

MILLIS PLANNING BOARD MINUTES

Tuesday, December 13, 2011

Room 229, Veterans Memorial Building, 900 Main St., Millis, MA

The meeting was called to order at 7:30 p.m. by Mr. Robert Cantoreggi, Chair.

Members present: Robert Cantoreggi, Chair
George Yered, Clerk
James McKay
Catherine MacInnes
Nicole Riley
Richard Nichols, Associate Member

Barbara J. Thissell, PE

Members Absent: None

Also present: Thomas Roche, Roche's Building Co., Inc., 62 Orchard St.
Richard Merrikin, Merrikin Engineering, 730 Main Street
Scott Roche, 430 Village St.

**THOMAS ROCHE
INFORMAL DISCUSSION
CONCEPTUAL PLAN – SPRING ST.**

Mr. Roche presented a "conceptual" plan entitled, "Site Plan of Land, 26-28 Spring Street, Millis, Massachusetts," dated August 1, 2011. Mr. Roche stated that the proposal is for two buildings which include 12 apartment units; with ten two bedroom units and two one bedroom units. The project is located at 26 Spring Street and the parcel of land is located in the MCEOD (Millis Center Economic Overlay District), or "Mixed Use" district, he said. There are five apartments on the parcel now. Mr. Roche discussed with the Board his interpretation of the bylaw in relation to this proposed project. He specifically discussed Section XIIP. 2.(b)1 and (b)4. Mr. Roche stated that he had discussed the issue with Mr. Giampietro, and both of them interpreted "**the Main Street**" to mean Rte. 109. No retail is proposed with this project, he said. Mr. Cantoreggi read the "purpose" of the bylaw and stated that, in his opinion, both commercial and residential uses are desired.

Mr. Roche stated that he had discussions with Mr. Aspinwall regarding this issue for clarification purposes, but has not heard back on anything definitive. Mr. Roche cited portions of the Master Plan. The Board was of the opinion that they are charged with upholding the Zoning Bylaws of the Town, and not the Master Plan. Mr. Roche stated that it is his belief that "you have to look at the center as a whole – not one particular site," and he thinks "the Board should be looking at this as a district – not site specific." Mr. Roche stated that it is his belief that the neighbors are not going to want retail establishments in a residential area. Ms. Thissell cited the definition of Mixed Use Development wherein both uses should be included. Ms. MacInnes stated that, in her opinion, she would have a problem with the proposal as the bylaw is clear that residential has to be on the second floor.

Discussion ended at 8:00 p.m.

871 MAIN STREET

DUNKIN DONUTS – DRIVE THRU

ENDORSEMENT OF PLANS/DECISION MODIFICATION

Mr. Merrikin presented a letter dated December 9, 2011, wherein he requested endorsement of the final plans, entitled “871 Main Street, Site Plan,” Sheets 1 through 8 as revised through 10/31/11. He stated that the plans were revised to address streetscape concerns of the Town Administrator and everything covered in the Planning Board’s Decision is now shown on the plan. He also stated that two trees were proposed, however, an additional three trees will be donated to the Town for a total of five street trees as required. Lastly, Mr. Merrikin requested that the Board modify Special Condition #21 to allow for occupancy prior to the submittal of an as-built plan.

Ms. Thissell stated that she reviewed the revised plans and found them to be consistent with the approved plans. She recommended endorsement of them.

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was voted unanimously (6-0) to endorse the revised plans.

On a motion made by Ms. MacInnes and seconded by Mr. McKay, it was unanimously voted to approve, as a modification to the Decision dated October 18, 2011, filed with Town Clerk on November 1, 2011, Special Condition #21, that occupancy will be allowed upon substantial completion of the structure and parking lot, as determined by the Building Inspector, with the as-built to be submitted and approved by June 30, 2012.

NEW BUSINESS:

STEERING COMMITTEE

Two volunteers from the Planning Board are needed for the new Steering Committee, which is being formed due to a grant received from MAPC to develop the Ann & Hope parcel.

On a motion made by Ms. MacInnes, seconded by Mr. Yered, it was unanimously voted to appoint Ms. Riley and Mr. Nichols as representatives from the Planning Board to the Steering Committee.

OTHER BUSINESS:

MINUTES

On a motion made by Mr. Yered, seconded by Mr. McKay, it was unanimously voted to approve the regular session minutes from November 15, 2011, as written.

On a motion made by Mr. Yered, seconded by Mr. McKay, it was unanimously voted to approve the Executive Session minutes from November 15, 2011, as written.

ADJOURN

There being no further discussion and on a motion made by Ms. MacInnes, seconded by Mr. McKay and voted unanimously, the regular session meeting was adjourned at 8:20 p.m.

ADJOURN TO EXECUTIVE SESSION

EXECUTIVE SESSION: At 8:20 p.m.

Motion by Mr. Cantoreggi, seconded by Ms. Riley, to enter into executive session, under G.L. c.30A, S.21(a)(3), to discuss strategy with respect to litigation known as Thomas J. Roche, et al. v. Town of Millis Planning Board, et al, Norfolk Superior Court, C.A. NOCV2008-00859D, as the Planning Board chair has declared that holding an open session regarding the matter may have a detrimental effect on the litigating position of the Board.

By Roll Call Vote:

- Mr. Robert Cantoreggi – aye
- Mr. George Yered – aye
- Ms. Catherine MacInnes – aye
- Mr. James McKay – aye
- Ms. Nicole Riley- aye
- Mr. Richard Nichols – aye

Respectfully submitted,

Camille Standley
Administrative Assistant