

Town of Mills River
Minutes of the Planning Board
Wednesday, January 2, 2019

The Town of Mills River Planning Board met on Wednesday, January 2, 2019, at 7:00 PM in the Mills River Town Hall. Board members present were: Brian Kimball, Cheryl Janoski, Randy Austin, Dennis Wilson, Carolyn Moore, Sherri Hill, and Jim Foster. Ryan Perry and Matt Holloway were absent (excused). Also in attendance were Town Planner Brian Burgess, and Tax Collector/Deputy Town Clerk Aurelie Taylor. There are no open seats on the Board.

Chairman Brian Kimball called the meeting to order and those present stood for a moment of silence and gave the Pledge of Allegiance.

Adjustments/Additions to Agenda: None.

Sherri Hill made a motion to approve the minutes from December 4, 2018; the motion was seconded by Cheryl Janoski and the motion passed by unanimous verbal assent.

Public Comment: No public comment.

Old Business: No Old Business

New Business:

A. R-18-03 Bradley Rezoning - Town Planner Brian Burgess

Town Planner Brian Burgess presented his staff report, the text of which appears below:

Planning & Community Development

**Town of Mills River
January 2, 2018 Planning Board Meeting
Staff Report**

January 2, 2018

TO: Planning Board

FROM: Brian Burgess, Town Planner

SUBJECT: R-18-03 – Rezoning request for the Bradley Property,
4768 Boylston Hwy., PIN # 9631640262; 9631640566

A. Actions Requested by Planning Board

A motion to send a recommendation to Mills River Town Council to approve or deny the rezoning request.

B. Required Votes to Pass Requested Action

A majority vote is required to pass the requested actions.

C. Background

Don and Judy Bradley have submitted an application to request a rezoning of the properties identified by PIN#9631640262; 9631640566. The property is located on the northwestern side of Boylston Hwy. beginning approximately 1200 feet south of Hwy. 191 South. (see Location Map). The parcel is assessed at approximately 16.08 acres and is currently zoned MR-GB (General Business).

The property has one single family home, one abandoned structure, and several sheds and covered shelters. The existing uses on adjacent parcels are residential, open land, business, and industrial uses. The adjacent zoning districts are MR-LI, and MR-MU.

The request is to rezone the parcel to MR-MU (Mixed Use).

According to Town of Mills River Code of Ordinances, MR-MU “is established to allow all uses (excluding hazardous waste disposal facilities and radioactive waste disposal facilities and adult establishments) but to regulate certain uses so as to ensure that neighborhood impact is mitigated.” (see attached - Code References).

D. Policy Issues

The primary differences in MR-GB and MR-MU are: 1) MR-GB seeks to encourage business uses in a concentrated district, while MR-MU has no specific limitations to encourage any specific type of use; 2) the level or degree of commercial uses; and 3) dimensional requirements/allowances. The maximum building size in MR-GB building size is a maximum of 50% of the total lot area; in MR-MU there is no maximum building size for residential uses; 15,000 square foot maximum for non-residential. Maximum building height for MR-MU is 40 feet if non-residential, none for residential, and MR-GB is 50 feet. Building setbacks in MR-GB are 50 feet at the front, and 15 feet at the side and 30 feet in the rear. In MR-MU, there are no residential setbacks, and for non-residential uses setbacks are 60 feet front, 30 feet side, and 30 feet rear (refer to Code references).

The majority of Mills River is zoned MR-MU, with the largest district being the Southern and Eastern sides of the Town. (see Zoning Map). The MR-MU in the Middle Eastern section of Town is what this proposed rezoning would connect to if approved.

Legitimate factors to consider in rezoning are potential land use impacts on the landowner, neighbors, and the public. Is the site suitable for potential land uses allowed in the district, impacts on traffic, the environment, neighborhood character, utilities, and the like?

E. Staff Recommendation

Staff recommends that the Planning Board determine a recommendation to Council for the Approval or Denial of this request.

F. Attachments

1. Application
2. Location Map (aerial)
3. Zoning Map
4. Code References

Additional Items

The Board requested that Mr. Bradley explain his situation and what, if anything, was proposed for the property. Mr. Bradley commented that the property had been on the real estate market for 6 years and no one had even looked at it. The buyer Mr. Bradley is working with now is proposing an “over 55” apartment complex with federal government funding assistance. It was unclear whether the assistance would be with construction cost or rental assistance. The project would be considered “affordable housing”. The developer has experience with these projects in the eastern part of the state. Mr. Bradley explained that this property was his family’s retirement investment and that he’d been assured when the Town was incorporated that the Town would protect that plan.

There was much discussion by the Board. They asked Brian Burgess to clarify the surrounding zoning, how the initial zoning districts were formed when the Town was incorporated, and commented on how little MR-GB zoning there is. Carolyn Moore had some insight as to how this property became MR-GB and the history of the area. Randy Austin is hesitant to do any rezoning until after the comprehensive plan is addressed, and Dennis Wilson is concerned about changing the zoning one parcel at a time without a comprehensive plan. Many Board members sympathized with Mr. Bradley and understood his predicament. Mr. Bradley went into detail on the physical problems with the land that make it incompatible with industrial use, which began a discussion on stream buffers. Randy Austin reminded the Board that when the zoning was changed, it was changed forever and that if the sale fell through for any reason, anything could be built there. It was also noted that in the comprehensive plan, it is possible to adjust permissible uses in zoning districts.

Randy Austin made a motion that the Planning Board recommend to Town council that they deny the request to rezone the Bradly property (PIN#9631640262 and 9631640566. Sherri Hill seconded the motion and the motion passed 5 to 2. Brian Kimball and Carolyn Moore voted against the motion.

Brian gave an update on his presentation of the comprehensive plan proposal. Town Council received it well and staff is beginning work on suggestions to be presented at the Council’s Visioning meeting on January 24.

Brian then presented the Town Manager’s update, the text of which appears below:

COUNCIL ACTIONS – DECEMBER 2018

- Approved Ag Lease for 2019 – field in back walking loop
- Approved summary for nuisance ordinance

- High Vista Master Subdivision Plan appeal – moved to January

OTHER NOTABLE ITEMS

- Baseball/softball field – engineering/design phase
 - To bid in Winter
- Maintenance Building – receiving bids
- Council Visioning – January 24th

As there was no further business to discuss, Sherry Hill made a motion to adjourn the meeting. Carolyn Moore seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor, CTC
Tax Collector/Deputy Town Clerk