

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

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

Barbara J. Thissell, P.E.

Members Absent:

Also present: Scott Fuzy, 15 Stony Brook Dr.
Dan Merrikin, Merrikin Engineering
Steve & Meg Wilkes, 90 Farm St.
James M. Angelo, 34 Lavender St.
Michele & Jim Talabach, 98 Farm St.
Robert Fox, 275 Turnpike St., Canton
Daniel Callahan, 97 Farm St.
Mark Racicot, MAPC
Carolyn Murray, Kopelman and Paige, PC
Charles Aspinwall, Town Administrator

PUBLIC HEARING, CONTINUATION
DEFINITIVE SUBDIVISION APPLICATION
HICKORY HILLS
400 OLD POST LLC

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

Mr. Cantoreggi referenced emails from Ms. Cara Sanford and Mr. Jeff Butensky, which would be addressed later, if time allows.

Mr. Merrikin stated that the applicant has filed for all other local permits for the 34-lot residential subdivision. He said he is waiting for all comments from the boards before preparing a comprehensive response to the Board. Mr. Merrikin is also working on addressing the comments on Ms. Thissell's review letter dated February 18, 2014. He said that he would like to address the seven waivers requested with the application. They are as follows:

1. To require a sidewalk on one side of each proposed roadway
2. To allow stormwater basins with level bottom areas to encourage maximum infiltration
3. To allow the outfall from stormwater basin 1 to discharge to the surface of the ground via sheet flow to maintain existing discharge patterns

4. To allow less than 4.5 feet of cover over drain lines
5. To allow stormwater basins to have flat bottoms and no low flow channel to encourage more effective infiltration
6. To allow a paved roadway width of 22 feet
7. To allow installation of street lights at intersections only, with each lot required to provide a light post within 10 feet of the right of way and driveway.

Mr. Merrikin addressed the drainage waivers first (#2-#5). Waivers #2 and #5 are similar in basic concept, he said, to construct the stormwater basins according to the regulations by DEP. Ms. Thissell stated that the calculations submitted show infiltration. Waiver #3 (Parcel A) will discharge by sheet flow with no impact to adjacent property. It will provide the “same functionality as is out there today,” he said. Waiver #4 is “routinely asked for,” he said. There is high groundwater on the project. The waiver request is to avoid trucking in fill and raising the roads. This situation occurs in several locations throughout the system, he said. According to Mr. Merrikin, “the capacity of the swales is way beyond what is needed for the 100-year storm.”

Waiver #7 is routinely requested as well, Mr. Merrikin said. According to Mr. Merrikin, “the Town does not like many street lights due to maintenance, etc.”

Waiver #1 is for sidewalks on one side of each proposed roadway, ending at the end of the cul-de-sacs. Mr. Cantoreggi stated that if a sidewalk waiver is granted, the developer will be asked to provide funds for sidewalks elsewhere in Town. The amount would be determined based on the cost for the other sidewalk. Mr. Merrikin will leave the sidewalk configuration as currently shown on the plans.

Waiver #6 refers to roadway width. Mr. Merrikin stated that they propose a street width of 22 feet as it is not a through roadway and “will not see a lot of traffic and activity.” Mr. Merrikin said the plans show the streets at 26 feet wide. There was discussion regarding the narrower road width. While some members of the Board did not have an issue, other members did have concerns. Ms. MacInnes opposes the waiver for safety reasons. She said that visitors do not park in driveways, they park in the streets. The streets become much narrower and if there are many children, there are safety concerns. Mr. McKay stated that he agreed with Ms. MacInnes. In his opinion, from a DPW standpoint, snow plowing and snow storage is much easier with the wider roadways. Mr. Merrikin stated the width could also “be in between” – such as 24 feet. Mr. Fuzy stated that he agreed that “the streets should be as wide as they can be for safety reasons.”

Mr. Talabach demonstrated on a copy of the plan the track of the runoff behind his home at 98 Farm Street. He stated that a claim was made that the water will continue to run out back. In his opinion, the drainage design/pipe “will dump water out onto the back” of his property. He expressed his displeasure at the plan design and stated it is “a dinosaur.” He expressed concerns over tree cutting and questioned whether or not they would be “clear-cutting” the trees. Mr. Merrikin addressed some of Mr. Talabach’s concerns. He said that the runoff does spill out towards Mr. Talabach’s property. He said it is a wooded swale and they are proposing to culvert the swale. Mr. Merrikin said that they

performed calculations that they are **reducing** the runoff. He said they are not allowed to obstruct the flow and that the same or less water will be going into the swale. Ms. Thissell stated that she concurs with Mr. Merrikin in that the way the calculations have been run; it should show a decreasing flow on the property.

Mr. Merrikin discussed the soil testing on the site. He said that the Board of Health agent did look at the test pits. Mr. Merrikin stated he would be happy to take the Board on a site walk. He said the applicant is not clear-cutting the trees, rather only cutting those necessary for roads, utilities and housing. He said the “plan is not a dinosaur, it is what modern practices encourage.” The design achieves a number of highly desired objectives per DEP and stormwater regulations, he said.

Mr. Callahan of 97 Farm Street expressed concerns over tree removal. He said that it is very important to those in the neighborhood to know the percentage of trees to be removed. Mr. Merrikin stated the he does not have that information, but would work on presenting more information on tree removal for the next hearing.

Mr. Cantoreggi explained the state and zoning regulations that the Board is charged with upholding. He stated the Board has the right to grant waivers, mitigate, etc., but do not control how many trees the applicant removes as it is their property and within their rights to do so.

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was unanimously voted to continue the public hearing at 8:37 p.m. to 8:40 p.m.

PUBLIC HEARING, CONTINUATION
SPECIAL PERMIT APP/SITE PLAN APPROVAL-MODIFICATION
CENTENNIAL PLACE – 983 MAIN ST.
JOHN KAZIS, JOPA REALTY

The public hearing continuation was opened at 8:37 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Cantoreggi read into the record a letter, dated March 25, 2014, from Mr. Stephen O’Connell, the applicant’s representative, requesting a continuance until after the spring Town Meeting. This is to allow for the proposed MCEOD bylaw amendment to allow drive-through windows, pending Town Meeting approval.

On a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was voted unanimously at 8:40 p.m. to continue the public hearing to Tuesday, May 20, 2014, 7:30 p.m.

PUBLIC HEARING, CONTINUATION
DEFINITIVE SUBDIVISION APPLICATION
HICKORY HILLS
400 OLD POST LLC

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously at 8:40 p.m. to re-open the public hearing.

Mr. Merrikin discussed the Operations & Maintenance Plan submitted with the application. He explained the purpose of a Homeowner's Association and the responsibilities of the homeowners in the association. He stated that they are preparing the Homeowner's Association document and will submit it to the Board for review by Town Counsel when completed. Ms. MacInnes stated the homeowners sign this document when they purchase so they know, by law, what is their responsibility.

Mr. Wilkes of 92 Farm Street asked if Mr. Merrikin could come back with a percentage of tree coverage to remain on the lots so "an environmental or scenic quality could be gaged." Mr. Merrikin stated that he would try to prepare a percentage/calculation of what would be left as woodland. Ms. Riley stated that although Mr. Merrikin did agree to prepare something, the Board cannot ask him for a commitment as to what tree cover would remain. Mr. Fox, the project manager, stated that he would not be able to sell the houses if all the trees were cut down. "We are not clear-cutting or cutting trees we don't have to," he said. "This is an environmentally friendly project – we want to have the most beautiful homes and landscaping," he stated.

On a motion made by Mr. McKay, seconded by Mr. Yered, it was unanimously voted to grant the following waivers:

#7: To allow installation of street lights at intersections only, with each lot required to provide a light post within 10 feet of the right of way and driveway.

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was voted unanimously to grant waiver #1: to require a sidewalk on one side of each proposed roadway, with the requirement of the applicant to contribute the appropriate calculated amount to the sidewalk fund.

On a motion made by Mr. Cantoreggi, seconded by Mr. Yered, it was voted 2-3 in favor of waiving the roadway width from 26 feet to 24 feet, with Ms. MacInnes, Mr. McKay and Ms. Riley opposed. The motion did not pass.

On a motion made by Mr. Cantoreggi, seconded by Mr. Yered, it was voted 2-3 in favor of waiving the roadway width from 26 feet to 22 feet, with Ms. MacInnes, Mr. McKay and Ms. Riley opposed. The motion did not pass.

The roadway width remains at 26 feet. Waiver #6: To allow a paved roadway width of 22 feet was not granted.

On a motion made by Mr. Cantoreggi, seconded by Mr. Yered, it was voted unanimously at 9:20 p.m. to continue the public hearing to Tuesday, April 29, 2014, 7:30 p.m.

PUBLIC HEARING

PROPOSED BYLAW AMENDMENTS

SUBSTANCE ABUSE TREATMENT CENTERS

The public hearing was opened at 9:21 p.m. by Mr. Yered, Clerk. On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously to waive the reading of the hearing notice. Mr. Cantoreggi summarized the proposed amendments, stating that the Substance Abuse Treatment Centers may only be located in the I-P and I-P-2 zoning districts, upon the issuance of a special permit from the Planning Board, subject to the standards and limitations described in the bylaw.

There was discussion regarding the paragraph entitled "Purpose." On a motion made by Ms. Riley, seconded by Mr. Cantoreggi, it was voted unanimously to delete the first four sentences of the "Purpose" section as it appears in the public hearing notice. **The first paragraph will now read as follows:**

"The purpose of this section is to regulate Substance Abuse Treatment Center uses within the Town by Special Permit to Chapter 40A, Sections 9 and 9A of the Massachusetts General Laws in order to promote the safety and welfare of the inhabitants of Millis."

There being no further discussion, on a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was unanimously voted to close the public hearing on the proposed bylaw amendments at 9:22 p.m.

On a motion made by Mr. Yered, seconded by Ms. Riley, it was unanimously voted to recommend approval of the bylaw amendment proposal as amended in the public hearing notice. The Planning Board **recommends approval, subject to their amendment**, of the bylaw amendments at the Town Meeting to be held on May 12, 2014.

PUBLIC HEARING

PROPOSED BYLAW AMENDMENTS

DOWNTOWN DEVELOPMENT

The public hearing was opened at 9:27 p.m. with notice being read/summarized by Mr. Yered, Clerk.

Mr. Racicot of MAPC summarized the amendments, stating that the logic is to try to streamline permitting. Developers only have to go to one board to streamline the development process. Two new districts will be created: Residential-Village-Center (R-V-C) and Commercial Village Two (C-V-2). The Board reviewed the completed draft text version of the entire bylaw amendments prepared by Mark Racicot of MAPC.

There was discussion regarding various sections of the comprehensive bylaw amendments. On a motion made by Ms. Riley, seconded by Mr. McKay, the Planning Board unanimously voted **to recommend favorably subject to the following amendments:**

- a. By inserting in Section XIII, Paragraph Q, subparagraph 1.0, “Purpose and Intent” a new subparagraph c as follows:

“The parcels contained in the R-V-C and C-V-2 zoning districts are different from surrounding parcels in that the parcels within these districts are previously-developed, over-sized parcels, with excessive building coverage and excessive impervious surface, used for industrial or commercial purposes, such that re-use or retrofitting of such structures and uses may not promote the purposes of zoning in general or bring these parcels into greater conformity with the Town’s Zoning By-laws.”

- b. By inserting in Section XIII, Paragraph Q, subparagraph 3.2, “Ground Floor Uses” a new subparagraph (a)(4) as follows:

“The Planning Board shall have discretion to determine what is a minor street and what is a major street.”

- c. By inserting in Section XIII, Paragraph Q, subparagraphs 4.12(d) and(e) the phrase “or homeowners’ association” after the phrase “property owner” as it appears once in both subparagraphs.

- d. By amending Section XIII, Paragraph Q, subparagraph 5.1, “General Design Standards” by deleting the ninth sentence that states: “When developers propose alternative designs that are not acceptable to the Board, they may appeal the decision as per the procedures and requirements of Section XII.” and inserting in its place the following new sentence: “When developers propose alternative designs that are not acceptable to the Board, the applicant must proceed with the application in accordance with the Planning Board’s design standards; however, the applicant may appeal the Planning Board’s determination as to the design standards as part of an appeal of the Planning Board’s Special Permit decision as per the procedures and requirements of Section XII.”

There being no further discussion, on a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was unanimously voted to close the public hearing on the proposed bylaw amendments at 10:10 p.m.

On a motion made by Ms. Riley, seconded by Mr. McKay, the Planning Board unanimously voted **to recommend the article favorably, subject to the above-mentioned amendments,** at the Town Meeting to be held on May 12, 2014.

PUBLIC HEARING

PROPOSED BYLAW AMENDMENTS

ZONING MAP AMENDMENTS

The public hearing was opened at 10:10 p.m. with notice being read/summarized by Mr. Yered, Clerk.

Mr. Cantoreggi explained that the proposed changes to the Zoning Map go hand-in-hand with the proposed zoning bylaw amendments.

There being no further discussion, on a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was unanimously voted to close the public hearing on the proposed zoning map amendments at 10:15 p.m.

On a motion made by Mr. McKay, seconded by Mr. Yered, it was unanimously voted **to recommend the article as written in the public hearing notice** at the Town Meeting to be held on May 12, 2014.

PUBLIC HEARING

PROPOSED BYLAW AMENDMENTS

MCEOD DRIVE THROUGH WINDOWS

The public hearing was opened at 10:16 p.m. with notice being read by Mr. McKay.

There was discussion regarding amending the MCEOD proposal as written in the public hearing notice by inserting the phrase “by special permit” at the end of the new paragraph 5. On a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was **voted unanimously to amend paragraph 5 to now read:**

- 5. Drive through windows are permitted by special permit.

There being no further discussion, on a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was unanimously voted to close the public hearing on the proposed bylaw amendments at 10:20 p.m.

On a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was unanimously voted to recommend approval of the bylaw amendment proposal as amended in the public hearing notice. The Planning Board **recommends approval, subject to their amendment**, of the bylaw amendments at the Town Meeting to be held on May 12, 2014.

OTHER BUSINESS:

MINUTES

On a motion made by Mr. Yered, seconded by Ms. MacInnes, it was unanimously voted to approve the minutes from February 25, 2014, as written.

MILLIS PLANNING BOARD MINUTES

Tuesday, March 25, 2014

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

ADJOURN

There being no further discussion and on a motion made by Ms. MacInnes, seconded by Ms. Riley and voted unanimously, the meeting was adjourned at 10:20 p.m.

Scheduled Planning Board Meetings: April 29, 2014
May 20, 2014

Respectfully submitted,

Camille Standley
Administrative Assistant