

MILLIS PLANNING BOARD MINUTES

April 10, 2018

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

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

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

Members Absent: Carlo Molinari

Also present: Scott Fuzy, 114 Union St.
J. Bryan Riley, 213 Village St.
Pete D'Agostino, 12 Post Office Sq., 6th Floor, Boston
Dave Schofield, 37 Ticonderoga Lane
Jim Borgman, 25 Grove St.
Peter Harkey, 256 Orchard St.
Lisa Hardin, 56 Walnut St.
James McCaffrey, 13 Bogastow Circle
Tom Chung, 1073 Main St.
Richard Gin, 1073 Main St.
Nathan Maltinsky, 431 Exchange St.
David Baker, 2 Holbrook Way
Chris Maltinsky, 431 Exchange St.
Joyce Boiardi, 206 Orchard St.
Marc Rosenfeld, 730 Main St.
Ellen Rosenfeld, 730 Main St.
Erin LeBlanc, 22 Winter St.
Anne Rich, 351 Orchard St.
Terry Ryan, Applewood Survey
Mary D. Miller, 357 Orchard St.
John Dorshemier, 357 Orchard St.
Carol & John Greco, 354 Orchard St.
Michael Carbary, 390 Village St., Medway
Meredith Carbary, 176 Highwood Rd., Franklin
Amy Griffin-Nelson, 29 Morse Ave.
Sacha Loer, 247 Pleasant St.
Ted Cannon, Glen Ellen

PROPOSED RETAIL MARIJUANA BYLAWS, PUBLIC HEARING

The public hearing was opened at 7:30 p.m. with notice being read by Mr. Yered, Clerk.

Mr. James McCaffrey, Selectman Chair, updated the Planning Board on the articles presented. He stated that the Selectmen took a position to support the limitation bylaw article, and they recommend approval of that article, as it will limit the number of establishments for retail sales that can open in Millis.

Mr. McCaffrey stated that since the development of the first “Marijuana Establishments” article prepared by the Retail Marijuana Committee (“RMC”) (attached), the Selectmen were approached by representatives for a potential business opening at 1073 Main St., the former GAF facility. There is a proposal for siting of a Medical Marijuana Treatment Center on the property which is in the I-P-2 District. The business would include cultivation, manufacturing, dispensing of medical marijuana and cannabis by-products for wholesale distribution. According to Mr. McCaffrey, this facility would be prohibited under the Town of Millis Medical Marijuana Treatment Center bylaw and the proposed Marijuana Establishments bylaw prepared by the RMC; primarily due to the setback requirements. According to Mr. McCaffrey, Town Counsel had numerous conversations with the Attorney General’s office and from their “point of view, they would most likely not approve a 1,500 foot setback.” He stated that during the Selectmen’s meeting the previous evening, on a vote of two to one, the Selectmen accepted a proposed amended Marijuana Establishments bylaw drafted by Town Counsel (attached). Mr. McCaffrey asked that the Board consider recommending the amended proposed bylaw for Town Meeting “to enable the Town to engage with the potential business” at 1073 Main Street. The business would still be required to get the appropriate licenses from the Commonwealth, host agreements from the Town, and a Special Permit from the Planning Board, he said.

Mr. Robert Cantoreggi expressed his concerns and stated he was “taken aback by the whole process” of the last minute changes to the bylaw as proposed by the RMC which was previously approved and recommended by the Selectmen. In his opinion, the changes made to the bylaw are “significant.”

Mr. McCaffrey stated that he is the Board of Selectmen liaison to the RMC and he is aware of all of their hard work. He said that one event that contributed to changes was that the Cannabis Control Commission just recently came out with any guidance; and the second event was the business approaching the Town which they “thought was a potential economic opportunity,” and their decision meant no disrespect to the RMC. “There is a high level proposal from the applicant to the Town,” Mr. McCaffrey stated.

Ms. Nicole Riley, Planning Board member and RMC Chair, summarized the work of the RMC stating there were numerous public forums and meetings where many public comments were taken into account; as well as comments from town safety officials and the Board of Health. She stated that there was uncertainty from the Attorney General’s office whether a moratorium would stay in effect at the end of June. They wanted to prepare “something to get on the books” to protect the Town should the moratorium not be in effect through December 2018 and that was the purpose of their proposed bylaw. She stated there had also been discussion to create an “overlay district” but due to the short amount of time before the May meeting, that option was not feasible. Ms. Riley stated that the Cannabis Control Commission came out with municipal guidelines on March 16th, which did state that they would approve moratoriums through the year (December 2018). After the RMC learned of that, they discussed an option of holding off on any bylaws until fall Town Meeting when a new bylaw and overlay district could be

proposed simultaneously. According to Ms. Riley, the Board of Selectmen “did not want to hold off.”

Mr. James McKay stated that the property at 1073 Main Street has been vacant for a long time and there have been other less desirable proposals for the property. If the building “could handle” this type of business, he would be in favor it as it would have other benefits to the Town.

Other members of the RMC spoke on behalf of the Planning Board recommending their originally proposed bylaw; citing concerns as to how much input and discussion went into preparation of the bylaw. They also raised concern over the speed with which the changes/amendments were made without their input. The intent of the RMC was to keep such businesses further away from the “Town Center.” Also discussed were concerns over fumes/odor from the proposed facility due to its proximity to a residential zone and other businesses. The overall recommendation of the RMC was to place their bylaw article on the warrant for voting at Town Meeting; not the amended version of the bylaw.

Mr. David Baker stated that he had been hired by the applicant to work on the design, permitting, etc. for them. He said that he had been working with the owner of 1073 Main Street for the last 5-7 years to bring “business to Millis.” Mr. Baker stated that in his opinion, the proposed business will generate tax revenue and there would be no drain on town services; it would be an ideal location. He and Ms. Lisa Hardin spoke in favor of recommending the amended bylaw option.

Mr. Peter D’Agostino spoke on behalf of the applicant (617THC) and provided information on the proposed business. He discussed significant changes in technology to address any odor issues. Mr. Marc Rosenfeld expressed his concern, in part, over the location of the proposed business and odor issues were again discussed. Mr. Rosenfeld stated that once a Special Permit is granted, it “can’t be taken away” and he urged caution on the Planning Board’s part.

Mr. McCaffrey discussed the article recommended by both the RMC and Board of Selectman regarding the 25% license limitation. He stated it is a practical solution and prudent action for the Town to take for the foreseeable future.

There being no further discussion, on a motion made by Mr. Robert Cantoreggi, seconded by Mr. Richard Nichols, it was unanimously voted to close the public hearing on the proposed bylaw amendment articles at 9:18 p.m.

At a regularly scheduled meeting of the Planning Board held on Tuesday, April 10, 2018, the following motions/votes were made:

On a motion made by Mr. James McKay, seconded by Mr. Richard Nichols, it was voted to recommend approval of the articles for the **Recreational Marijuana Establishments** as revised/amended by the Board of Selectmen on 4/9/18 and to recommend approval of the **Retail Marijuana License Limitation** as written, for the May 14, 2018 Town

Meeting. Mr. McKay and Mr. Nichols voted in favor; Mr. Cantoreggi and Ms. Riley opposed; and Mr. Yered abstained. The motion did not pass.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted to recommend approval of the original article for the **Retail Marijuana Establishments** as prepared by the Retail Marijuana Committee (RMC) as written, for the May 14, 2018 Town Meeting. Ms. Riley and Mr. Cantoreggi voted in favor; Mr. McKay and Mr. Nichols opposed; and Mr. Yered abstained. The motion did not pass.

On a motion made by Ms. Nicole Riley, seconded by Mr. Robert Cantoreggi, it was voted unanimously to **recommend** the attached warrant article, as written, for **Retail Marijuana – Limit to 25% of Alcohol Licenses** for the May 14, 2018, Town Meeting.

APPROVAL OF DEFINITIVE PLAN APPLICATION, PUBLIC HEAR., CONT.
351 ORCHARD STREET -ANNE RICH

The public hearing continuation was opened at 9:35 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Ryan, representing the applicant, presented the revised plans. He summarized his letter, dated April 4, 2018.

Ms. Recos of BETA Group, the Planning Board’s consulting engineer, stated that two letters were issued: one was for review of the Stormwater Management analysis, dated April 5, 2018, and the second peer review letter, dated April 9, 2018. Ms. Recos stated that there is still an issue regarding the required 200- feet of frontage conformance. Correspondence with the Building Inspector raised a concern that Lot 3 with the proposed building as shown on the plan does not meet the front yard requirements. She stated that this comment had not yet been addressed by the applicant.

Mr. Ryan stated that the lots conform the way he is interpreting the regulations. According to Mr. Ryan, the applicant had shown the Building Inspector the same plan prior to filing the Definitive Subdivision application and that he said “you’re all set.” The Planning Board will get clarification from the Building Inspector as he had stated in an email, dated March 28, 2018, that “Lot 3 may be problematic for dwelling location on the lot.”

Mr. Ryan submitted a waiver request letter, dated April 10, 2018. Mr. Cantoreggi explained to Mr. Ryan that a contribution to the Town’s Sidewalk Fund would be required for waiving the sidewalks, along with a Street Tree fund contribution.

Ms. Recos summarized the Stormwater review letter and stated that there are still some issues to work out with the hydrologist. Mr. Cantoreggi stated that there would have to be some type of Homeowner’s Association for the two homes for Stormwater maintenance.

Ms. Mary Miller, an abutter to the project, expressed concern over flooding due to rain and stormwater runoff into Orchard Street. Ms. Recos stated that BETA would be working through the issues for stormwater concerns with the applicant's hydrologist.

Ms. Carol Greco, an abutter to the project, expressed concern over the close proximity of the new road to Frontier Lane; "two roads side by side." She also stated that she has concerns regarding "setting a precedent in allowing these subdivisions."

Mr. Ryan stated that there is adequate frontage and the proposed subdivision complies with regulations.

To allow time for BETA to address their concerns with the stormwater analysis, the applicant requested a continuance.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously at 10:05 p.m. to continue the public hearing to Tuesday, May 8, 2018, 7:30 p.m.

SPECIAL PERMIT APPLICATION, MCEOD, PUBLIC HEARING

37 EXCHANGE STREET

MEREDITH CARBARY – "CHAIR SECRETS"

The public hearing was opened at 10:06 p.m. by Mr. Yered, Clerk.

Ms. Carbary presented the application for a Special Permit with a waiver of Site Plan Approval for a proposed hair salon at an existing commercial building. She stated that the location was previously used as a hair studio and an antique store. Ms. Carbary wishes to open her hair salon/studio to provide "all natural services." She is not changing the footprint of the building. There is ample parking and any signage will conform to the Town of Millis bylaws.

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was unanimously voted to close the public hearing at 10:23 p.m.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously (5-0) to waive Site Plan Review and to grant to the applicant, Meredith Carbary, Chair Secrets, a **Special Permit** pursuant to Section XII.Q. Special Permits; Mixed-Use Development pursuant to Section V, Table 1, Use Regulations, Retail and Service Item no. 33 and Section XIII.P. Millis Center Economic Opportunity Overlay District (MCEOD), for a hair salon/studio at 37 Exchange Street, Assessors' Map 23, Parcel 53.

1525 MAIN STREET – APPROVED SITE PLAN ENDORSEMENT

ELLEN REALTY TRUST

Mr. Merrikin, representing the applicant, presented the approved site plan for endorsement. The Planning Board endorsed the plans accordingly.

**HICKORY HILLS DEFINITIVE SUBDIVISION
BOND REDUCTION – ACORN OF MILLIS, LLC**

Mr. Merrikin, representing the applicant, presented the covenant amendment and the release of covenant for the final lots in the subdivision. BETA Group had previously approved the bond amount.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it unanimously voted to sign the Amended Tripartite Agreement on the subdivision bond being held on Hickory Hills Definitive Subdivision to an amount of \$163,300.00 for the release of the remaining lots from the subdivision as requested by Daniel Merrikin, Merrikin Engineering LLP, on behalf of the Applicant, Mr. Robert Fox, Acorn of Millis, LLC.

**GECC – TOLL BROTHERS
SRC DEVELOPMENT – APPROVED DEFINITIVE PLAN/SITE
DEVELOPMENT PLAN ENDORSEMENT
“REGENCY AT GLEN ELLEN”**

Mr. Cannon presented the approved Site Development Plans for endorsement. The Planning Board endorsed the plans accordingly.

OTHER BUSINESS:

**HOUSING PRODUCTION PLAN
DRAFT REVIEW/COMMENT**

This discussion was tabled until the next meeting on May 8, 2018.

MINUTES

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to approve the regular session meeting minutes from March 6, 2018, 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 10:25 p.m.

Scheduled Planning Board Meetings: May 8, 2018
June 5, 2018

Respectfully submitted,

*Camille Standley
Administrative Assistant*