

**MILLIS PLANNING BOARD MINUTES**

**Tuesday, June 19, 2012**

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

The meeting was called to order at 7:39 p.m. by Mr. Robert Cantoreggi, Chair.

Members present: Robert Cantoreggi, Chair  
James McKay, Acting Clerk  
Nicole Riley  
Richard Nichols, Associate Member

Barbara Thissell, P.E.

Members Absent: George Yered  
Catherine MacInnes

Also present: Ellen Rosenfeld, 730 Main St.  
Marc Rosenfeld, 730 Main St.  
Daniel Merrikin, Merrikin Engineering, 730 Main St.  
Paul Truax, GLM Engineering, Holliston  
Thomas James, CEO, Radio Frequency Co., 150 Dover Rd.  
Tim Clark, Chairman of Board of Directors, Radio Frequency Co.  
Charles E. Kraus, 66 Central St., Wellesley  
Melvin Harris, Radio Frequency Co., 150 Dover Rd.  
Thomas Roche, 62 Orchard St.  
John Fernandes, 12 Main St., Milford  
Mark Banks, 17 Baltimore St.

**PUBLIC HEARING, CONT.**  
**SPECIAL PERMIT APP/SITE PLAN APPROVAL**  
**150 DOVER RD.**  
**RADIO FREQUENCY**

The public hearing continuation was opened at 7:39 p.m. with notice being read by Mr. McKay, Acting Clerk.

Ms. Rosenfeld, representing the applicant, provided a history of the company and location. The business was founded in 1946 and prior to 1979, the operation/business ran in Medfield. In 1980, Radio Frequency Company moved into its current location, which is 26,000 square feet. They have been in business for 33 years at the Dover Road location where it was zoned Industrial, Ms. Rosenfeld said. Approximately 10-12 years ago, the zoning was changed to residential, she stated. Radio Frequency has outgrown the 26,000 square feet and they are proposing to construct a 9,225 foot addition in the left rear of the existing building, she said. Ms. Rosenfeld described the nature of the manufacturing business, stating that Radio Frequency makes drying equipment for three niche markets: (1) for Frito Lay snack company for drying snacks, (2) drying machines for catalytic converters, (3) mechanism for pasteurizing high-risk products, e.g. flour. Mr. Clark explained that the space is needed to accommodate larger equipment, not to expand the business. He stated they “need more space, not more technicians/employees.”

Mr. Cantoreggi referenced an email from Ilana Quirk, Town Counsel, dated May 17, 2012, wherein she opined that the Zoning Board of Appeals finding (dated March 23, 2012), discussed at the last public hearing, is sufficient. Ms. Rosenfeld stated that they are proceeding based upon the Zoning Board of Appeals finding that the proposed use was not more detrimental to the neighborhood.

Mr. Clark stated that the proposed addition does not mean more truck traffic. He stated that, “by and large, the number of systems won’t really increase – it’s a physically larger piece of equipment and that is why more space is needed.” Ms. Rosenfeld reiterated that the only reason for the addition is to allow Radio Frequency to “build the equipment, test them, line them up, and ship them out.” She stated there would be no increase in truck traffic, employees, etc. According to Ms. Rosenfeld, deliveries will not increase. There have been 25 employees since 1980 and there are 25 employees today.

Ms. Rosenfeld discussed Ms. Thissell’s review letter, dated June 12, 2012. She stated that most of the issues refer to whether the areas **not** being changed must be brought into compliance with the Bylaws. The front parking lot was discussed. Ms. Rosenfeld said that the front parking lot is not proposed to be changed in any way. The facility is “pre-existing non-conforming,” and Ms. Rosenfeld stated that it is their belief, based on the ZBA ruling, that whatever is to remain the same, does not need to be brought up to standards. “Only what we propose to be changed will be brought up to standards,” she said. Ms. Rosenfeld stated that she also consulted Mr. Giampietro, the Zoning Enforcement Officer/Building Inspector. According to Ms. Rosenfeld, he said that only new construction must be up to the standards of the bylaw, not pre-existing non-conforming.

Mr. Merrikin presented the proposed site plan and reviewed the remainder of Ms. Thissell’s comments. He stated that Mr. Truax had revised the plans based on the comments of Ms. Thissell’s April 20, 2012 letter. Mr. Merrikin stated that everything in the front and side of the building is to remain as is. All the new parking spaces proposed meet the requirements of the bylaw, he said. Based on Town Counsel’s email, he said, the existing parking area should be left alone. Ms. Thissell stated that when the Planning Board acts on a Special Permit/Site Plan application, it must state how it meets all the “design criteria” to ensure safety of residents, etc. The Board is required to evaluate the technical quality of the site plan in accordance with the provisions of Section XIII.C.5., Ms. Thissell said. Mr. Merrikin stated that this situation is “a little unique.” It is not a new use, rather the same use, he said. Ms. Thissell stated that there would be more parking in the front lot; more headlights leaving the area, etc. Mr. Merrikin said that the applicant would provide additional protection for the residential area and would be willing to address that with additional screening, etc.

Mr. Cantoreggi stated that, in his opinion, the Board has always looked at a property “as a whole” and the applicant is asking the Board to do something they have not done before. Mr. Merrikin stated that what Mr. Cantoreggi suggested is an “unattainable approach.” It cannot meet the bylaw because it is pre-existing non-conforming. The law provides for this, Mr. Merrikin said, as the premise is what is there can remain – what is

proposed as **new** has to conform and we are adhering to that. Mr. Cantoreggi said that in the past, it has been the practice of the Planning Board to require improvements, or bring into compliance, existing conditions on the site, i.e. stormwater management. Mr. Cantoreggi stated that in his opinion, there are plenty of things that the applicant can do. Mr. Cantoreggi said that he would like to consult further with Town Counsel on this issue. He will talk to Town Counsel for an opinion.

Screening and trees were discussed. Mr. Merrikin requested that a condition of approval could be the submission of a landscaping plan prior to occupancy where screening and landscaping can be addressed. The required amount of trees can be placed on site, or a donation could be made to the Town tree fund, Mr. Merrikin said. According to Mr. Merrikin, the goal is to provide enhanced buffering to the neighbors across the street.

Mr. Merrikin stated there would be no increased traffic in a substantive way. Traffic impacts are non-existent, he said, and the proposed project will not have an impact. Only tractor-trailer shipments of once a month are typical, Mr. Merrikin said. Ms. Rosenfeld provided documentation of deliveries which averaged approximately ten per year.

Mr. Cantoreggi read into the record an email from Mr. Ted Andrews, dated June 19, 2012. He is an abutter who was unable to attend the public hearing. Mr. Cantoreggi stated that the zoning change Mr. Andrews refers to was to an Overlay District. Mr. Andrews referred to comments made by Mr. Aspinwall, however, Mr. Cantoreggi stated he cannot speak for him; neither can the applicant. Mr. Cantoreggi said that the Board has consulted Town Counsel and has been very cautious and will consult with Town Counsel further.

Ms. Rosenfeld, in reference to the email from Mr. Andrews, presented an aerial photograph of the subject site. She said the site has been a mixed use and there is commercial, industrial, and residential surrounding it. There are 900 acres of swamp land with the railroad right behind the property. Radio Frequency has been at this location since 1980 and Mr. Andrews purchased his home in 2007, she said. According to Ms. Rosenfeld, Radio Frequency had two Open Houses to discuss the expansion with abutters/residents, and only one person attended. She said that during the last public hearing, Mr. Andrews was personally invited over anytime to discuss any comments/concerns with Mr. James.

Ms. Rosenfeld addressed some of the items in Mr. Andrews' email. The truck he witnessed on the evening of May 1<sup>st</sup> was making a delivery from Mexico and arrived earlier than expected. He was allowed access to the parking lot for the night to unload the truck the next morning. According to Ms. Rosenfeld, Mr. Clark stated that has never happened before and would not happen again. As for the loud power-washing, they were power-washing/cleaning the building, she said. The applicant is willing to talk to Mr. Andrews about a better time to do this if necessary. As far as traffic is concerned, there are 7600 cars a day on Dover Road, Mr. Merrikin said. Ms. Rosenfeld reiterated that business, use, delivery, traffic, trash pick-up, etc. are not going to change – Radio Frequency “just wants to stay here.”

There was discussion regarding improvements to stormwater treatment. Mr. Merrikin and Mr. Truax will look into best improvements practical for stormwater treatment in the front parking lot. Mr. Merrikin stated that the area is not mainly residential and that the applicant is always willing to deal with concerns of the neighbors to mitigate concerns, like those raised by Mr. Andrews.

Mr. Cantoreggi stated that until he has some clarification/an opinion from Town Counsel, he would like to continue the public hearing.

On a motion made by Mr. McKay, seconded by Ms. Riley, it was voted unanimously at 8:55 p.m. to continue the public hearing to Tuesday, June 26, 2012, 7:30 p.m.

**THOMAS ROCHE/JOHN FERNANDES**

**INFORMAL DISCUSSION**

**26-28 SPRING ST. CONCEPTUAL PLAN - MCEOD**

Mr. Roche stated that he was before the Board in December, 2011, for an informal discussion. He apologized to the Board for his frustration during that meeting and introduced Attorney Fernandes to present the plan.

Mr. Fernandes stated that he has worked with Mr. Roche on a number of projects in the past, as well as working with various town planners/land use projects. He stated that there is currently a non-conforming five-family dwelling on the property. Mr. Roche is seeking input on whether to seek a special permit under the MCEOD bylaw. Mr. Fernandes discussed the “conceptual” plan entitled, “Site Plan of Land, 26-28 Spring Street, Millis, Massachusetts,” dated August 1, 2011. He 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 26-28 Spring Street and the parcel of land is located in the MCEOD (Millis Center Economic Overlay District), or “Mixed Use” district. There are five apartments on the parcel now. Mr. Fernandes discussed with the Board his interpretation of the bylaw in relation to this proposed project. No retail is proposed with this project, he said. He stated that the bylaw reflects that it can be a choice; it seems the language is clear for uses permitted – it may be one or the other, or a combination of both retail and residential.

Mr. Fernandes had questions as to the interpretation of “the Main Street” as stated in the bylaw. He asked for clarification as to referring to Main Street, Route 109... or any main street? Ms. Riley stated that in previous discussions, the phrase was in reference to Main Street/Route 109. The “the” is a mistake, she said. Mr. Cantoreggi stated that he would ask Town Counsel again for clarification on this issue. He also said that the purpose/intent of the bylaw was to try to provide for a mixed use. Mr. Fernandes stated that with the lot size, there are few possibilities, and that it is his understanding that not every property has to have both uses. Mr. Roche stated that this lot is “very unique.” There was discussion regarding the MCEOD-East district versus the Mixed Use Village District. The consensus of most of the Board members was that they would consider

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residential-only for the property as neighbors may not want retail in their neighborhood. Mr. Roche will prepare an application/site plan for a two-story condominium rental for the property.

**OTHER BUSINESS:**

**EXPEDITED PERMITTING (“43D Sites”)**

The Board gave authorization for Ms. Barbara Thissell, PE, to look into the application process for the “expedited permitting” process.

**MINUTES**

On a motion made by Mr. McKay, seconded by Ms. Riley, it was unanimously voted to approve the regular session minutes from May 1, 2012, as written.

**ADJOURN**

There being no further discussion and on a motion made by Mr. Cantoreggi, seconded by Ms. Riley and voted unanimously, the meeting was adjourned at 9:25 p.m.

*Respectfully submitted,*

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*Camille Standley*  
*Administrative Assistant*