

MILLIS PLANNING BOARD MINUTES

Tuesday, October 11, 2016

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

The meeting was called to order at 7:31 p.m. by Mr. Robert Cantoreggi, Chair.

Members present: Robert Cantoreggi, Chair
George Yered, Clerk
James McKay
Richard Nichols
Nicole Riley (arrived 7:45 pm)
Carlo Molinari, Associate

Melissa Recos, BETA Group
Ilana Quirk, Esq., KP Law

Members Absent:

Also present: Scott Fuzy, 15 Stony Brook Dr.
Janice McCoy, 106 Dover Rd.
Ann Marie & Stan Roskey, 52 Dover Rd.
Arthur Payne, Jr., 94 Dover Rd.
David & Beverly McCarter, 29 Bridge St.
Susan Steele, 4 Ironwood Ln.
Jen Rudolph Parkhurst, 99 Dover Rd.
Adam J. Costa, Blatman, Bobrowski, Mead & Talerman, LLC
Jim Williamson, Barberry Homes
Steve Boston, 60 Orchard St.
Andrew Kramer, 1 Glen Pines Way
John Mostyn, 150 Mt. Vernon St., Boston
Kate Lunny, 296 Willowgate Rise, Holliston
Angela Hastie, 288 Willowgate Rise, Holliston
Jane & James Hardin, 3 Tuckerdale Way
Erin Fredette, McMahan Associates
Bill Goebel, Bohler Engineering
Austin Turner, Bohler Engineering
Don & Rosie Williams, 67 Bullard Ln.
Diane Hubbard, 307 Orchard St.
Beverly Temple, 245 Ridge St.
Carol Coakley, 50 Bridge St.
David Carter, Barberry Homes
Scott Miccile, Toll Brothers, 134 Flanders Rd., Westboro
Dave Bauer, Toll Brothers
Atty. Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon

SPECIAL PER. APP. WITH SITE PLAN APPROVAL, PUBLIC HEAR., CONT.
MCEOD – 34-36 EXCHANGE ST.
DANIEL MERRIKIN, MERRIKIN ENGINEERING

The public hearing was opened at 7:31 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Cantoreggi read into the record a letter from Mr. Daniel Merrikin, P.E., Merrikin Engineering, dated October 8, 2016, who requested a continuance, without discussion, to the November 1st meeting.

On a motion made by Mr. McKay, seconded by Mr. Nichols, it was voted unanimously at 7:34 p.m. to continue the public hearing to Tuesday, November 1, 2016, 7:30 p.m. (Note: the motion was later amended to change the time from 7:30 p.m. to 7:32 p.m.)

NEW POLICE STATION SPECIAL PERMIT
AS-BUILT PLAN APPROVAL REQUEST
PERMANENT BUILDING COMMITTEE

Mr. Wayne Klocko emailed the Planning Board that the as-built plans are “still being developed and will not be available until October 21, 2016.”

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was voted unanimously at 7:35 p.m. to extend the review/approval of the Police Station as-built plans to November 1, 2016, 7:30 p.m.

ENTER INTO EXECUTIVE SESSION

EXECUTIVE SESSION: At 7:38 p.m.

Motion by Mr. Cantoreggi, seconded by Mr. McKay, to enter into executive session, under G.L. c.30A, S.21(a)(3), to discuss strategy with respect to litigation known as Sean Currivan, Trustee of KSK Realty Trust, et al, v. Town of Millis Planning Board, et al, Norfolk Superior Court, C.A. No. 1682CV00617), as the Planning Board chair has declared that holding an open session regarding the matter may have a detrimental effect on the litigating position of the Board. The meeting will reconvene in Open Session.

By Roll Call Vote:

Mr. Robert Cantoreggi – aye
Mr. George Yered – aye
Mr. James McKay – aye
Mr. Richard Nichols – aye
Mr. Carlo Molinari – aye

OPEN SESSION RECONVENES:

Mr. Cantoreggi called regular session to order at 7:55 p.m.

OTHER BUSINESS:

**Deliberation & Vote on (1) Special Permit w/ Site Plan
Approval Application AND (2) Special Permit w/ Site Plan
Approval-Assisted Living Residences Bylaw Application for “Dover Road
Residences” – Assisted Living Facility – Bridge St. & Dover Rd. filed by Barberry
Homes, LLC**

Atty. Quirk, Town Counsel, provided a summary of the applications filed and explanations for each. She recommended that the Board consider a condition that if both applications are approved, and if either one of the Special Permit Decisions is exercised by the applicant; the other will be “null and void.” “By abundance of caution,” Atty. Quirk stated, both applications should be maintained until the Town Clerk’s posting requirements are done/satisfied for the Assisted Living Residences Bylaw. The Decisions should be “dependent on each condition being satisfied for approval to go forward,” she said. Mr. McKay stated that his preference was to have the applicant withdraw one of the applications so only one was approved; however with the public hearings being closed, it was too late.

The Board discussed Special Permit findings/requirements for the applications. The fencing of Ms. Steele’s property was discussed and they were in agreement that Ms. Steele presented a compelling case for fencing along the property line that abuts the development for security and privacy purposes. The proposed cupola was discussed and the Board agreed that it was not a “necessary” structure and should not be exempt from the height restriction. Drainage and landscaping were discussed. Deliberation/discussion ended at 8:15 p.m. due to a scheduled public hearing. It was continued until later in the meeting.

**SPECIAL PERMIT MODIFICATION, PUBLIC HEARING, SENIOR
RESIDENTIAL COMMUNITY DEVELOPMENT (SRCDD)
GLEN ELLEN COUNTRY CLUB - 84 ORCHARD STREET
TOLL BROTHERS**

The public hearing was opened at 8:15 p.m. with notice being read by Mr. Yered, Clerk.

Atty. Quirk, Town Counsel, summarized the history of the special permit approval for the Senior Residential Community Development at Glen Ellen Country Club. She recommended that the Board go forward with the presentation by the applicant, Toll Brothers. She pointed out that, per the 2008 Special Permit Decision, Condition #7, Town Counsel services are to be paid by the applicant/developer. Atty. Quirk recommended that the Board go over the list of modifications sought by the developer and compare it to the list of requirements of the Special Permit Decision.

Atty. Cannon, representing the applicant, presented the proposed modifications. He stated that they “feel strongly that these enhancements make” the development “function better in the neighborhood.” There has been a change in the private amenities, he said, as they felt the golf course was “destined to fail.” They are proposing other “more

sustainable private amenities,” he said. “The modifications make for a better project,” Atty. Cannon said. These modifications were reviewed as outlined in the “Project Comparison Table” in the letter from Bohler Engineering, dated September 20, 2016. Mr. Turner of Bohler Engineering discussed the various project elements and proposed changes. The number of housing units has decreased from 341 units to 324 units. Mr. Turner stated that a public benefit to the project is a water main extension of almost 2,600 feet more than previously proposed of which Toll Brothers will bear the cost. Reductions in roadways and impervious areas were discussed.

Ms. Fredette of McMahan Associates discussed the traffic study. She stated there is a significant reduction in trips due to not only the decrease in units, but the elimination of the golf course, etc. Ms. McMahan discussed the methodology used for the traffic study. “New counts” were done in April of this year, she said. Ms. Recos of BETA Group said that BETA would look more closely at the traffic study and provide feedback.

Mr. Cantoreggi stated that the previous applicant “really wanted to keep the golf where the new applicant does not want golf.” He said he misspoke at the last meeting because the previous applicant “never said it was going to be a public golf course.” The golf course was going to be a private amenity. Mr. McKay concurred and stated that he does remember the golf course was going to be private. The proposed water main extension, he said, is a “real benefit.”

Mr. Turner stated that the proposed walking trails will have public access. The current golf course will “go back to nature,” he said. The other amenities will be for residents of the development, he stated. Mr. Turner said that the open areas and proposed maintenance, etc. will be more refined as the plans get developed to be more definitive. According to Mr. Turner, this will be a “gated community” where a card at the gate will be needed for entry. Mr. Bauer stated that there will not be fencing around the perimeter of the development. He said they will be working with emergency services regarding emergency access.

Mr. Hardin expressed concern over the methodology used for the traffic study and its being applied to Orchard Street. He suggested the widening of the roadway. Mr. Cantoreggi stated that Orchard Street is classified as a Scenic Road and is therefore protected. He said that the Board has to look at the entrance and egress off the site to the existing roadway. Mr. Fuzy and Mr. Hubbell expressed concern over no longer having a “golf course setting” to the area and possible negative effects to property values; changes in character of the street and neighborhood. Mr. Hubbell asked how large trucks would get through to the site from Orchard Street. Mr. Cantoreggi stated that any pruning of trees in the roadway would require a public hearing before the Planning Board and Tree Warden (Note: Mr. Cantoreggi is the Tree Warden). Mr. McKay stated that the applicant will have to go before the Board of Selectmen for the water main construction and these issues can be discussed then. Mr. Boston requested that the Board take into consideration that the modifications proposed appear to move the dwellings closer to the street, where the original plans had things set back further from the street.

Atty. Quirk stated that when giving Special Permit relief, the Board can consider adequate roadways; however, the Special Permit has already been approved for 341 units.

Mr. Turner stated that they are hoping to leave “a lot of the vegetation” in front and as the design progresses; they will provide more detail on the screening, etc. They are anticipating three phases of development. Mr. Bauer said that their “current prediction” is to build 40-60 homes a year. He said they “custom build, on site”; they do not use modular or pre-fabricated homes. They plan to develop the main entrance and building amenities up front. They will have a better handle of the details once the Definitive Plans are developed.

Atty. Quirk stated that the Board has the ability to control the phasing. She recommended that the Board look at every proposal they are looking to modify and waivers should be “carefully re-visited.” Atty. Cannon stated that the appeal of the 2008 Decision “was settled” and Toll Brothers has been in touch with those parties and “they are supportive” of this modification proposal.

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was voted unanimously at 9:19 p.m. to continue the public hearing to Tuesday, November 1, 2016, 8:00 p.m.

OTHER BUSINESS:

Deliberation & Vote on (1) Special Permit w/ Site Plan Approval Application AND (2) Special Permit w/ Site Plan Approval-Assisted Living Residences Bylaw Application for “Dover Road Residences” – Assisted Living Facility – Bridge St. & Dover Rd. filed by Barberry Homes, LLC, Continued

Mr. Cantoreggi discussed sidewalks being provided along Bridge Street between the two entrance driveways which connect to the existing sidewalk on the east side of Dover Road. BETA will provide a sketch. The standard and other special conditions were discussed for both applications. There was discussion regarding the requested use being “essential or desirable.” Based, in part, on the fiscal impact analysis and letter from the Fire Chief, it was agreed that it is beneficial to the Town. The Board does understand the concerns of the abutters/residents. The developer is not asking for any waivers and is requesting to build what is allowed.

On a motion made by Mr. James McKay and seconded by Ms. Nicole Riley, with Mr. Robert Cantoreggi and Mr. Richard Nichols voting in the affirmative, and with Mr. George Yered opposed, it was voted 4-1 in favor to grant to the applicant, Jim Williamson of Barberry Homes, LLC, a **Special Permit for/with Site Plan Approval, with Conditions, pursuant to Section V, Use Regulations, Paragraph E, Table 1. Use Regulations, Residential #5, Housing for the elderly**, for property located at the intersection of Bridge Street and Dover Road for an Assisted Living Community. The site and the approved development are depicted on a twenty-seven sheet plan set entitled “Site Development Plan, ‘The Dover Road Residences,’ Assisted Living Community,

MILLIS PLANNING BOARD MINUTES

Tuesday, October 11, 2016

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

Millis, Massachusetts,” dated March 7, 2016 with a final revision date of June 8, 2016, prepared by GLM Engineering Consultants, Inc. (hereinafter referred to as the “Approved Site Plan”).

On a motion made by Ms. Nicole Riley and seconded by Mr. James McKay, with Mr. Robert Cantoreggi and Mr. Richard Nichols voting in the affirmative, and with Mr. George Yered opposed, it was voted 4-1 in favor to grant to the applicant, Jim Williamson of Barberry Homes, LLC, a **Special Permit for/with Site Plan Approval, with Conditions, pursuant to Section XIII, Subsection U. Assisted Living Residences**, of the Zoning By-laws of the Town of Millis, for property located at the intersection of Bridge Street and Dover Road for an Assisted Living Community. The site and the approved development are depicted on a twenty-seven sheet plan set entitled “Site Development Plan, ‘The Dover Road Residences,’ Assisted Living Community, Millis, Massachusetts,” dated March 7, 2016 with a final revision date of June 8, 2016, prepared by GLM Engineering Consultants, Inc. (hereinafter referred to as the “Approved Site Plan”).

MINUTES

On a motion made by Ms. Riley, seconded by Mr. Nichols, it was unanimously voted to approve the minutes from September 6, 2016, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. Cantoreggi, seconded by Mr. Molinari and voted unanimously, the meeting was adjourned at 10:14 p.m.

Scheduled Planning Board Meetings: November 1, 2016
December 6, 2016
January 10, 2017

Respectfully submitted,

*Camille Standley
Administrative Assistant*