

The meeting was called to order at 7:30 p.m. by Mr. Yered, Acting Chair.

Members present: George Yered, Acting Chair  
James McKay, Acting Clerk  
Nicole Riley  
Carlo Molinari  
  
Philip Paradis, PE, BETA Group

Members Absent: Robert Cantoreggi  
Richard Nichols

Also present: Scott Fuzy, 114 Union St.  
Carol & John Greco, 354 Orchard St.  
Anne Rich, 351 Orchard St.  
Terry Ryan, Applewood Survey  
Mary D. Miller, 357 Orchard St.

**APPROVAL OF DEFINITIVE PLAN APPLICATION, PUBLIC HEAR., CONT.**  
**351 ORCHARD STREET -ANNE RICH**

The public hearing continuation was opened at 7:36 p.m. with notice being read by Mr. McKay, Acting Clerk.

Mr. Ryan, representing the applicant, presented the revised plans. He stated that Mr. Thomas Ryder, the Stormwater engineer, was unable to attend the hearing due to personal family matters; therefore hydrology/stormwater issues cannot be addressed. Mr. Ryan stated that he had recently completed revising the plan per BETA Group’s comments.

Mr. Paradis, PE, the Planning Board’s peer reviewer, summarized their comment letter, dated June 5, 2018. He stated that they are “still uncomfortable” with comment Z1 in relation to zoning/frontage and setback requirements for proposed Lots 2 and 3. He recommended clarification be provided by the Building Inspector as to conformance of the lots. Mr. Riley stated that he has added notes to the plan requiring certification of zoning conformance by the Building Inspector prior to any issuance of a building permit. According to Mr. Ryan, the Building Inspector has an issue with Lot 3 and they will “deal with the issue when applying for a building permit.” Mr. Paradis questioned whether or not the Board could approve a definitive subdivision plan when there is a question of a lot being buildable. Mr. Ryan stated that he does not agree with BETA’s determination.

The waiver letter from Applewood Survey, dated June 5, 2018, was discussed. Mr. Paradis stated that BETA Group recommends that the Planning Board have confirmation from the fire department that the emergency accessibility/turnaround radius is acceptable

before approving the waiver request for a 16-foot wide driveway in lieu of the required 26-foot wide roadway.

Mr. Paradis stated that the applicant requested a waiver for sidewalk construction. In lieu of sidewalks, the applicant has agreed to funds being provided for sidewalks and trees. Mr. Paradis referenced a comment on BETA's Stormwater Comment Review letter, dated June 5, 2018. Test pit data provided for locations in the vicinity of proposed rain gardens indicate high ground water approximately three feet below the ground surface. He stated that this "needs to be investigated" to prevent groundwater from flowing into Orchard Street and proposed rain gardens.

There was discussion regarding the possibility of re-locating the road to the other side of the property which would require less excavation and safer issue of traffic with the proximity of the streets. Mr. Ryan stated that such an option is not feasible as the whole design was to save the original house. Such a change would have the roadway going through the existing house.

Mr. McKay read an email from Mike Giampietro (Building Inspector), dated May 26, 2018, and a letter from Carol and John Greco, dated June 15, 2018, into the record.

Mr. Paradis referenced page 39 of the Millis Zoning Bylaws where "Table 2. Area Regulations," Note 2 states, "No private way shall be used to meet minimum lot frontage requirements in order to avoid the creation of a public way." Mr. Ryan stated that they "went over this a year ago and the Board did not have a problem with it." Mr. Ryan stated that there is a precedence that something similar has been done in Town. Ms. Rich stated that there are quite a few similar subdivisions already built in Town – "Glen Pines off of Orchard Street; one off Farm Street beside Windcrest Farms." She said this has been done numerous times before without incident.

Mrs. Greco stated that she and her husband have had "some concerns all along" with the zoning. She said that the frontage, less than four hundred feet, is only enough for one house lot – the current existing house. The proposed road of fifty feet going in "takes up the entire amount of frontage." "Where does the frontage come in for the last lot," she questioned. The close proximity of a road going in parallel to Frontier Road is of concern, she said. Mr. Greco expressed concern over emergency vehicles having access to the last house lot "in the back." He stated that the "design is not good for the Town."

There was discussion regarding the Planning Board consulting Town Counsel, at the applicant's expense. This may be discussed further.

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously at 8:24 p.m. to continue the public hearing to Tuesday, July 10, 2018, 7:35 p.m.

**OTHER BUSINESS:**

**CLEAN ENERGY COLLECTIVE**

**REVIEW FEE ACCOUNT REFUND**

**SOLAR APPLICATION WITHDRAWN - OFF MAIN STREET**

There was an application filed with the Planning Board in October 2015 for a commercial solar project off Main Street. The application was withdrawn by the applicant on May 17, 2016. A balance of \$3,075.17 remained in the consultant review account.

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously to refund \$3,075.17 to Clean Energy Collective, LLC, from the consultant review fee account.

**HOUSING PRODUCTION PLAN**

**DRAFT REVIEW/COMMENT**

The Planning Board will ask someone from MAPC to come in to make a presentation regarding the draft Housing Production Plan.

**MINUTES**

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously to approve the regular session meeting minutes from May 8, 2018, as written.

**ADJOURN**

There being no further discussion and on a motion made by Ms. Riley, seconded by Mr. McKay and voted unanimously, the meeting was adjourned at 8:28 p.m.

Scheduled Planning Board Meetings: July 10, 2018  
August 7, 2018

*Respectfully submitted,*

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*Camille Standley*  
*Administrative Assistant*