

The meeting was called to order at 7:35 p.m. by Mr. Robert Cantoreggi, Chair.

Members present: Robert Cantoreggi, Chair
George Yered, Clerk
James McKay
Richard Nichols
Nicole Riley
Carlo Molinari, Associate

Members Absent:

Also present: Scott Fuzy, 15 Stony Brook Dr.
Shawn Nuckolls, Toll Brothers, 134 Flanders Rd., Westboro
Atty. Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon
Stephen Boston, 60 Orchard St.

TOLL BROTHERS – GLEN ELLEN SENIOR RESIDENTIAL COMMUNITY DEVELOPMENT (SRCDD)

DECISION ON MODIFICATION OF SPECIAL PERMIT NO. 6329

FILED JANUARY 23, 2017 AND

ORIGINAL SPECIAL PERMIT FILED APRIL 16, 2008

Atty. Cannon, representing the applicant, requested that the lapse date of the 2007 Special Permit be extended by such time required to pursue or await the determination of the appeal of the 2017 Modified Special Permit. A Request for Determination of Good Cause not to proceed to construction for the Glen Ellen Senior Residential Community Development was made by Atty. Cannon.

Mr. Cantoreggi stated that he was in favor of extending the lapse date. Ms. Riley stated that, in her opinion, it was appropriate for the Board to grant the extension as the two Special Permits are so “closely entwined.”

Mr. Boston addressed the Board, stating that it was his contention that the 2017 and 2008 Special Permits “should be separate” and suggested that “Town Counsel take a look.” According to Mr. Boston, a “whole new special permit should be done; not a modification to the original special permit.” He was not in favor of an extension.

Mr. Fuzy addressed the Board and stated to “let it go through the system and see what happens.”

Mr. McKay stated that the Board had consulted Town Counsel and that the project was vetted by the Selectmen and other Boards. This project will bring in a new water main, along with a possible sewer extension and new sewer station, he said. Possible revenue of two million dollars to the Town is being “held up,” he said. Mr. McKay stated that he

was in favor of giving the extension/stay. Mr. Nichols stated that the owner of the property “has made it clear” that the land “is going to be developed.”

A motion was made by Mr. Cantoreggi that the Planning Board determine, under G.L. c.40A, §9 and the Millis Zoning By-law, that the pendency of the appeal from the recent special permit modification decision for the Glen Ellen Project, in litigation known as Boston, et al. v. Millis Planning Board and Toll Brothers, Norfolk Superior Court C.A. No. 1682CV17-0180, is good cause for the owner and developer of the project to not begin construction of the project under the 2007 special permit, which would otherwise lapse on December 31, 2017 and that the good cause shall continue to exist during the pendency of the litigation. The motion was seconded by Ms. Riley and voted unanimously (5-0).

ADJOURN

There being no further discussion and on a motion made by Mr. Nichols, seconded by Mr. Cantoreggi and voted unanimously, the meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Camille Standley
Administrative Assistant