

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

Members present: Richard Nichols, Chair
Nicole Riley, Clerk
George Yered
James McKay
Bodha B. Raut Chhetry
Joshua Guerrero, Associate Member
Melissa Recos, P.E., BETA Group

Members Absent:

Also present: Jacqueline Larson, Ecogy Energy
Brick Gibian, Ecogy Energy
Kyzer Gardiola, Invaleon Technologies, Corp., 26 Parkridge Rd.,
Suite 1B, Haverhill, MA
Ellen Rosenfeld, Ellen Realty Trust
Dan Merrikin, PE, Legacy Engineering
Shawn Nuckolls, Toll Bros, Glen Ellen
Ryan O'Rourke, Toll Bros., Glen Ellen
Ted Cannon, Toll Bros., Glen Ellen

SPECIAL PERMIT MODIFICATION, PUBLIC HEARING
1375 MAIN STREET – COLLT MANUFACTURING
PARKING LON CANOPY SOLAR PROJECT, ECOGY ENERGY

The public hearing was opened at 7:32 p.m. with notice being read by Ms. Riley, Clerk.

Mr. Gibian of Ecogy Energy presented the modification application and plan. The proposed project is to modify the previously approved roof-mounted solar system to a parking lot canopy system due to multiple failed structural analyses for the existing property. The modified project is for a 365W module system (not 250kW which was initially proposed) which will not eliminate any parking spaces, will enhance the property, and provide covered parking for employees of Collt Manufacturing. Mr. Gibian stated that the current proposed project will not affect the current use of the building and will be constructed on the already developed parking lot surface. It will be a community solar system. Mr. Gibian stated that Ecogy Energy is “fully responsible for removing the system at the end of the term.”

Ms. Larson stated that she spoke to the Building Inspector and they will need approvals from the Zoning Board of Appeals and Conservation Commission. Three canopies are proposed. Ms. Recos stated that the previous approval waived much of the site detail on the plans as it was a rooftop system. The plans will be revised to show setbacks, wetland resource delineation, etc. and more detail as required for site plan approval.

Mr. McKay requested that a representative from Collt Manufacturing attend the next hearing to speak on behalf of the proposed project.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously at 7:51 p.m. to continue the public hearing to Tuesday, July 9, 2019, 7:45 p.m.

**REQUEST FOR WAIVER OF SITE PLAN REVIEW/APPROVAL
1575 MAIN STREET – TEMPORARY PARKING AREA
ELLEN REALTY TRUST**

The Planning Board met with Mr. Daniel Merrikin of Legacy Engineering, representing the applicant, Ms. Ellen Rosenfeld of Ellen Realty Trust.

In a letter dated May 13, 2019, Mr. Merrikin requested a waiver from the requirement to obtain Site Plan Approval to install temporary parking areas in front of 1575 Main Street. Mr. Merrikin stated that the location is adjacent to the medical/recreational marijuana dispensary. Due to the possible increase in traffic/activity, they would like to be prepared and provide overflow parking. According to Mr. Merrikin, the proposed parking is temporary and is expected to be removed and the areas restored within approximately three years.

On a motion made by Ms. Nicole Riley, and seconded by Mr. Richard Nichols, it was voted unanimously (5-0), 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 temporary parking area at 1575 Main Street.

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

The public hearing was opened at 8:30 p.m. with notice being read by Ms. Riley, Clerk.

Atty. Cannon, representing the applicant, stated that the traffic study update discussed at the last hearing had been verified by BETA. BETA agreed with McMahon’s conclusion that the proposed modification would not result in any change in the number of vehicle trips expected to be generated by the project. The traffic study was based on typical adult housing data following industry standards.

Mr. Cannon read his letter, dated June 4, 2019, into the record. This letter was in response to some of the comments received by the Board in relation to the modification request, he said. Mr. Nichols stated that the email received by Mr. & Mrs. Yablonski was received and read by the Board and forwarded to the applicant, as were all other emails/correspondence.

There was lengthy discussion regarding the wording of the Age Qualifications section in the SRCD bylaw and age limitations. Mr. Cannon stated that the exemption must be written in the Special Permit Decision to “allow the Homeowner’s Association the flexibility to shape the community they want.” “It is permissive and allows the Homeowner’s Association to govern it,” he said. Mr. McKay expressed concern and stated he is “not sure it’s the right way to go” as he “knows what the Planning Board

voted for” during the Special Permit process. Mr. Nuckolls stated that they are asking for a “very limited exception; very real exceptions.” He said that “everything they do is for a 55 and over community” and “no children under 18 allowed.”

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously at 9:10 p.m. to close the public hearing.

(Note: Mr. Nichols reminded the Toll Brothers representatives that complaints had been received regarding work hours on-site. They are required to be sure all contractors comply. Mr. Nuckolls stated that they are aware and have addressed the issue.)

SPECIAL PERMIT MODIFICATION

“REGENCY AT GLEN ELLEN” SRCD – AGE QUALIFICATIONS

ORCHARD STREET – TOLL BROTHERS

DELIBERATION/VOTE

The Board discussed the application. The Board was overall in favor of allowing the Homeowners Association to have the flexibility to govern the age exception.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously (5-0) in favor of modifying the “Decision on the Modification of Planning Board Special Permit” filed January 23, 2017 for Toll Brothers by adding Item #16 under Section D – Conditions of Approval – General, to state as follows:

16. 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 persons 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.

OTHER BUSINESS:

ASSOCIATE PLANNING BOARD MEMBER

The Board welcomed Mr. Josh Guerrero as the Associate Planning Board Member. He was recently appointed by the Board of Selectmen.

SPECIAL PERMIT/SITE PLAN APPROVAL

1105-1115 MAIN STREET GAS FILLINGS STATION/CONVENIENCE STORE/DRIVE-UP - 1105-1115 MAIN STREET, LLC

DELIBERATION/VOTE

The Board reviewed the application, plans and draft decision. Amounts for the Opticom system and tree donations were discussed.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously (4-0) to grant to the Applicant, 1105-1115 Main Street, LLC, a **Special Permit, with conditions**, for site plan approval to demolish two existing commercial buildings and construct a gasoline filling station with a convenience store and coffee shop with drive-up window for property located at 1105-1115 Main Street. The site and the approved improvements are depicted on a fourteen-sheet plan set entitled "Proposed Gasoline Filling Station with C-Store & Coffee Shop at 1105-1115 Main Street (Rte 109), Millis MA 02054," dated January 14, 2019 and last revised April 22, 2019, prepared by Choubah Engineering Group, P.C., N. Dartmouth, MA.

LETTER OF SUPPORT FOR OPEN SPACE RECREATION PLAN (OSRP)

Mr. McKay updated the Board on the development of the draft 2019 Open Space and Recreation Plan being prepared by MAPC and the Town.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to send a letter of support/endorsement to the Division of Conservation Services in Boston.

ECONOMIC DEVELOPMENT/PLANNER DISCUSSION

Ms. Riley updated the Board on the work being done by the Economic Development Committee in hiring a part-time Planner/Economic Development person. Ms. Riley stated that the committee is also looking further into "streamlined" or "expedited permitting." Ms. Riley would like the Planning Board's approval for her to move forward with researching information on this process and presenting it back to the Board.

On a motion made by Mr. Nichols, seconded by Mr. McKay, it was voted unanimously in favor of Ms. Riley moving forward with researching expedited permitting information to present to the Planning Board.

MINUTES

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to approve the regular session meeting minutes from May 7, 2019, as written.

MILLIS PLANNING BOARD MINUTES

June 4, 2019

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

ADJOURN

There being no further discussion and on a motion made by Mr. McKay, seconded by Mr. Nichols and voted unanimously, the meeting was adjourned at 9:35 p.m.

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

Respectfully submitted,

*Camille Standley
Administrative Assistant*



Doherty, Dugan, Cannon,
Raymond & Weil, P.C.

Edward V. Cannon, Jr.
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TEL. NO. (508) 541-3000
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June 4, 2019

Via email: cstandley@millisma.gov

Town of Millis
Planning Board
Veterans Memorial Building
900 Main Street
Millis, MA 02054

RE: Toll Brothers – Glen Ellen Senior Residential Community Development
Decision on Modification of Planning Board Special Permit – No. 6329
Filed: January 23, 2017
Request for Modification to Special Permit

Dear Board:

The applicant, Toll Brothers, would like to take this opportunity to respond to some of the comments the Board has received in relation to their request to modify the age restriction language of the special permit. It is important to keep in mind that the applicant is only seeking to have the age restriction language changed to mirror what is permitted within the town's zoning bylaw so that the homeowner's association has the flexibility to allow a limited number of exceptions to the general over age 55 requirement when appropriate cases arise.

Comments from those opposed this change have focused on (1) an unsatisfactory increase in traffic in the neighborhood, and (2) a proliferation of residents just over the age of 18. Both of these concerns are alarmist and are not supported by the facts.

The applicant supplied an update to the traffic study that the proposed amendment will have no impact on traffic. A conclusion that BETA has independently confirmed for the Board.

In terms of a vast number of people just over 18 moving in, that is just a fear-based kneejerk reaction. The fact is that the ability of the association to allow someone under 55 to reside there is based on limited circumstances set forth in the town's bylaw. The applicant will seek the input from residents on how to best implement the association's regulations regarding the age restriction. However, without the requested amendment the association will not have the authority to make any such exceptions, and residents will most likely turn to the town for relief.

Statistics from similar Toll Brothers communities in Massachusetts provide a better understanding of the minimal impact the amendment will have. It is important to note that these communities are much less restrictive than Millis because they only require that dwellings have at least one resident be over the age of 55, and in some cases that only at least 80% of the dwellings have at least 1 resident be over the age of 55. Additionally, none of the communities surveyed have bedroom restrictions. The data reveals that the overall occupancy rate is 1.8 residents per unit and adults under the age of 55 account for less than 5% of the overall residents in these communities.

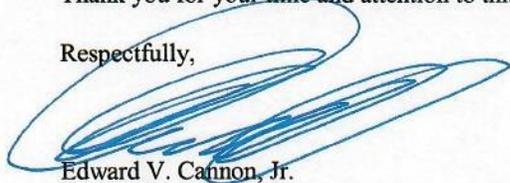
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These figures confirm that only a handful of residents under the age of 55 reside in age-restricted communities. It is anticipated that the numbers will be fewer here in Millis because such residents are only permitted based upon the limited exceptions set out in the bylaw. However, these exceptions are very important to those families that will benefit from the needed care and/or guardianship.

The applicant respectfully requests that the Board not be misled by false claims, rely on the facts presented by the applicant and BETA, and allow the proposed amendment to the special permit.

Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Edward V. Cannon, Jr.", is written over a large, light blue oval scribble.

Edward V. Cannon, Jr.

cc: Mark A. Kablack, Esq.
Shawn Nuckolls, Toll Brothers
Ryan O'Rourke, Toll Brothers

F15-169