

**Holliston Planning Board**  
**Meeting Minutes of September 29, 2022**

**Call to Order:**

The Chairwoman called the regular meeting to order at 7:00 p.m. and read the following statement: Pursuant to the June 16, 2021 Act relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, the Planning Board will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted to the Town's webpage within 24 hours in accordance with keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting.

At this time, a roll call attendance vote will be taken:

Chairperson Karen Apuzzo-Langton - present  
David Thorn – present  
Scott Ferkler – present  
Barbara Peatie – present  
Jason Santos - absent

Ms. Peatie made a motion for a 9:00 p.m. curfew. Mr. Ferkler seconded with all in favor on a roll call vote.

**General Business:**

1. Approval of Minutes

On a motion by Ms. Peatie, seconded by Mr. Thorn, members agreed to approve the minutes of September 8, 2022 as written on a unanimous roll call vote.

2. Approval Not Required Subdivision(s)

On a motion by Mr. Thorn, seconded by Mr. Ferkler, members agreed to empower the Town Planner to re-endorse the plan for 611 Norfolk Street as it was adjusted through a recent Special Permit process with the Zoning Board of Appeals. The plan was prepared for Amardeep Singh by GLM Engineering Consultants, Inc and is dated September 1, 2022.

3. Governance Committee – General By-Law revisions

Len Engel and Suzanne Nersessian from the Governance Committee joined the members to discuss proposed changes to the General By-Law with regard to Planning Board function and Scenic Roads. On a motion by Ms. Peatie, seconded by Mr. Ferkler, members voted unanimously to support the proposed amendments.

4. Constitution Village- Project Update

Atty. Angela Conforti of FRE Building and Constitution Village, LLC and Dale MacKinnon, PE of Guerriere & Halnon were present to discuss the delay in construction at the Constitution Village site and progress made. It was noted that a bond reduction request had been circulating at a staff level since earlier in the summer. Atty. Conforti noted that all of the homes would be occupied before the end of the year. A site visit with the two inspecting engineers early in the season resulted in a punchlist and revised construction schedule, however, a supply chain issue with the granite curbing vendor has resulted in

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further revision and delay. After some discussion, the Chairwoman suggested a continuation for additional information and evaluation of pending work at the site as well as the pending construction deadline. Atty. Conforti agreed.

5. Reorganization

After a brief discussion, members agreed to table the matter until all were present.

**PUBLIC HEARING:**

**Special Permit and Site Plan Review**

**Paragon Harvest LLC – 91 Kuniholm Dr**

The Chairwoman opened the hearing. Present for the applicant was Atty. Michael Ford of Ford Law P.C., to discuss the application for a Special Permit and Site Plan Review under Zoning By-Law Section III G(7), for a Marijuana Establishment (Cultivator and Manufacturer). Based on Mr. Santos' absence, Atty. Ford requested a continuance of the public hearing without any discussion.

On a motion by Mr. Thorn, seconded by Mr. Ferkler, on a unanimous roll call vote, the public hearing was continued until October 27, 2022 at 7:05 p.m.

**PUBLIC HEARING:**

**Special Permit and Site Plan Review**

**Any Fence – 1485 Washington St.**

The Chairwoman opened the hearing and waived the reading of the notice into the record. Atty. Peter Barbieri of Fletcher Tilton was present with owner Brian Donahue to discuss the application for a Special Permit and Site Plan Review under Zoning By-Law S.III (D) (7) and (H) (12) for the operation of two general service establishments and associated outdoor storage. Application materials include: Plan of record entitled "Proposed Any Fence Offices", dated July 27, 2022, along with an application and supplemental narrative by Atty. Peter Barbieri dated August 31, 2022, and a stormwater management report prepared by CDW Consultants, dated August 9, 2022. Atty. Barbieri provided a summary of the proposal as detailed in his narrative.

Members asked questions about the site access, loading, and parking as well as waste removal and deliveries, signage, bathrooms, and the nature of both proposed businesses. Atty. Barbieri agreed to return with additional details as well as a response to the stormwater peer review prepared by Peter Engel, PE of McClure Engineering. He added that the Conservation Commission hearing was open as well.

The following documents were received and entered into the record:

- Correspondence from the Holliston Health Director, Scott Moles, and
- Correspondence from Linda Curley of 1467 Washington St.

The Chairwoman opened the floor to public. Offering several questions and comments was Michael Curley of 1467 Washington Street. In summary, he expressed concerns about the proposed intensity of the use with regard to hours of operation and impacts to the surrounding

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environment. He requested additional information about any showroom proposal, the parking lot layout and wetland impacts.

On a motion by Mr. Thorn, seconded by Ms. Peatie, with a unanimous roll call vote, the public hearing was continued to November 3, 2022 at 7:05 p.m.

**PUBLIC HEARING:**

**Zoning By-Law Citizens Petition - s. I-E Definition "Original Gross Floor Area"**

The Chairwoman opened the hearing at 8:20 p.m. Daniel Alfred was present to discuss the Petition Article to amend the Town's Zoning by Law, dated September 7, 2022. Also present was Atty. Brian Winner of Mead, Talerman and Costa, Town Counsel. Atty. Winner offered some comments on the process, noting the need for the hearing in order for Town Meeting to act per provisions of c. 40A of the General Laws.

The proposed petition is as follows: CHANGE TO PRE-EXISTING NON-CONFORMING USES, STRUCTURES, AND LOTS (I-C); DEFINITIONS (I-E) by addition of a definition for "Original Gross Floor Area" as follows: Original Gross Floor Area: shall be defined as the Gross Floor area on the most recent of

- 1) The date on which any current structure pre-existing non-conformity was created; or
- 2) 20 years prior to the date of permit application for any planned increase in the Gross Floor Area.

Or take any action relative thereto."

Mr. Alfred described his personal experience with application of the by-law, noting that he had received a Special Permit from the Zoning Board but felt motivated to have more clarity added to the by-law, especially with regard to the term "original".

The Chairwoman opened the floor to the public. Zoning Board of Appeals member Liz Dembitzer of 45 Franklin Street was present and added some comments to the discussion.

On a motion by Ms. Peatie, seconded by Mr. Thorn, with a unanimous roll call vote, the public hearing was closed and the members voted unanimously to not support the proposal with the understanding that they would revisit the issue with the Building Inspector and Town Counsel and Mr. Alfred would withdraw the petition on the floor of Town Meeting.

**Adjournment** - The meeting was adjourned at 9:05 p.m. on a motion made by Ms. Peatie and duly seconded by Mr. Ferkler on a unanimous roll call vote. The next meeting was scheduled for October 13, 2022 at 7:00 p.m.

Respectfully submitted,

Karen L. Sherman, Town Planner