

MILLIS PLANNING BOARD MINUTES

October 3, 2017

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
Richard Nichols
Nicole Riley

Phil Paradis & Greg Lucas, BETA Group

Members Absent: Carlo Molinari, Associate

Also present: Scott Fuzy, 15 Stony Brook Dr.
Ellen Rosenfeld, 730 Main Street
James McCaffrey, Selectman
Marc Rosenfeld, 730 Main St.
Kathy & Dave Andrews, 9 Evergreen Terrace
Ryan O'Rourke, Toll Bros.
Shawn Nuckolls, Toll Bros.
Carol & Matt Haggerty, 376 Orchard St.
John & Alicia McKersie, 79 Forest Rd.
Scott Roche, 116 Cottage Ave.
Tom Roche, 78 Bullard Lane
Rob Delisle, 77 Forest Rd.
Judith & Jim Murphy, 83 Forest Rd.
Steven Agostini, Rehoboth
Jeff D'Amico, Compass Management
David Warner, Warner Larson Landscape Architects
Aaron Gallagher, Nitsch Engineering
Nick Havan, Nitsch Engineering, 2 Center Plaza, Boston
Thomas Donatelli, Agostini Bacon, 118 Cottage Ave., No.
Providence, RI
Matt Fasolino, 164 Main St.
Fayssal Husseini, Nitsch Engineering
Matt Barnhart, Tappe Architects
Daniel Merrikin, Merrikin Engineering

**TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA BYLAW,
PUBLIC HEARING**

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

Mr. James McCaffrey, Chair of the Board of Selectmen, stated that they have met and discussed the proposed bylaw and recommend approval of the temporary moratorium bylaw. He hopes that the Planning Board recommends approval as well. Mr. McCaffrey said that the purpose of the Temporary Moratorium Bylaw is "to buy additional time" to establish/develop proper bylaws and regulations.

Mr. Scott Fuzy expressed his concerns over recreational marijuana establishments and stated that he is in favor of the moratorium for public safety reasons and to give law enforcement time as well.

There being no further discussion, on a motion made by Mr. Nichols, seconded by Ms. Riley, it was unanimously voted to close the public hearing on the proposed bylaw amendments at 7:37 p.m.

On a motion made by Ms. Nicole Riley, seconded by Mr. George Yered, it was unanimously voted (5-0) to recommend approval of the amendments as proposed/written. The Planning Board recommends approval of the bylaw amendments article at the Town Meeting to be held on November 6, 2017.

APPROVAL OF DEFINITIVE PLAN APPLICATION, PUBLIC HEAR., CONT.
351 ORCHARD STREET -ANNE RICH

The public hearing continuation was opened at 7:38 p.m. with notice being read by Mr. Yered, Clerk.

The Board was in receipt of an email from Ms. Anne Rich, dated September 25, 2017, requesting a continuance to the November meeting.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously at 7:40 p.m. to continue the public hearing to Tuesday, November 14, 2017, 7:30 p.m.

“REGENCY AT GLEN ELLEN”
STREET NAMES AND ADDRESSES

Mr. O’Rourke stated that at the hearing in August, they had presented and discussed the proposed new street names. He presented a “Proposed Street Names – Regency at Glen Ellen” plan, dated August 15, 2017. He stated that the names were selected after review of the Historical Commission’s website and the names chosen are significant and unique to the history of the town. Mr. O’Rourke also presented a proposed address list for all of the units.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously to accept and assign house numbers/addresses in accordance with General By-Law Article V, Section 20 as proposed on the “Regency At Glen Ellen Address List” and “Site Overview Exhibit,” 1 sheet, prepared for Toll Brothers by Bohler Engineering, dated 9/13/2017.

26-28 SPRING STREET – MINOR MODIFICATION/FIELD CHANGE
THOMAS ROCHE

Mr. Dan Merrikin, representing the applicant, discussed a letter, dated September 1, 2017, wherein he requested a minor modification to the stormwater system design.

Instead of the underground infiltration field under the parking lot, the applicant is proposing that a second shallow, open infiltration basin (infiltration basin #2) will be constructed in the southeasterly wing of the property. The northerly portion of the basin will be a gently sloped berm where the public can sit during events on the adjacent municipal sports field, Mr. Merrikin said. The open basin provides the same or better stormwater management as the approved underground infiltration field, he stated. An updated Operations & Maintenance plan will also be submitted.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously to approve the minor modification request as a field change to allow modification to the stormwater management system design that will also provide the desired open space.

REPETITIVE PETITION REQUEST

376 ORCHARD STREET – MILL BROOK SCHOOL FOUNDATION

DANIEL MERRIKIN

Mr. Merrikin, representing the applicant, presented a letter, dated September 18, 2017. He requests that the Planning Board vote to allow the applicant to re-petition the Zoning Board of Appeals for conversion of the property to a private boy's school (Montrose Academy). According to Mr. Merrikin, the school sought a determination/finding from the Zoning Board that the conversion of the property to an educational use will not be substantially more detrimental to the neighborhood than the existing non-conformity (due to lot frontage). The Board denied the request, citing traffic concerns, Mr. Merrikin said. Since the time of the denial, he stated, they have developed a proposal to address the traffic concerns and they are therefore seeking permission to re-apply.

The applicant is proposing new measures to address traffic and abutter concerns including moving and widening the driveway, installing fencing and screening trees and completing a traffic study to demonstrate the adequacy of access to the proposed facility. Mr. Merrikin requested that the Planning Board view these new measures as a material change in the conditions upon which the previous unfavorable action was based. Mr. Merrikin stated that the school is a "tremendous opportunity to the Town" and would "provide a unique educational opportunity." The structures would be preserved, with farming and existing trails incorporated into the curriculum. Mr. Merrikin stated that the area could be re-developed into a subdivision or 40B project and in their opinion; a private school for boys is a much better option.

On a motion made by Ms. Riley, seconded by Mr. Cantoreggi, it was voted unanimously to consent to the repetitive petition of The Mill Brook School Foundation, Inc. to the Zoning Board of Appeals.

**SPECIAL PERMIT/SITE PLAN APPROVAL APPLICATION, PUBLIC HEAR.,
1370-1372 MAIN STREET – FASOLINO LANDSCAPE DESIGN**

The public hearing was opened at 8:02 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Merrikin, representing the applicant, presented the application and plan. He stated the property is an existing commercial/industrial property. The applicant has a new tenant, a landscaping business, who is proposing to store landscaping materials in piles on the site in the area identified on the plan presented. Materials to be stored may include anything used in landscaping (mulch, dirt, stone, etc.) and the storage piles will be uncovered. No storage bins are proposed. Retail sales on-site are no longer proposed, Mr. Merrikin said. According to Mr. Merrikin, the use is allowed per the Building Inspector.

Mr. Paradis of BETA Group summarized their review letter dated September 22, 2017. He stated that a site visit was conducted. Fencing will be added to the plan. Mr. Paradis said that there are wetland resources so they would be concerned on where the stockpiles are located. Mr. Merrikin stated that the stockpiles are to be located as shown on the shaded area of the plan. He said that there will be “stockpiling only – no plans for processing.”

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously at 8:13 p.m. to continue the public hearing to Tuesday, November 14, 2017, 7:40 p.m. (Note: The public hearing was later continued to Tuesday, October 24, 2017, 7:45 p.m. due to an additional meeting being scheduled.)

**SCENIC ROAD APPLICATION, CONSOLIDATED PUBLIC HEARING W/
TREE WARDEN - 79 FOREST ROAD – MCKERSIE
REMOVAL OF TREES FOR SECONDARY DRIVEWAY**

The consolidated public hearing was opened at 8:15 p.m. with notice being read by Mr. McKay, Acting Clerk. (Note: Mr. Yered recused himself from the public hearing)

Ms. McKersie presented the application and plan. She stated that they would like permission to remove three trees – two Red Oaks and one White Pine – to allow for a secondary minor driveway due to the dangerous conditions of the current driveway. According to Ms. McKersie, the existing driveway has safety issues including an obstructed line of sight to the West and a steep slope causes exiting vehicles to slide into oncoming traffic despite snow removal and sand/salt mix during the winter months. The driveway will be gravel and in keeping with other secondary driveways within the neighborhood. Ms. McKersie stated that they were working with a Landscape Architect “to make it look nice.”

Mr. McKay stated that the applicant can come to the DPW for a curb cut application.

Mr. Jim Murphy, the next door neighbor of the McKersie’s, expressed concern over the tree removal “offsetting the soil” and allowing water runoff onto his property and

erosion. He suggested that a swale be put in and shown on the plan. Ms. McKersie stated that they discussed “catch basins so there would be no runoff onto the Murphy’s property.” She said they would have ongoing conversations with Mr. Murphy “along the way to be cognizant of his concerns.”

Mr. Cantoreggi stated that the trees are not very big and he does not consider them to be “significant trees.” As a condition of approval, three new trees will be required to be planted elsewhere in town.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously to close the public hearing at 8:24 p.m.

On a motion made by Mr. Cantoreggi and seconded by Mr. Nichols, it was unanimously voted (5-0) to approve the Scenic Road Application as follows:

- (1) The Planning Board and the Tree Warden grants permission to remove the three trees (2 Red Oaks & 1 White Pine) as shown on the submitted plan entitled, “Existing Conditions Plan,” stamped by James W. Nieva, PLS, of Dunn-McKenzie, Inc., dated March 22, 2017.
- (2) A curb cut permit application must be filed with the Department of Public Works.
- (3) The new secondary driveway shall be inspected by the Department of Public Works.
- (4) There shall be no drainage issues/problems caused by the installation of the secondary driveway to abutters or town roadway. Specifically, by the creation of the new driveway, no additional water will be allowed to spill on the public right of way or any other abutting property.
- (5) Three new street trees shall be planted elsewhere in Town as directed by the Department of Public Works and/or Tree Warden. These three trees will be size and planted according to MassDOT specifications (2.5 inch Calibri). Final tree variety will be determined by Tree Warden.

**SPECIAL PERMIT/SITE PLAN APPROVAL APP., PUBLIC HEAR. CONT.,
CLYDE BROWN SCHOOL CONSTRUCTION – PARK ROAD
WAYNE KLOCKO, ESBC**

The public hearing continuation was opened at 8:33 p.m. with notice being read by Mr. Yered, Clerk.

Mr. D’Amico updated the Board on the status of various reviews with BETA Group and other departments. He stated that two waivers are requested: one for the loading dock and one for the parking requirements.

Mr. Gallagher of Nitsch Engineering provided an update on some “tweaks” made to the drainage scheme. These have been discussed with BETA Group and the Board of Health and a majority of the comments have been addressed, he said. Mr. Paradis of BETA

Group did confirm and stated that issues have been resolved; however, they need to be shown on the plans.

Mr. Donatelli discussed the project phases and presented the phasing plans. A walkway, with Jersey barriers, was added from the Town Hall area and east side of the site to address concerns of the Planning Board regarding the safety of walking students.

Mr. D'Amico discussed the overall parking. He stated that parking spaces have been increased to 193 spaces. He said that the gymnasium is not an auditorium and there will be no "outside people coming to the gym." Overall, they are increasing the paved, striped parking, he stated. Mr. Cantoreggi asked if all members of the School Department (Superintendent, Principal, etc.) were aware of the parking design; to which Mr. D'Amico answered that all were aware of the parking.

Mr. Husseini stated that they will be responding to the BETA Group letter, dated October 2, 2017, regarding the traffic review. There is a difference in opinion as to the data used. Mr. Greg Lucas of BETA Group stated that it makes sense to meet separately with the applicant to "share an understanding of what needs to be updated for a more substantive conversation." Mr. Cantoreggi stated that the safety of the children and the public are important issues for the Planning Board. Mr. Husseini explained how the intersections for the study were selected. The intersection with Route 109 and Park Road were reviewed, for example, and they will be upgrading the traffic signal and pedestrian crossing. The addition of stop signs throughout the campus was discussed. Mr. D'Amico stated that beyond the scope of the school area would fall on the Town. The campus is the Town property that they are focusing on, he said. Mr. Cantoreggi stated that he agrees with that clarification/determination.

The outside façade of the new school was discussed. Images were presented. The opinion of some of the Board members was that an all-red brick façade to match the high school and Town Hall might work better rather than trying to "tie things in with the bandstand." Tappe Architects are still looking at colors, design, etc.

Mr. McKay expressed concern over plans to "take care" of the building, parking lot, tennis courts, etc. He requested that a plan be put in place now for maintenance/facilities. Mr. D'Amico stated that "new buildings have different management" and they will talk to the facilities department.

On a motion made by Mr. Yered, seconded by Mr. Cantoreggi, it was voted unanimously at 9:21 p.m. to continue the public hearing to Tuesday, October 24, 2017, 7:30 p.m.

OTHER BUSINESS:

DELIBERATION/VOTE ON (1) APPROVAL OF MODIFICATION TO DEFINITIVE SUBDIVISION PLAN APPLICATION, 62 DOVER ROAD-“DOVER ESTATES”, ROBERT SULLIVAN

and

(2) SPECIAL PERMIT APP. FOR EARTH REMOVAL, “DOVER ESTATES”

The Board reviewed the applications, plans and draft decisions. In summary, the existing site is a single family lot at 62 Dover Road which had a large barn/garage and a single family home that was recently razed as part of the original project proposal. Similar to the original proposal, the modified design includes redevelopment of the existing use and subdividing the 4.14± acre parcel into four new buildable lots, three with street frontage on Dover Road and one proposed on a short private roadway. The modification to the plans includes shortening the private roadway by fifteen feet, modifications to lot lines to accommodate the roadway shortening and re-grading the site to provide more desirable building locations on the lots. The waivers granted as part of the Planning Board Approval of Definitive Plan for a Subdivision shall be incorporated as part of this decision.

On a motion made Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously (5-0) to approve, with conditions, the Modification to the Dover Estates Definitive Subdivision Application.

The applicant has simultaneously applied for an Earth Removal Permit from the Planning Board in order to construct a private roadway and four residential homes. The proposed plan includes removal of approximately 67,000 cubic yards of earth material consisting of gravel and loam. A surety/bond was discussed for the Earth Removal application. An amount of \$25,000.00 was set.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously (5-0) to approve, with conditions, the Special Permit Application for Removal of Soil, Loam, Sand, Gravel, Quarry or other Earth Materials to R.L. Sullivan Construction, Inc. for the removal of up to 67,000 cubic yards of earth material at 62 Dover Road.

MINUTES

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously to approve the regular session meeting minutes from September 12, 2017, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. McKay, seconded by Mr. Cantoreggi and voted unanimously, the meeting was adjourned at 9:30 p.m.

Scheduled Planning Board Meetings: October 24, 2017, November 14, 2017

Respectfully submitted,

Camille Standley, Administrative Assistant