BLATMAN, BOBROWSKI, MEAD & TALERMAN, LLC
ATTORNEYS AT LAW

9 DAMONMILL SQUARE, SUITE 4A4
CONCORD, MA 01742
PHONE 978.371.2226
FAX 978.371.2296

Newburyport Office
30 GREEN STREET
NEWBURYPORT, MA 01950
PHONE 978.463.7700
FAX 978.463.7747

Millis Office
730 MAIN STREET, SUITE 2B
MILLIS, MA 02054
PHONE 508.376.8400
FAX 508.376.8440

ADAM J. COSTA
Adam@bbmatlaw.com

Via E-mail
By Hand

May 17, 2016

Robert Cantoreggi, Chairman
Planning Board
Town of Millis
900 Main Street
Millis, Massachusetts 02054

Re: Supplemental Information
Dover Road Residences

Dear Mr. Chairman and Members of the Board:

Reference is made to the above-captioned matter. In that connection and as you are aware, I represent Barberry Homes, LLC (the "Applicant"), the applicant for a Special Permit for the project known as "Dover Road Residences," an assisted living residence ("ALR") proposed to be constructed on an approximately 7.697-acre site situated at the intersection of Dover Road and Bridge Street in Millis ("Locus"). Though efforts have long been underway to vet potential development of the Locus with Town officials, application was made in early March to the Planning Board ("Board") for a Special Permit to develop "Housing for the Elderly" under Section V of the Town's Zoning By-Law (the "Zoning By-Law"), specifically its "Table of Use Regulations," a.k.a. Table 1; a public hearing thereon was commenced on April 26, 2016; and the same was continued to tonight, May 17, 2016. Mindful of the questions and concerns raised by neighborhood residents both in writings submitted to the Board and at the initial session of the public hearing, the Applicant asked that I address the ability of the proposed ALR to meet the Zoning By-Law's Special Permit criteria and the appropriateness of using the Locus as such.

Housing for the Elderly is a use allowed by Special Permit, upon application therefor and issuance by the Board. A few in attendance at the Board's April 26, 2016 meeting suggested that it would be inappropriate for the Board to grant a Special Permit for the project. The Applicant does not believe that to be so, because the proposed ALR, as designed, satisfies not only the criteria for a Special Permit for Housing for the Elderly, found in Section XII.Q.1 of the Zoning By-Law, it also satisfies the criteria for project approval under the new "Assisted Living Residences" Bylaw.[1] Per Section XII.Q.1 of the

[1] At the May 9, 2016 Town Meeting, i.e. approximately one (1) week ago, voters overwhelmingly passed Article 41, a zoning amendment permitting "Assisted Living Residence[s]" in all residential zoning districts and in

Zoning By-Law, the issuance of a Special Permit requires that the following general conditions be fulfilled: (1) "[t]he use requested is listed in the Table [of] Use Regulations as a[llowed by] special permit in the district. . ."; (2) "[t]he requested use is essential or desirable to the public convenience or welfare"; (3) "[t]he requested use will not create undue traffic congestion or unduly impair pedestrian safety"; (4) [t]he requested use will not overload any public water, drainage or sewer system or any other municipal service. . ."; (5) [a]ny special regulations for the use set forth in Section XI [of the Zoning By-Law] are fulfilled"; and (6) "[t]he requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare." The ALR as proposed satisfies each of these criteria as described below.

1. <u>The use requested is listed in the Table of Use Regulations as allowed by special permit in the district.</u>

The Table of Use Regulations identifies as among its residential uses Housing for the Elderly, with the designation "SPB" in the Residential-Suburban (R-S) zoning district of which the Locus is a part. According to Section V.B of the Zoning By-Law, "SPB" signifies a use that is "permitted by special permit in the district" with the "Planning Board as Special Permit Granting Authority."

2. <u>The requested use is essential or desirable to the public convenience or welfare.</u>

Like many other Massachusetts communities, Millis is in need of quality housing for an aging population. Town Meeting voters and neighbors alike largely agree on the need to provide new housing options for Millis seniors. Specifically in "[r]esidential [a]reas," the Town's 2000 Master Plan included among its objectives "[e]ncourag[ing] development that minimizes municipal costs" by "[p]rovid[ing] incentives for building housing for the elderly . . ." The project, as designed, meets that goal as a development that will be privately financed and developed, but will ultimately offer the Town's elderly residents a range of options including traditional assisted living rooms in a closely supervised setting, assisted living cottages that are designed to provide a more private setting and memory care rooms that provide a more secure special care setting.

3. <u>The requested use will not create undue traffic congestion or unduly impair pedestrian safety.</u>

An on-site traffic pattern is designed to provide for the safe, adequate circulation of passenger and delivery vehicles, as well as for access to all buildings by emergency apparatus, if necessary. Copies of the plans accompanying the Applicant's submittal to the Board have been provided to the Police and Fire Departments for review. The site was designed with pedestrian safety in mind; all parking is immediately adjacent or in close proximity to the buildings.

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other specified locations in the Town. Article 41 and the "assisted living residence[s]" permitted thereunder are referenced herein by way of comparison only; no application has been made under said Article, as the project was submitted to the Board as Housing for the Elderly per the Table of Use Regulations existing as of the date of the application.

Notwithstanding the concerns of some residents with the project's traffic generation, the Applicant submitted to the Board a "Traffic Impact and Access Study" completed by Green International Affiliates, Inc. (GIA) and dated March 2016. It concludes that the project's traffic counts and distribution will have a negligible impact on area roadways or intersections. The fact is the peak hour trips generated by the proposed ALR are comparable with those generated by a subdivision with approximately 13 single-family residences. The aforesaid Study was reviewed by the Board's own consultant, BETA Group, Inc., which confirmed GIA's analysis methods, forecasts, key findings and recommended actions.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal service.

Prior to submittal of its application, the Applicant had an opportunity to consult with the Town's Department of Public Works and to confirm the existence of adequate water and sewer capacity for the project. The Applicant has agreed to extend existing water and sewer lines from the intersection of Route 109 and Bridge Street to the Locus, thereby benefiting those along Bridge Street who will have the option of connecting thereto should they so choose. The water main will be looped through the Locus, so as to avoid problems with stagnation. A private drainage system has been designed for the Locus by GLM Engineering Consultants, Inc.; a review thereof by the Board's consultant, BETA Group, Inc., is underway. No other municipal service will be affected by the project.

5. Any special regulations for the use set forth in Section XI of the Zoning By-Law are fulfilled.

Section XI of the Zoning By-Law establishes the "Special Flood Hazard District," of which the Locus is not a part. Consequently, no special regulations apply thereunder.

6. The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare.

By virtue of their own actions, Town residents have made it possible to locate both Housing for the Elderly, per Section V of the Zoning By-Law, and "assisted living residences," per the Zoning By-Law amendment adopted about one (1) week ago, in residential districts so long as applicable area and other dimensional standards are satisfied. The Applicant believes that these sorts of facilities are best situated in residential districts, as they are residences for our aging population, who ought not be relegated to those areas of the community reserved for commercial or industrial activity just because they may need assistance with one or more Activities of Daily Living (ADL). The project complies not only with the area and dimensional standards of the Zoning By-Law for Housing for the Elderly, for which the application was made, but also with the newly-adopted and more rigorous standards for approval of "assisted living residences."

There are a number of methods that municipalities use within their zoning ordinances and bylaws to guide, limit and enforce the size of anticipated development within their zoning districts. Millis restricts the size, footprint, bulk and height of facilities designed

as Housing for the Elderly and located in the R-S zoning district by application of a *de facto* "three-part test": (i) minimum 40-foot front-yard, 20-foot side-yard and 40-foot rear-yard setback requirements; (ii) a maximum building coverage of 25%; and (iii) a height limitation of 35 feet or 2.5 stories. The same *de facto* "three-part test" is applied by the Town's new "Assisted Living Residence[s]" Bylaw.

The proposed ALR is sized appropriately for the 7.697-acre Locus, according to the Zoning By-Law in existence as of the date of application to the Board and as recently amended by recent Town Meeting vote. The front-, side- and rear-yard setbacks are well in excess of those required; building coverage is less than the required 25%; and the two-story height is less than the maximum allowed by the Zoning By-Law and well-suited to the Locus. The proposed ALR has been skillfully designed so as to complement, not detract from, the residential character of the neighborhood. It is buffered by a tasteful landscape package, and will be operated so as to avoid any excessive noise, traffic, lighting, pollution or other adverse effect(s) on its surroundings. Development of the project as proposed will be of no detriment whatsoever to the public health, morals or welfare.

A question asked by neighbors was: "Is the project appropriate for the Locus, which is zoned residential and is in an area with single-family homes?" While the Applicant acknowledges the preference of some neighbors that the project be located elsewhere, the Zoning By-Law contemplates the placement of these facilities and, as noted above, explicitly allows them, by Special Permit, in the R-S zoning district. The Town's voters have spoken, twice. First, Town Meeting adopted the Table of Use Regulations, amended as of June 14, 2010, permitting Housing for the Elderly in all residential zoning districts except the Residential-Town (R-T) zoning district. Second, as noted above, at the May 9, 2016 Town Meeting voters amended the Zoning By-Law so as to permit "assisted living residences" in all residential zoning districts and in the Commercial Village Two (C-V-2) and Industrial Park Two (I-P-2) zoning districts.

Should the Board have questions or concerns relative to any of the above, I will be happy to address them at the upcoming continuation of the public hearing.

Thank you in advance for your consideration of the project.

Sincerely,

Adam J. Costa

AJC/fhs
cc: Client