



# TOWN OF MILLIS

Richard Nichols, *Chair*  
Nicole Riley, *Clerk*  
James McKay  
George Yered  
Bodha B. Raut Chhetry  
Joshua Guerrero, *Associate*

## OFFICE OF THE PLANNING BOARD

900 Main Street • Millis, MA 02054

Phone: 508-376-7045

Fax: 508-376-7053

Camille Standley  
Administrative Assistant  
[cstandley@millisma.gov](mailto:cstandley@millisma.gov)

June 17, 2020

The Planning Board has **approved, with conditions**, the Application for Approval of the Definitive Subdivision Plan for a development to be known as Emerson Place. The Applicant is TD Development, LLC. The plan proposes the development of the 61.25-acre parcel of land off of Ridge Street into three proposed roads, one of which will intersect Ridge Street and Rolling Meadow Drive, forty-three (43) Open Space building lots and four parcels of Open Space.

A copy of this decision was filed in the office of the Town Clerk of Millis on **June 17, 2020**. The decision can be viewed at the Board's webpage: <https://www.millisma.gov/planning-board>

Any person aggrieved by this decision of the Planning Board may appeal said decision pursuant to Massachusetts General Law Chapter 40A, Section 17, by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within twenty (20) days. A copy of said complaint shall be given to the Planning Board.

No variance or special permit, or any extension, modification or renewal thereof shall take effect until a copy of that decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed or that if such an appeal has been filed that it has been denied or dismissed, is recorded in the Registry of Deeds for the county or district in which the land is located and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's title certificate. The fee for recording or registering shall be paid by the owner or applicant.

**To the Applicant:** After 20 days have gone by from the above date, check with the Town Clerk's office and obtain a certified copy of the Board's decision. Be sure that the decision is recorded at the Registry with your deed. The permit is not valid until it is recorded. A copy of the receipt from the Registry of Deeds must be filed with the Planning Board and Building Department when you apply for a building permit for the proposed construction.

*Camille Standley*  
Camille Standley  
Administrative Assistant

cc: Building Dept.  
BOH  
Abutters  
Daniel Merrikin  
File



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Millis Town Clerk  
Received

JUN 17 2020

*Kathleen E. Smith*  
Asst Town Clerk @ 11AM

## Decision of the Millis Planning Board on the Application for Approval of the Definitive Subdivision Plan for Emerson Place

On February 20, 2020, a definitive subdivision plan was filed with the Millis Planning Board requesting approval of a development to be known as Emerson Place. The Applicant is TD Development, LLC. The plan proposes the development of the 61.25-acre parcel of land into three proposed roads, one of which will intersect Ridge Street and Rolling Meadow Drive, forty-three (43) Open Space building lots and four parcels of Open Space. The property is located in the 'R-S' (Residential-Suburban) zone with portions lying in the Special Flood Hazard District and the Watershed Protection District.

This subdivision is an Open Space Preservation development pursuant to Section XVIII of the Zoning Bylaw. A Special Permit was issued to the Applicant on September 16, 2019.

The submission consisted of the following:

- an executed Form C application signed by the Applicant and owners, filing and review fees, and a Form D abutters list;
- A 35-sheet plan entitled "Emerson Place Definitive Subdivision Plan of Land in Millis, MA" dated February 12, 2020 prepared by Legacy Engineering LLC;
- A stormwater report dated February 12, 2020;
- A complete Form N Environmental Assessment of Subdivision Plan;
- A receipt from the Board of Health; and
- A spreadsheet providing estimated quantities of materials by item for the proposed infrastructure construction.

*Emerson Place Definitive Subdivision Plan Decision  
June 17, 2020*

Under provisions of Massachusetts General Laws, Chapter 41A, Section 81-T and 81-U, a Notice of Public Hearing to be held on March 10, 2020 at 7:30 PM in the Veterans Memorial Building, 900 Main Street, Millis, MA, was advertised in the Milford Daily News on Tuesday, February 24, 2020 and Tuesday, March 2, 2020. Notices of the public hearing were mailed to abutters of record. The abutter notification list is on file in the Office of the Town Clerk, 900 Main Street, Millis, MA.

A copy of the subdivision plan, application and all supporting information was forwarded to BETA Group, Inc., the engineering firm retained by the Planning Board, to review both the technical merits of the proposed plan and compliance with *Millis Planning Board Subdivision Rules and Regulations (hereinafter referred to as the "Subdivision Regulations")*. Melissa Recos of BETA Group attended all of the public hearings for the application.

Copies of the proposed subdivision plan were forwarded to the Select Board, the Department of Public Works, the Building Inspector, the Chief of Police and the Fire Chief for comment.

Copies of the plan, the application and related documents, are available in the Office of the Town Clerk for public inspection.

## SUBMITTALS

The following documents were submitted regarding this application:

- Correspondence to Millis Planning Board from Daniel Merrikin, Legacy Engineering, dated February 20, 2020 with attachments:
  - Form C Application for Approval of Definitive Plan, filed February 20, 2020
  - Plans entitled (35 sheets), "Emerson Place, Definitive Subdivision Plan," dated February 12, 2020, prepared by Legacy Engineering, LLC, Millis, MA
  - Stormwater Report for Emerson Place, dated February 12, 2020, prepared by Legacy Engineering, LLC
  - Form N Environmental Assessment of Subdivision Plan, dated February 20, 2020
  - Emerson Place Definitive Subdivision Materials Quantity Estimate, dated February 20, 2020

- Traffic Impact Assessment, dated March 9, 2020, prepared by MDM Transportation Consultants, Inc.
  - Certified Abutters List (300 foot), dated February 10, 2020
  - Receipt for filing with the Board of Health, dated February 20, 2020
- Email from Chief Chris Soffayer, dated February 25, 2020
  - Email to Ms. Standley from Mike Tieu, dated March 9, 2020
  - Correspondence to the Millis Planning Board from BETA Group, dated March 25, 2020, Peer Review
  - Correspondence to Millis Planning Board from Daniel Merrikin, Legacy Engineering, dated April 2, 2020 re: continuance request
  - Correspondence to the Millis Health Director from BETA Group, dated April 6, 2020, EHIR Peer Review
  - Memorandum from MDM Transportation Consultants, Inc., dated April 14, 2020, response to BETA comments
  - “Transportation Analysis” presentation by Robert J. Michaud, P.E., dated May 12, 2020
  - Email to Camille Standley from Kelly LeVangie, dated May 13, 2020 re: sidewalks
  - Email to Camille Standley from Dawn & John Adams, dated May 13, 2020 re: sidewalks
  - Email to Camille Standley from Robert Holmes, dated May 13, 2020 re: sidewalks
  - Email to Camille Standley from Michelle Holmes, dated May 13, 2020 re: sidewalks
  - Email to Camille Standley from Craig & Denise Gibbons, dated May 14, 2020 re: sidewalks
  - Plans entitled (35 sheets), “Emerson Place, Definitive Subdivision Plan,” dated February 12, 2020, revised May 20, 2020, prepared by Legacy Engineering, LLC, Millis, MA
  - Stormwater Report for Emerson Place, dated February 12, 2020, revised May 20, 2020, prepared by Legacy Engineering, LLC
  - Correspondence to Millis Planning Board (and other boards) from Daniel Merrikin, Legacy Engineering, dated May 22, 2020 re: response to comments with attachments:
    - Riprap design spreadsheet
    - Email from Fire Chief
    - Draft Homeowner’s Trust Declaration, Open Space Covenant and Open Space Deed

### FEMA flood profile for Bogastow Brook

- Correspondence to Millis Planning Board from Daniel Merrikin, Legacy Engineering, dated May 29, 2020, including supplemental info:
  - Plan showing test locations in related to proposed basin #2
  - Soil Logs for OTH 33 and 34
- Certification for missed hearing for Nicole Riley, dated May 26, 2020
- Email from Robert Fox to William Kazis, dated June 2, 2020
- Correspondence to the Millis Planning Board from BETA Group, dated June 3, 2020, Peer Review
- Email from William Kazis to Robert Fox, dated June 8, 2020
- Correspondence to Millis Planning Board (and other boards) from Daniel Merrikin, Legacy Engineering, dated June 7, 2020 re: response to comments with attachments:
  - Operations & Maintenance Plan, revised June 4, 2020
  - Correspondence with Fire Chief, dated June 3, 2020 re: alarm funds
- Plans entitled (35 sheets), "Emerson Place, Definitive Subdivision Plan," dated February 12, 2020, revised June 5, 2020, prepared by Legacy Engineering, LLC, Millis, MA
- Email from Robert Fox to William Kazis, dated June 9, 2020

## **PUBLIC HEARINGS**

Public hearings were held on the following dates:

- Initial Public Hearing: Tuesday, March 10, 2020;
- Continued Public Hearing: Tuesday, April 7, 2020;
- Continued Public Hearing: Tuesday, May 12, 2020;
- Continued Public Hearing: Tuesday, May 26, 2020;
- Continued Public Hearing: Tuesday, June 9, 2020 (Public Hearing Closed)

The hearing of April 7, 2020 was continued without discussion. Due to the State of Emergency Declaration effective March 30, 2020 and consistent with the Governor Baker's order imposing strict limitations on the number of people that may gather in one place due to the COVID 19 outbreak, the hearings of May 12, 2020, May 26, 2020, and June 9, 2020 were held remotely on the Zoom video conferencing platform.

Board members voting on the application include:

Richard Nichols, Chair  
Nicole Riley, Clerk  
George Yered, Member  
James McKay, Member  
Bodha B.Raut Chhetry, Member

These voting members attended all public hearings, except for Nicole Riley, who was absent for the May 12, 2020 hearing. Nicole Riley has reviewed the evidence received at the single continued public hearing session from which she was absent.

The approved meeting minutes for each of the above hearings are referenced as part of the public record of the hearing process.

## **WAIVERS GRANTED**

1. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from sections 5.1.2, Figure 1-A & 5.4.2 to require a sidewalk on only one side of each proposed roadway on the condition that the Applicant donate \$32,000 to the Town of Millis for use in the construction or maintenance of sidewalks elsewhere in the Town. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: The Board finds that this particular location does not warrant a sidewalk on both sides of the street. This subdivision will not generate a substantial amount of traffic and there are no sidewalks on Ridge Street. The Board is therefore of the opinion that the funds that would have been used to build the second sidewalk is better used to fund sidewalks in other areas of the town. The amount of \$32,000 was calculated by BETA Group. The Applicant has agreed to this. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

2. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from section 5.11 to not require the installation of fire alarms or police call boxes on the condition that the Applicant donate \$7,800 to the

Town of Millis for the use in installing/maintaining/upgrading the Town's wireless alarm systems. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: The Town no longer installs hard-wired police and fire alarm systems in roadways. It has been the Board's past practice to substitute the requirement for hard wired police and fire alarm systems with a donation from the Applicant to the Town for its use in maintaining/upgrading the Town's wireless alarm system(s). The amount of \$7,800 was requested by the Fire Chief and the Applicant has agreed. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

3. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from section 5.12.1.b to allow less than 7.0 feet of cover over a sewer main. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: The site has access to sewer on both Rolling Meadow Drive and Ridge Street. However, due to elevation constraints, the sewer on Ridge Street is the most appropriate connection point. Given the grades in the development, the Applicant has extended gravity mains as far as they reasonably can, leaving a few areas with between 4-7 feet of cover. Based on input from BETA Group, the Board finds that to be preferable than converting those areas to pressure sewer or raising the elevation of the proposed roads substantially above the existing surrounding grades. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

4. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from section 5.12.2.2.c.5(c) to allow all stormwater basins to have flat bottoms and no low-flow channel. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: The Applicant has noted the current standard engineering practice (as recommended by the MassDEP Stormwater Handbook) that stormwater infiltration basins should have flat bottoms with no low-flow channels so that

stormwater will disperse evenly throughout the basin bottom, thereby maximizing the infiltration surface area and minimizing infiltration time. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

5. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from section 5.10 to allow street lights to be located at intersections and along the two wetland crossings only as shown on the plan, with each lot required to provide a light post within 10 feet of the edge of right-of-way and driveway. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: It has been the Town's past practice to substitute the requirement for street lights with on-lot light posts near the street, except at intersections. Given that there are no lots along both entrances on May Road, additional street lights have been provided there as well. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

6. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from section 5.12.2.2.c.2 to allow stormwater basins to be located on multiple lots. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: In order to minimize environmental impacts and unnecessary infrastructure, the Applicant has designed this subdivision as an Open Space Preservation subdivision pursuant to Section XVIII of the Zoning Bylaw. Given limitations in the Zoning Bylaw about the inclusion of stormwater basins in the Required Open Space and other wetland constraints on the site, the Applicant needed to design the stormwater basins so that they would sit partially in several lots so as to not overly burden the Required Open Space. This condition was known by the Board at the time of the Granting of the Open Space Preservation Special Permit. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

7. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from section 5.12.2.2.D.1 to allow stormwater piping to be HDPE for pipeline segments outside the street right-of-ways. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: HDPE pipe is a commonly accepted stormwater piping material and easier to install and maintain. The Board agreed that this substitution was reasonable for the portions of the stormwater management system that will be maintained by the Homeowner's Association while the piping within the road right-of-ways will be reinforced concrete pipe. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

8. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from sections 5.12.1.b, 5.12.2.2.d.1, & Figure 1-A to allow less than 4.5 feet of cover over a main drain line provided that Class IV reinforced concrete pipe is used where traffic conditions warrant. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: The Board has waived this provision several times in the past and finds that reducing drainage cover results in lesser disturbance of the site, the need to import less fill, and a roadway grade which is more consistent with the surrounding topography. The Board finds that the cover specified in the Subdivision Regulations is not necessary, provided that the stormwater pipe used is suitable for H-20 traffic loadings, which is the case for the Class IV reinforced concrete pipe that will be used in areas with less than three feet of cover. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

9. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from section 5.12.2.2.d.2 to allow stormwater pipes of different sizes to not have matching crown elevations. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: The Applicant has provided stormwater calculations indicating that the stormwater management system as proposed will operate adequately. The granting of this waiver allows for less earthwork in the development which minimizes impacts to the environment and abutters. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

10. At the June 9, 2020 continued public hearing, Richard Nichols made a motion to grant the waiver requested from sections 5.1.2, Figure A-1 & 5.5 to allow narrower and eliminated grass strips at the two proposed wetland crossings. Nicole Riley seconded the motion. Following a discussion, the motion was approved by a unanimous roll-call vote (5-0-0) in favor.

Discussion: The development involves two wetland road crossings. Consistent with applicable wetland regulations and in order to minimize wetlands impacts, the Applicant seeks this waiver to reduce the grass strip width on the non-sidewalk side of the road and also to eliminate the grass strip on the sidewalk side of the road at the two wetland crossings. This will decrease the footprint of roadway impact in these two areas. The Applicant is proposing to construct retaining walls with guard rails in these areas and will also use vertical granite curbing in these areas in lieu of the required sloped granite edging. The Board therefore finds that the granting of the waiver in accordance with Section 7.2 of the Subdivision Regulations and M.G.L. Chapter 41, Section 81R, is in the public interest and not inconsistent with the intent and purpose of the subdivision control law and the Subdivision Regulations.

## FINDINGS

The Emerson Place subdivision proposes a forty-three (43) lot residential development with three new roads in a residential-suburban (R-S) zone. The existing site is comprised of undeveloped woodlands, field areas and an abandoned gravel pit. There are two cart paths which cross wetlands in the same vicinity as the proposed roadway crossings for May Road to provide principal access to the site. The site is bounded on the east by Ridge Street and existing residences, to the north by Rolling Meadow Drive and existing residences, to the west by the Great Black Swamp and to the south by a horse farm.

The Board retained their engineering consultant, BETA Group, Inc., to review the design of the subdivision for compliance with the Subdivision Regulations and standard engineering practices. The various aspects of the review included drainage design, utility design, roadway layout, traffic impacts and other similar aspects. BETA has determined that the proposed design conforms to the Subdivision Regulations except as has been waived in this Decision. The Board therefore finds that, with the conditions required below, the design of the proposed subdivision is consistent with the requirements of the Subdivision Regulations.

This development is the subject of an Open Space Preservation Special Permit under Section XVIII of the Zoning Bylaw. That Special Permit was issued by the Planning Board and allows smaller lot sizes than would otherwise be required along with the creation of open space parcels. For this development, the Open Space parcels will be owned and operated by a Homeowner's Association to be created for the forty-three lots in the subdivision. The open space consists of four parcels (two registered and two unregistered) that total 40.76 acres of land. The Board finds that the Open Space parcels meet the minimum Required Open Space provisions of Section XVIII of the Zoning Bylaw and further that the proposed subdivision is consistent with the granted Open Space Preservation Special Permit.

The proposed development accesses to existing public ways, Rolling Meadow Drive and Ridge Street. Access is over two existing cart paths that cross wetlands areas before entering the central portion of the site, which has extensive uplands areas. The Applicant is before the Conservation Commission for permitting associated with these two wetland crossings.

Members of the public expressed concern about traffic in the area, particularly in the vicinity of Ridge Street. The Applicant undertook a traffic study and submitted it to the Board. It indicated that the proposed subdivision will not generate extensive amounts of

new traffic and that Rolling Meadow Drive and Ridge Street are adequate for the additional vehicle trips. BETA Group reviewed that study on behalf of the Board and found it to be satisfactory. Traffic measures include a proposed stop sign, stop line and cross walk at the Rolling Meadow Drive entrance and a stop sign and stop line at the Ridge Street entrance. An “intersection ahead” warning sign will be installed on Ridge Street to alert travelers about the new road and sight lines will be provided for safe operation of the intersection.

The proposed development includes a comprehensive stormwater management system consisting of catch basins, manholes, proprietary separators and four stormwater infiltration basins. The stormwater management system has been reviewed by the BETA Group and found to be consistent with standard engineering practice, the requirements of the Subdivision Regulations (except where waived) and the MassDEP Stormwater Standards.

The proposed development will be serviced by sewer, which is being extended from an existing municipal sewer main on Ridge Street. The proposed system consists of gravity mains except for ten lots, which are proposed to be serviced by low-pressure sewer mains. The subdivision includes new 8” water mains that will connect the Rolling Meadows Drive main to the Ridge Street main. The Applicant is before the Select Board for Water and Sewer connection permits and the Select Board has engaged a separate consultant to review the water and sewer system design.

## APPROVED DOCUMENTS

The following plans and documents are referenced in this decision and are considered to be the approved documents:

- A. The “Subdivision Plan”: A set of plans on file with the Planning Board entitled “Emerson Place Definitive Subdivision Plan of Land in Millis, MA”, consisting of 36 sheets, prepared by Legacy Engineering LLC dated February 12, 2020, with a latest revision date of June 5, 2020.”
- B. The “Subdivision O&M Plan”: A document entitled “Operations & Maintenance Plan for Emerson Place” prepared by Legacy Engineering LLC dated February 12, 2020, with a latest revision date of June 4, 2020.
- C. The “Stormwater Report”: A document entitled “Stormwater Report for Emerson Place” prepared by Legacy Engineering LLC dated February 21, 2020, with a

latest revision date of May 20, 2020. The Stormwater Report includes a document entitled "Stormwater Pollution Prevention Plan (the "SWPPP") for a Construction Activity for Emerson Place" with a latest revision date of May 20, 2020.

## DECISION

At a meeting held on June 9, 2020, a motion was made by Richard Nichols and seconded by James McKay to approve the Emerson Place Subdivision subject to the following conditions:

- 1.) After the appeal period has expired with no appeal taken or after resolution of any appeal taken, a mylar set of the Subdivision Plan shall be submitted to the Planning Board for endorsement in accordance with the Millis Subdivision Regulations.
- 2.) The subdivision shall conform to the Subdivision Plan.
- 3.) Unless specifically waived, all requirements of the *Millis Planning Board Subdivision Rules and Regulations*, including but not limited to those described as "effective 6/28/06," must be observed.
- 4.) Wherever plans and conditions differ, conditions of the permit shall govern.
- 5.) All necessary approvals from other Town Boards and Commissions must be obtained by the applicant. Proof of said approvals, where needed, shall be forwarded to the Millis Planning Board.
- 6.) All provisions of the Millis Zoning By-laws shall be observed unless authorized by variance from the Millis Zoning Board of Appeals.
- 7.) Town Counsel shall be afforded the opportunity of reviewing all easement plans and legal documents affecting the subdivision. Once acceptable to Town Counsel, such documents shall be finalized and recorded as specified herein.
- 8.) A Homeowner's Association (the "Association") shall be created using substantially the same document(s) as will be approved by Town Counsel. The Subdivision O&M Plan shall be included as an attachment to the Association document(s).

- a. The Association documents shall include provisions for the ownership and maintenance of the Open Space parcels shown on the Subdivision Plan in accordance with Section XVIII of the Zoning Bylaw.
  - b. The Association document(s) shall be fully executed and recorded with proof of such recorded provided to the Planning Board prior to release of the Subdivision Covenant.
  - c. The Association shall be solely responsible for the maintenance of the Open Space parcels and for the portions of the stormwater management system that lie outside of the street right-of-ways, except as otherwise noted in the Subdivision O&M Plan. Nothing shall prohibit the town from entering the property(ies) to perform said work should the Association fail to do so. Nothing shall prohibit the town from recovering from said Association costs associated with performing said work.
  - d. The Applicant, Association and lots within the development shall comply with the provisions of the Subdivision O&M Plan.
  - e. The Planning Board shall be notified in writing of the transition of Association control from the developer to the lot owners within the Association.
- 9.) All easements related to the stormwater system infrastructure shall be conveyed to the Town of Millis as well as to the Association prior to release of the Subdivision Covenant as specified in the Subdivision O&M Plan. Easement grants to the Town shall be presented to the Board of Selectmen for acceptance and once accepted, shall be recorded. Easements shall be in substantially the same form as has been approved by Town Counsel. Proof of recording shall be provided to the Planning Board prior to release of the Subdivision Covenant.
- 10.) Prior to the release of covenant, the Applicant shall grant to the Town of Millis an access easement over the three proposed roadway right-of-ways, an access and utility easement over all proposed stormwater easement areas for the purpose of maintaining the stormwater system should it become necessary, and an access and utility easement over all other utility easements shown on the Subdivision Plan.
- 11.) The Board approves the phasing plan included in the Subdivision Plan and notes that the Applicant may elect to combine or alter the order of phases, except that Phase 1 as specified on the plan, must be constructed first to create a looping

roadway system with both access locations onto Ridge Street and Rolling Meadow Drive.

- 12.) All deeds conveyed out of the subdivision land shall contain reference to the recorded Association document and any relevant easements.
- 13.) In consideration of the waiver granted for the elimination and reduction of sidewalks within the subdivision, the Applicant shall provide the Town of Millis with a payment in the amount of \$32,000, which has been calculated by the Board's consultant to equal the construction costs of the sidewalks waived. Such payment shall be provided prior to release of any portion of the Subdivision Covenant and is intended to be used by the Town of Millis to construct or repair sidewalks elsewhere in the Town.
- 14.) The Applicant shall donate the sum of \$7,800 to the Town of Millis for the purpose of contributing to the cost of a future town-wide wireless fire and police alarm system. This donation has been offered by the Applicant in exchange for not having to install a hard-wired fire/police alarm system in the subdivision and shall be made prior to release of Subdivision Covenant.
- 15.) All elements of the subdivision infrastructure including, but not limited to, the roadways, sidewalks, drainage system and public utilities are to be completed within five years of the date this decision becomes final. Extensions to this deadline may only be made upon written application to the Planning Board. Requests for extensions for good cause will not be unreasonably withheld.
- 16.) Prior to the start of construction, the applicant shall conduct a pre-construction meeting with the Director of the Department of Public Works, the Planning Board's Engineer, and any other persons the Planning Board or its engineer deems appropriate. A Scope & Fee for construction inspection services to be paid for by the Applicant shall be agreed upon and signed by the Applicant and Town of Millis prior to the start of construction.
- 17.) All construction activities shall proceed in accordance with the SWPPP.
  - a. Prior to construction, the Applicant shall update the SWPPP document with the final names of the developer and the site contractor and shall submit a copy of the document to the Planning Board.

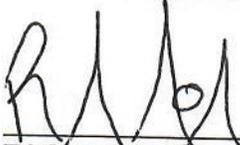
- b. The Owner shall identify the name, address and phone number of the contact person for construction management of the project. Said contact person shall be available 24 hours per day, seven days per week throughout construction. Such information shall be provided to the Planning Board, Board of Selectmen, DPW and Police Department.
  - c. An updated Infrastructure Construction Sequence plan shall be submitted to the Planning Board in the spring and fall of each year during roadway, utility and infrastructure construction efforts.
- 18.) The approved limit of work/edge of open space shall be field staked by a land surveyor prior to clearing and shall be marked with perimeter controls as noted on the Approved Site Plan for the duration of construction activities. No work or disturbance is allowed within the Open Space except as shown on the Subdivision Plan and except as may otherwise be allowed by the final legal documents pertaining to the operation and maintenance of the Open Space.
- 19.) Hours of operation for the construction of the roadway and related infrastructure authorized by this permit shall be Monday thru Friday, 7:00 am – 6:00 pm and Saturdays, 7:00 am – 6:00 pm. No construction or preconstruction of the roadway and related infrastructure shall occur outside those hours (including deliveries of materials and equipment). A sign stating these construction activity hours shall be posted at the construction entrance. Should the contractor desire to work on any Norfolk County state-recognized holiday or on Sunday, he/she shall submit a request in writing to the Building Inspector at least five business days prior to the holiday in question. The Building Inspector shall have the discretion to allow or deny the request.
- 20.) There shall be no loading/unloading or stacking of construction equipment and materials or idling of delivery trucks on Ridge Street or Rolling Meadow Drive or any other streets adjacent to the site during construction. No blockage of Ridge Street or Rolling Meadow Drive will be allowed to work on the entry unless permission is obtained from the Police Department with any required traffic details. There shall be no idling of delivery trucks during construction either within the project site or on adjacent streets as governed by MGL Chapter 90 Section 16-A. Activities along Ridge Street must meet the approval of the Police Chief. A sign stating these conditions shall be posted at the construction entrance.

- 21.) Ridge Street and Rolling Meadow Drive shall remain clean at all times and shall be swept as needed. Construction entrances are required to be installed and maintained at all construction entrances.
- 22.) A dumpster shall be maintained on-site throughout construction. All trash shall be collected daily and deposited in the dumpster. No trash shall be buried on-site.
- 23.) If it is determined by the Board that construction related dust is excessive, remediation shall be implemented within 24 hours. Dust control shall be by water truck. Calcium chloride shall not be allowed
- 24.) "As-built" plans of all subdivision infrastructure stormwater management facilities shall be provided to the Planning Board for its review and approval prior to the Subdivision Covenant release for any lots within the watershed of those facilities.
- 25.) The Applicant shall not operate unregistered construction vehicles on completed portions of the roadway, except for loading and off-loading of those vehicles, and except where such roadway has been accepted by the Town of Millis, in which case, such use shall be in accordance with applicable rules and regulations governing such use.
- 26.) Upon completion of construction, establishment of vegetation, and prior to final bond release for each phase of the subdivision, sedimentation and debris shall be removed from all phase-related components of the stormwater system, including but not limited to swales, catch basin, proprietary treatment devices, and infiltration basins. Accumulates shall be properly disposed of off-site.
- 27.) Each lot owner within the subdivision shall install and maintain a roof runoff infiltration system in accordance with the Subdivision Plan. Each lot owner shall maintain such system(s) in good working order at all times and shall replace or repair such system(s) as required should the inspections stipulated in the Subdivision O&M Plan determine that replacement or repair is needed.
- 28.) An "as-built" plan shall be filed with the Planning Board for each new roadway within the completion time limit specified herein. Utility "tie cards" or ties on the as-built plan are to be included with the "as-built" plan.

- 29.) A "street acceptance" plan will be filed with the Planning Board at least 90 days prior to any Town Meeting where the roadway(s) are proposed for acceptance as "public ways".
- 30.) Should Town Meeting refuse to accept any portion of the new roadway by virtue of a vote to that effect, the Applicant shall, within 90 days of said Town Meeting vote, transfer its interest in that portion of the new roadway to the Association, who shall maintain the roadway as a private way until such time as Town Meeting votes to accept it as a public way.
- 31.) Retaining wall/road crossing final designs shall be submitted to the Board for approval prior to the start of construction. The three stream culverts/bridges should be designed and detailed in accordance to MassDOT policies and requirements as it will eventually be turned over and accepted by the Town. The Applicant shall submit final stamped bridge design calculations and plans to the Town for their records.
- 32.) Any junk, trash or debris on-site shall be removed from the site and disposed of properly.
- 33.) Prior to commencement of construction, the Applicant shall provide to the Board a copy of the Illicit Discharge Statement with the signature(s) of the owner(s).
- 34.) Electric, telephone, and gas utility designs shall be submitted to the Board for approval prior to the start of construction of those utility systems.
- 35.) The Tree Warden shall approve the species and spacing of shade trees prior to installation of such trees.
- 36.) Deeds for each lot shall include language obligating the lot owner to allow shade trees to be installed on their property as required by the Subdivision Regulations.
- 37.) Prior to endorsement, the plans shall be revised to relocate the proposed street light at the May Road/Rolling Meadow Drive intersection to the east side so that it will illuminate the stop sign.
- 38.) Prior to endorsement, the Applicant shall provide a Land Court layout sheet for Board endorsement for the portions of the site that are registered land.

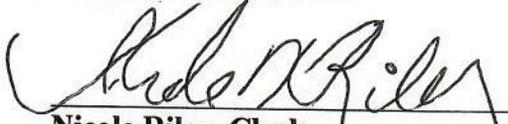
39.) Prior to endorsement, BETA Group shall review the Subdivision Plan for conformity with their outstanding comments.

**Planning Board Vote on the Emerson Place Definitive Subdivision**



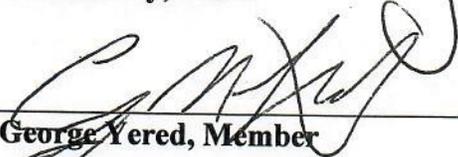
**Richard Nichols, Chair**

*Voted in favor of the motion to approve the subdivision.*



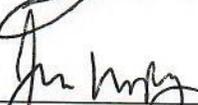
**Nicole Riley, Clerk**

*Voted in favor of the motion to approve the subdivision.*



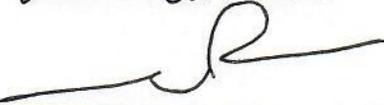
**George Yered, Member**

*Voted in favor of the motion to approve the subdivision.*



**James McKay, Member**

*Voted in favor of the motion to approve the subdivision.*



**Bodha B. Raut Chhetry, Member**

*Voted in favor of the motion to approve the subdivision.*

DATE VOTED: June 9, 2020

DATED FILED WITH THE OFFICE OF THE TOWN CLERK: June 17, 2020

***APPEALS OF THIS DECISION, IF ANY, MUST BE FILED WITH THE OFFICE OF THE TOWN CLERK, 900 MAIN STREET, MILLIS, MA WITHIN TWENTY (20) DAYS OF THE FILING OF THIS DECISION WITH THE TOWN CLERK.***