

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

Melissa Recos, PE, BETA Group, Inc.

Members Absent:

Also present: Scott Fuzy, 15 Stony Brook Dr.
Daniel Seigenberg, Esq., 155 South St., Wrentham, MA
Sean Currivan, Main St., Medway, MA
Brad Currivan, Franklin, MA
Virginia Demery, 1293 Main St.
Linda Jones, 84 Irving St.
Jason Antin, 57 Orchard St.
Ron Muller, 56 Teresa Rd., Hopkinton
Michael Dryden, Bohler Engineering
Matt Darling, NERP
Mark Keener, Atlantic
Nathan Maltinsky, 431 Exchange St.

**SPECIAL PERMIT APP. FOR SITE PLAN APPROVAL, PUBLIC HEARING,
CONT. - LARGE-SCALE GROUND-MOUNTED SOLAR INSTALLATION
OFF MAIN STREET - CLEAN ENERGY COLLECTIVE**

The public hearing continuation was opened at 7:30 p.m. with notice being read by Mr. George Yered, Clerk.

Mr. Yered read a letter from Ms. Colleen DeBenedetto, dated January 11, 2016, requesting a continuation, without discussion, to the March 8, 2016 meeting.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously at 7:32 p.m. to continue the public hearing, without discussion, to Tuesday, March 8, 2016, 8:00 p.m.

**WAIVER OF SITE PLAN REVIEW/APPROVAL REQUEST
984 MAIN STREET
SEAN CURRIVAN/KSK REALRTY TRUST**

Atty. Daniel Seigenberg, representing the applicant, discussed his letter, dated January 11, 2016, wherein he requested that the Board grant a waiver from the site plan approval process.

Mr. Seigenberg stated that the applicant filed a Special Permit for/with Site Plan approval application with the Board. During the public hearing process, it was determined that the applicant needed approval from the Zoning Board of Appeals for the change in use. Mr. Seigenberg stated that the applicant was granted a special permit under Section IX of the Millis Bylaws to allow the extension of the current non-conforming use of the building as a pizza restaurant/office to a pizza restaurant/residential apartment. Mr. Seigenberg said that, in his opinion, as there is no expansion and/or modification proposed, a waiver of site plan approval is appropriate. Mr. Seigenberg stated that the Building Inspector has indicated that the applicant “requires either site plan approval from the Planning Board and/or a waiver of that requirement.” Review will be required by the Building Inspector as part of the retroactive building permit process, he said.

Mr. Cantoreggi stated that “the apartment was put in illegally.” Mr. Seigenberg said that it was “an innocent mistake by the client” and there was no intention to do it illegally. When the resident living in the apartment came to Town Hall to vote, the issue came to light, according to Mr. Seigenberg. Mr. Cantoreggi was of the opinion that since there was a change of use, there have been changes. For example, impervious areas, parking, snow storage, etc. are all part of the site plan review process under the purview of the Planning Board, Mr. Cantoreggi said.

Mr. Seigenberg stated that an original application was filed and it was withdrawn, at his request, at the December 15, 2015 meeting, as he did not think it was necessary after approval from the ZBA. The Board was of the opinion that due to the newly approved change in use, site plan review was warranted. “The use went from commercial to residential,” Ms. MacInnes stated. Mr. Seigenberg stated that filing, engineering costs and additional legal fees may be cost prohibitive for the applicant. Ms. Riley stated that although the Board is sympathetic to the applicant, it does not mean he is not subject to the same conditions as other applicants.

After discussion, the Board was of the opinion that the requirements of Site Plan Approval must still be met and that the applicant will need to go forward with an application for such approval. Mr. Seigenberg requested that the Board vacate the withdrawal of Mr. Currivan’s Special Permit for/with Site Plan Approval from December 15, 2015.

On a motion made by Mr. Cantoreggi, and seconded by Mr. Nichols, it was voted unanimously (6-0), pursuant to Section XIII (Special Permit Conditions) C., of the Town of Millis Zoning By-laws, **to deny** the request for waiver of Site Plan Review/Approval for the second floor apartment at 984 Main Street.

On a motion made by Mr. Cantoreggi, and seconded by Ms. Riley, it was voted unanimously (6-0) to vacate the withdrawal and re-activate the Special Permit For/With Site Plan Approval for 984 Main Street. The public hearing on this application has been scheduled for Tuesday, March 8, 2016 at 7:30 p.m.

SPECIAL PERMIT APP. WITH SITE PAN APPROVAL, PUBLIC HEARING

1313-1319 MAIN STREET – TRACTOR SUPPLY CO.

NERP HOLDINGS & ACQUISITIONS CO., LLC

The public hearing was opened at 8:04 p.m. with notice being read by Mr. George Yered, Clerk.

Mr. Michael Dryden of Bohler Engineering, representing the applicant, presented the application and plans. He went over the existing conditions of the site and stated that the two existing structures, including a vacant commercial building and a residential dwelling, will be razed to accommodate the redevelopment of the property. The proposed project, he said, will consist of a 19,097 sq. ft. building and three display areas for a Tractor Supply Company retail store. According to Mr. Dryden, they have applied for five variances from the Zoning Board of Appeals. If the variances are granted, the plans will remain the same. If not, the plans will be revised, he said, as one variance is for a decrease in the number of parking spaces.

Mr. Ron Muller, the traffic engineer, discussed the Traffic Assessment submitted, dated December 10, 2015. He said that the retaining wall will be dropped by five feet which will be more than adequate sight distance for the driveway.

Ms. Recos, PE, from BETA Group, the Planning Board's consulting engineer, summarized her review letter, dated January 7, 2016. The applicant will submit a response letter regarding Ms. Recos' comments.

Mr. Nathan Maltinsky, Chair of the Historical Commission, read his letter to Matthew Darling of NERP, dated December 29, 2015, into the record. Mr. Maltinsky stated that the Historical Commission met with Mr. Darling and conducted a site visit. They are requesting some conditions for the applicant to consider; one being relocation of the existing house since it was built in 1800. Mr. Darling stated that he had received the letter and would be "happy to work with the Historical Commission."

Mr. Dryden requested that the Planning Board continue the public hearing to their next meeting in order to allow time for the ZBA hearing. They will also provide written responses to BETA Group's letter.

On a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was voted unanimously at 8:47 p.m. to continue the public hearing to Tuesday, February 9, 2016, 7:30 p.m.

OTHER BUSINESS:

ASSISTED LIVING BYLAW

DISCUSSION

Ms. Riley updated the Board on the revisions to the proposed bylaw by Town Counsel. The Board reviewed the revisions. Ms. Riley will finalize the draft bylaw for final review at the next meeting.

MINUTES

On a motion made by Mr. Yered, seconded by Mr. McKay, it was unanimously voted to approve the minutes from December 15, 2015, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. Nichols, seconded by Ms. Riley and voted unanimously, the meeting was adjourned at 9:03 p.m.

Scheduled Planning Board Meetings: February 9, 2016
March 8, 2016

Respectfully submitted,

Camille Standley
Administrative Assistant