



TOWN OF MILLIS

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

OFFICE OF THE PLANNING BOARD

900 Main Street • Millis, MA 02054

Phone: 508-376-7045

Fax: 508-376-7053

Camille Standley
Administrative Assistant
cstandley@millis.net

The Planning Board has **approved, with conditions**, the application of Toll Bros., Inc., 134 Flanders Rd., Suite 275, Westborough, MA 01582, requesting Approval of Definitive Plan for the Glen Ellen Senior Residential Community Development (324 age restricted residential homes) at 84 Orchard St., Map 1 Parcels 1, 2, 3, 3B, 4 & Map 5 Parcel 35, and as shown on the Holliston Board of Assessor's Plan 6 as a strip of land abutting the above-referenced land. Property owned Bogastow Co., Inc., 150 Mount Vernon St., Suite 500, Boston, MA, 02125.

A copy of this decision was filed in the office of the Town Clerk of Millis on August 17, 2017.

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 decision 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.

cc: Building Dept.
Board of Selectmen
BOH
Scott Miccile, Toll Bros.
Abutters
File

Received: August 17, 2017
@ 11:30 A.M.
Patricia M. Spogin
Asst. Town Clerk

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

Camille Standley
Administrative Assistant
cstandley@millis.net



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Decision of the Millis Planning Board on the Application for Approval of the Definitive Plan for The Regency at Glen Ellen

On January 30th, 2017, a definitive plan was filed with the Millis Planning Board, as required by the Special Permit pursuant to M.G.L. Chapter 40A, Section 9, and the Zoning Bylaw of the Town of Millis, Section XVII for Glen Ellen Senior Residential Community Development Special Permit voted/dated April 1, 2008 as Modified by Special Permit Decision of this Board on Application No. 6329 and Filed: January 23, 2017 ("Special Permit"), requesting approval for all three phases of a development to be known as The Regency at Glen Ellen. The applicant is Toll Brothers, Inc. The plan proposes the development of the approximately 233.5±-acre parcel of land off Orchard Street presently consisting of the Glen Ellen Country Club for up to 324 age-restricted dwelling units, Clubhouse, and associated amenities. The property is located in the 'R-T' (Residential-Town) zone.

Under provisions of Massachusetts General Laws, Chapter 41A, Section 81-T and 81-U, a Notice of Public Hearing to be held on March 1, 2017 at 8:40 PM in the Veterans Memorial Building, 900 Main Street, Millis, MA, was advertised in the Milford Daily News on Monday, February 13, 2017 and Monday, February 20, 2017. Notices of the public hearing were mailed to abutters of record. The abutter notification list is on file in the Office of the Town Clerk, 900 Main Street, Millis, MA.

A copy of the Definitive Plan, application and supporting information was forwarded to BETA Group, Inc. the engineering firm retained by the Planning Board, to review both the technical merits of the proposed plan and compliance with the requirements of the Special Permit. A representative from BETA Group, Inc. attended all of the public hearings for the application.

Copies of the proposed Definitive Plan and supporting materials were submitted to the Town for distribution to the respective Town departments and/or reviewers.

Copies of the plan, the application and related documents, are available in the Office of the Town Clerk for public inspection.

The Planning Board notes that, in accordance with the Determination of Good Cause by the Planning Board dated March 15, 2017, the date by which construction of the project under the Special Permit must begin before the Special Permit will lapse is as set forth in said Determination of Good Cause.

SUBMITTALS

The following documents were submitted regarding this application:

- Correspondence to the Millis Planning Board from Bohler Engineering, dated January 27, 2017, filed with the Town Clerk on January 30, 2017, with attachments:
 - Form C Application for Approval of Definitive Plan
 - Form N Environmental Assessment of Plan
 - Plans entitled, Site Development Plans for Glen Ellen Senior Residential Community Development, Orchard Street, Town of Millis, MA, dated November 18, 2016, prepared by Bohler Engineering, Southborough, MA
- Correspondence to the Millis Conservation Commission from BETA Engineering, dated January 5, 2017 (re: Stormwater)
- Correspondence to the Millis Planning Board from BETA Engineering, dated February 23, 2017
- Town of Millis Zoning Board of Appeal Decision, received by Town Clerk on 2/27/17
- Correspondence to the Millis Town Clerk from Robert Cantoreggi, Millis Planning Board, dated March 15, 2017 re: Determination of Good Cause
- Email from Scott Miccile, dated March 28, 2017 re: continuance request
- Senior Residential Community Development Special Permit Decision of the Millis Planning Board, filed April 16, 2008 (voted April 1, 2008)
- Senior Residential Community Development Modification Special Permit Decision of the Millis Planning Board, filed January 23, 2017 (voted January 10, 2017)
- Correspondence to the Millis Planning Board from Bohler Engineering, dated April 19, 2017 re: peer review
- Correspondence to the Millis Conservation Commission from Bohler Engineering, dated April 19, 2017 re: stormwater peer review

- Correspondence to Matthew A. Beaton, Executive Office of Energy and Environmental Affairs, from Julie Wood, Director of Projects, CRWA, dated May 4, 2017
- Correspondence to the Millis Planning Board from BETA Engineering, dated May 18, 2017
- Correspondence to the Conservation Commission from BETA Engineering, dated May 18, 2017 re: Stormwater
- Email/letter to Planning Board Secretary from Timm Ciampolillo, dated May 23, 2017 re: revised entrance
- Email to Millis Planning Board from Jennifer Soule, dated May 23, 2017 re: revised entrance
- Plan entitled, Segmental Retaining Wall (SRW) Plans Prepared for Glen Ellen Senior Residential Community Development, Orchard St., Town of Millis, Norfolk County, MA, dated May 22, 2017, revised June 9, 2017
- Plan entitled, ALBC #109- 30'- 3" x 6'- 9" Regency at Glen Ellen, Millis, MA, dated May 3, 2017
- Document entitled, Engineering Report prepared by CBC Engineers, dated June 20, 2017
- Correspondence to the Millis Planning Board from Bohler Engineering, dated June 12, 2017 (response letter)
- Correspondence to the Millis Planning Board from BETA Engineering, dated June 19, 2017
- Email from Edward V. Cannon, dated July 11, 2017, re: fire call boxes
- Email from Edward V. Cannon, dated July 11, 2017, re: tree calculation
- Correspondence to the Millis Planning Board from Bohler Engineering, dated July 11, 2017 re: waivers
- Correspondence to the Millis Planning Board from Bohler Engineering, dated June 13, 2017 re: waiver
- Town of Millis Zoning Board of Appeal Decision, received by Town Clerk on 7/25/17
- Architectural Plans entitled Regency at Glen Ellen, Senior Residential Community Development Sample Elevations with Building Heights (16 sheets), dated April 14, 2017

- Revised Traffic Impact Study for the Glen Ellen Country Club Senior Residential Redevelopment, 84 Orchard St., Millis, Massachusetts, Prepared by McMahon Associates, Inc., Prepared for Toll Brothers, Inc., Revised May 2017
- Correspondence to Millis Planning Board from Margaret Davies, dated July 18, 2017
- Documents from Bohler Engineering entitled:
 - “Regency at Glen Ellen, Sequence of Construction for Road “J” Wetland & Stream Crossing,” dated August 11, 2017
 - “Regency at Glen Ellen, Sequence of Construction for the Emergency Access Between Roads “A” and Road “I,” dated July 31, 2017
 - “Regency at Glen Ellen, Sequence of Construction for the Box Culverts, Approximate STA 7+00 to 10+00, Road “H,” dated July 31, 2017
 - “Regency at Glen Ellen, Active Adult Community, Construction Phasing and Sequencing,” dated August 2, 2017
 - “Sales and Construction Operations” language for Agreement of Sale
- Correspondence to the Millis Planning Board from Bohler Engineering, dated August 3, 2017 re: responses
- Correspondence to Dr. James Lederer, Conservation Commission from Bohler Engineering, dated August 3, 2017 re: stormwater responses
- Plans entitled, Site Development Plans for Regency At Glen Ellen, Orchard Street, Town of Millis, MA, prepared by Bohler Engineering, Southborough, MA, dated November 18, 2016, revised August 11, 2017
- Plan entitled, “Open Space Trail Exhibit,” prepared by Bohler Engineering, dated revised July 6, 2017
- Landscape Plans entitled, Regency at Glen Ellen (14 sheets), prepared by ESE Consultants, Horsham, PA, dated October 4, 2016, revised August 3, 2017
- Drainage Report for Toll Brothers – Proposed Regency At Glen Ellen, Millis, Massachusetts, prepared by Bohler Engineering, dated November 17, 2016, revised August 3, 2017
- Road J Crossing Calculations, prepared by Bohler Engineering, dated August 3, 2017
- Supplemental Test Pit Information:
 - Test Pit Location Exhibit, prepared by Bohler Engineering, dated revised August 3, 2017
 - Test Pit Logs #617-1,2 & 3, dated June 17, 2017

- Correspondence to Millis Planning Board from Fire Chief Barrett, dated August 9, 2017
- Correspondence to the Millis Planning Board from BETA Engineering, dated August 14, 2017
- Plans entitled, Off-Site Water & Sewer Line Plans (27 sheets), prepared by Bohler Engineering, dated June 14, 2017, revised 8/11/17
- Plans entitled, Off-Site Water Line Plans (16 sheets) , prepared by Bohler Engineering, dated October 14, 2016, revised 8/11/17
- Correspondence to the Millis Planning Board from Bohler Engineering, dated July 13, 2017 re: waiver request
- Correspondence to the Millis Planning Board from Bohler Engineering, dated August 3, 2017 re: waiver requests
- Correspondence to Dr. James Lederer, Millis Conservation Commission from BETA Engineering, dated August 11, 2017
- Plan entitled, Proposed Street Names – Regency at Glen Ellen, dated August 15, 2017

PUBLIC HEARINGS

Public hearings were held on the following dates: March, 1 2017, March 29, 2017 (continued without discussion), April 26, 2017, May 23, 2017, June 20, 2017, July 11, 2017, and August 15, 2017. The public hearing was closed on August 15, 2017.

Board members voting on the application include:

Robert Cantoreggi, Chair
George Yered, Clerk
James McKay
Nicole Riley
Richard Nichols

Members Robert Cantoreggi and Nicole Riley each missed one hearing due to absence. Mr. Cantoreggi was absent on June 20, 2017 and Ms. Riley was absent on May 23, 2017. However, Mr. Cantoreggi and Ms. Riley have each certified in writing that they have examined all evidence received at the session each one missed, which evidence includes an audio or video recording of the missed session, or a transcript thereof. Their written certifications are part of the record of the hearing. All other members attended all public hearings. The approved meeting minutes for each of the above hearings are referenced as part of the public record of the hearing process.

WAIVERS GRANTED

The waivers granted as part of the Planning Board's approval of the Special Permit, Section C, pg. 13, shall be incorporated as part of this decision. Additional waivers granted by the Planning Board as part of this decision include:

1. A waiver from Section 5.12.2.2.d.1 of the Millis Subdivision Regulations to provide cover less than four and a half (4.5) feet above proposed stormwater piping in the private roadways. Cover over the proposed stormwater piping shall be provided, at a minimum, in accordance with manufacturer recommendations.
2. A waiver from Section 5.12.2.2.b.2 of the Millis Subdivision Regulations to provide a vertical granite curb opening at stormwater inlet structures. Vertical granite inlet structures are proposed for stormwater inlet structures immediately proximate to the public right-of-way associated with Orchard Street, specifically for the six (6) proposed stormwater inlet structures indicated on the plans including four located at the southern perimeter of proposed Road H and two at the curve of proposed Road G. Stormwater inlet structures interior to the project and not immediately adjacent to the public right-of-way associated with Orchard Street are not proposed to incorporate a vertical granite curb opening.
3. A waiver from Section 5.11 of the Millis Subdivision Regulations to provide fire call boxes at various location throughout the development. In lieu thereof, the applicant shall make a donation to the Millis Fire Department in the amount of \$25,000.00.

FINDINGS

The Regency at Glen Ellen community proposes a three hundred twenty-four age-restricted dwelling development, as depicted on the Definitive Plans. This is a Senior Residential Community Development in a residential-town (R-T) zone, as approved by the Special Permit. The existing site is the location of the Glen Ellen Country Club. The site is bounded on the east and southeast by existing residential homes along Bullard Lane and Orchard Street, to the south by Orchard Street, and to the southwest by existing residential homes along Orchard Street. A small portion of the property along its northern boundary is located in the Town of Holliston, which abuts residential properties.

The Board retained their engineering consultant, BETA Group, Inc. ("BETA"), to review the design of the senior residential community development for compliance with the

Special Permit and standard engineering practices. The various aspects of the review included drainage design, utility design, roadway layout, and other similar aspects. BETA has determined that the proposed development conforms to the previously referenced Special Permit and applicable design standards. The Board therefore finds that, with the conditions required below, the design of the proposed senior community residential development is consistent with the requirements of the Special Permit.

As per condition D.3 on p. 15 of the Special Permit, the main entrance has been modified to a location approximately 200 feet westerly of the proposed location, as previously indicated on the Preliminary Plan. Upon review of the project Traffic Impact Assessment (TIAS) and subsequent revisions made to same through discussions with the Planning Board and their engineering peer review consultant, the Planning Board has determined that the anticipated project trip generation calculated as part of the TIAS presents no adverse impact to the surrounding roadway network.

The project, as currently designed, proposes the extension / upgrade of the existing municipal water distribution and sanitary sewer collection systems. The existing 6-inch water main located in Orchard Street is proposed to be replaced in kind with a new 12-inch cement lined ductile iron water main from the main entrance of the Glen Ellen Country Club easterly to the existing 12-inch main at the intersection of Walnut Street. The total length of the water line replacement is approximately 4,300± linear feet. This work includes replacement of existing hydrants and appurtenances in some cases in their current locations, as well as several new locations to achieve a hydrant spacing of 500 feet. Water service connections will also be provided from the new 12-inch main to individual service feeds to the various properties located along Orchard Street.

A new section of 12-inch ductile iron water main is proposed to be installed where there is currently no exiting water main. This work shall occur from the main entrance of the Glen Ellen Country Club westerly to a point adjacent to no. 53 Orchard Street. The total length of the new water main installation shall be approximately 2,500± linear feet. This section of the work shall provide new hydrant and new water service connections to existing properties located along Orchard Street.

All work to the municipal water main shall be in accordance with the "Water Main Construction Guidelines Governing Water Work in the Town of Millis, Massachusetts, Effective July 2007".

Consistent with the municipal sewer option set forth in the Special Permit under Section D. Conditions of Approval - Water & Sewer #3 on p. 25, the Applicant, working closely with the Sewer Study Committee and the Board of Selectmen, has entered into an agreement with the town to install municipal sewer service for project, at the Applicant's expense, as detailed in a written agreement with the town. Accordingly, the project does not currently propose a private on-site sanitary disposal system, as was previously

indicated on the Preliminary Plans. A new section of 6-inch PVC sewer force main shall be installed within Orchard Street from the proposed entrance of the project to an existing sanitary manhole located west of Ridge Street. Currently no sewer main exists in this portion of the road. The total length of the new force main installation shall be approximately 5,700± linear feet.

In addition to the 6-inch force main, a 2-inch PVC low pressure force main shall be installed adjacent to the proposed 6-inch force main. The total length of the new low-pressure force main installation shall be approximately 5,700± linear feet and shall be connected to the existing gravity main system on Orchard. This section of the work will make accommodations for potential future sanitary service connections to existing properties adjacent to the new sewer line located along Orchard Street.

A new section of 8-inch PVC sewer force main shall run adjacent to the existing 4-inch force main, beginning at the existing pump station on Middlesex Street and ending at the intersection of Island Road and Exchange Street. The total length of the new 8-inch sewer force main installation shall be approximately 3,100± linear feet. The existing 4-inch force main shall be discontinued subsequent to the completion of the proposed 8-inch force main. A new pump chamber with new pumps shall be installed at the existing pump station to accommodate for the calculated increase in flows.

The review and approval of the proposed extension / upgrade of the existing municipal water and sanitary sewer infrastructure is under the jurisdiction of the Town of Millis Board of Selectmen. The Planning Board is not the approval granting authority for said improvements.

The proposed extension / upgrade of the existing municipal water and sewer infrastructure, as referenced above, is not only sufficient to meet the needs of the proposed site improvements but also presents a significant benefit to the Town of Millis.

By way of the letter provided by BETA, dated August 14, 2017, the Planning Board finds that the design of the proposed stormwater management system associated with The Regency at Glen Ellen meets the applicable local and State design standards. The Board further finds that with the conditions imposed herein, the proposed stormwater management system will not result in any significant adverse effect on surrounding properties or the environment.

For the benefit of the development and the Town of Millis, the development shall include the preservation of approximately 107 acres of open space as indicated on the Definitive Plan, with the owner of the open space land to provide a restriction, covering at least 78.24 acres of said open space, which shall include an Open Space Plan prepared by the Applicant at its sole cost and approved by the Town, on terms acceptable to the Town, in recordable form, held by the Conservation Commission and approved by the Board of

Selectmen in accordance with M.G.L. c.40, §8C, and/or to be held by the Board of Selectmen, which shall restrict the use of said land permanently for open space and passive recreational purposes, grant the Town a permanent enforceable right to enforce said restrictions, and provide for permanent public access only to that portion of the open space comprised of (1) the open space public parking area located west of Bogastow Brook, (2) that portion of the open space trail leading from said open space public parking area to the west of Bogastow Brook, and (3) all of the open space to the east of Bogastow Brook, all as shown on the Definitive Plan. The instrument(s) shall be provided to, and approved by, the Town (with review of Town Counsel, and paid for by the owner(s)). The signed restriction, once approved by the Town, must be recorded against the property, with the assent of all lienholders of record, before the issuance of the first certificate of occupancy. The owner shall provide a certification from a licensed attorney that all owners and lienholders of record have signed the necessary instruments, subordinating their liens to the restriction. The Town will record said restriction against the property at the Norfolk County Registry of Deeds at the expense of the owner(s). Such restriction shall constitute an "other restriction held by a governmental body" under G.L. c.184, §26 and shall subject the open space land to a public charitable trust, preserving the property for open space purposes in perpetuity. The restriction shall provide for a means of public access to those portions of the open space identified above via the existing cart path network created as part of the golf course, and some dirt and grass paths, all of which shall be maintained by the Condominium Association (referred to below), which shall include trail maintenance and annual mowing of a certain portion of said open space, in accordance with the open space maintenance plan approved by the Planning Board, to help prevent reforestation. Said restriction shall reserve to the grantor, its successors and assigns, the following rights:

- a) the temporary right to construct or install those improvements within all the open space located to the west of Bogastow Brook approved by the Planning Board under the Special Permit dated January 23, 2017, and this Definitive Plan Approval, which right shall expire upon the completion of the improvements and/or the time within which such construction must be completed, as that time may be extended from time to time by the Planning Board, all as set forth in the Special Permit, whichever is earlier; and
- b) the perpetual right to access all the open space located between the eastern line of units and running easterly to approximately one hundred (100) feet easterly of the easterly highwater mark of the Bogastow Brook to operate, maintain, and/or replace the irrigations well(s) within, or adjacent to, Bogastow Brook for service to the development.

The Planning Board finds that the development will provide financial benefits to the Town of Millis. The tax revenue to be generated by the completed units, once the development has been completed will result in a financial benefit to the Town.

Additionally, the applicant, or the applicant's successor, shall at their own expense, install approximately 7,000 linear feet of new twelve (12") inch water main along Orchard Street, and install new municipal sewer service down a large portion of Orchard Street from approximately the Ridge Street intersection to the development, as well as upgrade the pump station new the intersection of Middlesex and Orchard Streets, and install upgraded sewer line from the upgraded pump station along Middlesex Street to approximately the Island Road intersection. This utility work will result in the Town receiving the benefit of several million dollars' worth of utility upgrades at no cost. Further the applicant, or the applicant's successor, shall pay to the Town a general mitigation fee of \$169,000.00, which represents the amount set forth in the original 2008 special permit adjusted for cost of living increases using the Consumer Price Index as of the date of the applicant's application to modify the Special Permit, plus a separate Field Capital Improvement fee of \$25,000.00, which shall be designated for capital improvements to existing town fields; not maintenance activities.

APPROVED DOCUMENTS

The following plans and documents are referenced in this decision and are considered to be the approved documents:

- Senior Residential Community Development Special Permit Decision of the Millis Planning Board, filed April 16, 2008 (voted April 1, 2008)
- Senior Residential Community Development Modification Special Permit Decision of the Millis Planning Board, filed January 23, 2017 (voted January 10, 2017)
- Plans entitled, Site Development Plans for Regency At Glen Ellen, Orchard Street, Town of Millis, MA, prepared by Bohler Engineering, Southborough, MA, dated November 18, 2016, revised August 11, 2017
- Plan entitled, "Open Space Trail Exhibit," prepared by Bohler Engineering, dated revised July 6, 2017
- Landscape Plans entitled, Regency at Glen Ellen (14 sheets), prepared by ESE Consultants, Horsham, PA, dated October 4, 2016, revised August 3, 2017
- Drainage Report for Toll Brothers – Proposed Regency At Glen Ellen, Millis, Massachusetts, prepared by Bohler Engineering, dated November 17, 2016, revised August 3, 2017
- Revised Traffic Impact Study for the Glen Ellen Country Club Senior Residential Redevelopment, 84 Orchard St., Millis, Massachusetts, Prepared by McMahon Associates, Inc., Prepared for Toll Brothers, Inc., Revised May 2017

- Architectural Plans entitled Regency at Glen Ellen, Senior Residential Community Development Sample Elevations with Building Heights (16 sheets), dated April 14, 2017

CONDITIONS OF APPROVAL

At a meeting held on August 15, 2017, on a motion made by Ms. Nicole Riley and seconded by Mr. James McKay, it was voted unanimously (5-0) to approve the Glen Ellen Senior Residential Community Development Definitive Plan subject to the following conditions. The conditions associated with the previously granted Special Permit are incorporated by way of this decision.

- 1.) After the appeal period has expired with no appeal taken or after resolution of any appeal taken, a mylar set of the Definitive Plan shall be submitted to the Planning Board for endorsement in accordance with the Special Permit.
- 2.) All requirements of the Special Permit must be observed, including the terms of this decision, which are incorporated by reference in the Special Permit and made a part thereof.
- 3.) Wherever plans and conditions differ, conditions of the Special Permit shall govern.
- 4.) The Applicant shall complete the work depicted on the Orchard Street Sewer and Water Plans in accordance with permits/approvals issued by the Board of Selectmen.
- 5.) The applicant shall obtain all necessary approvals from the Board of Health, Conservation Commission, Department of Public Works, and any other boards or commissions having jurisdiction over this project.
- 6.) All elements of the development infrastructure including, but not limited to, the roadways, sidewalks, drainage system, and public utilities, shall be completed in accordance within the time requirements set forth in Section B.4 on pages 11 and 12 of the Special Permit.
- 7.) The stormwater management system shall be maintained in accordance with the latest Operations and Maintenance Plan submitted to the Planning Board.
- 8.) A Condominium Association (the "Association") shall be created using substantially the same document(s) as will be approved by Town Counsel. The

Applicant/Owner shall pay for the cost of Town Counsel review. The Development O&M Plan shall be included as an attachment to the Association document(s).

- a. Prior to recording, the Development O&M Plan shall be updated with the legal name of the developer and homeowner's association.
 - b. The Association document(s) shall be fully executed and recorded with proof of such recording provided to the Town Clerk prior to the issuance of the first Certificate of Occupancy.
 - c. The Applicant, Association and lots within the development shall comply with the provisions of the O&M Plan.
 - d. The Planning Board shall be notified in writing of the transition of Association control from the developer to the lot owners within the Association.
- 9.) The Applicant shall be responsible for the maintenance of all infrastructure of the project, except for the actual residential units (the "Common Elements") until Substantial Completion of such improvements. Substantial Completion shall be defined to include successful completion of improvements to a Common Element in accordance with good workmanship standards, and in accordance with specifications of the Permits and Approvals. The Association shall be responsible for maintenance of the Common Elements after Substantial Completion.
- 10.) The public parking and trail network for the Open Space shall be completed prior to the issuance of the final Certificate of Occupancy within Phase 1 of the development.
- 11.) All construction activities shall proceed in accordance with the SWPPP and the requirements of the Special Permit.
- a. Prior to construction, the Applicant shall update the SWPPP document with the final names of the developer and the site contractor and shall submit a copy of the document to the Planning Board.
 - b. The Owner shall identify the name, address and phone number of the contact person for construction management of the project. Such information shall be provided to the Planning Board, Board of Selectmen, DPW and Police Department.

- c. The Applicant shall provide an update to the Planning Board relative to ongoing construction operations and the anticipated scheduled associated with same upon request.
- 12.) The Applicant shall grant the Town a conservation restriction for the benefit of the development and the Town of Millis, the development shall include the preservation of approximately 107 acres of open space as indicated on the Definitive Plan, with the owner of the open space land to provide a restriction, covering at least 78.24 acres of said open space, which shall include an Open Space Plan prepared by the Applicant/owner at its sole cost and approved by the Town, on terms acceptable to the Town, in recordable form, held by the Conservation Commission and approved by the Board of Selectmen in accordance with M.G.L. c.40, §8C, and/or to be held by the Board of Selectmen, which shall restrict the use of said land permanently for open space and passive recreational purposes, grant the Town a permanent enforceable right to enforce said restrictions, and provide for permanent public access only to that portion of the open space comprised of (1) the open space public parking area located to the west of Bogastow Brook, (2) that portion of the open space trail leading from said open space public parking area to the west of Bogastow Brook, and (3) all of the open space to the east of Bogastow Brook, all as shown on the Definitive Plan. The instrument(s) shall be provided to, and approved by, the Town (with review of Town Counsel, and paid for by the owner(s)). The signed restriction, once approved by the Town, must be recorded against the property, with the assent of all lienholders of record, before the issuance of the first certificate of occupancy. The owner shall provide a certification from a licensed attorney that all owners and lienholders of record have signed the necessary instruments, subordinating their liens to the restriction. The Town will record said restriction against the property at the Norfolk County Registry of Deeds at the expense of the owner(s). Such restriction shall constitute an "other restriction held by a governmental body" under G.L. c.184, §26 and shall subject the open space land to a public charitable trust, preserving the property for open space purposes in perpetuity. The restriction shall provide for a means of public access to those portions of the open space identified above via the existing cart path network created as part of the golf course, and some dirt and grass paths, all of which shall be maintained by the Condominium Association (referred to below), which shall include trail maintenance and annual mowing of a certain portion of said open space, in accordance with the open space maintenance plan approved by the Planning Board, to help prevent reforestation. Said restriction shall reserve to the grantor, its successors and assigns, the following rights:
- a. the temporary right to construct or install those improvements within all the open space located to the west of Bogastow Brook approved by the Planning Board under the Special Permit dated January 23, 2017, and this Definitive Plan Approval, which right shall expire upon the completion of the

improvements and/or the time within which such construction must be completed, as that time may be extended from time to time by the Planning Board, all as set forth in the Special Permit, whichever is earlier; and

- b. the perpetual right to access all the open space located between the eastern line of units and running easterly to approximately one hundred (100) feet easterly of the easterly highwater mark of the Bogastow Brook to operate, maintain, and/or replace the irrigations well(s) within, or adjacent to, Bogastow Brook for service to the development.
- 13.) Open Space in the development shall be preserved and maintained by the Association and in accordance with Open Space Exhibit and the Operations & Maintenance Plan associated with same. Regular maintenance is proposed as maintenance / mowing of the vegetation within the limits of the proposed trail network when it has reached a height of approximately six (6) inches. Mowing of the open space areas specified as Meadow is proposed to occur annually. All other open space areas will be allowed to grow back to a natural state. The maintenance requirements associated with the publicly accessible open space areas will be incorporated as part of the documents creating the Association. The Association shall be responsible for maintenance of the public parking area associated with the public open space, including but not limited to, snow plowing.
 - 14.) Developer shall provide to the Town a surety bond produced by a surety licensed to conduct business in the Commonwealth of Massachusetts in an amount equal to the estimated cost of the Work, as surety for its completion of all obligations under this Agreement. The bond shall be posted for each phase prior to the first Certificate of Occupancy in each respective phase. The Applicant may request interim reductions of the bonds as work progresses. The surety shall conform to the requirements of G.L. c. 41, §81U, ¶7; and a letter of credit shall not be acceptable. Such surety shall include a reserve to provide for the event that subsequent to the release of surety by the Town, but prior to full acceptance of the development by the Town, the owner(s) may cause material damage to infrastructure that had been covered previously by a performance bond, beyond normal wear and tear, but for which surety had previously been released.
 - 15.) Irrigation for the project shall be accomplished by continued use of the existing irrigation pond, irrigation wells and the Bogastow Brook water withdrawal, as previously approved by the Massachusetts Department of Environmental Protection (MassDEP).
 - 16.) The Applicant shall be permitted to pump and/or haul wastewater from the proposed pump station to be constructed on the Property to the Town's system at no charge until the first 30 units have been sold in order to ensure said on-site

pump station and force main are functioning adequately, or until adequate flows are generated by the Property to allow said proposed pump station and force main to function adequately, all as set forth in the separate written agreement between the Applicant and the Board of Selectmen dated May 26, 2017.

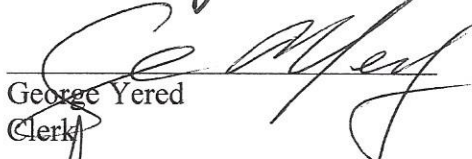
- 17.) The Applicant is permitted to construct and utilize a construction access off Orchard Street, proximate to proposed unit numbers 322 and 323, as shown on the Definitive Plans.
- 18.) The Applicant shall be allowed to construct up to eight (8) model units with interim access, parking and landscaping as shown on the Landscape Plans. The Applicant shall be allowed to install and operate a sales and construction trailers at the site.
- 19.) The Applicant shall employ the use of private mechanized security gates at project entry driveways. The Applicant shall coordinate with the Town Departments and Emergency Officials regarding access.
- 20.) The emergency access shall be gated, with access provided to emergency response personnel. The Association shall be responsible for the maintenance of the emergency access in accordance with the Operations & Management Plan for the development.
- 21.) Existing property boundary monumentation shall be indicated on the Definitive Plans prior to endorsement by the Planning Board.
- 22.) The plans prepared in support of the proposed extension / upgrade of the existing municipal water and sanitary sewer infrastructure shall be provided to the Planning Board upon completion, including profiles associated with proposed driveway connection of sewer and water within the Orchard Street right of way.
- 23.) The architectural plans, including exterior elevations, associated with the proposed clubhouse shall be provided to the Building Department and Planning Board at the time of the application for Building Permit for said clubhouse structure.
- 24.) The stormwater management system associated with each of the three proposed phases shall be cleaned in accordance with the project Stormwater Operations & Maintenance Plan at the completion of each phase.
- 25.) Documents related to the project approval and conditions shall be provided to project construction team and the Applicant's manager responsible for the day-to-day construction activities for review and signature of a document stating they have read and understand the approvals and conditions.

- 26.) Town of Millis Department of Public Works will take jurisdiction over the construction observations and requisite testing of the proposed sanitary sewer and water system improvements, or the hiring of outside professional consultants to perform the same. The Applicant shall be responsible for payment of professional outside consultant assistance that the Town deems necessary for inspections.
- 27.) The Association documents shall not be limited to, but shall include the following:
- a. Provide Town Department of Public Works with project emergency contact(s) once the sanitary lift stations are online with any changes in contacts relayed to the Department of Public Works at that time;
 - b. Provide a bond or surety to cover the cost if the Town of Millis, acting through its Department of Public Works, determines that the Association is unable to fulfill its obligations with respect to the sanitary lift station or if the Town determines that it is in the Town's best interest to take over service of the sanitary lift stations, with the amount of such bond or surety to be reasonably satisfactory to the Town and reviewed every five (5) years;
 - c. The company contracted to service the sanitary lift stations and responsible for responding to emergency call shall meet the criteria set forth by the Town Department of Public Works; and
 - d. Annual stormwater maintenance shall comply with all current DEP recommendations and with all terms of the DEP stormwater permits as may be issued from time to time for stormwater discharge.

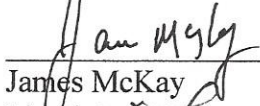
MILLIS PLANNING BOARD:


Robert Cantoreggi
Chair

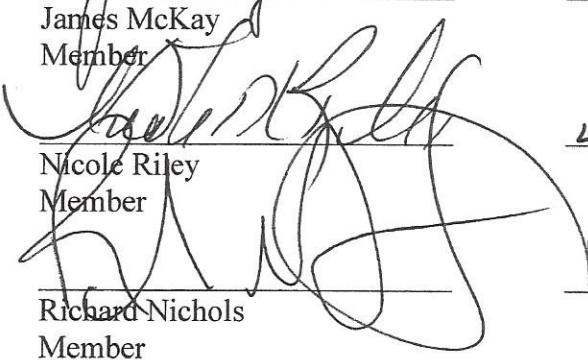
☒ Approve ☐ Deny ☐ Abstain


George Yered
Clerk

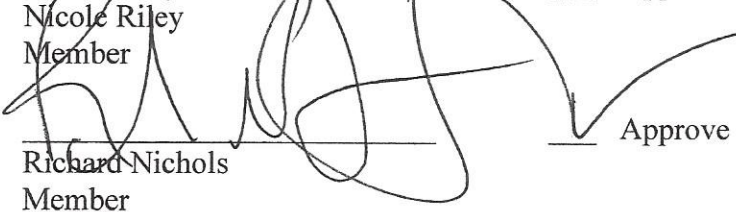
☒ Approve ☐ Deny ☐ Abstain


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: August 15, 2017

DATED FILED WITH THE OFFICE OF THE TOWN CLERK: August 17, 2017

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.