

MILLIS PLANNING BOARD MINUTES

September 11, 2018

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

The meeting was called to order at 7:32 p.m. by Mr. Cantoreggi, Chair.

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

Members Absent:

Also present: Scott Fuzy, 114 Union St.
Alan Handel, 11 J. William Heights
Robert Fox, Acorn Place
Peter D'Agostino, Boston
Catherine C. MacInnes, 78 Island Rd.
Ellen Rosenfeld, 730 Main St.
James McCaffrey, 13 Bogastow
Peter Harkey, 256 Orchard St.
Joyce Boiardi, 206 Orchard St.
Ellie Jarvis, 133 Farm St.
Tony Jarvis, 133 Farm St.
Chris Maltinsky, 431 Exchange St.
Lisa Hardin, 56 Walnut St.
Thomas Roche, 78 Bullard Lane
Paul DeSimone, 11 Awl St., Medway
Daniel Merrikin, Merrikin Engineering
John McVeigh, Director of Public Health
JaiKaur LeBlanc, Board of Health Chair

SCENIC ROAD APPLICATION, CONSOLIDATED PUBLIC HEARING

ACORN STREET

BANE REALTY TRUST II, ROBERT FOX

The consolidated public hearing was opened at 7:34 p.m. with notice being read by Mr. Yered, Clerk. (Note: Mr. Cantoreggi is also the Town of Millis Tree Warden)

Mr. Merrikin, representing the applicant, presented the application and plan. He stated that there are two homes under construction on Acorn Street (across the street from the Hickory Hills subdivision). The applicant requests permission to remove two street trees at the proposed driveway entrances and removal and replacement of forty linear feet of stone wall and the temporary disturbance of sixty linear feet of stone wall.

Acorn Street is designated as a "scenic public way" pursuant to Massachusetts G.L. Chapter 40, Section 15C, and Scenic Road Designations of the Town of Millis Zoning By-Laws.

Mr. Cantoreggi stated that he looked at the trees to be removed and they are “not significant” trees. He requested that the applicant make a donation to the Street Tree Fund rather than planting trees elsewhere in Town.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously at 7:39 p.m. to close the consolidated public hearing.

O a motion made by Ms. Riley and seconded by Mr. Nichols, it was unanimously voted (6-0) as follows:

- (1) The Planning Board and the Tree Warden grants permission to remove the two trees (1 Red Oak & 1 Norway maple) and remove & replace the sections of stone wall as shown on the submitted plan entitled, “Lots 5 & 6A/22 Acorn Street Site Layout Plan of Land in Millis, MA,” stamped by Daniel J. Merrikin, PE, of Merrikin Engineering, LLP, dated March 15, 2018, last revised 7-27-18.
- (2) Prior to issuance of an Occupancy Permit, a donation of \$2,500.00 shall be made by the applicant to the Town of Millis Street Tree Fund. A copy of proof of such donation shall be submitted to the Planning Board.

SPECIAL PERMIT/SITE PLAN APPROVAL
SENIOR RESIDENTIAL COMMUNITY DEVELOPMENT, PUBLIC HEARING
“ACORN PLACE” – OFF ACORN STREET/PEARL STREET
ACORN MILLIS RESIDENTIAL, LLC

(Note: Mr. Yered recused himself from the public hearing as he is a direct abutter.)
The public hearing continuation was opened at 7:41 p.m. with notice being read by Mr. McKay, Acting Clerk.

Mr. Merrikin, representing the applicant, stated that they are still working on the plan revisions and will present them at the next hearing. He presented a letter, dated August 22, 2018, regarding an exemption request from the Senior Residential Community Development Bylaw (Section XVII.D) age restriction for this project. The applicant requested that the Board consider an exemption to allow “persons of all ages to live in a dwelling unit together with a senior resident for purposes such as care of a senior in ill health or enabling seniors to fulfill legal responsibilities of guardianship or custody.” Mr. Merrikin stated that they “think it makes sense for people who need this kind of assistance.”

There was discussion regarding the exemption request and provisions in the Special Permit that may allow it. The Board stated that they would want more clarification and detail on what they would be voting on/allowing. Mr. Merrikin suggested that he draft a condition for the Board to review, discuss, and vote on.

On a motion made by Mr. McKay, seconded by Mr. Cantoreggi, it was unanimously voted to continue the public hearing at 7:55 p.m. to Tuesday, October 16, 2018, 7:30 p.m.

“DOVER ROAD RESIDENCES” ASSISTED LIVING FACILITY**BARBERRY HOMES – JIM WILLIAMSON****INFORMAL DISCUSSION – UPDATE**

Mr. Williamson requested to meet with the Board to update them on the status of the assisted living facility. The utilities/sewer/drainage/gas lines, etc. were “in,” he said. Six hundred ninety-five feet of stockade fence have been erected. He stated that they are presently updating the landscaping plan. They are “making enhancements,” he said, and will come back before the Board with the revisions.

Mr. Williamson stated that they would like to propose moving the signage out to the small triangular area of the town-owned right-of-way at the entrance of the facility. The area in question is under the jurisdiction of the Board of Selectmen, he said. According to Mr. Williamson, they hope to go before the Selectmen to discuss this issue. He said that in their opinion, the triangular piece of land is “no man’s land” and they would propose to “clean it up” and install their sign and some landscaping. Mr. Williamson stated that “it would be an asset to the neighborhood.”

The Planning Board did not have an issue with the request at this time and will make a recommendation that the Board of Selectmen allow the proposed change in location of the signage.

PROPOSED RECREATIONAL MARIJUANA ESTABLISHMENTS ZONING BYLAW, PUBLIC HEARING

The public hearing was opened at 8:12 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Cantoreggi summarized that the Recreational Marijuana Establishments zoning bylaw was proposed at Spring Town Meeting, however, it did not pass. Due to the moratorium expiring on December 31, 2018, the Planning Board, Retail Marijuana Committee and Board of Selectmen would like to get “a Zoning Bylaw on the books” to be able to have control over where retail/recreational marijuana establishments can operate. Ms. Riley, Chair of the Retail Marijuana Committee (RMC), stated that they, and the Board of Selectmen, voted to “go forward with the version put forth at the May Town Meeting.” These types of establishments would only be allowed in the I-P-2 District by Special Permit. Any potential applicants would still have to file for a Special Permit with the Planning Board.

There was discussion regarding the legality of “Section 3. Special Permit Conditions on Marijuana Establishments, e.,” wherein it states that “the special permit shall terminate” after five years. The Planning Board would like Special Town Counsel’s opinion on this issue in writing.

Mr. McCaffrey, Clerk of the Board of Selectmen, stated that they have engaged Atty. Lisa Whelan as Special Town Counsel and she could attend a meeting if the Planning

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Board wanted her to. Mr. McCaffrey said that they have been working with the MRC and Board of Health regarding nuisance and odor provisions/regulations, which are issues that relate to the Special Permit. He would like “all boards to work together for a single set of standards.”

There was discussion regarding who would be the enforcement authority on these types of establishments. Ms. Riley stated that it was recommended by the RMC to the Board of Selectmen that the “Board of Health takes responsibility for nuisance violations” and that they be the “enforcement agent.”

A version of the proposed bylaw, with Board of Health provisions added, was discussed. Ms. MacInnes, Board of Selectmen Chair, stated that she was “opposed to the suggested changes” in this version. She was not in favor of having HVAC design in a Planning Board Decision as the applicant would have to go through the Board of Health anyway. The Board of Health has the statutory responsibility for their rules and regulations and it “should remain under their pervue.”

Mr. McVeigh, Director, Board of Health, stated that the Board is meeting on September 17th to “tackle” the marijuana nuisance draft regulations. He said that the HVAC construction is done at the beginning stages of the project and “is critical because the Board of Health comes later down the pike.” According to Mr. McVeigh, “flagging it at the Planning Board stage would be informing the applicant of what they need to be aware of.”

Mr. Harkey expressed concern over standards addressing the smell/odor issues. He also questioned whether it was “legal for the Planning Board to put the same article forward” after it failed at the Spring Town Meeting. Ms. Riley will consult with Atty. Whelan. Some attendees expressed concern regarding potential odor and noise issues, while others spoke in favor of passing the proposed bylaw. Mr. Cantoreggi clarified again that the proposed bylaw is for the entire I-P-2 District; not a particular piece of property in Town. He stated that the Planning Board never discussed an “Overlay District” as the I-P-2 district “was only ever discussed.”

Ms. LeBlanc, Chair of the Board of Health, stated that they have been working with Atty. Kate Feodoroff of Mead, Talerman & Costa, on drafting Marijuana Nuisance Regulations. She said they will also be working with DEP for enforceable regulations. Ms. LeBlanc stated that she had spoken to Mr. Michael Giampietro, Millis Building Commissioner, regarding some recent changes during a meeting of the Board of Building Regulations and Standards where the use-group for a cannabis greenhouse grow-facility was changed. Special Town Counsel (Atty. Whelan) will be consulted.

There was discussion regarding the limitation article restricting the number of establishments. Mr. McCaffrey stated that the Town “is better served to take one at a time” and they could always “expand in the future” if need be.

Ms. Riley stated that another point of discussion is the “Hours of operation...” (3.a.). She said it was more appropriate to be part of the licensing process through the Board of Selectmen and could be removed from the bylaw.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was unanimously voted to continue the public hearing at 9:43 p.m. to Tuesday, September 25, 2018, 7:30 p.m.

26-28 SPRING STREET APARTMENTS SPECIAL PERMIT SIDEWALK FUND PROPOSAL

Mr. Roche summarized his letter presented, wherein he requested a change to a Special Permit Condition. Condition #9 stated, in part, that the applicant must replace the existing Spring Street sidewalk along the property frontage to the Main Street sidewalk. Mr. Roche requested that instead of installing the sidewalk, he would contribute money to the Millis Sidewalk Fund. Based on the estimates provided, Mr. Roche proposes to submit \$7,000.00 to the sidewalk fund.

According to Mr. Roche, he has spoken to Mr. McKay about this issue and his engineer. Mr. McKay stated that the Town does not have the funds to complete the Town’s portion of the sidewalk in that area and that he had no issues with Mr. Roche’s proposal.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously to accept \$7,000.00 from Mr. Roche into the Millis Sidewalk Fund, with these funds to be used solely for sidewalk installation at this location at Spring Street when the Town deems the work appropriate.

FORM A – APPROVAL NOT REQUIRED/ANR APPLICATION 71 FARM STREET – THOMAS ROCHE

Mr. Paul DeSimone, representing the applicant, presented the application and plans. Lot 5B is not a buildable lot, he said, and Lots 10 and 5A are to be combined to form a buildable lot.

On a motion made by Mr. Cantoreggi, seconded by Mr. Yered, it was voted unanimously (6-0) to approve and endorse the following ANR plans entitled,

- (1) “Plan of Land in Millis, MA,” dated September 6, 2018, Farm Street, prepared and stamped by Paul J. DeSimone PLS, 403 Mahan Circle, Medway, MA 02053
- (2) “LC 3214F Plan of Land in Millis, MA,” dated September 6, 2018, prepared and stamped by Paul J. DeSimone PLS, 403 Mahan Circle, Medway, MA 02053 (for Land Court)

for property located at 71 Farm Street, Map 31, Lot 100, and Land Court Lot 11, finding the Form A in order, endorsement criteria met, and subdivision control not required.

The Board found that the land shown on the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, and therefore approved and endorsed the plan accordingly.

FORM A – APPROVAL NOT REQUIRED/ANR APPLICATION

32 & 34 ACORN STREET – THOMAS ROCHE

OWNERS – PETER HARKEY/ROBERT HARKEY

Mr. Paul DeSimone, representing the applicant, presented the application and plan.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously (6-0) to approve and endorse the following ANR plan entitled,

“L.C. Plan 11412G Plan of Land in Millis, MA,” dated September 6, 2018,
Acorn Street, prepared and stamped by Paul J. DeSimone PLS, 403 Mahan Circle,
Medway, MA 02053

for property located at Acorn Street, Map 31, Parcels 62, 67 and 35, finding the Form A in order, endorsement criteria met, and subdivision control not required. The Board found that the land shown on the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, and therefore approved and endorsed the plan accordingly.

OTHER BUSINESS:

POTENTIAL HOUSING SITES FOR HOUSING PRODUCTION PLAN (HPP)

Mr. Yered and Mr. McKay will provide a list to email to Mr. Willmer at MAPC.

MINUTES

On a motion made by Mr. Yered, seconded by Mr. Nichols, it was voted unanimously to approve the regular session meeting minutes from August 7, 2018, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. Cantoreggi, seconded by Mr. McKay and voted unanimously, the meeting was adjourned at 9:54 p.m.

Scheduled Planning Board Meetings: September 25, 2018 (special meeting)
October 16, 2018
November 13, 2018

Respectfully submitted,

Camille Standley
Administrative Assistant