

MILLIS PLANNING BOARD MINUTES

Tuesday, July 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
Richard Nichols
Nicole Riley

Greg Lucas, PE, PTOE, BETA Group, Inc.

Members Absent:

Also present: Arthur Payne, Jr., 94 Dover Rd.
David & Beverly McCarter, 29 Bridge St.
Martha Kessler, 275 Island Rd.
Janice & Bob McCoy, 106 Dover Rd.
David Carter, Barberry Homes
Jason Sobel, Green International Affiliates
Jim Williamson, Barberry Homes
Robert Truax, GLM Engineering Cons., Inc.
Adam J. Costa, Blatman, Bobrowski, Mead & Talerman, LLC
Betty Steinman, 17 Ironwood Lane
David Luca, Mansfield
Phyllis McGuinness, 27 Dover Road
Jane Armstrong, 50 Bridge St.
Carol Coakley, 50 Bridge St.
Tony Scavone, 14 Ironwood Ln.
Kathi Smith, 28 McCabe Ave.
Stephen Bello, 12 Ironwood Ln.
Jennifer Payne, 94 Dover Rd.
Madeline Yusna, 93 Dover Rd.
Ann Marie & Stanley Roskey, 52 Dover Rd.
Jen & Joe Parkhurst, 99 Dover Rd.
Susan & Charles Steele, 4 Ironwood Ln.
Nancy Snow, 20 Bridge St.
Daniel Merrikin, Merrikin Engineering

SPECIAL PER. APP. WITH SITE PLAN APPROVAL, PUBLIC HEARING,
CONTINUED
“DOVER ROAD RESIDENCES” – ASSISTED LIVING FACILITY
BRIDGE STREET & DOVER ROAD
BARBERRY HOMES, LCC

The public hearing continuation was opened at 7:32 p.m. with notice being read by Mr. Yered, Clerk.

SPECIAL PER. APP. WITH SITE PLAN APPROVAL,
ASSISTED LIVING RESIDENCES BYLAW, PUBLIC HEARING,
“DOVER ROAD RESIDENCES” – ASSISTED LIVING FACILITY
BRIDGE STREET & DOVER ROAD
BARBERRY HOMES, LCC

The public hearing was opened at 7:33 p.m. with notice being read by Mr. Yered, Clerk. (Both public hearings held concurrently at applicant’s request.)

Atty. Adam Costa, representing the applicant, Barberrry Homes, LLC, summarized the status of the current open application and the new application filed under the newly adopted Assisted Living Residences (ALR) Bylaw. To get underway with the approval process, they filed under the Housing for the Elderly use category, he said. At the time of this filing, he said, they were aware that an Assisted Living Residences Bylaw was being drafted for the spring Town Meeting. After discussions with the Town and Town Counsel, it was suggested they file under the newly adopted bylaw. Mr. Costa stated that they are trying to submit in every way and are “not trying to go through any loopholes.” The project has been designed to comply with the more stringent ALR Bylaw, he said, however, due to approval by the Attorney General still pending, the applicant wishes to keep the original application valid/open as well. Mr. Costa suggested that a condition of approval could be “pending approval of the ALR Bylaw by the Attorney General.” The applicant will do whatever the Board prefers at the appropriate time, he said.

Ms. Parkhurst asked some procedural questions and clarification on Town Counsel’s opinion. Mr. Cantoreggi clarified stating that Town Counsel does offer opinions and one was the approach that the applicant may want to file another application under the new ALR bylaw. Mr. Cantoreggi stated that is up to the applicant to decide what to do. He said that the applicant was provided options. Mr. Costa stated that the applicant wants to “engage in a cooperative process” and requests that the process of both applications run concurrently. Ms. Parkhurst stated that during the Town Meeting, “we were clearly told” that the ALR Bylaw “would not have anything to do with this application.” Mr. Cantoreggi explained that the applicant did go forward under the Housing for the Elderly use and at the time of Town Meeting, it was not effecting this application. Ms. Riley stated that the ALR Bylaw had been a work in progress for a long time – long before this application was filed – and the purpose was to “get a bylaw on the books” for the Town to have some stricter control over these types of developments. The creation and adoption of the ALR Bylaw had nothing to do with the Dover Road Residences application, she said.

Mr. Lucas of BETA Group, the Planning Board’s peer reviewer, summarized the review letter, dated June 27, 2016. He said the revisions provided in June were reviewed and a vast majority of issues have been resolved. A few non-critical issues remain open: smaller parking stalls requested; pedestrian circulation & access from the cottages. Mr. Lucas said the 18’ parking stalls are adequate/sufficient for this site. Site access has been resolved with the driveway location modification, he said. He stated that the application and plans, etc. were also reviewed against the ALR Bylaw. Mr. Lucas said there are

minor comments regarding the ALR Bylaw application, such as communication for emergency response. These details can come later in the process and are not necessary for approval. Mr. Lucas stated that the proposed project will not have a major impact to the existing traffic. According to Mr. Lucas, the project as designed meets the criteria for both Housing for the Elderly and the Assisted Living Residences Bylaw. As it is designed, he said, the project meets the more stringent requirements.

Mr. Sobel, Traffic Engineer, of Green International Affiliates, Inc., summarized the changes at the primary driveway. The proposed entrance has been revised. Mr. Cantoreggi suggested the possibility of the applicant providing flashing stop signs. Ms. Snow re-iterated her concerns regarding the curve in Dover Road and sight line issues and asked if the applicant would consider a turn lane on Dover Road turning left onto Bridge Street. Mr. Sobel said they would look into it. Mr. Cantoreggi stated that the existing traffic issues and speeding complaints from those in attendance are not under the Planning Board's purview. Mr. McKay recommended they contact the Police Chief regarding those issues.

Mr. Sobel addressed some of the traffic/speeding concerns. According to Mr. Sobel, there are no truck restrictions on the roadway in place today. He proposed various ideas such as:

- 1) Flashing stop sign
- 2) Possible left-turn lane on Dover Road
- 3) Installation of permanent speed information sign

Mr. Sobel said that they would be "happy to incorporate" what they can, that is "financially feasible" and under the Planning Board's purview.

Ms. Kessler, an abutter to the project, stated that she had visited twenty-three assisted living facilities and "all had major access on a major road." She asked that the Board not issue the Special Permit. Other abutters to the project expressed their concerns regarding the traffic, location, size and scale of the facility and the sentiment that was repeated was that it does not "belong in a residential neighborhood," and is therefore "not appropriate for this site."

Mr. Cantoreggi explained the Special Permitting process and stated that zoning in Millis **allows** these projects. "We are dealing with something that is allowed," he said. Nothing has been approved at this point, he said, and no decisions have been made.

Mr. Luca, an attorney representing Mrs. Betty Steinman, asked if the Board would consider all testimony previously submitted for consideration on both of the concurrent special permits. Mr. Cantoreggi stated that all testimony received since the first public hearing will be considered for both applications. Mr. Luca stated that they do not think the proposed project meets the Special Permit criteria; that it would be a "detriment to the area" and "thinks the Board should not approve" the project. "Nothing says it is wanted or needed in the middle of a residential neighborhood," he said. According to Mr. Luca, other uses would be more beneficial and he does "not think they meet the burden of a

Special Permit.” Ms. Riley stated that the Board represents and takes into consideration the Town as a whole. The Board has to follow the regulations of the Town’s zoning bylaws, Ms. Riley said. Mr. McKay stated that the Board has to “look at all options and the whole picture” and consider every Millis resident. A developer/owner of property can propose any project they choose and go through the permitting process.

Mr. Carter of Barberry Homes explained why this site was chosen for their project. They are hoping to build the project to serve residents of Millis and surrounding towns; residents “would want to live there.” It is an “outstanding site” and part of the attraction is that Millis is a rural, tranquil town and it would be “part of the neighborhood,” he said. They chose not to design a high-rise in an Industrial zone, Mr. Carter stated. It is an appropriate site for this use, he said.

Ms. Steele stated that the proposed development is next door to her house and there are currently problem drainage areas. The clearing of the land is adjacent to her property and she is concerned about drainage and privacy. She stated that she has retained an engineering firm to review the Stormwater Management Report and requested time to allow for this review. Ms. Steele stated that 365 linear feet of fencing was proposed by the applicant for privacy, however she would prefer 736 feet of fencing and at the highest recommended height. Mr. Cantoreggi stated that the Board could make a recommendation.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously at 9:41 p.m. to continue **both** public hearings to Tuesday, August 9, 2016, 7:30 p.m.

**HICKORY HILLS DEFINITIVE SUBDIVISION
BOND RELEASE REQUEST-TRIPARTITE AGREEMENT
PHASES 1 AND 2**

Mr. Daniel Merrikin, representing the applicant, updated the Board on the status of the subdivision construction/development. He requested a bond reduction for Phases 1 and 2. The bond is an Amended Tripartite Agreement in the amount of \$383,220.00, dated May 17, 2016, Mr. Merrikin stated.

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was unanimously voted (5-0-0) to reduce the subdivision bond being held on Hickory Hills Definitive Subdivision to an amount of \$203,040.00 as requested by Daniel Merrikin, Merrikin Engineering LLP, on behalf of the Applicant; and as recommended by BETA Engineering, Planning Board’s consulting engineers.

**TRACTOR SUPPLY COMPANY
1313-1319 MAIN STREET
STREET ADDRESS ASSIGNMENT**

Mr. Thomas Moriarty, on behalf of NERP Holdings & Acquisitions, emailed the Board requesting an address for the Tractor Supply Company store parcel. After the ANR plan approved at the last meeting, the Tractor Supply Company parcel is Map 22, Parcel 6 and a portion of Parcel 4. In accordance with General By-Law Article V, Section 20, the Board assigned the address of 1313 Main Street to the newly created parcel for Tractor

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Supply Company. (Note: a new/updated parcel number will be created by the Assessor's Office once the ANR plan is recorded at the Registry of Deeds.)

OTHER BUSINESS:

PAYROLL SIGNATORIES – FY17

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, the Planning Board unanimously voted, pursuant to MGL Chapter 41, Section 41, to authorize *either* Robert Cantoreggi or James McKay to sign/approve payroll.

LED STREETLIGHTS REGULATIONS – DISCUSSION

This discussion was re-scheduled to the next meeting.

ZONING REFORM LEGISLATION INFO

NICOLE RILEY

This discussion was re-scheduled to the next meeting.

MINUTES

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was unanimously voted to approve the minutes from June 14, 2016, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. Cantoreggi, seconded by Mr. Yered and voted unanimously, the meeting was adjourned at 9:56 p.m.

Scheduled Planning Board Meetings: August 9, 2016

Respectfully submitted,

Camille Standley
Administrative Assistant