this request.

Mr. Priest stated it appears from the grading plan that this would have more direct impact on Cedar Street residents.

Mr. Roman indicated the Board may ask for some measure of plantings.

Ms. Bragg asked if noise is going to be an issue for the abutters?

Mr. Berry replied the equipment is picked up during the day hours. It is a matter of an engine of a truck going in there. The fork lifts have appropriate mufflers. Starting time is 7:00 a.m. In the spring there is no reason to work overtime.

Mr. Roman stated the Board would consider a condition that deliveries be scheduled between 7:00 a.m. and 6:00 p.m., in order to not disturb the abutters.

Mr. Thomas Rielly, abutter, asked about the street number on the legal advertisement. He is confused as to the location of the site.

Ms. Harkins, abutter, asked if the access road is going to be right across from her property. She is not happy about this. Her car has already been totaled. Route 109 is a bad road now.

Mr. Roman stated the essence of Ms. Harkins' concern is the impact of traffic on that site.

Ms. Harkins stated if this is going to be opened up you might see someone build a factory in there.

Mr. Roman replied they do have the right to create a driveway cut to their property. The use that they are proposing is not inconsistent with an industrial zone. Anytime you create a parking area you need a special permit.

Mr. Santospago stated the Board will consider sight distance when they visit the site.

Mr. Charles Hodgman, abutter, stated it occurs to him that if they are going to pave 24 ft. of road, the trucks going in and out of there will have to make a hard turn. Trucks slowing down and making a large swing could affect the traffic.

Mr. Berry replied this will reduce the traffic flow on 109.

Mr. Roman stated the Board has heard concerns from residents in the area and the Board will be visiting the site; therefore, he will entertain a motion to continue this hearing.

Motion made by Ms. MacInnes, seconded by Mr. Santospago, that the hearing be continued until Tuesday, April 29, 1997, at 8:30 p.m. in the Clyde Brown School cafeteria.

Hearing was recessed at 8:54 p.m.



Roma L. Curran
Secretary to Millis Planning Board