

MILLIS PLANNING BOARD MINUTES

Tuesday, April 12, 2016

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
Catherine MacInnes
Nicole Riley
Richard Nichols

Melissa Recos, P.E., BETA Engineering

Members Absent:

Also present: Scott Fuzy, 15 Stony Brook Dr.
Robert & Janice McCoy, 106 Dover Rd.
Jen & Joe Parkhurst, 99 Dover Rd.
Bob Graci, 101 Orchard St.
Madeline Yusna, 93 Dover Rd.
Bonnie Hilton, 129 Village St.
Nathan Maltinsky, 431 Exchange St.
Scott Aday, 1325 Main St.
Carol Coakley, 50 Bridge St.
Al Crocco, 58 Orchard St.
Danielle Alach, 54 Orchard St.
Brad Currivan, Franklin, MA
Sean Currivan, 36 Ellis St., Medway
Charles Aspinwall, Town Administrator
James Neville, Selectman
Chris Smith, Selectman
Daniel Seigenberg, Esq., 155 South St., Wrentham, MA
Bill Goebel, 352 Turnpike Rd., Southboro
Austin Turner, 352 Turnpike Rd., Southboro
Michael Dryden, 352 Turnpike Rd., Southboro
Jeff Barbadora, 12 Gill St., Suite 5800, Woburn
Charles Aspinwall, 900 Main St.
Edward V. Cannon, Jr., Franklin
Scott Miccile, Toll Brothers
Dave Bauer, Toll Brothers

PROPOSED ASSISTED LIVING RESIDENCES BYLAW, PUBLIC HEARING

The public hearing was opened at 7:30 p.m. with notice being read 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 entire amendment. Mr. Cantoreggi provided a summary of the development of the bylaw and explained the importance of it is to provide guidelines and definitions for these types of residences. He stated that Planning Board member

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Nicole Riley spent a great deal of time on developing this bylaw. The proposed Assisted Living Residences Bylaw (“ALR”) has been presented to the Board of Selectmen and the Finance Committee and they were in favor of the amendments.

Mr. Fuzy stated that, in his opinion, there “was a lot of work put into” developing the bylaw and he was in favor of the proposed 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 bylaw amendments at 7:34 p.m.

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was unanimously voted **to recommend the article as written** at the annual 2016 spring Town Meeting on May 9, 2016.

PROPOSED SIGNAGE BYLAW AMENDMENTS, PUBLIC HEARING

The public hearing was opened at 7:35 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Cantoreggi summarized the amendments proposed. He stated that is in an effort to make the “downtown area of Millis nice.” Mr. Yered stated that the Planning Board would like to keep the downtown district with a “village” atmosphere. The proposed amendments were presented to the Board of Selectmen and the Finance Committee and they were in favor of the amendments.

There being no further discussion, on a motion made by Mr. Cantoreggi, seconded by Mr. Yered, it was unanimously voted to close the public hearing on the proposed zoning bylaw amendments at 7:38 p.m.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was unanimously voted **to recommend the article as written** at the annual 2016 spring Town Meeting on May 9, 2016.

SPECIAL PER. APP. WITH SITE PLAN APPROVAL, PUB. HEARING, CONT.
1313-1319 MAIN STREET – TRACTOR SUPPLY CO.
NERP HOLDINGS & ACQUISITIONS CO., LLC

The public hearing continuation was opened at 7:45 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Michael Dryden of Bohler Engineering, representing the applicant, presented the revised plans. He stated they have been working with the Town for three months with various boards for “five permitting stops.” He summarized the application for construction of a Tractor Supply Company retail store at the site. Both existing buildings on the property will be razed, he said. They are also working with the Historical Commission for the opportunity to facilitate salvage of all or portions of the historically significant buildings, he said. Mr. Dryden stated that they sought and were granted five variances from the Zoning Board of Appeals; one being the proposed seventy-six parking

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spaces instead of the required one hundred seventeen. According to Mr. Dryden, other areas on the property could be converted to parking if another retailer were to come in and require more parking spaces. He stated that the plans were also revised because a stormwater basin was shifted closer to the resource areas as part of the Stormwater Management review.

Signage was discussed and Mr. Dryden stated that two signs are proposed; a wall sign and a standing sign. They will not be internally lit. The monument sign, he said, would be 12-ft. wide x 4-ft. high, with an overall height of 8-ft., including the base.

The traffic assessment was discussed. Mr. Dryden summarized the results and stated that there will not be much of an increase in traffic along Route 109. Mr. Dryden stated that they will have standard retail hours of operation; in general 7:30 – 8:00 a.m. until 9:30 p.m. weeknights. He can provide more detailed information on this issue if needed.

Ms. Recos from BETA Engineering, the Board’s consulting engineer, summarized her latest review letter dated March 31, 2016. She stated that there are no outstanding issues.

Mr. Scott Aday, a direct abutter to the project, had some questions about the proposed fencing between the store and his property. Mr. Dryden stated that the entire fence will be on the property of the applicant and they will be responsible for maintaining the fence. Mr. Dryden stated that Mr. Aday could call them with any issues with the fence. Mr. Aday asked if he could install a matching fence adjoining the new fence. Mr. Dryden suggested that he can provide Mr. Aday with a contact name when it comes time to do that. Mr. Dryden stated that a temporary six-foot construction fence would be installed prior to and during construction. Tree removal was discussed. Mr. Dryden stated that there will be some trees removed; however, they “will not be very intrusive.” No tree removal/work is proposed within twelve feet of Mr. Aday’s trees. Mr. Aday stated his concern would be any damage caused to his trees (roots) due to the removal of the trees on the applicant’s property. Mr. Dryden stated that he did not see that to be an issue.

Mr. Maltinsky, Chair of the Historical Commission, updated the Board on the search to find someone to dismantle and re-purpose the barn someplace else in Town. He stated they have time up to May to dismantle the house. He said there have been people interested and they are still working on it. He stated that “Tractor Supply has been very accommodating.”

There were no further questions or comments.

On a motion made by Ms. Riley, seconded by Mr. Yered, it was voted unanimously at 8:10 p.m. to close the public hearing.

**SPECIAL PER. APP. WITH SITE PLAN APPROVAL, MCEOD, PUB. HEAR.,
CONT.**

984 MAIN STREET – SECOND FLOOR APARTMENT

SEAN CURRIVAN/KSK REALTY TRUST

The public hearing continuation was opened at 8:11 p.m. with notice being read by Mr. Yered, Clerk.

Atty. Dan Seigenberg, representing the applicant, submitted the revised site plan requested. Mr. Cantoreggi stated that the applicant was asked to “do a limited site plan” for the second floor apartment above the pizza restaurant at 984 Main St.

Ms. Recos of BETA Engineering summarized the review letter, dated March 29, 2016. Ms. Recos stated that they asked the applicant to identify existing conditions on the site. She stated the parking shown on the plan was acceptable, however, she defers to the Fire Chief regarding the location of emergency access to the site. Mr. Seigenberg stated that he understood the Board wanted access for a fire truck and there is an access point to the left of the building. There are no designated parking spaces, and he “thinks we addressed the concern I was aware of,” he said. Mr. Currivan stated that he spoke to the Fire Chief and was told that emergency vehicles did not need to go around the building as long as they could get along the side of the building. To allow emergency access, the Fire Chief did not want anyone parking against the building, Mr. Currivan said. The Chief suggested that a call box may need to be installed, Mr. Currivan stated. Snow storage and screening of the dumpster was discussed. Mr. Seigenberg stated that they would “like to **not** have fencing around the dumpster.” He said that snow storage could be provided if the Board wishes.

Mr. Cantoreggi questioned the existing sign; however Mr. Currivan stated that he does not own the restaurant sign. Mr. Seigenberg said that if the Board has a request, they will present it to the pizza owner/tenant.

Ms. MacInnes asked what zoning relief was given by the Zoning Board of Appeals. Ms. Recos explained that the Zoning Board allowed the change in use from the non-accessory use of an office to a residential apartment. Mr. Cantoreggi stated that he did speak to Town Counsel and the apartment did not meet the criteria for the MCEOD; however, with the ZBA’s change in use, it may not have to follow the MCEOD criteria. It is ultimately the Planning Board’s decision on whether or not to approve the Site Plan. Mr. Cantoreggi stated that, in his opinion, with the MCEOD overlay district, the apartment should not be allowed. He said, “I don’t believe it was the intent for the downtown” development.

Parking spaces were discussed. The Board was of the opinion that all parking spaces should be lined/marked appropriately with handicap parking signage and “No Parking” signs along the building. Ms. MacInnes questioned the lack of parking standards and shrubbery, along with other items for a site plan in that district. She asked if there was any lighting on the parking spaces. Mr. Seigenberg stated that they did not submit a

lighting plan. He said the idea of the site plan presented “was to address major review items.” Mr. Cantoreggi stated that the Board is trying to do their “due diligence.”

On a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was voted unanimously at 8:33 p.m. to close the public hearing.

**WAIVER OF SITE PLAN REVIEW/APPROVAL REQUEST - CONTINUED
13 ENVIRONMENTAL DRIVE – CELL TOWER
CROWN CASTLE – ADDITION OF ANTENNAS (T-MOBILE)
JEFFREY BARBADORA**

The Board met with Mr. Barbadora to discuss the Waiver of Site Plan Approval Request, dated February 25, 2016.

The Board reviewed the letter submitted for installation of three antennas, twelve lines of coaxial cable, and three TMAs at the 137’ level; and replacement of six TMAs at the 147’ level. All work will be completed within the existing stealth elements of the tower and existing ground space.

Special Condition #9 of the Decision filed with the Town Clerk on August 31, 2009, has also been fulfilled. A check in the amount of \$5,000.00 was submitted to the Town Administrator for the Tree Fund. In addition, the \$1,000.00 Special Permit renewal fee was paid. The Special Permit must be renewed again prior to March 8, 2019. Also, copies of contracts requested by Mr. Aspinwall had been provided to him, Mr. Barbadora said.

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 waive the requirements of Site Plan Review for the work stated above at 13 Environmental Drive for Crown Castle/T-Mobile.

**GLEN ELLEN COUNTRY CLUB
SRC DEVELOPMENT
INFORMAL DISCUSSION – TOLL BROTHERS**

Mr. Bauer, Division President of Toll Brothers, provided a background on Toll Brothers home building. A letter from Edward V. Cannon, Jr., dated April 6, 2016, was submitted, along with a Concept Plan and Fiscal Impact Analysis Report, dated January 20, 2016. Mr. Bauer presented and reviewed the “Senior Residential Community 324 Home Concept Plan” for Glen Ellen Country Club. He stated that the changes being proposed to the original plan are changes that they “feel are beneficial.” The original Senior Residential Community Special Permit was for 341 homes. They are proposing 324 homes with a clubhouse and amenities, he said. Traffic will be decreased from the original design and the length of roadway will be reduced, Mr. Bauer stated. Water main improvements will remain and Stormwater Management Regulations will be followed. In his opinion, they have provided a “livable, workable plan.”

Mr. Cantoreggi stated that there is a valid Special Permit in place and realizes there are modifications they want to make. The question, he said, is whether or not these modifications open the public permit process. The following items were discussed:

1. Traffic Study – Mr. Bauer stated that they plan to do a new traffic study.
2. Open Space – Mr. Cantoreggi stated that their modified plan removes the 9-hole golf course, which was Open Space. Mr. Bauer stated that after careful review and getting experts involved, it was determined that keeping the golf course was “a non-starter from an economic standpoint.” “We believe it would lose money and become a burden on the condominium association,” he said. Their motivation was to keep it, but “it just doesn’t work.”
3. Timetable – Mr. Cantoreggi stated that the original Special Permit involved phasing of construction. Mr. Bauer stated that they would do the same thing. They “don’t build on speculation,” they “build on contract,” he said. They project building 50 units a year and they have gotten as high as 80 a year. It is all driven by the market, he said, but they would also do construction in phases. “We have self-imposed phasing to deliver sections at a time,” he said.
4. 55 Plus Market – Mr. Cantoreggi stated that he understands the Town of Millis would get significant tax revenue, however, he wondered if the 55-plus market is saturated. He also questioned if a change in zoning in the future to remove the age-restriction could ever happen. Mr. Bauer stated that they think there is a demand and not enough housing for the 55 and over demographic. Mr. Bauer did not think the age-restriction could be easily changed. To get the condo association to relinquish their age-restriction would be very difficult, according to Mr. Bauer. He said from a marketing standpoint, they “think the demand far exceeds the supply.” Ms. MacInnes stated that the Senior Residential Community (SRC) Development is a “use” – zoning cannot be changed.
5. Stormwater/Water Issued – Mr. Cantoreggi stated that water is a valuable resource in Millis and there have been questions raised over flooding concerns. Their septic treatment would be a concern; groundwater issues; impact to the stream, are all items to consider and there are many regulations in place that they must remain aware of and take into consideration. Mr. Bauer stated that they anticipate a thorough presentation when the time comes and will answer/address any and all concerns.

There was discussion regarding the water main installation. Mr. Nichols said that in his opinion, “it is not a big benefit for the town,” and remediation could be road improvements on Orchard Street. Mr. McKay disagreed and said that he sees the water main project as helping everyone in the area. Mr. Miccile stated that the water main will be extended to the third entrance down to the Town line. Mr. Nichols also suggested that the traffic study should include Grove Street. Mr. Bauer will talk to the traffic consultant

about this. Mr. Bauer stated that they anticipate these conversations and “want to be good neighbors and try to make everybody happy.” “We don’t want to build what was approved because what we can propose is better,” he said. According to Mr. Bauer, they are ready to go and would like to file in June.

Mr. Fuzy stated that although he is “sad to see Glen Ellen go,” he would like to suggest that the name remain somehow.

Atty. Cannon stated that they will be looking for a modification to the Special Permit for their Concept Plan. Ms. MacInnes read from the original SRC Development Special Permit, filed with the Town Clerk on April 16, 2008, on Page 19, “Development Changes,” which read, in part, “No such change, which is consistent with this Decision in all material respects including but not limited to the maximum number of units (341), building pod location, perimeter buffer and open space as determined by the Planning Board, shall require an amendment of this Special Permit.” Mr. Bauer stated their preference would be not to open up the permit, but take the approach as read by Ms. MacInnes from the original Decision.

DELIBERATION:

**SPECIAL PER. APP. WITH SITE PLAN APPROVAL
1313-1319 MAIN STREET – TRACTOR SUPPLY CO.
NERP HOLDINGS & ACQUISITIONS CO., LLC**

The Board discussed the application and reviewed the plans. Findings and Special Conditions were discussed.

On a motion made by Ms. MacInnes and seconded by Ms. Riley, with Mr. Cantoreggi, Mr. Yered, Mr. McKay, and Mr. Nichols voting in the affirmative, it was unanimously voted to grant to the applicant, Mark D’Addabbo, NERP Holdings and Acquisitions Company, LLC, a **Special Permit for/with Site Plan Approval**, with conditions, for construction of a Tractor Supply Company retail store on property located at 1313-1319 Main Street.

DELIBERATION:

**SPECIAL PER. APP. WITH SITE PLAN APPROVAL, MCEOD
984 MAIN STREET – SECOND FLOOR APARTMENT
SEAN CURRIVAN/KSK REALTY TRUST**

The Board reviewed the application and plan. Findings and Special Conditions were discussed. Ms. MacInnes stated the second floor apartment was “too much for this property.” The other members were in agreement. The Board did not want to set a precedent allowing illegal apartments in the MCEOD district, which they stated, defeated the intent of the bylaw. There are safety issues still unresolved (pedestrian safety, handicap parking designation, lighting, etc.).

On a motion made by Mr. Cantoreggi, and seconded by Ms. MacInnes, with Mr. Yered, Mr. McKay, Ms. Riley and Mr. Nichols voting in the affirmative, it was unanimously voted (6-0) to **DENY** a special permit for/with site plan approval to Sean Currivan, KSK

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Realty Trust, to allow a second floor apartment above the pizza restaurant at 984 Main Street, Millis, MA.

OTHER BUSINESS:

MINUTES

On a motion made by Ms. Riley, seconded by Ms. MacInnes, it was unanimously voted to approve the minutes from March 8, 2016, as written.

ADJOURN

There being no further discussion and on a motion made by Ms. MacInnes, seconded by Mr. Cantoreggi and voted unanimously, the meeting was adjourned at 9:50 p.m.

Scheduled Planning Board Meetings: April 26, 2016
May 17, 2016

Respectfully submitted,

Camille Standley
Administrative Assistant