

The meeting was called to order at 7:02 p.m. by Ms. Catherine MacInnes.

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.
Carolyn Murray, Kopelman and Paige, PC
Sam Chase, 95 Nayatt Rd., Barrington, RI
Irwin Chase, 78 Congdon St., Providence, RI
Tim Sullivan, Goulston & Storrs, 400 Atlantic Ave., Boston
Shane Brenner, Merrill Engineering, 427 Columbia Rd., Hanover
Marc Rosenfeld, Milliston Common, Inc., 730 Main St.
Dan Merrikin, Merrikin Engineering
Steve & Meg Wilkes, 90 Farm St.
Thomas Roche, Roche's Building
Rob Truax, GLM Engineering
Robert Fox, 350 Boylston St., Newton
Mark Spangenberg, 18 Crestview Dr.
Tom Roche, 270 Exchange St.
Lois Diggins, 45 Spring St.
Bob Drummey, 38 Spring St.

ANN & HOPE PROPERTY

725 MAIN STREET

INFORMAL DISCUSSION – ANR APPLICATION/PLAN

Ms. MacInnes provided a summary of the proposed zoning changes. Mr. Tim Sullivan, representing the Irwin brothers, stated that they had issues regarding the zoning article which changes the Ann & Hope property from Industrial to Commercial. He stated that they are before the Board due to some confusion as to when the public hearing on the article was held and they did not receive notice. Mr. Sullivan recommended delaying the zoning article to the fall Town Meeting to allow discussion. He said the passage of the article would “take away industrial use going forward on the site,” and the property owners have a prospective tenant interested in light manufacturing. According to Mr. Sullivan, they are not opposed to commercial uses, but they want to maintain the flexibility of the existing use. There was discussion regarding a misunderstanding on behalf of the Chase brothers in thinking that the overlay would remain and industrial use would still be allowed. There is no commercial developer for the site right now, Mr. Sullivan said, and the issue is to be able to use the site going forward – “industrial use is

critical.” Mr. Sullivan stated they would like the opportunity to work with Board on an “overlay” and they are asking for “some input to allow industrial use going forward.” Taking away industrial use will have “a negative impact” where they have a “potential user for the site.” “Grandfathering” of the site was briefly discussed, however, Mr. Sullivan said neither lenders nor developers are comfortable with that.

Ms. Murray addressed Mr. Sullivan’s issues raised regarding notification for the proposed zoning amendments. She stated the advertising and posting requirements were met - “non-resident notice is not a requirement.” In Ms. Murray’s opinion, the notices were very clear and not misleading. Ms. Riley asked what legal action against the Town could potentially be taken if the Planning Board approves the articles and the zoning amendments pass. Ms. Murray stated that “what they succeed in remains to be seen,” however, she “sees no viable legal argument.”

Ms. Riley questioned Mr. Sullivan’s “misunderstanding” argument and asked when it was that the misunderstanding came into play. She stated she was at all of the meetings where this issue was discussed and his clients were at some of those meetings as well. Ms. Riley said that the Town of Millis and the State have spent much time and money on this article. Mr. Sullivan stated they are not “saying we didn’t understand, but there is a significant difference between an overlay, which allows commercial development.” Mr. Yered stated that the Master Plan Committee met the previous evening and they are going forward with the proposed article.

Mr. Sam Chase read a statement (attached) which provided a history of the site. He said that in 2011, he received letters from the Town Administrator seeking funds for development and “jump-starting re-development.” He said it was his understanding that the overlay would always remain. Mr. Chase said he has someone interested in using 90,200 square feet of the property for manufacturing and office space. This opportunity could provide 80-100 jobs, he said. “It is a shame to knock down the building,” he stated. According to Mr. Chase, “we came to a fork in the road; I went one way and the Committee went another. We **always** thought it would be an overlay.”

Due to time constraints, the ANR will be discussed later in the evening.

**4-6 MILLISTON ROAD
CHYTEN TEST PREPARATION
WAIVER OF SITE PLAN REVIEW REQUEST**

The Planning Board met with Mr. Marc Rosenfeld, representing Ms. Ellen Rosenfeld. They are requesting a Waiver of Site Plan Review/Approval for the above-mentioned location in Millis Plaza.

Mr. Rosenfeld summarized a letter from Ms. Rosenfeld, dated April 1, 2014. The current tenant, Chyten Test Preparation, would like to remain as a tenant at Milliston Common, however, they do not need such a large space. They would like to split the current space into two (2) spaces by constructing a demising wall down the middle, Mr. Rosenfeld said.

This space was originally designed to be two spaces, so everything else is already in place; HVAC units, entrances and exits, etc.

The footprint of the building is not changing and the building permit process will address all issues and concerns that may arise, he stated.

On a motion made by Mr. McKay, and seconded by Ms. MacInnes, it was voted unanimously, 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 4-6 Milliston Road (Cheyten Test Preparation).

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

PUBLIC HEARING
SCENIC ROAD APPLICATION
HICKORY HILLS – ACORN STREET
400 OLD POST ROAD

The public hearing continuation was opened at 7:37 p.m. and the Scenic Road public hearing was opened at 7:38 p.m. with notices being read by Mr. Yered, Clerk.

Mr. Merrikin, representing the applicant, stated that they are still working on the subdivision revisions. All the changes will be done at one time and written responses prepared. Mr. Merrikin will address these items at the next hearing. Mr. Merrikin submitted drafts of documents for sewer easements, grant of easements to the Town, and homeowner's association for Town Counsel review. (Note: Mr. Aspinwall forwarded copies of all draft documents to Town Counsel).

Mr. Merrikin discussed the drainage in the area of Farm Street. He said that the Wilkes' home at 90 Farm Street has the most problem with the existing swale system. They have "a lot of water in their yard," he said. Mr. Merrikin has proposed to the Selectmen to extend the drainage pipeline to alleviate the conditions at the Wilkes property. It is up to the Selectmen to either approve or deny this change, he said. Mr. Wilkes stated that they will not be the only beneficiaries of the improvement and they are in favor of it. Mr. Merrikin stated that the Farm Street reconstruction will start at house #132 and end at the intersection with Cedar Street.

Mr. Merrikin presented the application for the Scenic Road. The applicant is proposing to construct two new roadways which will intersect Acorn Street. One of the two new streets will result in the removal of four street trees within Acorn Street. In addition, Mr. Merrikin said, the development proposes the reconstruction and enlargement of an existing roadside stormwater swale near the northeast corner of assessor's parcel 31-33. A portion of this swale reconstruction will occur within the layout of Acorn Street and necessitates the removal of three street trees and the removal and/or burial of 40 linear

MILLIS PLANNING BOARD MINUTES

Tuesday, April 29, 2014

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

feet of stone wall within the Acorn Street layout, he said. Mr. Merrikin will flag the trees to be removed and the portion of the stone wall in question. Ms. Wilkes spoke in favor of burying the stone wall rather than removing it. Mr. Cantoreggi stated that placement trees may be required to be planted elsewhere in town.

On a motion made by Mr. McKay, seconded by Mr. Yered, it was unanimously voted to continue the subdivision public hearing at 8:04 p.m. to Tuesday, May 27, 2014, 7:30 p.m. On a motion made by Mr. McKay, seconded by Mr. Yered, it was unanimously voted to continue the scenic road public hearing at 8:04 p.m. to Tuesday, May 27, 2014, 7:31 p.m.

(Note: On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted (5-1), with Ms. MacInnes opposed, to change the times of the two public hearings noted above to a start time of 8:00 p.m. and 8:01 p.m. on May 27, 2014.)

ANN & HOPE PROPERTY

725 MAIN STREET

FORM A ANR APPLICATION/PLAN

According to Mr. Tim Sullivan, the plan is a "perimeter plan" to confirm existing property boundaries. Mr. Shane Brenner, surveyor, stated that an extensive ground survey was done and the plan meets all the requirements for an ANR endorsement; public way, frontage, vital access.

On a motion made by Ms. MacInnes, seconded by Ms. Riley, it was voted unanimously (6-0) to approve and endorse an ANR plan entitled, "Plan of Land, 725 Main Street, Millis, Massachusetts" dated April 24, 2014, prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA 02339, stamped by Shane M. Brenner, PLS, for property located at 725 Main Street, Map 24, Parcels 8 & 60, finding the Form A in order and subdivision control not required.

The Planning Board found that the land shown on the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, and therefore approved and endorsed the plan accordingly.

PUBLIC HEARING

SPECIAL PERMIT APP/SITE PLAN APPROVAL

26-28 SPRING STREET

THOMAS ROCHE

The public hearing was opened at 9:00 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Roche summarized the project proposal. Mr. Roche is seeking approval to construct two new buildings to include twelve units, with ten two-bedroom units and two one-bedroom units at 26-28 Spring Street. The existing five-family dwelling will be removed, he said. This property is in the MCEOD, he stated.

Mr. Truax of GLM Engineering presented the plans. The twelve units proposed are "town house style" units, he said.

Ms. Thissell summarized her review letter dated April 23, 2014. Ms. Thissell stated there are inconsistencies with the "Mixed Use" bylaw and there is no development criteria for a "Mixed Use Development Overlay District." There was discussion regarding the MCEOD bylaw. Ms. Riley noted that the Use Table does not permit Mixed Use in any residential districts. Ms. Riley will consult with Town Counsel on this issue.

The drainage was discussed. Mr. Truax stated that "overall" they "are reducing all runoff." Ms. Thissell reviewed her Stormwater Management comments and stated that the project is "not allowed to increase the flow at all." She disagreed with Mr. Truax on this issue. Ms. Thissell summarized the revisions requested.

Open Space was discussed. Mr. Roche stated that with the current landscaping, there will be adequate "open space" and screening. The rear of the property will "remain natural," he said. There was discussion regarding "Common Open Land" for use as suggested in the bylaw. In Mr. Roche's opinion, the bylaw "encourages" it but it is not required; nor is it necessary in this instance.

Mr. Roche stated the units will be rentals and not for sale. Parking was discussed. There will be two parking spaces per unit, Mr. Roche said. Mr. Truax will calculate impervious surface.

Ms. Diggins questioned whether there would be enough room for what Mr. Roche proposed to build. Mr. Truax stated that with the existing structure being removed, there is room. Mr. Drummey questioned the elevation change relative to his property at 38 Spring Street. Mr. Truax stated that the grades in question will be maintained. Ms. Thissell re-iterated that the applicant cannot increase the runoff. Mr. Drummey asked if a traffic study would be requested and Mr. Cantoreggi stated that it would not be required for this project.

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was voted unanimously at 9:50 p.m. to continue the public hearing to Tuesday, May 27, 2014, 7:30 p.m.

**OTHER BUSINESS:
MINUTES**

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

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 9:50 p.m.

Scheduled Planning Board Meetings: May 20, 2014
May 27, 2014

Respectfully submitted,

Camille Standley, Administrative Assistant

4/29/14

Good Evening,

In 2001 we closed the Ann & Hope Discount Department Stores and its 210,000 sq. ft. Distribution Center in Millis. Those three buildings have been mostly vacant since, despite the efforts of three different brokerage firms to rent to Industrial or Retail firms.

Since 2001 we have paid over \$920,000 in taxes and since 2008 over \$571,000 in capital improvements and expenses to the buildings. This year we spent \$250,000 to remodel our Millis store.

In 2011, we received copies of letters from the Millis Town Administrator to State organizations seeking funds to study the problem of developing the area. He said "Our goal is to assist the property owners with developing potential development scenarios thereby jump starting redevelopment of the properties." I took that to mean the Town of Millis was trying to help us. Originally the plan was to have an overlay of mixed use over the current use, so that we would have the flexibility of either industrial or retail zoning. This is what we would like.

We would be very interested in retail use but only if it was financially feasible. We have received a bid of \$2,480,000 for demolition and removal of the three buildings. We doubt that cost would be financially feasible for retail development. If our zoning is changed to only retail, the buildings could remain empty forever. Our present broker, Stubblebine, has a tenant interested in 90,199 sq. ft. for an office and distribution center which would employ 80 people to start. I invite the Planning Board to tour our facility to see how nice it is.

Thank you very much for giving me this opportunity to address you.