

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

Members present: Nicole Riley, Acting Chair  
Richard Nichols, Acting Clerk  
James McKay  
George Yered

Members Absent: Robert Cantoreggi  
Carlo Molinari, Associate

Also present: Scott Fuzy, 411 Union St.  
Josh Guerrero, 5 Park Road  
Wayne Carlson, Zoning Board of Appeals  
Mike Ryan, 432 Village St.  
Peter Koufopoulos, 207 Pleasant St.  
James & Judith Murphy, 83 Forest Rd.  
Ted Cannon, Glen Ellen  
Shawn Nuckolls, Toll Bros., Glen Ellen  
Ryan O'Rourke, Toll Bros., Glen Ellen  
Dan Merrikin, PE, Legacy Engineering

**FORM A APPLICATION – SUBDIVISION APPROVAL NOT REQUIRED**

**72 FARM STREET – MIKE RYAN**

Mr. Michael Ryan presented the application and plan. The ANR plan divides the lot at 76 Farm Street into two buildable lots (72 & 76 Farm Street). The lot labelled 2-A on the plan is the new lot where a new dwelling will be built, he said.

On a motion made by Mr. Nichols, seconded by Mr. Yered, it was voted unanimously (4-0) to approve and endorse an ANR plan entitled, "Plan of Land in Millis, Massachusetts" (1 sheet) dated February 19, 2019, stamped and prepared by Daniel A. O'Driscoll, O'Driscoll Land Surveying Co., 46 Cottage St., Medway, MA 02053, finding the Form A in order and subdivision control not required. The Planning Board found that the land shown on the presented plan does not constitute a subdivision within the meaning of the Subdivision Control Law, and therefore approved and endorsed the plan accordingly.

**SPECIAL PERMIT/SITE PLAN APPROVAL**

**1105-1115 MAIN STREET, PUBLIC HEARING, CONT.**

**GAS FILLINGS STATION/CONVENIENCE STORE/DRIVE-THROUGH**

**1105-1115 MAIN STREET, LLC**

The public hearing continuation was opened at 7:37 p.m. with notice being read by Mr. Nichols, Acting Clerk.

Mr. Choubah of Choubah Engineering Group, representing the applicant, requested a continuance without discussion via email dated February 28, 2019.

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was unanimously voted to continue the public hearing at 7:37 p.m. to Tuesday, April 16, 2019, 7:35 p.m.

**JIM & JUDY MURPHY – 83 FOREST ROAD  
INFORMAL DISCUSSION RE: WATER RUNOFF/FLOODING**

(Note: Mr. Yered recused himself from the discussion)

Mr. Murphy had contacted Mr. Cantoreggi who suggested he attend the meeting. Mr. Nichols summarized the Scenic Road Decision that was issued to the owners of 79 Forest Road for removal of three trees to allow for a secondary driveway.

According to Mr. Murphy, the project also involved removal of many trees and brought the elevation up on the neighboring property at least five feet in height. Mr. Murphy stated that, to his knowledge, no plan was submitted showing what was to be done for the project and elevation changes were not noted. Mr. Murphy said that water was “overflowing and breaking through the berm” from 79 Forest Road onto their property at 83 Forest Road. He stated that he feared it could negatively affect his septic system. Mr. Murphy discussed the flooding and water runoff issues and Mrs. Murphy presented photos.

Mr. McKay stated that both he and Mr. Giampietro had visited Mr. Murphy’s property. He suggested that one option may be to have BETA take a look and come up with a Scope & Fee. Mr. McKay said that the curb cut permit was done properly.

In order to allow the McKersies an opportunity to discuss the issue, the Board will send a letter requesting that they attend the April 16, 2019, meeting. (Note: The Informal Discussion on this issue was re-scheduled to Tuesday, May 7, 2019. Both parties were notified.)

**FORM A APPLICATION – SUBDIVISION APPROVAL NOT REQUIRED  
166 VILLAGE STREET – MANJIT KHALSA  
DAN MERRIKIN, LEGACY ENGINEERING**

Mr. Daniel Merrikin, representing the applicant, presented the application and ANR plan. The plan divides the lot at 166 Village Street into two buildable lots, he said. The existing dwelling is to remain, and a new dwelling will be built on the remaining lot (Lot 1A). There will be a common driveway on Lot 2A.

On a motion made by Ms. Riley, seconded by Mr. McKay, it was voted unanimously (4-0) to approve and endorse an ANR plan entitled, “166 Village Street ANR Plan of Land in Millis, MA” (1 sheet) dated March 2, 2019, stamped and prepared by Paul J. DeSimone, PLS, 403 Mahan Circle, Medway, MA 02053, finding the Form A in order and subdivision control not required. The Planning Board found that the land shown on the presented plan does not constitute a subdivision within the meaning of the Subdivision Control Law, and therefore approved and endorsed the plan accordingly.

**SPECIAL PERMIT/SITE PLAN APPROVAL**

**1525 MAIN STREET, PUBLIC HEARING**

**RECREATIONAL MARIJUANA DISPENSARY – ELLEN REALTY TRUST**

The public hearing was opened at 8:03 p.m. with notice being read by Mr. Nichols, Acting Clerk.

Mr. Daniel Merrikin, representing the applicant, presented the application and plans. The proposed project is to allow a Recreational Marijuana Dispensary at 1525 Main Street. The facility and all site amenities have already been reviewed and approved via special permits issued for a medical marijuana dispensary. The site is currently under construction. Mr. Merrikin stated that this application merely proposes to add the sale of recreational marijuana products to the previously approved facility. No additional site improvements are proposed. All required documents have been provided, Mr. Merrikin stated. The proposed facility is 1,500 feet from the nearest residential area. The application is “going through the State process,” he said.

Parking was discussed. Mr. Merrikin stated that there are twenty-seven parking spaces where fourteen are required. He said that in the beginning, they may need additional parking and if that is the case, temporary parking on an adjacent parking area (self-storage facility) can be provided if warranted. In Mr. Merrikin’s opinion, “it will be busy at first; as time goes on, business will taper off to a more moderate tempo.”

Ms. Riley stated that the application is under the purview of the State and Board of Selectmen for licensing. Mr. Fuzy spoke in favor of the project.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously to close the public hearing at 8:11 p.m.

**1525 MAIN STREET – RECREATIONAL MARIJUANA DISPENSARY  
DELIBERATION/VOTE**

On a motion made by Mr. McKay and seconded by Mr. Nichols, with Ms. Riley, Mr. Yered, Mr. Nichols, and Mr. McKay voting in the affirmative, it was unanimously voted to grant to the Applicant, the Ellen Realty Trust, a **Special Permit** for site plan approval and a **Special Permit** for a Recreational Marijuana Establishment, with conditions, for property located at 1525 Main Street. The site and the approved improvements are depicted on a seven-sheet plan set entitled “1525 Main Street Site Plan of Land in Millis, MA,” dated May 10, 2017 with a final revision date of January 12, 2018, prepared by Merrikin Engineering, LLP.

**PROPOSED MUNICIPAL FACILITIES & USES BYLAW ARTICLE  
PUBLIC HEARING - JAMES MCKAY**

(Note: Mr. McKay recused himself from the public hearing.)

The public hearing was opened at 8:25 p.m. with notice being read by Mr. Nichols, Acting Clerk.

Mr. McKay, as Public Works Director, presented the proposed bylaw. The initial article proposed and drafted by Town Counsel has since been amended, Mr. McKay stated. The purpose of the initial draft of the bylaw is for Municipal project zoning exemptions. This was drafted in preparation for the renovation at the current DPW garage site at 7 Water Street where major improvements/renovations are being considered. Mr. McKay described the current conditions at the garage based on a report done last year, and the proposed renovations/improvements. He stated that the Permanent Building Committee will be designing the facility. The property is in the Residential Zoning District. The amended version of the bylaw presented by Mr. McKay is specifically for the Water Street location. Mr. Nichols read the amended "Section XXII – Municipal Overlay" bylaw into the record.

There was discussion regarding Section D. (3) wherein it states that "Municipal Facilities shall not be subject to any special permit, site plan review..." The Board members expressed concern over the Planning Board review process being omitted. Mr. McKay stated that the Permanent Building Committee would come before the Board for an "Informal Discussion." He said that they would still have to go before the Conservation Commission, Board of Health, and Stormwater Permitting. Mr. Nichols stated that it could be considered "spot zoning," but as long as Town Counsel "signs off" on it, he would not have an issue.

Mr. Carlson from the Zoning Board of Appeals recommended that the zoning for the area in question be changed to a Municipal Zone from Residential. According to Mr. Carlson, the area was first established as Industrial and changed to Residential circa 1990. He suggested that a municipal zone be established to include ALL parcels from Southend Pond through to 7 Water Street. He stated that by taking that approach, the issue of "spot zoning" is negated.

The Planning Board would prefer that Town Counsel attend the continued public hearing to address the issues raised.

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was voted unanimously at 8:50 p.m. to continue the public hearing to Tuesday, April 16, 2019, 8:00 p.m.

**"REGENCY AT GLEN ELLEN"**

**SENIOR RESIDENTIAL COMMUNITY DEVELOPMENT – 84 ORCHARD ST.  
INFORMAL DISCUSSION RE: AGE QUALIFICATIONS/MODIFICATION  
TOLL BROTHERS – EDWARD CANNON**

Atty. Cannon, representing Toll Brothers, presented the Request for Minor Modification letter, dated February 15, 2019. He stated that the SRCD Special Permit Decision refers to Town Counsel approving the homeowner/condominium documents, which reference the Bylaw. According to Mr. Cannon, Toll Brothers is having problems with caregiver options, which are not currently permitted. The exception allowing caregivers, he said, must be stated as a condition in the Special Permit. They are requesting that the Special Permit Decision be modified by adding a new item #16 under Section D – Conditions of Approval - General as written below:

The master deed to be submitted by the applicant shall provide that 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.

If this language is added to the Decision, it will provide much clearer guidance and ease in the marketing of the units, Mr. Cannon said. This condition was part of the SRCD Decision for the recently approved Acorn Place, he stated, and they are looking for the same language.

Town Counsel Jay Talerman, in an email dated, March 2, 2019, stated that “this could be viewed as a substantive change which” in his opinion, “would require a new public hearing.” There was discussion regarding the significance of the modification request. The Board was of the opinion that a public hearing was the proper way to proceed. The applicant will file an application for a Modification to Special Permit.

**OTHER BUSINESS:**

**RELEASE OF CONSULTANT REVIEW FEES  
984 MAIN STREET – KSK REALTY TRUST**

An email was received dated March 5, 2019 from KSK Realty Trust stating that the project was complete. It was requested that the balance of the Consultant Review Fee Account be returned to the applicant.

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was unanimously approved to release the balance of \$135.69 to KSK Realty Trust.

**MINUTES**

On a motion made by Ms. Riley, seconded by Mr. Yered, it was voted unanimously to approve the regular session meeting minutes from February 5, 2019, as written.

**ADJOURN**

There being no further discussion and on a motion made by Mr. Nichols, seconded by Mr. McKay and voted unanimously, the meeting was adjourned at 9:20 p.m.

**MILLIS PLANNING BOARD MINUTES**

**March 12, 2019**

**Room 229, Veterans Memorial Building, 900 Main St., Millis, MA**

Scheduled Planning Board Meetings: April 16, 2019  
May 7, 2019

*Respectfully submitted,*

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*Camille Standley*  
*Administrative Assistant*