

MILLIS PLANNING BOARD MINUTES

September 10, 2019

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

The meeting was called to order at 7:31 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, PE, BETA Group

Members Absent:

Also present: Scott Fuzy, 411 Union St.
Jennifer Santosuosso, 11 Franklin St., Medway
Candace Velazquez, 135 Main St., Upton
Alan Handel, 11 J William Heights
Stephen Koss, 120 Dover Rd.
Mary Calo, 60 Bridge St.
Madeline Yusna, 93 Dover Rd.
David Carter, Barberry Homes
Jim Williamson, Barberry Homes
Dan Merrikin, PE, Legacy Engineering

REQUEST FOR WAIVER OF SITE PLAN REVIEW/APPROVAL

920 MAIN STREET – HAIR SALON

JENNIFER SANTOSUOSSO

The Planning Board met with Ms. Jennifer Santosuosso. She is seeking to operate a hair salon business at the former barber shop at 920 Main Street. There is adequate parking available and no change of the building footprint is proposed.

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 920 Main Street for a hair salon for Jennifer Santosuosso.

PRELIMINARY SUBDIVISION APPLICATION

WOODLANDS, LLC

DANIEL MERRIKIN, LEGACY ENGINEERING

(Mr. Nichols recused himself from this discussion.)

Mr. Merrikin, representing the applicant, stated that he understands the Board is going to be deliberating and voting on the Open Space Preservation Special Permit Application. He elected to file a proposed 44-lot Preliminary Subdivision application and understands that the Board is not obligated to make a decision/determination on the plans provided. Mr. Merrikin stated that the conventional subdivision plans were filed with the application, however, if the Open Space Preservation permit is approved, he will

substitute the conventional plans with the Open Space plans. According to Mr. Merrikin, they are working on a traffic study and fully detailed plans will be provided during the Definitive Subdivision Application process. He requested that since there is no new information to be presented at this time, discussion on the Preliminary Plans be continued to the November 12, 2019 meeting.

On a motion made by Mr. Nichols, seconded by Mr. Yered, it was voted unanimously at 7:41 p.m. to continue discussion on the Preliminary Subdivision Application to Tuesday, November 12, 2019, 7:30 p.m.

**DOVER ROAD RESIDENCES – BARBERRY HOMES
ASSISTED LIVING FACILITY DISCUSSION – EXTENSION REQUEST
DAVE CARTER**

Mr. Carter provided an update on the status of the approved project. He stated that ninety percent of the site work is complete. Barberrry Homes does not have funding to build, he said, so they are in the process of selling the property. He stated that they have potential buyers for the property and approved special permit and they anticipate choosing a party next week. Mr. Carter said that they are “vetting buyers very carefully” and they are selling a “well thought-out project.” According to Mr. Carter, they expect the new owners would have it built in two years. The new owners will have vast experience with assisted living facilities. Mr. Carter requested an extension of the approved Assisted Living Facility Special Permit/Site Plan Approval. The Board was also in receipt of an extension request letter from Mr. Jim Williamson of Barberrry Homes LLC, dated September 10, 2019.

Ms. Calo, who lives directly across the street from the site, expressed concern over her home being the only one left out of a sewer connection. She stated that she has been dealing with all of the construction going on. She is concerned and questioned why they are the only family excluded from the sewer connection. According to Ms. Calo, they were told by the developer that they were going to be getting sewer and that has not happened.

There was discussion regarding the approved plans. Mr. McKay stated that Ms. Calo’s agreement was with the developer and not shown on the approved plans. Mr. Carter stated that they are meeting with the Select Board soon as this is under their jurisdiction.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was unanimously voted to extend the Assisted Living Special Permit/Site Plan Approval decision up to and including October 19, 2021.

**1375 MAIN STREET – ECOGY SOLAR
PLAN MODIFICATION REQUEST**

The Board reviewed the request for a modification to the approved site plan for the parking lot canopy solar system. As stated in the letter submitted, dated August 28, 2019, a condition of approval for the Modification/Amendment to the Special Permit was review and approval of the site plan by the Millis Fire Chief.

The Board reviewed the revised plan (last revision date of 8/27/2019 – Sheet 1 of 4 (ARCH D)). Per Fire Chief Richard Barrett’s recommendation, the plan has been revised/modified to increase the height of the solar canopies to allow clearance for emergency vehicles and modification of the travel lane for emergency access to all four sides of the existing building.

On a motion made by Mr. Nichols, seconded by Mr. Yered, it was voted unanimously to approve the minor plan modification request as a field change to facilitate emergency access to the site.

OTHER BUSINESS:

**DELIBERATION/VOTE
SPECIAL PERMIT/OPEN SPACE PRESERVATION SUBDIVISION
RIDGE STREET/ROLLING MEADOW DRIVE - TD DEVELOPMENT, LLC**

The Board reviewed the application, submittals and plans. The Board was in favor of the significant advantages, for example; land left as undeveloped, less tree-cutting, etc. The parameters of the Open Space Preservation Bylaw have been satisfied.

On a motion made by Mr. Nichols and seconded by Ms. Riley, with Mr. Yered, Mr. McKay, Ms. Riley, Mr. Nichols, and Mr. Chhetry voting in the affirmative, it was unanimously voted to grant to the Applicant, TD Development LLC a **Special Permit** for an Open Space Preservation Subdivision, with conditions, for properties located at assessors parcels 15-66, 20-25 (portions only), 20-28, 20-26 (portions only), 20-27, 20-53 (portions only), and 23-04 (portions only) Ridge Street. The site and the approved Open Space Preservation Subdivision layout are depicted on a twenty-six (26)-sheet plan set entitled “Ridge Place Preliminary Subdivision Plan of Land in Millis, Massachusetts”, dated March 21, 2019 with a final revision date of July 17, 2019 prepared by Legacy Engineering LLC.

DELIBERATION/VOTE

SPECIAL PERMIT/OPEN SPACE PRESERVATION SUBDIVISION

MAIN STREET/COTTAGE AVE. – WOODLAND, LLC (TRESKA)

(Note: Mr. Nichols recused himself from this discussion.)

The Board reviewed the application, submittals and plans. The parameters of the Open Space Preservation Bylaw have been satisfied.

On a motion made by Mr. McKay and seconded by Ms. Riley, with Mr. Yered, Ms. Riley, Mr. McKay and Mr. Chhetry voting in the affirmative, it was unanimously voted to grant to the Applicant, TD Development LLC a **Special Permit** for an Open Space Preservation Subdivision, with conditions, for properties located at Assessors Parcels 1, 2, 3, 5, 6, 42, 44 and 134 on Map 25, and Assessors Parcels 16 and 33 on Map 52 located on Main Street. The site and the approved Open Space Preservation Subdivision layout are depicted on a twenty-one (21)-sheet plan set entitled “Woodlands Preliminary Subdivision Plan of Land in Millis, Massachusetts”, dated May 6, 2019 with a final revision date of August 7, 2019 prepared by Legacy Engineering LLC.

PROPOSED WARRANT ARTICLES - DISCUSSION

(1) AMENDMENT TO SENIOR RESIDENTIAL COMMUNITY DEVELOPMENT (SRC D) BYLAW:

Ms. Riley presented the proposed amendment to the Age Qualifications section of the SRC D bylaw. The reason for these amendments is, in part, to set a minimum age of twenty-two (22) in considering age exemptions so as not to impact the Town of Millis school system.

Current wording:

D. Age Qualifications

All SRC dwelling units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or Land Court. The age restriction shall limit dwelling units to occupancy by seniors, age fifty-five (55) or older, or their spouses of any age; and provide for time-limited guest visitation rights in the range of three months per year. The restriction, if the Planning Board so approves and specifies in its Special Permit, may authorize special exceptions that 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. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of SRC dwelling units. 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 within the SRC, a two-year exemption to the restriction shall be allowed for the transfer of the unit to another eligible occupant.

Proposed Amended Wording:

D. Age Qualifications

All SRC dwelling units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or Land Court. The age restriction shall limit dwelling units to occupancy by seniors, age fifty-five (55) or older, or their spouses of any age; and provide for time-limited guest visitation rights in the range of three months per year, per visitor. The restriction, if the Planning Board so approves and specifies in its Special Permit, may authorize special exceptions that allows either one (1) person or one (1) married couple at least twenty-two (22) years of age 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. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of SRC dwelling units. 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 within the SRC, a two-year exemption to the restriction shall be allowed for the transfer of the unit to another eligible occupant.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to recommend to the Select Board the above warrant article for **Senior Residential Community Development Bylaw, Section D. Age Qualifications, Amendments** for the November 2019 Town Meeting.

(2) AMENDMENT TO MUNICIPAL FACILITIES OVERLAY & ZONING MAP:

Mr. McKay presented the proposed amendments. The reason for these amendments, he said, is due to Map 52, Parcel 3, being left off of the original Municipal Facilities Overlay Article passed at the May 13, 2019 Town Meeting. It was originally thought that this parcel was Army Corps of Engineers land, but it is Town of Millis property. The Zoning Map Amendment will add the complete Municipal Overlay district to the official Town of Millis Zoning Map.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to recommend to the Select Board the above warrant article for **Section XXII, Municipal Overlay, Subsection C.(1) and Zoning Map Amendments** for the November 2019 Town Meeting.

PRESENTATION GUIDELINES – DISCUSSION

Mr. Nichols presented the revised “Presentation Guidelines.” He stated that these are mostly for the larger developments proposed.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to accept the Meeting Presentation Guidelines, which will be used on a “case-by-case basis” per the Planning Board Chair.

**“REGENCY AT GLEN ELLEN” – TOLL BROTHERS
SIGNING OF PHASE I BOND**

The Board had previously reviewed and voted on the Phase I Bond in the amount of \$1,744,103.00. The Performance Bond document was reviewed and approved by Town Counsel. The Board signed the performance bond.

PRESENTATION GUIDELINES – DISCUSSION

Mr. Nichols presented suggested “presentation guidelines” for future meetings. Although overall in favor, it would depend on the project. Mr. Nichols stated that the guidelines are more appropriate for “large-scale projects.” The Board was of the opinion that the guidelines will serve as “recommendations” and not mandatory for every applicant.

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to accept the Meeting Presentation Guidelines, which will be used on a “case-by-case basis” per the Planning Board Chair.

MINUTES

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was voted unanimously to approve the regular session meeting minutes from August 13, 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 9:05 p.m.

Scheduled Planning Board Meetings: October 8, 2019
November 12, 2019

Respectfully submitted,

*Camille Standley
Administrative Assistant*