

MILLIS PLANNING BOARD MINUTES

May 7, 2019

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

The meeting was called to order at 7:15 p.m. by Mr. George Yered, Acting Chair.

Members present: Richard Nichols, Chair
Nicole Riley, Clerk
George Yered
James McKay
Bodha B. Raut Chhetry

Melissa Recos, P.E., BETA Group

Members Absent:

Also present: Scott Fuzy, 411 Union St.
Hal Choubah, P.E., CEG, 112 State Rd., Dartmouth
James & Judy Murphy, 83 Forest Rd.
Laila Jones, 55 Ridge St.
Jim Burke, P.E., Decelle-Burke-Sala & Associates, Inc.,
1266 Furnace Brook, Quincy
John McKersie, 79 Forest Rd.
Alicia McKersie, 79 Forest Rd.
Robert Fox, 38 Benjamins Gate, Plymouth
Dan Merrikin, PE, Legacy Engineering
Shawn Nuckolls, Toll Bros, Glen Ellen
Ryan O'Rourke, Toll Bros., Glen Ellen
Ted Cannon, Toll Bros., Glen Ellen
Atty. Stephen Kenney
Robert Gracie, Orchard St.
Andy Kramer
Stan Yablonski
Thomas Roche, 78 Bullard Lane

REORGANIZATION OF THE PLANNING BOARD

On a motion made by Mr. McKay, and seconded by Ms. Riley, it was voted unanimously to reorganize Planning Board members and Committee liaisons each year at the first Planning Board meeting held after the May elections.

On a motion made by Mr. McKay, seconded by Ms. Riley, it was voted unanimously that Mr. Nichols remain Planning Board liaison to the Elementary School Building Committee.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously that Ms. Riley remain Planning Board liaison to the Economic Development Committee.

On a motion made by Mr. McKay, seconded by Ms. Riley, it was voted unanimously that Mr. Yered remain Planning Board liaison for the Department Head/Supervisory meetings.

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was voted unanimously that Mr. McKay remain Planning Board liaison to the Community Preservation Committee.

On a motion made by Mr. McKay, seconded by Ms. Riley, it was voted unanimously to appoint Mr. Nichols as Planning Board Chair.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously to appoint Ms. Riley as Planning Board Clerk.

Mr. Bodha B. Raut Chhetry, recently elected to the Planning Board, introduced himself and was welcomed to the Planning Board.

INFORMAL DISCUSSION

79 FOREST ROAD – MCKERSIE

83 FOREST RD. - MURPHY

(Note: Mr. Yered was recused from this discussion.)

Mr. Burke stated that he was hired to look into the stormwater controls for the project at 79 Forest Road one month ago. The project consisted of a new driveway, shed and limited landscaping. He stated that the bulk of the run-off occurred to the east. Mr. Burke stated that he spoke with the contractor who performed the work and discussed the analysis done. His conclusion is that the work done on the McKersie's property "goes along with the Decision and Stormwater standards." There is no added run-off, he said. Mr. Burke stated that he cannot speak to issues during construction, but he can speak to what is out there now and the McKersies "are doing what they are supposed to be doing."

Mr. Murphy discussed the water and run-off issues he dealt with over the fall and winter months.

Ms. McKersie discussed the project. She stated that in September, the area was "rough grade" and re-graded. When they were initially made aware of a problem with run-off onto the abutting property after four inches of rain fell, they placed sandbags along the area and had the excavation company come out to review the site and adjust the grade to prevent any more issues. Ms. McKersie stated that the first letter they received from the Planning Board on the issue was five months later in March, 2019. They have addressed the issue and "spent thousands to fix any problems." There were issues with frozen pipes over the winter and they have addressed those issues in the hopes that it does not happen again. Ms. McKersie stated that as soon as they were aware of the issues, they were addressed with the Murphys. She stated that since they were not aware of the Informal Discussion with the Murphys and the Planning Board, they "were not granted a platform to discuss it."

Atty. Kenney stated that he has been retained by the McKersies. He said they can assess the situation as time goes forward and deal with the Zoning Enforcement Officer if need be since the Planning Board does not have jurisdiction in this matter.

SPECIAL PERMIT MODIFICATION, PUBLIC HEARING
“REGENCY AT GLEN ELLEN” SRCD – AGE QUALIFICATIONS
ORCHARD STREET – TOLL BROTHERS

The public hearing was opened at 8:02 p.m. with notice being read by Ms. Riley, Clerk.

Atty. Cannon presented the modification request. Toll Brothers would like approval to add a new item (#16) to their Special Permit Decision wherein, in part, persons at least 18 years of age are allowed to live in a dwelling unit together with a senior resident for purposes such as care of that senior or enabling that senior resident to fulfill legal responsibilities of guardianship or custody. Atty. Cannon stated that the text proposed is straight from the SRCD Bylaw. Due to a number of sales lost and inquiries regarding needing someone to care for them, they would like to have that flexibility, he said. It is not effective unless it is written in the Decision and he is asking that the language from the Bylaw be added to the Decision. He stated that enforcement ultimately falls to the Homeowners Association, but this change allows flexibility within the development.

Mr. Fuzy spoke in favor of the modification, where others were opposed. Mr. Gracie stated that he is concerned with the language as written to allow “persons” under the age of 55. “It should say to allow a person,” he said. Mr. Gracie lives in the area and has concerns over how long the visitor can stay. Atty. Cannon stated that in the range of three months a year is permissive, but it is up to the Association to allow that flexibility. Mr. Kramer asked why this was not brought up during the application process. Mr. Yablonski stated that he is a future homeowner at the development and he received a letter dated March 20 from Toll Brothers. He stated that he was “told anybody over 18 could move in” after a conversation with Toll Brothers. In his opinion, they should have to “prove a hardship” to live in a community designed for over 55 and they are now “delivering a different package.” Atty. Cannon stated that the Association will create the criteria. He also stated that in reference to the letter dated March 20 which was sent to residents was “incorrect.”

Mr. Roche, the developer of Rockville Meadows SRCD, stated that he came informally before the Board during construction of his development to discuss an age qualification change and “it didn’t fly.” He said that this change would have helped him in the sales of his units but he was refused. Mr. Roche said that in his opinion, it should be on a case-by case basis and not “carte blanche.” According to Mr. Roche, this should have been discussed and laid out that this was their intention during the application process.

Mr. Nuckolls stated that this will not cause an influx of young children; rather it will give residents control of their lives and flexibility.

The potential for increased traffic was discussed. A supplemental letter from McMahon Associates, dated May 3, 2019, was submitted by Atty. Cannon, wherein it stated that the modification request would have no impact on the traffic study prepared for the project in May 2017. Mr. Nuckolls stated that the traffic study “allowed adult children.” The Board requested that BETA Group review the letter and provide their opinion.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously at 8:50 p.m. to continue the public hearing to Tuesday, June 4, 2019, 8:30 p.m.

**“REGENCY AT GLEN ELLEN” SRCO – 84 ORCHARD ST.
“OPEN SPACE” ADMINISTRATIVE AMENDMENTS TO MODIFIED SPECIAL
PERMIT DECISION & DEFINITIVE PLAN DECISION
TOLL BROTHERS**

Atty. Cannon discussed his letter, dated April 29, 2019. Toll Brothers is requesting ministerial/administrative amendments to the Modification Special Permit Decision and the Definitive Plan Decision in reference to “Open Space” wording. According to Atty. Cannon, these modifications were requested by Town Counsel.

On a motion made by Mr. Nichols, seconded by Ms. Riley, by a unanimous (five to zero) vote, the Board grants the Administrative Amendment of the Original Special Permit regarding “Open Space” as stated in the letter from Edward V. Cannon, Jr., dated April 29, 2019.

On a motion made by Mr. Nichols, seconded by Ms. Riley, by a unanimous (five to zero) vote, the Board grants the Administrative Amendment of the Original Definitive Plan Special Permit Decision regarding “Open Space” as stated in the letter from Edward V. Cannon, Jr., dated April 29, 2019.

**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 8:54 p.m. with notice being read by Ms. Riley, Clerk.

Mr. Choubah of Choubah Engineering Group, representing the applicant, presented the plans, revised April 22, 2019. He stated that there are minor revisions to be made to the plans, including the one-way entrance for the eastern drive-way to reduce egress conflict points on Main Street and detail for the guardrail. He requested that these items, and others, be conditions of approval in the Decision. A letter, dated April 25, 2019, from Fire Chief Barrett was received, which stated that the clearances meet the needs of the Millis Fire Department apparatus. There were no further questions.

On a motion made by Mr. Nichols, seconded by Mr. McKay, it was voted unanimously at 9:28 p.m. to close the public hearing.

On a motion made by Mr. Nichols, seconded by Mr. Yered, it was voted unanimously in favor of granting the parking dimensions waiver.

On a motion made by Mr. Nichols, seconded by Mr. McKay, it was voted unanimously in favor of granting the parking spaces waiver.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously in favor of granting the parking landscape buffer waiver.

**REQUEST FOR WAIVER OF SITE PLAN REVIEW/APPROVAL
1465 MAIN STREET – SCHNITZER STEEL INDUSTRIES, INC.
ROB HUTTON**

The Board met with Mr. Rob Hutton of Schnitzer Steel Industries, Inc. and reviewed a letter and plan, dated May 7, 2019, requesting a Waiver of Site Plan Review/Approval for the above-mentioned location.

Mr. Hutton stated that their business buys and processes scrap metal. They have adequate parking and propose “Enter” and “Exit” signs to ease traffic flow for scale access.

On a motion made by Ms. Riley, 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 Schnitzer Steel Industries, Inc. at 1465 Main Street.

SPECIAL PERMIT/OPEN SPACE PRESERVATION SUBDIVISION, PUBLIC HEARING, CONT.

RIDGE STREET/ROLLING MEADOW DRIVE - TD DEVELOPMENT, LLC

The public hearing continuation was opened at 9:41 p.m. with notice being read by Ms. Riley, Clerk.

Mr. Dan Merrikin of Legacy Engineering, representing the applicant, stated that he does not have a revised plan ready at this point and will be requesting a continuance to the next meeting. He stated that an issue has come up regarding one of BETA’s comments in their review letter. This pertains to the calculation for provisions of “Open Space” and “buffer zones” versus “buffer areas.” Atty. Ted Cannon spoke on the issue of “buffer areas” and stated that this is an “undefined term.” He stated that it is up to the Board to interpret the bylaw. Ms. Recos stated that it is a “subjective” term and there is no definition of a “buffer area.” Mr. Merrikin stated that this is an interpretational question that has a significant impact on the viability of the Open Space development concept plan. The Planning Board will look into this issue further.

Mr. Merrikin stated that the proposed Open Space is “set aside in perpetuity” by either the Town or the Homeowner’s Association. Ms. Jones, an abutter to the project, stated that the issue of traffic is still a concern. Mr. Merrikin stated that a detailed design will move forward once it is determined whether they go with an Open Space development or conventional subdivision plan.

Mr. McKay stated that all correspondence (letters, emails, etc.) received pertaining to this project application is being read by the members of the Board and sent to the developer as well. These items are all part of the public record for the proposed development.

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May 7, 2019

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

On a motion made by Mr. Nichols, seconded by Mr. Yered, it was voted unanimously at 9:55 p.m. to continue the public hearing to Tuesday, June 11, 2019, 7:30 p.m.

OTHER BUSINESS:

ASSOCIATE PLANNING BOARD MEMBER

The Board met with Mr. Josh Guerrero, who expressed interest in the Associate Planning Board Member position. On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to recommend the appointment of Mr. Guerrero as the Associate Planning Board member.

INTER-FUNCTION TRANSFER

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was voted unanimously to ratify and approve the Inter Function Transfer, dated April 25, 2019, in the amount of \$2,656.00 from the Planning Board Expenses account to the Planning Board Salaries Clerical account.

PAYROLL SIGNATORIES

Due to changes in the Planning Board organization and re-assignment of signatories, the following vote was taken:

On a motion made by Ms. Riley, seconded by Mr. Nichols, the Planning Board unanimously voted, pursuant to MGL Chapter 41, Section 41, to authorize *either* Mr. Richard Nichols or Mr. James McKay as the two signatories to sign/approve payroll.

MINUTES

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was voted unanimously to approve the regular session meeting minutes from April 16, 2019, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. Nichols, seconded by Ms. Riley and voted unanimously, the meeting was adjourned at 10:09 p.m.

Scheduled Planning Board Meetings: June 4, 2019
June 11, 2019
July 9, 2019

Respectfully submitted,

Camille Standley
Administrative Assistant