

**MILLIS PLANNING BOARD      February 9, 2021**  
**MEETING MINUTES**  
**VIRTUAL/REMOTE MEETING VIA ZOOM PLATFORM**

The remote meeting was called to order at 7:30 p.m. by Mr. Richard Nichols, Chair. (Note: Meeting was not broadcast live due to inclement weather.)

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

Melissa Recos, PE, BETA Group, Inc.  
Camille Standley – Administrative Assistant

Members Absent:     Joshua Guerrero, Associate Member

Also present:         Robert Weiss, Economic Dev. & Planning Director  
                              Daniel Merrikin, PE, Legacy Engineering, 730 Main St., Suite 2C  
                              Drew Haughton, Legacy Engineering  
                              Doug Pope, Pope Energy, 42 Eighth St., Suite 4413, Boston, MA

**SPECIAL PERMIT FOR/WITH SITE PLAN APPROVAL APP., PUB. HEAR., CONT.**  
**376 ORCHARD STREET – SPARHAWK ACADEMY**  
**THE MILL BROOK SCHOOL FOUNDATION**

The public hearing continuation was opened at 7:30 p.m. with notice being read by Ms. Riley, Clerk.

Mr. Drew Haughton of Legacy Engineering, representing the applicant, presented the revised plans and summarized the project. He stated that all of BETA's outstanding comments have been addressed. The Fire Chief, via email dated February 3, 2021, had his questions answered by Mr. Merrikin. Ms. Recos of BETA Group stated that they are satisfied and all comments have been addressed.

There was no further discussion.

A motion was made by Mr. Nichols, seconded by Ms. Riley, to close the public hearing at 7:36 p.m. By Roll Call Vote: Nichols – aye; Riley – aye; Yered – aye; Raut Chhetry – aye; Handel – aye. The motion passed unanimously.

A motion was made by Mr. Nichols and seconded by Ms. Riley, with Mr. Yered, Mr. Raut Chhetry, Mr. Handel, Ms. Riley, and Mr. Nichols voting in the affirmative, to grant to the Applicant, The Mill Brook School Foundation, Inc., a Special Permit for Site Plan Approval, with conditions, for property located on 376 Orchard Street, Sparhawk Academy, as depicted on an eight-sheet plan set entitled "Sparhawk Academy 376 Orchard Street Site Plan of Land" dated July 9, 2020 with a final revision date of January 21, 2021 prepared by Legacy Engineering LLC. By Roll Call Vote: Nichols – aye; Riley – aye; Yered – aye; Raut Chhetry – aye; Handel – aye. The motion passed unanimously.

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**UNFORESEEN:**

**SOLAR OVERLAY DISTRICT BYLAW/ZONING MAP AMENDMENTS**

**INORMAL DISCUSSION - DOUG POPE, POPE ENERGY**

**BIGELOW FARM/NORFOLK ROAD**

Mr. Pope, President of Pope Energy, presented the proposed Solar Overlay District bylaw proposal. He stated that he is representing the Bigelow family of Bigelow Farm on Norfolk Road. Bigelow Farm has been farmed by the Bigelow family for three generations and they hope to continue. According to Mr. Pope, Ms. Amanda Bigelow wishes for the farm to continue to be a USDA farm and to continue to graze and farm the land. "Dual-use Agriculture Solar will help keep the farm in agricultural use for the next 25-35 years, perhaps longer," he said. Mr. Pope discussed the Solar Massachusetts Renewable Target (SMART) program. Mr. Pope is proposing that the Town of Millis amend the Zoning Bylaws and Zoning Map to allow for a "Solar Overlay District," which would include the Bigelow property and two other parcels. The Bigelow property would provide a fifty-foot treed buffer. He stated that all three parcels have plenty of land to shield abutting properties or natural barriers to affect the same. The three parcels have PRIME soils, adding reason to set aside these parcels for dual-use agricultural protection, Mr. Pope said.

Ms. Riley raised concerns and stated that in her opinion, the proposal is "severely restrictive." She said that it is the responsibility of the Planning Board to look at the benefit for the Town as a whole. She would like to see this option incorporated into other areas in town that might fit a certain criteria which property owners would have to meet. This would also prevent having to redo the Zoning Map repeatedly. There was discussion regarding amending the current Large Scale Ground Mounted Solar Installations Bylaw only and not the Zoning Map.

Mr. Pope stated that he could rework the proposal to include "performance zoning," for example, any lot in town that was over fifteen acres; or already cleared land or any existing farm for an agricultural solar program. Other criteria and requirements could also be incorporated. Site plan approval by the Planning Board would be a requirement.

A special meeting was scheduled with Mr. Pope for Tuesday, February 23, 2021, at 7:30 p.m. to review a revised proposal for consideration.

**GROUND MOUNTED SOLAR INSTALLATIONS UNDER 250KW**

**INFORMAL DISCUSSION – ROBERT WEISS**

Mr. Weiss stated that there are currently no provisions in the Town's bylaws to allow solar developments/installations under 250kw in the various zoning districts. Medium or smaller sized arrays are not specified in the bylaws. According to an email from Town Counsel, "...solar facilities enjoy the protection of the Dover Amendment (i.e., they may be exempted from most zoning requirements)." The current bylaw does not expressly permit smaller solar projects anywhere in Town.

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The Planning Board would prefer that the current solar bylaw be amended to apply to **all** solar for any size. It would be best to have one broad based solar bylaw to allow solar facilities, by right, subject to site plan review and approval. Mr. Weiss will contact Town Counsel on this issue.

**OTHER BUSINESS:**

**PROPOSED ZONING BYLAW AMENDMENTS – DRAFT**

**PARKING DIMENSIONS & SMALL/COMPACT CAR PARKING**

Ms. Riley presented the two draft warrant articles for the proposed parking dimension changes and bylaw amendment for small/compact car parking. She stated that Mr. Greg Lucas of BETA Group and Mr. Dan Merrikin of Legacy Engineering had reviewed them as well.

After discussion, it was decided to move forward with using the “Compact Car Parking” instead of “Small Car Parking” terminology. Ms. Riley will also revise the Parking Dimensions amendment. Dimensions of “9 ft. in width and 19 ft. in length” were previously approved at the December meeting.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted to recommend the two warrant articles to the Select Board so the Planning Board may hold a public hearing. By Roll Call Vote: Nichols – aye; Riley – aye; Yered – aye; Raut Chhetry – aye; Handel – aye. The motion passed unanimously.

**MINUTES**

A motion was made by Mr. Nichols, seconded by Ms. Riley, to approve, as written, the regular session minutes from the January 12, 2021 ZOOM meeting. By Roll Call Vote: Nichols – aye; Riley – aye; Yered – aye; Raut Chhetry – aye; Handel – aye. The motion passed unanimously.

A motion was made by Mr. Nichols, seconded by Ms. Riley, to approve, as written, the executive session minutes from the January 12, 2021 ZOOM meeting. By Roll Call Vote: Nichols – aye; Riley – aye; Yered – aye; Raut Chhetry – aye; Handel – aye. The motion passed unanimously.

**ADJOURN**

There being no further business, a motion was made by Mr. Nichols, seconded by Ms. Riley, to adjourn the remote meeting at 8:50 p.m. By Roll Call Vote: Nichols – aye; Riley – aye; Yered – aye; Raut Chhetry – aye; Handel – aye. The motion passed unanimously.

Scheduled Planning Board Meetings: February 23, 2021 (special mtg. w/ D. Pope)  
March 9, 2021  
April 6, 2021

*Respectfully submitted,*

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*Camille Standley, Administrative Assistant*