

MILLIS PLANNING BOARD MINUTES

Tuesday, September 6, 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, BETA Group
Phil Paradis, BETA Group

Members Absent:

Also present: Scott Fuzy, 15 Stony Brook Dr.
Daniel Merrikin, Merrikin Engineering
David & Beverly McCarter, 29 Bridge St.
Jen Parkhurst, 99 Dover Rd.
Martha Kessler, 275 Island Rd.
Mary Corthell, 41 Crestview Dr.
Diane Hubbard, 307 Orchard St.
Beverly Temple, 245 Ridge St.
Michael Juliano, Eaglebrook Eng.
Jim Borgman, 25 Grove St.
Arthur Payne, Jr., 94 Dover Rd.
Phyllis McGuinness, 27 Dover Rd.
Betty Steinman, 17 Ironwood Ln.
Diane & Peter Jurmain, 21 Causeway St.
Craig Shultze, 330 Plain St.
Ann & Stan Roskey, 52 Dover Rd.
Sarah Occhino, 44 Dover Rd.
Don Skenderian, 8 Klifford Circle
Carlo Molinari, 46 Causeway St.
Madeline Yusna, 93 Dover Rd.
Robert Truax, GLM Engineering Cons., Inc.
Anthony Vivirito, The Architectural Team, Inc.
Adam J. Costa, Blatman, Bobrowski, Mead & Talerman, LLC
Jim Williamson, Barberry Homes
David Carter, Barberry Homes
Dave Pasquarantonio, 238 Village St.
Joe & Karin Mailhiot, 124 Dover Rd.
Kathi Smith, 28 McCabe Ave.
Stephen & Estelle Bello, 12 Ironwood Ln.
Stephen Koss, 120 Dover Rd.
Jennifer M. Payne, 94 Dover Rd.
James Neville, Chair, Selectman

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Jason Antin, 57 Orchard St.
David Werner, 91 Ridge St.
Carol Coakley, 50 Bridge St.
Kamil & Danielle Alachi, 54 Orchard St.
Chris Smith, 3 Walnut St.
James Hardin, 3 Tuckerdale Way
KellyAnn & Robert Hubbell, 68 Orchard St.
Shawn Nuckolls, 134 Flanders Rd., Westboro
Scott Miccile, 134 Flanders Rd., Westboro
Atty. Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon
Michael Dryden, Bohler Engineering
Wayne Klocko, PBC
Joseph Housley, Housley Corp.

**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 7:32 p.m. with notice being read by Mr. Yered, Clerk.
(Both public hearings held concurrently at applicant’s request.)

Mr. Cantoreggi, referencing a letter from the Attorney General, dated August 23, 2016, stated that the Warrant Article #41, pertaining to the Assisted Living Residences Bylaw, has been approved.

Mr. Michael Juliano, PE, of Eaglebrook Engineering & Survey, LLC, summarized his letter, dated August 22, 2016 (attached). He stated that he had been retained by an abutter, Ms. Susan Steele, to review the proposed Stormwater Management for the project on her behalf. There was discussion regarding the rainfall data used by GLM Engineering. According to Mr. Juliano, the National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 10, rainfall data should have been used instead of Technical Report 40 (TP40). Mr. Paradis of BETA Group, the Board’s consulting engineer, stated that he reviewed Mr. Juliano’s letter and “even though Atlas 14 is more commonly accepted,” DEP and other agencies have not adopted it yet. The Town of Millis regulations do not specify a particular set of precipitation data to use in hydrologic computations. Mr. Paradis summarized BETA’s review letter, dated August 30, 2016 (attached).

Mr. Rob Truax of GLM Engineering, the applicant's engineer, stated that some of the recommendations made by Mr. Juliano could be considered; for example the emergency spillway and impact basin could be re-directed away from Ms. Steele's property and towards the wetland. He also suggested collecting the "roof runoff underground and "piping it." Mr. Juliano agreed with Mr. Truax's suggestion.

There was discussion regarding the fencing along Ms. Steele's property. Mr. Juliano recommended that the fencing be extended an additional 300 feet to the north so the entire boundary of Ms. Steele's property be fenced for safety, aesthetics and privacy reasons. The fence should be solid stockade and the maximum height allowable, he said. Mr. Carter of Barberry Homes stated that on March 29th, he met with Ms. Steele to "go over a number of concerns." According to Mr. Carter, they "came up with a way to go" with 385 feet of fence. They decided "collectively on six-foot stockade fence" and 385 feet of fence is shown on the plan. Mr. Carter stated that he believes that "this has gone past the point of the original intent of a privacy fence." Although he and Ms. Steele "had agreed to 385 feet", he said, he will honor whatever the Board decides.

Mr. Anthony Rivorito, the applicant's architect, presented plans/drawings of the footprint of the facility with front elevations, etc. The "average maximum height," he said was 35 feet. The proposed spire or cupola is 60 feet high. Ms. Riley stated that in her opinion, the cupola is higher than permitted/allowed and she recommended that the Building Inspector provide an opinion on this issue. Atty. Costa referenced Table 3. Height and Bulk Regulations, Notes for Table 3: 1.b. of the Millis Zoning Bylaws; wherein it states that maximum height permitted does not apply to "Necessary appurtenant structures, such as church-spire.....or any similar appurtenances not in any manner used for human occupancy." This was referred to in designing the project, he said. Mr. Carter stated that the spire/cupola is for aesthetics; however, there is a chapel in the bottom floor below it.

Mr. Scott Fuzy stated that in his opinion, the proposed facility "is a good project for the Town," however, the "tower should be scaled down to fit the neighborhood."

Mr. Stephen Koss stated that "it is not possible to analyze the impact on the neighborhood." He read a letter from Jerome R. Dixon, Architect, dated August 31, 2016, into the record (attached).

Ms. Madeline Yusna asked about landscaping, lighting, and exterior lighting. She asked if there would be "solid screening," "as dense a screen as possible." Mr. Cantoreggi stated that the plans are available for review on the website. Ms. Yusna asked if the project fell under the purview for a "Green Community." Mr. Cantoreggi stated that he does not know about the requirements for a Green Community – "it is encouraged, but not a requirement," he said. Lighting on the plan and coverage on the site has been addressed, Mr. Cantoreggi said. The different colors of lighting and amount of lighting were discussed. Atty. Costa stated that talks with public safety officials will determine the lighting specifics.

Ms. Corthell submitted a second signed petition in opposition to the project.

Ms. Payne expressed concern with Alzheimer patient care and medical staffing. Mr. Cantoreggi stated this issue had previously been brought up and discussed. Ms. Coakley expressed concern about the spire not being in conformance due to its height. She also expressed concerns over the “ditch along Mr. Sorrenti’s property drying up” should water be channeled elsewhere. Ms. Coakley stated that she would like to see a provision regarding trees dying in the future due to the project. Mr. Cantoreggi stated that provisions are typically in a Decision should a project be approved.

On a motion made by Mr. McKay, seconded by Ms. Riley, it was voted unanimously at 8:41 p.m. to close the Special Permit Application For/With Site Plan Approval public hearing for “Dover Road Residences” – Assisted Living Facility filed by Barberry Homes, LLC.

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously at 8:42 p.m. to close the Special Permit Application For/With Site Plan Approval, Assisted Living Residences Bylaw, public hearing for “Dover Road Residences” – Assisted Living Facility filed by Barberry Homes, LLC.

**NEW POLICE STATION SPECIAL PERMIT
AS-BUILT PLAN APPROVAL REQUEST
PERMANENT BUILDING COMMITTEE**

The Board met with Mr. Wayne Klocko regarding the status of the new police station construction and requirements for a Certificate of Occupancy. According to Mr. Klocko, September 15th is the “target date” to go live at the new station.

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously (5-0) to accept the plan entitled, “Interim Site As-Built, 1003 Main Street, Millis Massachusetts,” dated July 29, 2016, prepared by Guerriere & Halnon, Inc., as submitted, with the condition that the final as-built will be submitted on or before October 30, 2016, for endorsement by the Planning Board.

**SPECIAL PER. APP. WITH SITE PLAN APPROVAL, PUBLIC HEARING
MCEOD – 34-36 EXCHANGE ST.
DANIEL MERRIKIN, MERRIKIN ENGINEERING**

The public hearing was opened at 8:54 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Daniel Merrikin of Merrikin Engineering, representing the applicant, 34-36 Exchange St., LLC, presented the application and plans. The applicant proposes to redevelop the existing building by adding a second floor comprised of five residential apartment units. The site is pre-existing non-conforming due to several lot and structure dimensional deficiencies, he said. According to Mr. Merrikin, the applicant has obtained a Variance and Determination from the Zoning Board of Appeals to allow this application to proceed with less than 30,000 s.f. of land area and with a building that has a front setback which exceeds 15 feet. There are also a series of variances associated with this property for the existing parking facilities, he stated. Mr. Merrikin stated that

this project is similar in style to Centennial Place and would be an improvement to the existing downtown property. There is not a great deal of site work involved, he said. Mr. Merrikin stated that he met with the Fire Chief and was asked to add some items. Mr. Merrikin is also in the process of preparing responses to BETA Group's letter, dated August 22, 2016. Mr. Merrikin is working on an access agreement between 30-32 Exchange Street and 34-36 Exchange Street for use of the driveways. He will provide additional documentation.

Traffic, traffic flow and parking were discussed. The Board was of the opinion that a traffic study was not warranted for this project. Mr. Merrikin stated that the project is considered redevelopment; however he will "see what" he "can do with stormwater management." The use is MCEOD, he said. Mr. Merrikin stated that he will have comprehensive responses to BETA's review letter for the next hearing.

On a motion made by Mr. McKay, seconded by Ms. Riley, it was voted unanimously at 9:28 p.m. to continue the public hearing to Tuesday, October 11, 2016, 7:30 p.m.

WAIVER OF SITE PLAN APPROVAL REQUEST**725 MAIN STREET – (ANN & HOPE COMPLEX)****JOSEPH HOUSLEY- "PURE GENIUS FOODS"**

The Planning Board met with Mr. Joseph Housley. Mr. Housley stated that he has been contracted with Ann & Hope to expand the interior portion of the facility for the future expansion of their tenant, "Pure Genius Foods/FreshBox Farms," a hydroponic growing facility. He has requested a waiver of site plan review. According to Mr. Housley, minor cosmetic improvements are proposed to ready an unoccupied portion of the building for the future occupation of Pure Genius Foods/FreshBox Farms.

On a motion made by Mr. Cantoreggi, and seconded by Mr. McKay, it was voted unanimously (5-0), pursuant to Section XIII (Special Permit Conditions) C., of the Town of Millis Zoning By-laws, to waive the requirements of Site Plan Review. This waiver of Site Plan Review is conditional on Board of Health approval of the proposed hydroponic expansion prior to occupancy.

Mr. Housley is hereby authorized to make **minor cosmetic** improvements, but not expand the hydroponic business until additional details are resolved and requirements met with the Millis Board of Health.

GLEN ELLEN COUNTRY CLUB**84 ORCHARD STREET****SENIOR RESIDENTIAL COMMUNITY DEVELOPMENT SPECIAL PERMIT****PRELIMINARY PLANS****TOLL BROTHERS**

Atty. Edward Cannon, representing Toll Bros., Inc. presented the preliminary plans. He stated that they are requesting "direction from the Board." The applicant is seeking the Board's approval of the proposed preliminary plans in accordance with the requirements

of the SRC Development Special Permit Decision. The applicant understands that a Definitive Plan has to be submitted before final approval.

The Board reviewed the letter submitted by Bohler Engineering, dated August 9, 2016 and BETA's review letter, dated August 30, 2016.

Mr. Cantoreggi summarized some of the changes proposed: reduction in number of units; reduction in some of the roadway lengths; 9-hole golf course elimination. Mr. Yered read into the record an email opinion from Ms. Ilana Quirk, Town Counsel, dated September 1, 2016. In summary, the opinion stated that "final determination as to whether additional special permit relief is necessary based upon the proposed development changes," would be made by the Building Commissioner when building permits are sought. Her opinion further stated that "it would be reasonable for the appropriate official to determine" that some of the changes (elimination of golf course, pro shop, etc.) may not be consistent with the 2008 Special Permit Decision and an amendment of the Special Permit would be required.

Mr. Cantoreggi requested input from the Board members. Ms. Riley stated that the determination should be made by the Building Inspector and that the Board should provide an opinion to him. Mr. Cantoreggi stated that amenities were part of the Special Permit and his recommendation is that the golf course remains or the applicant should seek a modification to the special permit. Mr. Cantoreggi stated that Open Space and public access for part of this project was what he remembers as being an amenity for the Town and feels that elimination of the golf course "goes beyond the scope." Mr. McKay stated that it was his understanding that the golf course and facilities were for the residents of the development and not the public. He stated that the Board of Selectmen gave up the right to have Glen Ellen as an open golf course by not purchasing the land when they had the option to a few months ago. Mr. McKay said the "Special Permit is already there to build this" project.

Mr. Nuckolls stated that the walking trails will be open to the public; however, the on-site facilities are for the community residents only. He stated that their traffic study shows a reduction in traffic. The required buffer zone is the same, he said. Mr. Dryden stated that 107 acres will be Open Space and they complied with the 100-foot buffer zone. Mr. Nuckolls stated that the Homeowners Association/Condo Association would have a maintenance plan for the open space/walking trails on the property. He stated that the Decision was unclear as to whether the golf course was public or private.

Comments from those in attendance were made. Mr. Warner stated that he would like to see the Board follow Town Counsel's recommendation and give an opinion to the Building Inspector. In his opinion, the changes are not compliant with the Special Permit. Mr. Hardin stated that "now that you've gotten this all this way, you want to remove the only one thing for the Town," in reference to the golf course providing a benefit to Millis. Mr. Smith stated that in reference to the removal of the golf course, the Board should consider the character of the neighborhood by allowing such a dense population. Mr. Paradis of BETA Group addressed some questions raised by Mr. Smith

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regarding the proximity of the housing pods to abutters or the street and discharge from the sewer treatment plan on site. He stated that the required buffers have been maintained and the leaching fields are in the same location; 500-600 feet from the property line. Mr. Hubbell stated that he believes it is a significant change and the Board should follow Town Counsel's guidance.

Mr. Cantoreggi asked Mr. Nuckolls to explain the reasoning for eliminating the golf course. Mr. Nuckolls stated that it was a "purely financial" decision. "A 9-hole golf course is not feasible to be maintained," he said. Fees required for residents of the community would be too high to support and pay for it.

Mr. Cantoreggi stated that the Board will make a recommendation at the next meeting, October 11, 2016 at 8:15 p.m. (Note: the applicant filed a Modification to Special Permit Application on September 20, 2016. The public hearing is scheduled for Tuesday, October 11, 2016 at 8:15 p.m.)

OTHER BUSINESS:**ASSOCIATE PLANNING BOARD MEMBER****CARLO MOLINARI**

On a motion made by Mr. Cantoreggi, seconded by Mr. Yered, it was voted 4-1, in favor, with Ms. Riley opposed, of recommending the appointment of Mr. Molinari as the Associate Planning Board member. A memo will be sent to the Board of Selectmen recommending Mr. Molinari's appointment to the Planning Board.

LED STREETLIGHTS REGULATIONS – DISCUSSION

Mr. McKay volunteered to work with Mr. Bill Weiss, Energy Manager, on the streetlight regulations.

MINUTES

On a motion made by Mr. Yered, seconded by Mr. Cantoreggi, it was unanimously voted to approve the minutes from August 9, 2016, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. McKay, seconded by Mr. Cantoreggi and voted unanimously, the meeting was adjourned at 10:14 p.m.

Scheduled Planning Board Meetings: October 11, 2016
November 1, 2016
December 6, 2016

Respectfully submitted,

Camille Standley
Administrative Assistant