

**Holliston Planning Board
Meeting Minutes of January 26, 2023**

CALL TO ORDER:

The Chair called the regular meeting to order at 7:04 p.m. and read the following statement: Pursuant to the June 16, 2022 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:

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

Also present was Atty. Brian Winner from Mead, Talerman and Costa, LLC (Town Counsel).

GENERAL BUSINESS:

1. Approval of Minutes

On a motion by Mr. Thorn, seconded by Ms. Peatie, members approved the minutes of January 12, 2023 as written on a roll call vote.

CONTINUED PUBLIC HEARING:

**Special Permit and Site Plan Review
Bluewave Energy Storage Project
600 Central Street**

The Chair reopened the hearing and explained the hearing format, noting that the applicant will present information as requested from the prior session, followed by questions and concerns by the members and then questions and concerns from the audience. Present for the applicant was Josh Laricy of Blue Wave along with Atty. Tad Heuer of Foley Hoag, LLP.

The Chair asked Atty. Winner to provide some commentary on the legal position paper solicited from the applicant. Atty. Heuer then reviewed and expanded upon his correspondence of January 13, 2023, including his stated positions on the Holliston By-Laws, including applicable version (May 2021), ability to establish an additional principal use, and use category identified within the Schedule of Uses. Further elaboration of the MGL c. 40A, s. 3 “Dover Amendment” legal position was provided as well. Member discussion and questions centered around understanding what is being stored, case law implications, and gathering facts for consideration.

The Chair opened the hearing to the audience. The following individuals spoke: Sean O’Neill of 38 Pilgrim Road, Atty. Bryan Bertram of Miyares Harrington on behalf of the Olde Oaks Homeowner’s Association (see also correspondence dated January 25, 2023), Chris Flanagan,

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Esq. of 81 Pilgrim Road and President of the Olde Oaks Homeowner's Association (see also correspondence dated January 24, 2023), and Bill Slack of 57 Pilgrim Road. Atty. Bertram noted that the members might benefit from reviewing the noted Tracer Lane II Realty, LLC v. Waltham Supreme Judicial Court case and stated that the case is not entirely on point.

On a motion by Mr. Thorn, seconded by Ms. Peatie with all in favor on a roll call vote, the public hearing was continued until March 16, 2023 at 7:04 p.m.

CONTINUED PUBLIC HEARING:

**The Trails at Jennings Hill Definitive OSRD Subdivision
Starr Construction**

The Chair reopened the hearing at 8:05 p.m. and reviewed the outstanding items from the last session. Present along with applicant Steve Starr of Starr Construction were Atty. Peter Barbieri of Fletcher Tilton and Dale MacKinnon, PE of Guerriere & Halnon, Inc.

Atty. Barbieri and Mr. MacKinnon provided an overview of the plan revisions and focused on the areas of sight distance and entrance radius, fire truck turning, and configuration of open space. It was noted that CMG was expected to release additional peer review comments that G&H would be able to respond to in a timely fashion.

The Chair opened the hearing to the audience. Dhimant Patel of 71 Mohawk Path raised additional concerns about the proposed proximity of the new dwellings and the open space buffer.

On a motion by Mr. Ferkler, seconded by Ms. Peatie with all in favor on a roll call vote, the public hearing was continued until February 16, 2023 at 7:01 p.m. A Certificate of Action will be drafted for circulation.

ADJOURNMENT - The meeting was adjourned at 8:30 p.m. on a motion made by Mr. Ferkler and duly seconded by Ms. Peatie on a unanimous roll call vote. The next meeting was scheduled for February 2, 2023 at 7 p.m.

Respectfully submitted,

Karen L. Sherman, Town Planner