

**MILLIS PLANNING BOARD MINUTES**

**November 12, 2019**

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

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

Members present: Richard Nichols, Chair  
George Yered, Acting Clerk  
James McKay  
Bodha B. Raut Chhetry  
Joshua Guerrero, Associate Member

Melissa Recos, PE, BETA Group

Members Absent: Nicole Riley

Also present: Scott Fuzy, 411 Union St.  
Alan Handel, 11 J William Heights  
Mitch Bobinski, 26 Cottage Ave.  
Dan Merrikin, Legacy Eng., 730 Main St.  
Ellen Rosenfeld, 730 Main St.  
Robert Fox, Millis Residential  
David Baker, 2 Holbrook Way  
Pete D'Agostino, 1073 Main St.  
Sergio Verrino, 1073 Main St.  
Ka-yung Wong, 1073 Main St.  
Kwong Chan, 1073 Main St.  
Tom Chung, 1073 Main St.  
Mark Goldberg, 1073 Main St.  
Darrin Grephy, 1073 Main St.  
WeiMing Tan, 1073 Main St.  
Francisco Wartz, 1073 Main St.  
Brian Greeley, 1073 Main St.  
Sharon Aigler, 3 Dale Ave.  
Jessica Monty, 9 J William Heights  
Bob Davis, 7 J William Heights  
Jim & Deb Russo, 231 Causeway St.  
Steve Silver, 227 Causeway St.  
Greg Driscoll, JDE, 227 Causeway St.  
Stephen Silver, 227 Causeway St.  
David Carter, Barberry Homes  
Jim Williamson, Barberry Homes  
Christy Wold, CA Ventures  
Mike Duggan, CA Ventures  
Anthony Vivirito, The Architectural Team, Inc.  
Ted Merchant, Toll Bros.  
Ryan O'Rourke, Toll Bros.  
Ted Cannon, rep. Toll Bros.  
John McVeigh, Board of Health  
Kathy Lannon, Board of Health

**“WOODLANDS” PRELIMINARY SUBDIVISION APPLICATION**

**WOODLANDS, LLC**

**DANIEL MERRIKIN, LEGACY ENGINEERING**

(Mr. Nichols recused himself from this discussion.)

Mr. Merrikin, representing the applicant, presented a two-sheet plan set, dated last revised 8/7/19. The second sheet shows a “Progress Print” of an alternative layout, he said, based on the traffic engineer’s first look. According to Mr. Merrikin, when his traffic engineer looked at the North Street alternate, it was similar from a traffic impact standpoint to the Buddy Kearney Lane option. “Road A” is the main entrance off of Main Street where 80% of traffic will use with 20% using the secondary access. Access through Buddy Kearney Lane/Dale Avenue versus Cottage Street/North Street were discussed. Mr. Merrikin stated that North Street is in better condition than Buddy Kearney Lane. The options, he said, can be further vetted in greater detail during the Definitive Subdivision process.

Mr. McKay asked if a third option could be looked at as an “Emergency Access Road.” Mr. Merrikin stated that the Railroad Avenue topography “would make it difficult to cut the road up there.” Mr. Merrikin questioned whether the second access could be emergency access only. Mr. Merrikin would have to discuss this option with the Police Chief and Fire Chief. Mr. Merrikin will prepare a third option showing a connection to Railroad Avenue.

Ms. Aigler asked Mr. Merrikin about the topography/roadway contours shown on the earlier plans. Mr. Merrikin stated that the topography is different at Dale Avenue as opposed to Railroad Avenue.

Mr. Bobinski expressed his opposition to the Dale Avenue and/or North Street egress. Both roadways are very narrow. He stated that he has traffic concerns and that the “development will have a detrimental effect on our neighborhoods.” Mr. Bobinski stated that the development would “destroy the safety of the neighborhood.”

Mr. Handel stated that the proposed development will have a great impact on the J William Heights neighborhood. He said that a petition will be presented requesting a two hundred foot buffer zone along J William Heights. Mr. Merrikin stated that buffering is not required residential to residential and he feels they are already providing an adequate buffer in that area. Mr. Handel asked for the Board’s consideration regarding this issue as it “effects our lives and property values.”

Mr. Merrikin requested that the discussion be continued to December to allow time for BETA to review.

On a motion made by Mr. Nichols, seconded by Mr. Yered, it was voted unanimously at 7:50 p.m. to continue discussion on the Preliminary Subdivision Application to Tuesday, December 17, 2019, 7:40 p.m.

**ROBERT WEISS – INTERIM ECONOMIC DEVELOPMENT/PLANNER  
INTRODUCTION**

Mr. Weiss updated the Board on his position as the Interim Economic Development/Planning Director. He stated that he would be happy to do any research for the Board if needed and looks forward to working with them.

**1525 MAIN STREET – MARIJUANA FACILITY  
AS-BUILT & LANDSCAPE PLAN REVIEW  
DAN MERRIKIN, LEGACY ENG.**

Mr. Merrikin presented the as-built plan and proposed landscape layout sketch. He stated that construction is “just about complete” and the facility is open. The wetland replication, which is under the jurisdiction of the Conservation Commission, will be planted next season, he said. Test pits were done with the Board of Health as requested by BETA and “everything is consistent,” Mr. Merrikin stated. The required two planting containers will be placed in the spring. Ms. Recos stated that BETA did conduct a site visit on October 22, 2019 and all was acceptable.

On a motion made by Mr. Nichols, seconded by Mr. Yered, is was unanimously voted to approve and accept the plan entitled, “1525 Main Street As-Built Plan Of Land In Millis, MA,” stamped by Daniel J. Merrikin, PE, of Legacy Engineering, dated October 4, 2019.

**SPECIAL PERMIT/SITE PLAN APPROVAL, PUBLIC HEARING  
1073 MAIN STREET – 617 THERAPEUTIC HEALTH CENTER, INC.**

The public hearing continuation was opened at 8:00 p.m. with notice being read by Mr. Yered, Acting Clerk.

Mr. Baker, representing the applicant, presented the proposed project for re-use of an existing building for a marijuana cultivation and manufacturing facility. He stated that the waiver request letter was submitted October 9, 2019, which also included some suggested Special Permit Conditions. Mr. Nichols stated that if the Planning Board approves this application, the applicant must satisfy all requirements of the Select Board and Board of Health relating to noise and odor control as it falls under their jurisdiction.

Mr. Baker stated that the applicant will copy the Board on all submittals regarding noise and odor. Once the site plan is approved, he said, mechanical and architectural plans will be prepared. They will also be advancing with the State Licensing requirements.

On a motion made by Mr. Nichols, seconded by Mr. McKay, it was voted unanimously at 8:10 p.m. to close the public hearing.

**SPECIAL PERMIT/SITE PLAN APPROVAL**

**1073 MAIN STREET – 617 THERAPEUTIC HEALTH CENTER, INC.**

**DELIBERATION/VOTE**

The Board reviewed the application and plans. On a motion made by Mr. McKay, seconded by Mr. Nichols, the Planning Board voted unanimously to grant the following waivers from the Town of Millis Zoning By-Law requested by the applicant:

1. A waiver from Section VIII, Table 4. Off-Street Parking Standards, of the Off-Street Parking and Loading Regulations Bylaw, to allow 50 parking spaces, including 4 designated as handicapped, where a total of 131 spaces are required.
2. A waiver from Section VIII.C.2.p. Parking Lot and Loading Lot Standards, of the Off-Street Parking and Loading Regulations Bylaw, where trees shall be provided in parking areas at a rate of at least one tree for every four spaces.
3. A waiver from Section XIII.V.2.c. (1) Application, of the Recreational Marijuana Establishment Special Permit Conditions Bylaw, to supply a copy of the CCC license prior to the required local approvals.
4. A waiver from Section XIII.V.4. Prohibition Against Nuisance, of the Recreational Marijuana Establishment Special Permit Conditions Bylaw, to allow review and approval of the proposed construction drawings and stamped MEP plans for the facility for Prohibition Against Nuisance, (including but not limited to noise and odor) through the Board of Health and/or Select Board as the licensing authority of the cultivation facility.

On a motion made by Mr. Nichols and seconded by Mr. McKay, with Mr. Yered, Mr. Nichols, Mr. McKay, Mr. Chhetry, and Mr. Guerrero voting in the affirmative, it was unanimously voted to grant to the Applicant, 617 Therapeutic Health Center, Inc., a **Special Permit** for site plan approval, with **Special Conditions**, for the property located at 1073 Main Street, as described on the plans. The site and the approved improvements are depicted on a nine-sheet plan set entitled *Cultivation Facility in Millis, MA, Site Plan*, dated August 15, 2019, revised October 3, 2019, prepared by Beals and Thomas, Inc., Southborough, MA.

**APPLICATION FOR APPROVAL OF DEFINITIVE PLAN, PUBLIC HEARING & SCENIC ROAD APPLICATION, CAUSEWAY ST., PUBLIC HEARING, CONT.**

The public hearings were opened jointly at 8:20 p.m. with notice being read by Mr. Yered, Acting Clerk.

Mr. Driscoll of Jacobs Driscoll Engineering, representing the applicant, presented the applications and revised plans (last revised 11/11/2019). The proposed project is development of a 423-foot road subdivision with three house lots on Causeway Street. An existing stable on the property will be removed. In order to construct the roadway,

Mr. Driscoll stated, a portion of the stone wall on Causeway Street needs to be removed and replaced. As the revised submittal was filed today, there was not adequate time for BETA to review. There was discussion regarding the Homeowner's Association. It would be the responsibility of the Homeowner's Association to maintain the detention basin.

Mr. Driscoll summarized his response letter, dated November 11, 2019. He stated that he addressed concerns/comments made in a letter dated October 24, 2019, from abutters. Mr. Nichols requested that the elevations in the stone wall are represented accurately on the plans. Mr. Driscoll stated that they pushed back the proposed tree line to provide more area to "catch up" to existing grades and extended the length of the wall reconstruction along Causeway Street to improve sightlines. It was also confirmed by site survey and BETA's review that there are no trees with a caliper of 4-inches or greater within the right-of-way of Causeway Street. A Waiver List for "Rivendell Woods," dated October 28, 2019, was presented.

To allow time for BETA to review and issue their comment letter, the public hearing will be continued.

On a motion made by Mr. Nichols, seconded by Mr. McKay, it was voted unanimously at 8:48 p.m. to continue the public hearings to Tuesday, December 17, 2019, 8:00 p.m.

**"DOVER ROAD RESIDENCES" ASSISTED LIVING FACILITY  
PROJECT UPDATE – BARBERRY HOMES**

Mr. Williamson of Barberry Homes introduced Mr. Duggan. Mr. Duggan stated that he is with CA Ventures, which is a prominent, high-quality assisted living provider. They are in the process of purchasing the property and special permit/site plan approval for the assisted living facility. Mr. Duggan stated that the company is based in Chicago. They own, develop, and operate assisted living facilities in thirty-seven communities throughout the country, he said, and they are "committed to bringing high quality to Millis."

Mr. Nichols stated that any changes to the approved plans would be required to come before the Planning Board for review and approval.

**HICKORY HILLS SUBDIVISION  
WAIVER REQUEST – STREET TREES  
DAN MERRIKIN, LEGACY ENG.**

Mr. Merrikin, representing the applicant, requested a waiver for a modification to the required street trees for the Hickory Hills Subdivision. The Board reviewed Mr. Merrikin's submitted letters, dated November 3 and November 8, 2019. The applicant is seeking permission to eliminate eighteen street trees and will instead provide \$7,920.00 to the Town of Millis Tree Fund. This waiver request is being made due to several new homeowners electing not to have the required street trees planted on their lots, Mr. Merrikin said. Sixty-eight trees were planned, however, many homeowners did not want the trees planted, he said.

On a motion made by Mr. Nichols, seconded by Mr. Yered, it was voted unanimously to approve the waiver request and allow a donation of \$7,920.00 to the Town of Millis Tree Fund in lieu of planting eighteen street trees.

**“REGENCY AT GLEN ELLEN” SENIOR RESIDENTIAL COMMUNITY DEV.  
INFORMAL DISCUSSION RE: PUMP & HAUL CONDITION  
TED MERCHANT – TOLL BROTHERS**

Mr. Merchant updated the Board on the sewer install. He stated that they are close to being done. Mr. Merchant said that they have made arrangements with the Board of Health until the sewer is up and running regarding pumping. Ms. Lannon from the Board of Health stated that they do not want any backups until the sewer gets connected. Mr. Merchant presented a copy of a letter to Mr. McVeigh, Board of Health, dated November 12, 2019. He stated that the issues have been resolved; however, they wanted to apprise the Planning Board on the issue.

**OTHER BUSINESS:**

**MINUTES**

On a motion made by Mr. Yered, seconded by Mr. Nichols, it was voted unanimously to approve the regular session meeting minutes from October 8, 2019, as written.

**ADJOURN**

There being no further discussion and on a motion made by Mr. Nichols, seconded by Mr. Yered and voted unanimously, the meeting was adjourned at 9:13 p.m.

Scheduled Planning Board Meetings: December 17, 2019 (changed from Dec. 10<sup>th</sup>)  
January 14, 2020

*Respectfully submitted,*

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*Camille Standley, Administrative Assistant*