



TOWN OF MILLIS

Robert Cantoreggi, *Chairman*
George Yered, *Clerk*
James McKay
Nicole Riley
Richard Nichols
Carlo Molinari, *Associate Member*

OFFICE OF THE PLANNING BOARD

900 Main Street • Millis, MA 02054

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Camille Standley
Administrative Assistant
cstandley@millisma.net

The Planning Board has **approved, with conditions**, the Special Permit on the application of Acorn Millis Residential, LLC of 38 Benjamins Gate, Plymouth, Massachusetts who requests;

- 1) a **Special Permit** for site plan approval pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review; and
- 2) a **Special Permit** for a Senior Residential Community Development pursuant to Section XVII;

of the Millis Zoning By-laws of the Town of Millis, to construct a 48-unit Senior Residential Community (SRC) development at property on Acorn Street. The property which is the subject of this application is identified as Assessors Parcels 127, 128 and 129 on Map 31, Assessors Parcel 10 on Map 34 and a portion of Assessors Parcel 126 on Assessors Map 34. A copy of this decision was filed in the office of the Town Clerk of Millis on **November 19, 2018**. The decision is also on the Planning Board's webpage at www.millis.net.

Any person aggrieved by this decision of the Planning Board may appeal said decision pursuant to Massachusetts General Law Chapter 40A, Section 17, by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within twenty (20) days. A copy of said complaint shall be given to the Planning Board.

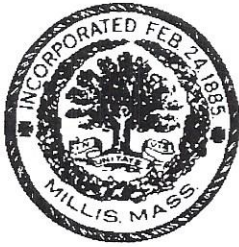
No variance or special permit, or any extension, modification or renewal thereof shall take effect until a copy of that decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed or that if such an appeal has been filed that it has been denied or dismissed, is recorded in the Registry of Deeds for the county or district in which the land is located and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's title certificate. The fee for recording or registering shall be paid by the owner or applicant.

To the Applicant: After 20 days have gone by from the above date, check with the Town Clerk's office and obtain a certified copy of the Board's decision. Be sure that the special permit is recorded at the Registry with your deed. The permit is not valid until it is recorded. A copy of the receipt from the Registry of Deeds must be filed with the Planning Board and Building Department when you apply for a building permit for the proposed construction. Also, prior to applying for a building permit for construction, contact the Planning Board for endorsement of the approved site plan.

Camille Standley, Administrative Assistant

cc: Building Dept., BOH, BOS, Master Plan Implementation Comm., Assessor, Abutters, File

Decision cover ltr notice Acorn Place SRCD 11-19-18.doc



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Camille Standley
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Received Nov. 19, 2018
C. 3:30pm
Kathleen E. Smith
Asst. Town Clerk

November 15, 2018

DECISION OF THE MILLIS PLANNING BOARD ON THE SPECIAL PERMIT WITH SITE PLAN APPROVAL APPLICATION SUBMITTED BY THE ACORN MILLIS RESIDENTIAL, LLC.

An application was filed with the Millis Town Clerk's office on July 17, 2018, by the Acorn Millis Residential, LLC of 38 Benjamins Gate, Plymouth, Massachusetts who requests;

- 1) a **Special Permit** for site plan approval pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review; and
- 2) a **Special Permit** for a Senior Residential Community Development pursuant to Section XVII;

of the Millis Zoning By-laws of the Town of Millis, to construct a 48-unit Senior Residential Community (SRC) development at property on Acorn Street.

The property which is the subject of this application is identified as Assessors Parcels 127, 128 and 129 on Map 31, Assessors Parcel 10 on Map 34 and a portion of Assessors Parcel 126 on Assessors Map 34. Said properties are owned by the Acorn Millis Residential, LLC of 38 Benjamins Gate, Plymouth, Massachusetts and Acorn of Millis, LLC of 275 Turnpike Street, Suite 300, Canton, Massachusetts. The property is zoned Residential Suburban (R-S).

In accordance with the provision of G. L. c. 40, Section 11, notice of hearing was published in The Milford Daily News on July 23, 2018 and July 30, 2018. Abutters to the property were properly notified of the public hearing by mail. A list of the abutters is on file in the Town Clerk's office, 900 Main Street, Millis, Massachusetts.

A public hearing in accordance with said notice was held on August 7, 2018, and continued hearings were held on September 11, 2018, October 16, 2018 and November 13, 2018. The public hearing was closed on November 13, 2018. Planning Board member Mr. George Yered was recused from these proceedings as he is a direct abutter to the proposed project.

The Applicant was represented by Daniel Merrikin, P.E. of Merrikin Engineering, LLP. The consulting engineer for the Planning Board on this application was the BETA Group, Inc.

The following submissions were received through the public hearing process:

- Correspondence to the Planning Board from Daniel J. Merrikin, PE, Merrikin Engineering, LLP, dated July 16, 2018 with attachments
- Document entitled, "Town of Millis Planning Board, Special Permit Application for/with Site Plan Approval", submitted by Robert Fox, Acorn Millis Residential, LLC, filed with the Town Clerk on July 17, 2018
- Certified 300 Foot Abutters List Report, dated July 11, 2018
- Plans entitled, "Acorn Place Site Plan of Land in Millis, Massachusetts," (16 sheets), prepared by Merrikin Engineering, LLP, 730 Main Street, Suite 2C, Millis, MA 02054, dated July 12, 2018
- Stormwater Report for Acorn Place, dated July 12, 2018, prepared by Merrikin Engineering, LLP
- Proposed Condominium Documents
- Email from Loring Barnes Edmonds, dated July 25, 2018
- Correspondence to the Planning Board from BETA Group, Inc., dated August 7, 2018
- Correspondence to the Planning Board from Daniel J. Merrikin, PE, Merrikin Engineering, LLP, dated August 22, 2018
- Correspondence to the Planning Board from Daniel J. Merrikin, PE, Merrikin Engineering, LLP, dated October 2, 2018, with attachments
- Stormwater Report for Acorn Place, dated July 12, 2018, revised October 12, 2018, prepared by Merrikin Engineering, LLP
- Pipe Outfall Rip-Rap Apron Sizing Calculations, dated September 28, 2018
- Revised copy of Proposed Condominium Document entitled, "Acorn Place Condominium Declaration of Trust"

- Plans entitled, Acorn Place Fire Exhibit Plans, (3 sheets) dated September 27, 2018, prepared by Merrikin Engineering, LLP
- Architectural Plans entitled, "Millis Residential Development Acorn Street, Millis, MA, (16 sheets) dated May 22, 2018, June 22, 2018, and July 31, 2018, prepared by O'Sullivan Architects, Inc., Reading, MA
- Plans entitled, "Acorn Place Site Plan of Land in Millis, Massachusetts," (16 sheets), prepared by Merrikin Engineering, LLP, 730 Main Street, Suite 2C, Millis, MA 02054, dated July 12, 2018, revised October 12, 2018
- Correspondence to the Planning Board from BETA Group, Inc., dated October 15, 2018
- Correspondence to the Planning Board from Daniel J. Merrikin, PE, Merrikin Engineering, LLP, dated October 16, 2018
- Email to Camille Standley, Planning Board Administrative Assistant, from Brian J. Winner, Mead, Talerman & Costa, LLC, dated November 13, 2018

FINDINGS

Regarding the requests for Special Permits, Section XII.Q of the Zoning By-Laws of the Town of Millis requires the following general conditions to be fulfilled prior to the granting of an application for a special permit:

(a) Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the Applicant.

Finding: The application was filed with the office of the Town Clerk on July 17, 2018; and the initial public hearing was held on August 7, 2018. The Planning Board therefore finds that this requirement has been met.

(b) The use requested by the Applicant is listed in the Table 1 Use Regulations of the Millis Zoning By-laws as a special permit in the district for which application is made or is so designated elsewhere in the By-laws.

Finding: The proposed SRC development requires site plan approval and therefore requires a Special Permit. The proposed SRC development also requires a Special Permit pursuant to Section XVII. The Planning Board therefore finds that this requirement has been met.

(c) The requested use is essential or desirable to the public convenience or welfare.

Finding: The Board finds that the proposed use will increase the stock and variety of housing available for persons over 55 years of age in an appropriate location. The Board therefore finds that the proposed development is desirable to the public convenience and welfare.

(d) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

Finding: The proposed development includes appropriate circulation driveways accessing from Pearl Street, a recently constructed residential subdivision roadway. Two turnaround areas are provided along with an emergency access from Acorn Street. Sidewalks are proposed throughout the development and will connect to the sidewalks on Pearl Street. An SRC development of this nature will not generate excessive quantities of traffic and can readily be accommodated by the surrounding roadways. The requested use will therefore not create undue traffic congestion, or unduly impair pedestrian movement and the Planning Board finds that this requirement has been met.

(e) The requested use will not overload any municipal services to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subject to hazards affecting health, safety, or the general welfare.

Finding: The site is serviced by existing municipal water and sewer systems, which are both adequate. The Applicant has proposed a stormwater management system which meets state and local requirements for stormwater mitigation and treatment. The requested use will not overload any municipal services to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subject to hazards affecting health, safety, or general welfare. The Planning Board therefore finds that this requirement has been met.

(f) Any special regulations for the use set forth in Section XI (Special Flood Hazard District), are fulfilled.

Finding: The site does not lie within the Special Flood Hazard District and the Board therefore finds that this provision is not applicable.

(g) The requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, morals, or welfare.

Finding: The proposed development is situated on a large, wooded parcel and proposes significant areas of wooded open space which will serve to appropriately buffer the use from adjacent properties. 52% of the property is proposed to be devoted to open space. This development is appropriate for the site and is not expected to have any significant adverse impacts on abutting properties, which are comprised of single-family dwellings, farms and wetland areas. As such, the requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, morals, or welfare of the citizens of Millis and the Planning Board finds that this requirement has been met.

(h) A special permit granted under the provision of the Millis Zoning by-laws shall lapse within one year, and including such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Finding: The Applicant shall adhere to such requirements and the Planning Board therefore finds that this requirement has been met.

Section XIII.C.5 of the Zoning By-laws of the Town of Millis requires the following matters be evaluated prior to the granting of a Special Permit for Site Plan Review:

(a) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air.

Finding: The applicant has proposed an appropriate stormwater management system design. Furthermore, proposed lighting is minimal. Extensive wooded open space buffers are provided around and within the development, which will preserve views from adjacent properties. The Planning Board therefore finds that this requirement has been met.

(b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.

Finding: The development is proposed to access off of Pearl Street, a recently constructed residential subdivision roadway which has ample capacity for the proposed vehicular traffic. The development includes interior circulating driveways with two turn around areas that are appropriate for typical vehicular movements and for emergency vehicle access. In addition, a secondary emergency access is provided off of Acorn Street. A sidewalk is provided throughout the development and will connect to the existing sidewalks on Pearl Street. The Planning Board therefore finds that this requirement has been met.

(c) Protection and enhancement of existing site features.

Finding: The site contains narrow areas of isolated vegetated wetlands. These have been incorporated into extensive wooded open space areas covering 52% of the site. The Planning Board finds that this requirement has been met.

(d) Adequacy of the arrangement for parking and loading spaces in relation to the proposed use of the premises.

Finding: Each unit has at least two parking spaces within its driveway and garage. An additional 30 parking spaces are provided throughout the development for visitors. The Planning Board therefore finds that this requirement has been met.

(e) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

Finding: The condominium development will contract for private, curb-side refuse and recycling removal. No dumpsters are proposed. The Planning Board finds that this requirement has been met.

(f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the by-law.

Finding: The proposed development includes significant preservation of wooded open space (52% of the site) which surround the development and breaks up the interior layout of the development. The configuration of these open spaces provide protection to adjoining properties and the isolated vegetated wetland. The Planning Board finds that this requirement has been met.

(g) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas, adequate protection to prevent pollution of surface and groundwater, soil erosion, increase runoff, changes in groundwater recharge or elevation and flooding.

Finding: The applicant has proposed a stormwater management system which provides the collection, treatment and infiltration of stormwater runoff in accordance with state and local requirements. Construction-stage erosion controls will be implemented to prevent soil erosion during construction. The Planning Board therefore finds that this requirement has been met.

Section XVII of the Zoning By-laws of the Town of Millis requires the following matters be evaluated prior to the granting of a Special Permit for a Senior Residential Community (SRC) development:

B. General Requirements

1. A tract of land consisting of not less than ten (10) acres, within residential zoning districts may be developed for the construction of a Senior Residential Community (SRC) Bylaw.

Finding: The project site is 24.25 acres. The Board therefore finds that this requirement has been met.

3. The maximum number of dwelling units allowed in a tract to be developed under the SRC bylaw shall be two (2) per acre of useable land. Useable land excludes that land which is described in Sections E.2, b and c herein.

Finding: The project site is 24.25 acres and does not contain any land within the Special Flood Hazard District, Watershed Protection District, Floodplains as shown on the National Flood Insurance Program Flood Insurance Rate Map Zones A and A1-30, or wetlands as defined under the bylaw. The development proposes 48 units, which is less than two per acre. The Board therefore finds that this requirement has been met.

C. Development Standards

1. The SRC is in an appropriate location and does not adversely affect or alter the character of the neighborhood in comparison to a single family development.

Finding: The project site is located at the end of a residential cul-de-sac in an isolated area surrounded on two sides by farmland. It has been designed with 52% open space by preserving extensive tracts of perimeter and interior woodland areas, which will provide adequate screening. The Board finds that the proposed location is appropriate and that the development will not adversely affect the character of the neighborhood. A single-family development would alter significantly more land than the proposed SRC development. The Board therefore finds that this requirement has been met.

2. Adequate and appropriate facilities will be provided for the proper operation of the SRC.

Finding: The proposed development includes appropriately designed driveways, parking areas, utility systems and stormwater management systems. The development will be operated and controlled by the condominium association. The Board therefore finds that this requirement has been met.

3. The SRC will not be detrimental or offensive to the neighboring properties and zoning districts due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other nuisances.

Finding: Residential developments are not generally known to cause problems with smoke, odor or noise and these issues are not expected to arise from this development. The proposed lighting is appropriate for the area and consistent with the adjacent subdivision. The development will contract with a private contractor for curb-side refuse collection. The extensive open space and buffers included with the project will protect adjoining properties. The Board therefore finds that this requirement has been met.

4. The SRC will not cause undue traffic congestion in the immediate area.

Finding: The development is proposed to access off of Pearl Street, a recently constructed residential subdivision roadway which has ample capacity for the proposed vehicular traffic. The Board therefore finds that this requirement has been met.

5. The natural landscape of the SRC tract is preserved in large continuous areas enhancing the likelihood of continuation of existing ecosystems.

Finding: The proposed open space is one large contiguous tract that wraps around the perimeter of the site and contains a large core area in the central portion of the site around the isolated vegetated wetland area. The Board therefore finds that this requirement has been met.

6. Extensive topographic change necessitating vegetation and tree removal is minimized.

Finding: The proposed development design involves limited topographical changes and preserves large tracts of existing woodland areas. The Board therefore finds that this requirement has been met.

7. Scenic views from public ways are preserved.

Finding: The developed portions of the site are setback significantly from Acorn Street and visibility will be limited. The Board therefore finds that this requirement has been met.

8. Open space is used to protect valuable natural environments such as stream valleys, outstanding vegetation or scenic spots. Development of physically or environmentally unsuitable land is avoided.

Finding: The proposed development areas are appropriate. The provided open space encompasses the isolated wetland areas on the site and are designed to protect them. The Board therefore finds that this requirement has been met.

9. The character of the neighborhoods in which the SRC tract lies is enhanced.

Finding: The proposed SRC development is more desirable than a single-family development because it involves lesser alteration of land areas and the preservation of significant buffers and woodland open space. In addition, the applicant will provide the town with an easement allowing nearby residents to walk through the site and utilize the development's sidewalks, which will enhance pedestrian facilities in the neighborhood. The Board therefore finds that this requirement has been met.

10. The development will improve pedestrian and vehicular safety within the site and will not cause unreasonable traffic congestion or unsafe conditions.

Finding: The site is presently undeveloped. The proposed facilities include interior circulating driveways with two turnaround areas that are appropriate for typical vehicular movements and for emergency vehicle access. In addition, a secondary emergency access is provided from Acorn Street. A sidewalk is provided throughout the development and will connect to the existing sidewalk on Pearl Street. Access to the development is from Pearl Street, which has adequate capacity for the anticipated traffic from the development. The Board therefore finds that this requirement has been met.

11. The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.

Finding: The site design includes circulating driveways with two turnaround areas sufficient to accommodate emergency vehicles. In addition, a secondary emergency access lane from Acorn Street is provided. The Board therefore finds that this requirement has been met.

H.4.a Conditions of Approval

1. Whether the proposed development achieves the purposes designated in Section A of this SRC bylaw.

Finding: The proposed development provides a condominium-style development for seniors where their burden of property maintenance is significantly reduced. Given that the residents will be seniors, demands on municipal services, particularly the Millis school system, will be reduced. The proposed development incorporates low-impact development techniques with significant quantities of wooded open space that allow the development to be in harmony with the natural portions of the site and also provide significant buffers to surrounding land uses. The Board therefore finds that this requirement has been met.

2. Whether the proposed development will create undue traffic congestion, or unduly impair pedestrian safety.

Finding: As has been described in other findings herein, the development will not create undue traffic congestion, nor will it unduly impair pedestrian safety. The Board therefore finds that this requirement has been met.

3. Whether the proposed development will overload any public water, drainage or sewer system or any other municipal service to such an extent that the proposed development or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare.

Finding: The proposed development will be serviced by municipal water and sewer systems, which are adequate. The development includes a stormwater management system designed to capture, treat infiltrate and detain runoff in accordance with applicable regulations and standard engineering practices. No other impacts are anticipated that would unduly subject other properties to hazards affecting health, safety or the general welfare. The Board therefore finds that this requirement has been met.

4. Whether the proposed development will impair the integrity or character of the neighborhood, district or adjoining zones, or be detrimental to the health, morals, or welfare thereof.

Finding: A senior residential community is an appropriate use for this site. The site plan provides for ample open space and buffering to surrounding uses. As such the Board finds that this requirement has been met.

5. Whether the proposed development facilitates the construction and maintenance of street, utilities, and public services in a more economical and efficient manner than a conventional subdivision would on the same tract.

Finding: A conventional subdivision would result in the construction of new public streets that would have to be maintained by the Town. The proposed development is a condominium that will not create any new public streets or utility systems. As such, the proposed development results in significantly fewer impacts on public services than a conventional subdivision would. In addition, the proposed development incorporates significantly more open space than a conventional subdivision would. The Board therefore finds that this requirement has been met.

6. Whether the Application submitted by the Applicant complies with all sections of this Bylaw and the zoning by-laws as a whole.

Finding: As described herein, and except as has been waived herein, the Board finds that the proposed development complies with the zoning by-laws and this requirement has therefore been met.

OPEN SPACE

The proposed open space consists of existing woodland areas and represents 52% of the site, none of which consists of manmade impervious surfaces. The provided open space significantly exceeds the minimum requirement of 35% of the tract area. The open space is contiguous and will be owned and operated by the condominium association. The condominium association is permitted to install walking trails within the open space. Given that there are no separate site ownerships within a condominium development, control of the open space is entirely with the association.

No stormwater management systems are proposed within the open space.

The Planning Board has allowed the perimeter buffer to be included in the open space calculation of 52%. The Planning Board has also allowed the perimeter buffer to be reduced to no less than 50 feet in the few locations shown on the Approved Site Plan. These reductions are primarily for stormwater management locations and have been considered based on the character of the open space, the insensitive locations involved, and the use of abutting properties.

WAIVERS

1. Pursuant to Section XVII.G.8.b, a waiver is granted to allow the proposed driveway construction to deviate from the construction standards of the Millis Subdivision Regulations. The development proposes private driveways only and no roads or streets will be constructed. The design depicted on the Approved Site Plan is deemed to be appropriate for the development and consists of 20' paved driveways with Cape Cod berms and sidewalks on one side. Relevant provisions of the subdivision regulations are waived to allow the design as proposed.
2. Pursuant to Section XVII.G.8.d, a waiver is granted from Section VII - Signs of the Zoning Bylaw to allow the installation of a standing sign at the entrance driveway in order to identify the development. The sign shall be substantially in accordance with the details depicted on the site plan.

DECISION

At a meeting held on November 13, 2018, acting upon a motion of Ms. Nicole Riley and seconded by Mr. Robert Cantoreggi, with Mr. James McKay, Mr. Richard Nichols, Mr. Carlo Molinari, Ms. Nicole Riley, and Mr. Robert Cantoreggi voting in the affirmative, it was unanimously voted to grant to the Applicant, the Acorn Millis Residential, LLC, a **Special Permit** for site plan approval and a **Special Permit** for a Senior Residential Community development for property located on Acorn Street and Pearl Street (Assessors Parcels 127, 128 and 129 on Map 31, Assessors Parcel 10 on Map 34 and a portion of Assessors Parcel 126 on Assessors Map 34), said location as described herein and on the plans. The site and the approved improvements are depicted on a 16-sheet plan set entitled "Acorn Place Site Plan of Land in Millis, MA," dated July 12, 2018 with a final revision date of October 12, 2018, prepared by Merrikin Engineering, LLP. (hereinafter referred to as the "Approved Site Plan"). Site plan approval is subject to the following conditions:

GENERAL CONDITIONS

1. All necessary approvals from other Town Boards and Commissions must be obtained by the Applicant. Proof of said approvals, where needed, shall be forwarded to the Millis Planning Board. Approvals and/or permits shall reference the Approved Site Plan.
2. All provisions of the Millis Zoning By-laws shall be observed unless otherwise approved herein, authorized by variance from the Millis Zoning Board of Appeals, or authorized by a Determination pursuant to M.G.L. Chapter 40A, Section 6 that such pre-existing non-conforming uses may remain or be expanded and/or modified.
3. The SRC development shall be constructed in substantial compliance with the Approved Site Plan unless otherwise modified by the Planning Board or by the conditions enumerated herein.
4. This special permit granted under the provisions of the Millis Zoning By-laws shall lapse within four (4) years from the filing of this decision with the Town Clerk, and including such time required to pursue or await the determination of an appeal from the grant thereof. If the Applicant, for good cause, needs to be granted extensions for periods of one (1) year at a

time for completion of the project, such an extension will not be unreasonably withheld.

5. This permit is for the development of the site at Assessors Parcels 127, 128 and 129 on Map 31, Assessors Parcel 10 on Map 34 and a portion of Assessors Parcel 126 on Assessors Map 34, all of which lies along Acorn Street and Pearl Street, including the construction of four single-unit residential buildings, twenty-two (22) two-unit residential buildings and one club house. Also included are appurtenant driveways, parking areas, utility systems, stormwater management systems and landscape areas as shown on the Approved Site Plan. Any desired changes in use must be submitted the Board for review and determination as to whether an amendment or modification of the permit is required. The location and footprint of housing units shall be substantially as shown on the Approved Site Plan, although minor deviations are permitted without further approved from the Planning Board at the discretion of the Building Inspector. It is further understood that the architectural elements of the housing units that were proposed by the applicant are generic in nature and will vary throughout the development in order to provide variations in unit appearance. These variations are permitted without further approval from the Planning Board at the discretion of the Building Inspector.
6. As described in the draft master deed submitted by the applicant, all dwelling units shall be subject to an age restriction limiting dwelling units to occupancy by seniors, age fifty-five (55) or older, or their spouses of any age. Time-limited guest visitation rights in the range of three months per year can be allowed in said restrictions. In addition to these other provisions, a special exception is granted to allow up to one person at least 18 years of age to live in a dwelling unit together with a senior resident for purposes such as care of that senior or enabling that senior to fulfill legal responsibilities of guardianship or custody. In the event of the death of the qualifying owner/occupant(s) of a dwelling unit, or foreclosure or other involuntary transfer of a unit, a two-year exemption to the restriction is allowed for the transfer of the unit to another eligible occupant. Prior to the issuance of any occupancy permits, the applicant shall submit proof of recording of the master deed and condominium documents containing these restrictions in a form acceptable to Town Counsel. Nothing within this condition shall be deemed to conflict with the provisions of state and/or federal law provisions with respect to senior housing.

7. The Site Operations and Maintenance Plan included within the final stormwater report dated October 12, 2018 shall be incorporated into the site's condominium documents. A copy of the final, recorded condominium documents shall be provided to the Town prior to the issuance of the first occupancy permit. The condominium association shall be responsible for all on-site maintenance including snow, refuse, and recycling removal.
8. The open space shall be maintained in perpetuity by the property owner (i.e. the condominium association). The open space limits are depicted on the Site Plan. The open space shall be maintained as woodlands. Walking trails may be installed by the property owner. This permit shall be considered a permanent restriction, enforceable under law. Unless otherwise approved by the Planning Board, the open space shall be kept in a natural state, except for the installation of trails. The open space shall be maintained by the owner in a manner which will ensure its suitability for its function, appearance, and cleanliness. Woodlands may be improved in accordance with good conservation practices as may be approved by the Planning Board. In the event that the owner does not maintain the open space, the applicant grants the right to the Town of Millis to enter into the property to perform said maintenance. In such an event, the Town shall first provide fourteen (14) days written notice to the owner as to the inadequate maintenance and, if the owner fails to complete such maintenance, the Town may perform it and be compensated by the owner. The cost shall constitute a lien upon the property until said cost has been paid. The master deed shall include language designed to effectuate the provisions of this condition.
9. The land which is the subject of this Special Permit shall not be further subdivided without the prior approval of the Planning Board.
10. The Planning Board and any of its representatives shall be allowed to inspect the premises at any time.

CONSTRUCTION METHODOLOGY CONDITIONS

11. The Applicant shall identify the name, address and phone number of the contact person for construction management of the project. Said contact person shall be available 24 hours per day, seven days per week throughout construction. This information shall be provided to the dispatcher's office of the Millis Police and Fire Departments, the office of the Department of Public Works, and any other department deemed necessary by the Planning Board. In addition, this information should be

posted in a prominent location on the required temporary construction fencing.

12. Prior to the start of construction, the Applicant shall conduct a pre-construction meeting with the Director of the Department of Public Works and any other persons the Planning Board deems appropriate.
13. No construction shall be started prior to 7:00 A.M. or continue beyond 6:00 P.M. This includes no loading/unloading of construction vehicles, equipment or materials. No work will be permitted on the site on Sundays or on holidays observed in Norfolk County, Massachusetts unless approved by the Building Inspector. A sign stating these construction activity hours shall be posted at the construction entrance.
14. The approved limit of work/edge of open space shall be field staked by a land surveyor prior to clearing and shall be marked with perimeter controls as noted on the Approved Site Plan for the duration of construction activities. No work or disturbance is allowed within the Open Space except as noted herein.
15. All construction activities shall proceed in accordance with the provisions of the documents prepared by Merrikin Engineering, LLP entitled "Stormwater Pollution Prevention Plan (SWPPP) for a Construction Activity for Acorn Place, Acorn Street, Millis, MA" with a latest revision date of October 12, 2018. Prior to construction, the Applicant shall update the SWPPP document with the final names of the site contractor, the EPA Notice of Intent and any other incomplete information and shall submit a copy to the Board of Selectmen for review and comment.
16. Installation of erosion and perimeter control devices shall precede all other construction. Flooding of abutting properties during construction is not allowed.
17. Areas of disturbance shall be limited to the greatest extent practical. Disturbed areas that will not be built upon, paved or grassed within 14 days shall be temporarily stabilized with grass.
18. There shall be no loading/unloading or stacking of construction equipment and materials on Acorn Street or any other streets adjacent to the site during construction. There shall be no idling of delivery trucks during construction either within the project site or on adjacent streets. Truck and machine idling as governed by MGL Chapter 90 Section 16-A. As stated previously, no work will be permitted on the site on Sundays or

on holidays observed in Norfolk County, Massachusetts unless approved by the Building Inspector.

19. Acorn Street and Pearl Street shall remain clean at all times and shall be swept as needed. Construction entrances are required to be installed and maintained at all construction entrances. The applicant intends to use the emergency access lane from Acorn Street for limited periods during Phase 1 to allow for the import of fill into Phase 2 while Phase 1 is under construction. Aside from this, the emergency access lane from Acorn Street shall not be used for construction access to and from the site. The applicant intends to use the emergency access lane from Acorn Street for limited periods during Phase 1 to allow for the import of fill into Phase 2 while Phase 1 is under construction. Aside from this, the emergency access lane from Acorn Street shall not be used for construction access and to and from the site.
20. A dumpster shall be maintained on-site throughout construction. All trash shall be collected daily and deposited in the dumpster. No trash shall be buried on-site.
21. If it is determined by the Board that construction related dust is excessive, remediation shall be implemented within 24 hours. Dust control shall be by water truck. Calcium chloride shall not be allowed.
22. Observation of the subsoil prior to the installation of the infiltration basin by a representative of the Town is required.

OCCUPANCY PERMIT REQUIREMENTS

23. Prior to the issuance of any occupancy permits, the applicant shall submit a signed Illicit Discharge Compliance Statement to the Department of Public Works.
24. Prior to issuance of any occupancy permits, the applicant shall convey the Town of Millis a sewer easement, which may be assigned by the Town to properties outside of the development for the purpose of connecting to the low-pressure sewer force main in the development. No such connections will be permitted unless authorized by vote of the Board of Selectmen. Alternatively, and if so directed by the Board of Selectmen, the ownership entity of the land which is the subject of this special permit shall grant sewer easements to parties outside of the property for the purpose of

utilizing the low-pressure force main to be installed in the SRC development.

25. Prior to the issuance of any occupancy permits, the applicant shall convey the Town of Millis a pedestrian easement over the site allowing members of the public to utilize any sidewalks and walking trails that may exist on the property. The easement language shall reflect the intent that this is for pedestrian walking and jogging on established sidewalks and trails only. Motorized vehicle use by the general public (except for disabled individuals) is prohibited as are loitering and using other site amenities.
26. Units 1, 2 and 3 shed towards the existing stormwater management system in Pearl Street and therefore do not require a new stormwater management system. As such, certificates of occupancy may be issued for units 1, 2 or 3 before any new components of the stormwater management system are substantially completed.
27. Prior to the issuance of any occupancy permit except for units 1-3, the emergency access lane to Acorn Street shall be constructed to a point acceptable to the Fire Chief and in a manner that provides emergency access to the site. Temporary surfaces are allowed if acceptable to the Fire Chief. The emergency access lane/driveway shall be cleared of snow as needed to maintain access.
28. Stormwater basin 1 and its associated appurtenances shall be substantially complete and operational before any occupancy permits are issued for units 4 through 28.
29. Stormwater basin 2 and its associated appurtenances shall be substantially complete and operational before any occupancy permits are issued for units 29 through 48.

FINAL OCCUPANCY PERMIT REQUIREMENTS

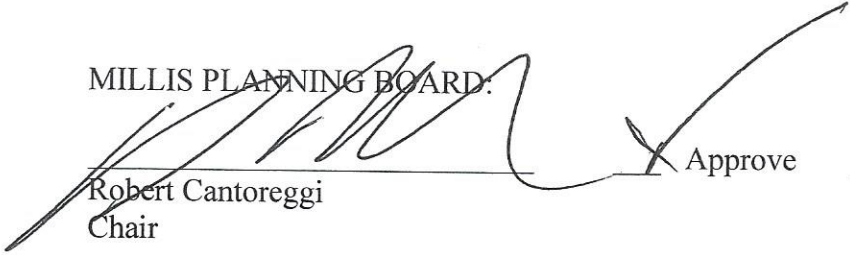
30. Upon completion of construction and the establishment of vegetation, sedimentation and debris shall be removed from all components of the stormwater recharge system, including but not limited to catch basins. Accumulates shall be properly disposed of off-site.
31. An "as-built" plan shall be submitted for approval to the Planning Board prior to issuance of the final occupancy permit within the development. The as-built plan shall show the location of all utility systems and shall

include ties to unit water and sewer curb stops. An interim as-built plan shall be provided at the completion of Phase 1 (units 1-28).

POST-CONSTRUCTION CONDITIONS

32. All future use of the site shall be in accordance with the provisions of the document submitted by the applicant entitled "Site Operations & Maintenance Plan" prepared by Merrikin Engineering, LLP, dated September 19, 2017, revised December 29, 2017, which includes the Long-Term O&M Plan for stormwater. The Long-Term O&M Plan will apply to the maintenance of the stormwater system and ongoing use of the property.
33. The property owner shall maintain on-site files including records of inspection, maintenance, and corrective actions for work performed in accordance with the operations and maintenance requirements prepared by the Applicant. Such files shall be available for inspection by the town.
34. The emergency access lane/driveway shall be maintained by the property owner at all times and shall be plowed and passable at all times. The applicant shall provide whatever locking mechanism is required by the Fire Chief prior to locking of the gate.

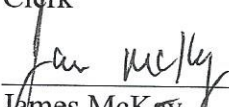
MILLIS PLANNING BOARD:


Robert Cantoreggi
Chair

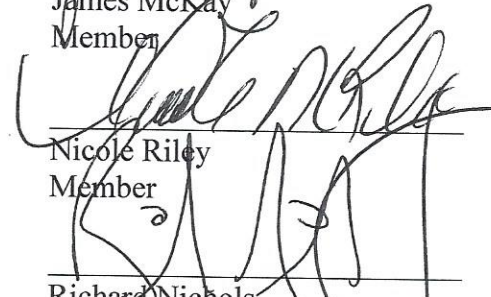
☒ Approve ☐ Deny ☐ Abstain

George Yered
Clerk

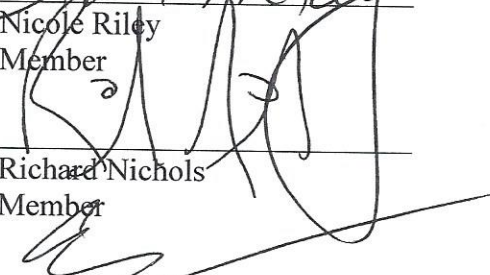
☐ Approve ☐ Deny ☐ Abstain


James McKay
Member


☒ Approve ☐ Deny ☐ Abstain


Nicole Riley
Member

☒ Approve ☐ Deny ☐ Abstain


Richard Nichols
Member

☒ Approve ☐ Deny ☐ Abstain


Carlo Molinari
Associate Member

☐ Approve ☐ Deny ☐ Abstain

DATE VOTED: November 13, 2018

DATED FILED WITH THE OFFICE OF THE TOWN CLERK: Nov. 19, 2018

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY (20) DAYS AFTER THE DATE THIS DECISION IS FILED IN THE OFFICE OF THE TOWN CLERK.