

MILLIS PLANNING BOARD MINUTES

April 16, 2019

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

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

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

Melissa Recos, BETA Group
Kate Feodoroff, Town Counsel

Members Absent: Carlo Molinari, Associate

Also present: Scott Fuzy, 411 Union St.
Hal Choubah, CEG, 112 State Rd., Dartmouth
Fouad & Johnny Hatem, 187 Cairn Ridge Rd.
Stacked LLC, Tony DeVito, 40 Exchange St.
Fawkes, 18 Ridge.
Jim Levin, 17 Frontier Lane
Alan Sky, 22 Frontier Lane
Brian O'Keefe, 80 Ridge St.
Laila Jones, 55 Ridge St.
Bruce Ryder, 70 Ridge St.
Andrew Ryerson, 83 Ridge St.
Oliver Garry, 140 South St., Walpole
Jenny Gaetn, 20 Pleasant St.
Jessica Monty, 9 J William Hts.
George Sgourakes, 41 Bullard Lane
Christine Sooklal, 90 Ridge St.
David Werner, 91 Ridge St.
Dennis & Lorraine Fermano, 76 Ridge St.
Joe & Dee Cormican, 72 Ridge St.
Dan Merrikin, PE, Legacy Engineering
Robert Holmes, 88 Ridge St.
Lisa Hardin, 56 Walnut St.
Martha Burns, 78 Ridge St.
Ellen McCarthy/Noel Hourihan, 118 Ridge St.
Jennifer Farrar, 7 Rolling Meadow Dr.
Kathleen Streck, 8 Rolling Meadow Dr.
Michael Tieu, 68 Ridge St.
Mary Frances Gitto, 91 Ridge St.
Thomas O'Connell, 18 Rolling Meadow Dr.
Jim Burns, 78 Ridge St.
Mark Gladstone, Randolph
Francis DeCoste, 56 Darron Dr., Brockton
Robert Fox, Plymouth

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Leah Corcoran, 209 Curve St.
Steve & Kelly LeVangie, 11 Rolling Meadow Dr.
James Lederer, 10 Paddock Lane
Scott Rorrio, 8 Ridge St.
Charleen Heard, 82 Ridge St.
Jennifer McMahan, 14 Paddock Lane
Janine Azzaiz, 6 Rolling Meadow Dr.
Nick Munn, 15 Ridge St.
Don Baker, 232 Causeway St.
Alex Stathas, 79 Ridge St.
Carlos Coloma, 94 Ridge St.
Melany & Zouhair Ferrimy, 2 Rolling Meadow Dr.
Joanne Tiberi, 210 Causeway St.
Domenic Caruso, 210 Causeway St.
Austin Turner, Bohler Engineering
Ryan O'Rourke, Toll Bros., Glen Ellen
Gerry Gaita, Millis Plaza
Fire Chief Rick Barrett

REQUEST FOR WAIVER OF SITE PLAN REVIEW/APPROVAL

1060 MAIN STREET – ALAN SKY

CLIQUOT COFFEE, LLC

The Board reviewed a letter, dated March 25, 2019, from Mr. Alan Sky, requesting a Waiver of Site Plan Review/Approval for the above-mentioned location in Millis Plaza (former location of Subway Restaurant).

Mr. Sky had previously owned and operated a “high-end coffee shop” in New York and he would like to open up the same type of business in Millis. The hours of operation would most likely be 7:00 a.m. to 1:00 p.m., and 5:00 p.m. to 11:00 p.m., seven days a week.

Parking was discussed. Mr. Gaita, owner of the plaza, spoke on behalf of Mr. Sky and stated that there are additional parking spots available behind the plaza should parking become an issue. Mr. Gaita stated that he does not expect there to be a parking issue, but he would address it if need be. The building permit process will address any other issues and concerns that may arise.

On a motion made by Mr. McKay, and seconded by Ms. Riley, it was voted unanimously, pursuant to Section XIII (Special Permit Conditions) C., of the Town of Millis Zoning By-laws, to waive the requirements of Site Plan Review for a coffee shop at 1060 Main Street.

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 7:47 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Choubah of Choubah Engineering Group, representing the applicant, presented the plans, revised March 26, 2019. He stated that the revised plans address some of the comments made by BETA and other Boards. Setback relief was approved by the ZBA, he said, and there is an upcoming meeting with the Board of Health scheduled. Some of the revisions reduced the building size and drainage changes. The comments regarding Stormwater can be worked out with the engineer, he said. Feedback from the Fire Chief regarding site circulation and drive-thru access is also pending.

Ms. Recos of BETA, the Board's consulting engineer, summarized her review letter, dated April 10, 2019. She stated that the applicant is requesting various waivers as noted on the site plan, including parking space dimensions, number of parking spaces, and landscape buffer. A guardrail along the western portion of the retaining wall is recommended by BETA. Mr. Halim will add it to the plan. There will be no seating in the coffee shop, he said.

A traffic study was discussed; however, BETA's opinion is that a traffic study is not required for this location. The Board was in agreement that this requirement could be waived in lieu of a donation to a emergency vehicle safety system. There was discussion regarding access to be "one way in – one way out" for safety reasons. This issue can be discussed further after the Fire Chief's review.

The hearing will be continued to allow for further plan revisions and Stormwater Calculation Report revisions.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was unanimously voted to continue the public hearing at 8:29 p.m. to Tuesday, May 7, 2019, 8:00 p.m.

PROPOSED MUNICIPAL FACILITIES & USES BYLAW ARTICLE

PUBLIC HEARING, CONT. - JAMES MCKAY, DPW

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

The public hearing continuation was opened at 8:29 p.m. by Mr. George Yered, Clerk, with reading of notice in its entirety being waived.

Atty. Kate Feodoroff, Town Counsel, stated that there had been a couple of iterations of this bylaw since the last hearing. This bylaw deals with existing parcels and a proposal to improve the existing municipal facility/property (Department of Public Works). She stated that the current iteration (Article 26 below) creates an Overly District and is not

“Spot Zoning.” The underlying zoning district remains, she stated, and only overlay uses are allowed. The Planning board did not want to waive site plan review/approval, even for a municipal facility. The currently proposed Article addresses that issue by requiring site plan review for municipal facilities within the overlay district. Atty. Feodoroff stated that the article now provides for the residents and the Town to have input.

There being no further discussion, on a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was unanimously voted to close the public hearing on the proposed Municipal Overlay bylaw article at 8:40 p.m.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously (4-0) to **recommend approval** of Article 26 Municipal Overlay as written below for the May 13, 2019 Town Meeting:

ARTICLE 26. To see if the Town will vote to amend the Zoning Bylaws, as most recently amended, by adding a new section as follows:

Section XXII – Municipal Overlay

Purpose; definitions; special requirements for Municipal Facilities.

A. Purpose

- (1) To provide greater flexibility for municipal uses and structures on a municipally owned property, where existing oversight provides adequate review and safeguards.
- (2) To exempt Municipal Facilities from the zoning bylaws in locations specified herein.

B. Applicability & Definitions

- (1) This Article applies to Municipal Facilities, defined as public buildings, structures and premises owned or leased by the Town of Millis for any municipal or related use, including any allowable accessory uses; or other uses expressly allowed elsewhere within the By-law, or M.G.L. Chapter 40A, and which may also include uses such as passive and active recreational areas.

C. Eligible Locations – Municipal Facilities Exempt Overlay District

- (1) The Municipal Facilities Exempt Overlay District is herein established as an Overlay District which includes the parcels identified as Assessor’s Map 52, Lots 9, 10, 11, 12, 14, 15, 17, and 19 and Assessor’s Map 17, Lot 6, also known as 7 Water Street, Millis, Massachusetts.
- (2) Municipal facilities and uses in other locations shall not be subject to this Section and shall be subject to applicable zoning bylaws.

D. Use Regulations within the Overlay District

- (1) The Millis Zoning Bylaw shall not apply to Municipal Facilities within the overlay district which shall be exempt therefrom and allowed by right in the overlay district.
- (2) Municipal Facilities within the overlay district shall not be subject to any Dimensional requirements in this bylaw.

(3) Municipal Facilities within the overlay district shall not be subject to any special permit, or any other process, permit or limitation on this Bylaw, except site plan review.

- E. All uses and structures not contemplated herein shall remain subject to the requirements for the underlying zoning district.

REQUEST FOR WAIVER OF SITE PLAN REVIEW/APPROVAL

40 EXCHANGE STREET – MELISSA & ANTONIO DEVITO

STACKED ENTERPRISES, LLC

The Board reviewed a letter, dated April 1, 2019, from Mr. & Ms. DeVito, requesting a Waiver of Site Plan Review/Approval for the above-mentioned location (former liquor store).

Mr. & Ms. DeVito would like to open a “fast casual sandwich shop.” Take-out and delivery are proposed with hours of operation to be 10:00 am to 6:00 p.m. daily. On-street parking is provided. The building permit process will address any other issues and concerns that may arise.

On a motion made by Mr. Cantoreggi, and seconded by Mr. Nichols, it was voted unanimously, pursuant to Section XIII (Special Permit Conditions) C., of the Town of Millis Zoning By-laws, to waive the requirements of Site Plan Review for a sandwich shop at 40 Exchange Street.

SPECIAL PERMIT/OPEN SPACE PRESERVATION SUBDIVISION, PUBLIC HEARING

RIDGE STREET/ROLLING MEADOW DRIVE - TD DEVELOPMENT, LLC

The public hearing was opened at 8:50 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Dan Merrikin of Legacy Engineering, representing the applicant, presented the application and preliminary plans. The project site includes the development of six parcels on the western side of Ridge Street between Rolling Meadow Drive and Curve Street. The proposed project is for construction of a 48 lot Open Space Preservation development. Two public roadways are proposed with access on Rolling Meadow Drive, ending in a cul-de-sac. There is a proposed emergency access gravel road connecting the subdivision’s cul-de-sac to Ridge Street. The proposal would connect to sewer on Ridge Street.

Mr. Merrikin stated that there are approximately 62 acres of land; 37 acres are upland and the rest is wetlands or floodplain; 23.3 acres of Open Space are proposed. He said that an Open Space Development allows the lots to be smaller to allow for open space. Forty-eight lots are proposed. Mr. Merrikin discussed the “Open Space Layout” and a “Conventional Layout.” Both plans propose a 48-lot subdivision, he said. Mr. Merrikin stated that if the Board were to approve the Open Space Preservation Development application, a Definitive Plan Application would then be filed for review and approval.

Mr. McKay stated that a pressure test in the water system may be required by the developer. He also raised concerns regarding only one access road off of Rolling Meadow Drive and questioned why there would not be another exit onto Ridge Street. Mr. Merrikin stated that three access points are shown on the plan. Rolling Meadow Drive access has the least amount of wetland impacts, he said, and is preferable from a Conservation Commission standpoint. According to Mr. Merrikin, a hydrology study of the existing conditions would be done.

Mr. Sgurakes questioned the frontage and “interpretation of a front yard” for the new homes. Mr. Cantoreggi stated that the Planning Board “does not define front yard” and the issue is out of their purview.

Dr. Werner stated that access to the site is “all wetlands” and “traffic impact alone should preclude this development from being approved.” Many abutters and residents in attendance voiced their opposition to the proposed development citing concerns, in part, over the large number of homes proposed; over roadway conditions on Ridge Street; dangers of vehicles exiting and entering from Ridge Street; the character of the Rolling Meadow Drive/Paddock Lane neighborhood; increased vehicular traffic in the neighborhood; pedestrian safety (especially during winter months); and lack of sidewalks.

In response to questions regarding recourse for concerned abutters, Mr. Cantoreggi explained that the Town of Millis Zoning Bylaws allow for different types of developments; such as Open Space Preservation Developments, Senior Residential Community Developments, etc. There are conditions and guidelines in these bylaws which must be satisfied, he said. Zoning Bylaws and zoning classification changes can be proposed at Town Meeting.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously at 10:02 p.m. to continue the public hearing to Tuesday, May 7, 2019, 8:30 p.m.

“REGENCY AT GLEN ELLEN”

**SENIOR RESIDENTIAL COMMUNITY DEVELOPMENT – 84 ORCHARD ST.
INFORMAL DISCUSSION RE: APPROVAL OF SITE PLAN FIELD CHANGES
AND EMERGENCY ACCESS/ENTRANCE REVISIONS-
TOLL BROTHERS – RYAN O’ROURKE**

The Board met with Mr. O’Rourke, Toll Brothers, and Mr. Turner, Bohler Engineering, for approval of minor modifications to the Definitive Plans/Site Development Plans. The Board reviewed the letter from Bohler Engineering, dated January 14, 2019, and the review letter from BETA, dated January 31, 2019. Ms. Recos of BETA summarized their findings regarding the minor revisions. The changes reflected on the plans reflect the ongoing construction activities and are a result of field modifications and consultation with future homeowners. Ms. Recos stated that, in general, the changes consist of the modification of individual home buildings to reflect architectural choices, adjusted drives, revisions to roadway grading, changes to location of drainage features, and the

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incorporation of additional catch basin structures. It was Ms. Recos' opinion that the proposed changes are consistent with the original design and do not substantially alter the design.

On a motion made by Mr. Robert Cantoreggi, seconded by Ms. Nicole Riley, it was voted unanimously to approve the minor modification requests as field changes to allow minor modifications to the plans entitled, "Site Development Plans for Regency at Glen Ellen," dated November 18, 2016 revised to December 19, 2018, prepared by Bohler Engineering, Southborough, MA. Sheets revised include sheet numbers: 12, 16, 17, 19, 20, 21, 22, 28, 32, and 73 of 86.

Primary and Secondary Driveways

Fire Chief Barrett stated that a routine inspection was conducted at the Regency at Glen Ellen site at 84 Orchard Street. It was discovered that the fire apparatus could not easily fit through the entrance. There were also issues with the secondary driveway, he said.

Mr. Turner stated that after conversations with Chief Barrett, Toll Brothers will widen the primary entrance at the gate and straighten the radius leading to the gate on the easterly side of the entrance. The secondary access will be adjusted to locate the gates further north and a travel lane that is 20' wide as an emergency access lane that allows for both entrance and exit by fire department apparatus. Adjustment will also be made to the cobblestones.

On a motion made by Ms. Riley, seconded by Mr. Cantoreggi, it was voted unanimously to approve the minor modifications requested by Chief Barrett.

OTHER BUSINESS:

ROBERT CANTOREGGI

Mr. Cantoreggi announced that this meeting was his last serving as a Planning Board member/Chair. After serving on the Planning Board for seventeen years, he has decided not to run for re-election. The Board thanked Mr. Cantoreggi for his tenure on the Planning Board.

MINUTES

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously to approve the regular session meeting minutes from March 12, 2019, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. Cantoreggi, seconded by Mr. Nichols and voted unanimously, the meeting was adjourned at 10:21 p.m.

Scheduled Planning Board Meetings: May 7, 2019

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Respectfully submitted,

Camille Standley

Administrative Assistant