

**MILLIS PLANNING BOARD MINUTES**

**Tuesday, September 24, 2013**

**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  
Catherine MacInnes  
James McKay  
Nicole Riley  
Richard Nichols, Associate Member

Barbara J. Thissell, P.E.

Members Absent:

Also present: Scott Fuzy, 15 Stony Brook Dr.  
Ryan St. Aubin, 133 Rumford Ave., Mansfield  
Robert Valchuis, 180 Farm Rd., Marlboro  
Joseph Peznola, Hancock Associates, 315 Elm St., Marlborough  
Wayne Carlson, 201 Union St.  
Jeff Butensky, 228 Farm St.  
Paul Coutinho, 80 Bullard Lane  
Wayne Klocko, 85 Walnut St.  
Stephen O’Connell, 104 Mendon St., Uxbridge  
James Marshall, 37 North Blossom St., E. Providence, RI  
John Kazis, 3 Gavin Ln., Walpole

**PUBLIC HEARINGS:**

**SPECIAL PERMIT APP/SITE PLAN APPROVAL**

**SPECIAL PERMIT APP/EARTH REMOVAL**

**1465 MAIN STREET-MILLIS USED AUTO PARTS**

**ROBERT VALCHUIS**

**SPECIAL PERMIT APP/EARTH REMOVAL**

**1372 MAIN STREET**

**ROBERT VALCHUIS**

The public hearings were opened at 7:30 & 7:31 p.m. with notices being read by Mr. Yered, Clerk.

Mr. Joseph Peznola, P.E., representing the applicant, presented the applications and plans. Mr. Peznola explained that the applications are for “after-the-fact permitting.” According to Mr. Peznola, Hancock Associates was hired to design stormwater improvements at 1465 Main Street. The property was purchased by a “national company,” he said, and they wanted to upgrade the stormwater management system. Work had begun without understanding that permits were required for the work, Mr. Peznola said. The subject property is under a Cease and Desist Order from the Board of Selectmen and Building Department for proceeding with work without the necessary town approvals, he said. The proposed work involves stormwater management system

enhancements and associated grading on site. The grading portion of the work was completed in June and early July of this year, Mr. Peznola said. The remaining work to be done includes installation of drainage structures and completion of a bio-retention basin. Earth material was trucked from the site to 1370-1372 Main Street and stockpiled.

Mr. Cantoreggi stated that he has “never heard” of a developer doing stormwater management “of their own free will.” Mr. Valchuis stated that he sold his business to Schnitzer Steel Industries and he works for them now. According to Mr. Valchuis, Schnitzer Steel is a public company and they are spending the money to do the stormwater improvements. “They did not want to have any issues and they voluntarily agreed to do it as part of the sale price,” Mr. Valchuis stated. Mr. Valchuis apologized, saying that he admits he got himself into trouble unknowingly, but the reasoning and intent was good.

Mr. Peznola described the design and collection system. He said that a portion of the site is shown on FEMA mapping as 100-year floodplain (Zone A) and therefore within the Millis Special Flood Hazard District. They have included information from 1987, he said, which has the proposed work outside the floodplain. Mr. Peznola stated that the project could be classified as re-development. There was discussion regarding re-development versus new construction.

Ms. Thissell stated that she had conducted a site inspection in July with the Building Inspector and Board of Health representative. She said that the plan submitted with the application did not show the concrete pads on site before they were removed. They are actually decreasing impervious surface. Ms. Thissell summarized her review letter, dated September 23, 2013. According to Ms. Thissell, stormwater management is being improved, even though it “was done in the wrong order.”

Mr. Peznola discussed the earth removal. He stated that approximately 2,500 cubic yards of material has been imported onto the 1373 Main Street property from the 1465 Main Street property. The material will be processed and transported off-site, Mr. Peznola said. Mr. Peznola will provide additional amounts of fill to be removed. Ms. Thissell stated that Mr. Peznola had neglected to send her the application for 1372 Main Street; therefore she was not able to review that application at this time. She will have her review letter on this application at the next meeting.

On a motion made by Ms. MacInnes, seconded by Mr. McKay, it was unanimously voted at 8:15 p.m. to continue the public hearings to Tuesday, October 29, 2013, 7:30 p.m.

**PUBLIC HEARING**

**SPECIAL PERMIT APP/SITE PLAN APPROVAL-MODIFICATION**

**CENTENNIAL PLACE – 983 MAIN ST.**

**JOHN KAZIS, JOPA REALTY**

The public hearing was opened at 8:14 p.m. with notice being read by Mr. Yered, Clerk.

Mr. O’Connell, representing the applicant, presented the application and plans. Mr. O’Connell stated that the application is to amend/modify the Special Permit previously issued by the Planning Board in October 2007. He said that JOPA Realty would like to modify the configuration of the site and the proposed building known as Building #1. The proposed modifications include parking space reconfigurations as a result of the proposal of a drive-thru window for a restaurant. Building modifications primarily consist on changing the building from a 2-story to a 1-story structure, due to cost. According to Mr. O’Connell, the building footprint and location shall remain the same, along with the general architecture. The approved drainage system and utilities which have already been installed throughout the previous phases of construction will be utilized.

Mr. O’Connell described the drive-thru window and stated they have an application submitted to the Zoning Board of Appeals for a variance. He stated that customers utilizing the drive-thru window can enter the site from Auburn Road or Main Street, and will be “encouraged to exit” the site via Auburn Road. There was discussion regarding traffic and safety concerns with the drive-thru window design. Ms. Thissell stated that, in her opinion, a traffic study needs to be done and the Planning Board would need to know what restaurant was going in there. Mr. Kazis stated that one possibility is a Dairy Queen restaurant. Mr. O’Connell stated that they would be “open to suggestions” on the drive-thru design, as it is a “critical element” of the project. He said they will look at some alternatives and other vehicle templates.

Mr. Marshall, the architect, described the design. He stated that all use will be commercial and on the ground floor. The building will be one story with a big, truss roof and will look like Building #2.

Ms. Thissell discussed her review letter, dated September 23, 2013. Ms. Thissell requested that Mr. O’Connell have Mr. Aspinwall sign the application as town property is involved.

Mr. O’Connell stated that they will respond in writing to Ms. Thissell’s letter, along with plan revisions.

On a motion made by Ms. Riley, seconded by Ms. MacInnes, it was unanimously voted at 9:07 p.m. to continue the public hearings to Tuesday, October 29, 2013, 8:00 p.m.

**BULLARD LANE  
SCENIC ROAD PETITION  
PAUL COUTINHO**

Mr. Coutinho presented a petition to the Board, requesting that Bullard Lane be designated as a Scenic Road. Mr. Cantoreggi explained what a Scenic Road designation means; trees and stone walls in the public right-of-way would be protected. Residents would be required to come before the Planning Board for a public hearing and receive permission to remove or alter town trees or stone walls. Mr. Cantoreggi stated that the Planning Board would hold a hearing prior to Town Meeting.

On a motion made by Mr. Yered, seconded by Mr. McKay, it was voted unanimously to accept the Scenic Road Designation petition for Bullard Lane.

(Note: it was learned, after the fact, that petitions have to be filed with the Town Clerk first for verification/certification of signatures. The signatures were verified and the petition was certified by the Town Clerk on September 30, 2013.)

**INFORMAL DISCUSSION  
PUBLIC LIBRARY – UPDATE/SIGNAGE  
WAYNE KLOCKO**

Mr. Klocko of the Permanent Building Committee requested that the Planning Board approve a sign at the rear of the library, affixed to the building, rather than the free-standing sign first proposed. He said it would not only save \$7,000.00, but would improve visibility. It would also match the signage on the front of the building.

Mr. Klocko presented schematics for the signage proposed. Mr. McKay stated that for maintenance purposes, having the sign on the building rather than free-standing would be best. The Board approved the proposed signage for the rear of the library.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously to approve the sign presented by Mr. Klocko as a field change.

**FORM A APPLICATION-APPROVAL NOT REQUIRED  
40 AUBURN ROAD  
WAYNE CARLSON**

Mr. Carlson presented the application and plan. According to Mr. Carlson, they are dividing the one lot into two, and both parcels have the required frontage and lot area. The existing single family home, Mr. Carlson said, has received a variance from the Zoning Board of Appeals (8/14/13) as it applies to setback requirements

On a motion made by Ms. MacInnes, seconded by Ms. Riley, it was voted unanimously (5-0) to approve and endorse an ANR plan entitled, “Plan of Land Millis-Massachusetts” dated July 15, 2013, prepared by Carlson Survey Company, 261 Union St., Millis, MA 02054 stamped by Wayne S. Carlson, P.L.S., for property located at 40 Auburn Road, Map 23, Parcel 29, finding the Form A in order and subdivision control not required.

**NEW BUSINESS:**

**INFORMAL DISCUSSION**

**REPLACEMENT TREE PLANTINGS**

The Board reviewed the email and photographs from Mr. Robert Zammarchi regarding replacement tree plantings at Holbrook Square. Mr. Cantoreggi stated that the Planning Board will follow up with developers/applicants who were required to provide town/street trees as a condition of approval. Mr. Cantoreggi would like to schedule a tree lottery in the spring.

**OTHER BUSINESS:**

**INFORMAL DISCUSSION**

**PROPOSED BYLAW AMENDMENTS**

**ARTICLE 1 - AGRICULTURAL RETAIL USE**

**ARTICLE 2 – ADULT ENTERTAINMENT USES AND MEDICAL MARIJUANA TREATMENT CENTERS**

The Board discussed the above-mentioned proposed bylaw amendments.

On a motion made by Mr. Cantoreggi, seconded by Ms. MacInnes, it was voted unanimously to recommend, to the Board of Selectmen, the warrant article for **Agricultural Retail Use** for the November 4, 2013, Town Meeting.

On a motion made by Mr. McKay, seconded by Ms. MacInnes, it was voted unanimously to recommend, to the Board of Selectmen, the warrant article for **Adult Entertainment Uses and Medical Marijuana Treatment Centers** for the November 4, 2013, Town Meeting.

If and when the Selectmen approve the articles, they will be referred back to the Planning Board for a public hearing on Tuesday, October 22, 2013, at 7:30 p.m.

**PROPOSED GENERAL BYLAWS ADDITION:**

**ARTICLE XXII. URBAN DOMESTICATED FOWL OR RABBITS REGULATIONS**

Mr. Cantoreggi reviewed the regulations for “backyard chickens” and/or rabbits. He stated that he had shown them to the Board of Health agent. If this bylaw is approved and added to the Town’s General Bylaws, he said, no special permit by the Planning Board would be required.

On a motion made by Ms. MacInnes, seconded by Ms. Riley, it was voted unanimously to recommend, to the Board of Selectmen, the warrant article for the November Town Meeting. The Planning Board will request that the Selectmen open the warrant and place this article on for the November 4, 2013, Town Meeting.

**SUBDIVISION REVIEW FEE ACCOUNTS**

Ms. Thissell will be asked to review the remaining balances in the Subdivision Consultant Review Accounts.

The Board reviewed the paperwork on the return of funds to Mr. Hari Khalsa for a withdrawn Definitive Subdivision application for 348 Village Street.

On a motion made by Ms. MacInnes, seconded by Mr. Yered, it was voted unanimously to refund the unused balance in the amount of \$855.00 from the subdivision review revolving account to Mr. Khalsa.

**MINUTES**

On a motion made by Mr. Yered, seconded by Ms. Riley, it was unanimously voted to approve the minutes from August 6, 2013, as written.

**ADJOURN**

There being no further discussion and on a motion made by Mr. Cantoreggi, seconded by Mr. McKay and voted unanimously, the meeting was adjourned at 9:46 p.m.

*Respectfully submitted,*

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*Camille Standley, Administrative Assistant*