

**Holliston Zoning Board of Appeals  
Meeting Minutes of October 18, 2017**

**Present:** Chairman Henry Dellicker, John Love, Brian Liberis and Associate Members Mark Bush and Jay Peabody. Also in attendance were Attorney Paul Haverty and Peter Tartakoff, Building Inspector/Zoning Enforcement Officer.

**Call to Order:** The Chairman called the meeting to order at 7:05 p.m. in the Selectmen's Meeting Room (#105) of Town Hall.

**Approval of Minutes:** On a motion by Mr. Love, seconded by Mr. Bush with all in favor, the members approved the minutes of September 20, 2017 as drafted.

**Discussion:**

**Use Variance**

**62 Ashland Street**

The hearing was opened on September 20, 2017 and at the time, the Board determined that no relief was required. Peter Tartakoff, Building Inspector/Zoning Enforcement Officer requested to discuss the issue with the members, especially their interpretation of Section III(A)(3) "Alteration and conversion of single-family dwelling". Susan Mogren (applicant) was also in attendance. Peter stated that when there is a conflict in the zoning bylaws he takes the most restrictive segment as the prevailing regulation. He added that his interpretation of that provision is that it is to be used for historic homes to give people the ability to absorb family and/or create a living situation which would give them income to maintain the homes or supplement income. He stated that adding a second dwelling by attaching a new garage to the side of the existing dwelling is a separate issue defined as a two-family or multi-family dwelling. The Board agrees that this is an accessory dwelling use and not a two-family.

**I. PUBLIC HEARING:**

**Continued Administrative Appeal Public Hearing**

**Holliston Residential Realty, LLC – 8 & 12 Indian Circle**

The Chairman opened the public hearing at 8:10 p.m. and read the correspondence from the applicant, Holliston Residential Realty, LLC, requesting to withdraw the petition without prejudice.

On a motion by Mr. Love, seconded by Mr. Peabody, the Board accepted the withdrawal without prejudice and the public hearing was closed.

**II. DELIBERATIONS:**

**Use Variance – 62 Ashland Street**

**Findings of Fact**

After discussions with the Zoning Enforcement Officer, the Board finds that the proposed variance will create no substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the bylaw. The relief will alleviate a substantial hardship, financial and physical to the Petitioner, relating to the shape of the existing structure, proposed addition

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and lot. The Board finds that the circumstances are unique to the Applicant and do not generally affect the zoning district in which it is located.

**Zoning Board Vote**

On a motion by Mr. Peabody, seconded by Mr. Liberis, the Board agreed, with conditions, to approve the variance relief under Section VI-D(3) for property described and located at 62 Ashland Street for reasons that support the statutory requirements of the variance. The variance is for the apartment and can only be established over an attached garage and family dwelling:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye
Mr. Peabody	Aye
Mr. Bush	Aye

**Conditions of Approval**

1. This Use Variance is not valid until recorded and indexed at the S. Middlesex Country Registry of Deed in accordance with the provisions of MGL, c. 40A, s. 10. The copy of the decision to be filed must contain a certification by the Town Clerk that twenty (20) days have elapsed since the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied. If the rights authorized by this variance are not exercised within one year of the date of grant, such rights shall lapse unless an extension is granted.
2. The proposed garage addition and second dwelling unit are to be attached to the principal dwelling. The second dwelling unit shall be limited to the second floor over the garage as represented and the habitable space shall not exceed 800 sq. ft.
3. The Unit shall be restricted to family members or caretakers.

**Comprehensive Permit 40B – 245 Washington Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner's Representative. In accordance with the provisions of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following:

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Comprehensive application for property described and located at 245 Washington Street was as follows on a motion by Mr. Liberis, seconded by Mr. Love:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye
Mr. Peabody	Aye
Mr. Bush	Aye

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**Conditions of Approval**

1. This Comprehensive Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

**IV. CONDITIONS**

**General**

- A.1 The holder of this Comprehensive Permit is Village On The Green LLC, a limited dividend organization. The Property is defined as the property located at 245 Washington Street, Holliston, Massachusetts. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.
- A.2 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project (öApproved Plansö). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Building Commissioner who shall have the authority to approve such changes as immaterial changes. If Building Commissioner determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set from Stamski and McNary, Inc.:

Site Plan for Own a Home MA 245 Washington Street, Holliston, Massachusetts, dated March 31, 2017, with revisions through August 10, 2017, prepared by Stamski and McNary, and consisting of the following sheets:

Title Sheet

Existing Conditions Plan

Layout Plan

Grading Plan

Plan and Profile

Details

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Details

Erosion Control Plan

The Approved Plans shall also consist of the following architectural plans entitled Village on the Green, dated April 3, 2017 stamped by Peter M. Conant:

First Floor Plan ó Cottage Style A

Second Floor Plan ó Cottage Style A

First Floor Plan ó Cottage Style B

Second Floor Plan ó Cottage Style B

First Floor Plan ó Cottage Style C

Second Floor Plan ó Cottage Style C

First Floor Plan ó Cottage Style D

Second Floor Plan ó Cottage Style D

Village on the Green ó Rear View Schematic

The Approved Plans shall also consist of Landscape Plan submitted by Kim Ahern Landscape Architects revised through September 27, 2017.

- A.3 The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and its successors and assign, shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.4 The Project shall consist of not more than sixteen (16) detached condominium units located in sixteen (16) structures, each containing three (3) bedrooms, for a total of forty-eight (48) bedrooms.
- A.5 There shall be a minimum of fifty-four (54) parking spaces (inclusive of required handicap spaces).
- A.6 All residential units approved under this Comprehensive Permit shall be for-sale condominium units. Affordable units shall be interspersed evenly throughout the Project, as approved by the Subsidizing Agency during Final Approval.

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- A.7 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit B, the Applicant has requested, and the Board has granted, those waivers from the Holliston Zoning Bylaws and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G. L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Approved Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
- A.8 The Project shall comply with all local regulations of the Town of Holliston and its boards, commissions and departments unless specifically waived herein or as otherwise addressed in these conditions.
- A.9 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- A.10 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Commissioner or other Town Departments, the Building Commissioner or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Building Commissioner or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.
- A.11 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph. The Board shall receive notice of any change in the principals of Village On The Green LLC during construction of the Project, except if said change is as a result of the exercise by the Project lender of any rights under the applicable Loan Documents.
- A.12 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.

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- A.13 The sidewalks, driveways, roads, utilities, drainage systems, common septic system and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal and landscape maintenance. In this regard, the proposed site access road within the Project shall not be dedicated to or accepted by the Town.
- A.14 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

**B. Affordability**

- B.1 A minimum of twenty-five percent (25%) of the home ownership units in the Project shall be low- or moderate-income units, meaning that they shall be sold to households whose income is not more than eighty percent (80%) of the Area Median Income (AMI), as determined by the United States Department of Housing and Urban Development (HUD) and DHCD (Affordable Units). Affordable Units shall be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the location of Affordable Units in the Project and the sale of such Affordable Units to income-eligible households.
- B.2 Upon completion of the Project, and in perpetuity (or for so long as the Project does not comply with the underlying zoning requirements), four (4) units shall meet the criteria for inclusion in the DHCD's Subsidized Housing Inventory.
- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the sale of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.
- B.4 The maximum number of affordable units allowed by law and applicable subsidy program, but no more than seventy (70%) percent of the affordable units, shall be reserved for present residents of Holliston, or employees of the Town of Holliston (or a business located in Holliston) or teachers employed by the school district serving Holliston (or households with children attending Holliston public schools). A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project's monitoring agent to effectuate this local preference, with an approved secondary lottery for all other applicants. The Board acknowledges that it is the Town's responsibility to demonstrate to the Subsidizing Agency that there is a need for a local preference. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board recognizes that the Town must provide evidence of its

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local preference need to the Subsidizing Agency within three (3) months of the final issuance of the Comprehensive Permit.

**C. Submission Requirements**

C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit, the Applicant shall:

- a. Deliver to the Board a check in a reasonable amount determined by the Board to be used for the Board to retain outside experts for technical review of Final Plans and inspections required under these conditions. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.
- b. Obtain a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.
- c. The Applicant shall test the soil during construction to confirm soil types in the areas of the infiltration system. Such testing shall be witnessed by the Board of Health Agent.
- d. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans (öFinal Plansö) that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the öFinal Site Plan Submission Dateö).

At a minimum, the Final Plans shall be in accordance with the comments from the peer review consultants detailed while the hearing.

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- e. Submit to the Building Commissioner a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Building Commissioner, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Building Commissioner, in consultation with the Board's peer review engineer, has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Zoning Administrator concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.
- f. Submit to the Board for its administrative approval, a landscaping plan with the Final Plans, signed and sealed by a Registered Landscape Architect, depicting the following:
  - i. Overall planting plan that includes a demarcation of clearing and the limits of work;
  - ii. Planting plans for drives showing shade trees and lighting fixture locations;
  - iii. Plans of walkways in open space and recreation areas;
  - iv. Prototype planting plans for each building that include shade trees, ornamental trees, shrubs, and groundcovers, as applicable;
  - v. Prototype screening plans for dumpsters, depicting plantings and fencing;
  - vi. Planting details for coniferous and deciduous shade trees, ornamental trees, and shrubs;
  - vii. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
  - viii. Tree protection and preservation plans; and
  - ix. Construction details.
- x. Specifications for plantings, site amenities (including benches, trash cans, light fixtures, fencing) will submitted to the Board for review.

All plantings shall consist of native, non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant. The final landscaping plans shall preserve the existing perimeter tree cover to the greatest extent practicable. Twelve (12) months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The condominium documents shall address ongoing maintenance of landscaping features.

C.2 Prior to the issuance of any building permits, the Applicant shall:

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- a. Record this Comprehensive Permit with the Middlesex South Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Building Commissioner.
- b. Submit to the Board and the Building Commissioner evidence of Final Approval from the Subsidizing Agency (MassHousing), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board and the Building Commissioner a certified copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with MassHousing shall be complete prior to the issuance of any building permit.
- d. Submit to the Building Commissioner final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts (Architectural Plans). The Architectural Plans shall be submitted in such form as the Building Commissioner may request.
- e. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- f. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law.
- g. Submit evidence of permits from the Holliston Board of Health pursuant to 310 CMR 15.00 (Title V) for construction of the common septic system for the Project.

**D. Construction Completion/Certificate of Occupancy**

- D.1 Prior to issuance of a certificate of occupancy for any individual unit in the Project, the Applicant shall:
  - a. Submit engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Building Commissioner.
  - b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the Project has been constructed in compliance with the Final Plans in all material respects.
  - c. Obtain acceptance from the Holliston Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units.

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- D.2 Prior to issuance of the certificate of occupancy for the last residential building to be constructed, the Applicant shall:
- a. Submit to the Building Department, in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Department. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
  - b. Submit to the Building Commissioner as-built plans for all buildings in the Project.
  - c. Submit to the Board, for review by its Counsel, a copy of the Condominium Unit Deed and Bylaws for the Project. At minimum, the Condominium Documents shall address issues relating to public access, pet policy, snow removal, trash removal, and smoking policies, and other issues addressed in the conditions herein.

**E. Project Design and Construction**

- E.1 At least forty-eight hours prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with the Building Commissioner and other Town staff as may be determined. Written notice must be submitted to abutters entitled to notice pursuant to G. L. c. 40A, §11 a minimum of seventy-two (72) hours prior to the initial commencement of work.
- E.2 If blasting is necessary, the Applicant shall comply with the blasting guidelines required by applicable Massachusetts state law, rule and regulations. The Applicant shall permit representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed.
- E.3 The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.
- E.4 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.5 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.

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- E.6 During construction, the Applicant shall conform to all local, State, and Federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.
- E.7 Appropriate signage shall be shown on the Final Plans. The Applicant has requested a waiver from the Town of Holliston Zoning Bylaws regarding signs, to allow for two (2) marketing signs, each eighteen square feet, facing in either direction on Washington Street. The signage shall be depicted on the Final Plans.
- E.8 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
- E.9 The Applicant shall use natural gas for the Project, if reasonably available at the time of the submission of Final Plans. Gas service locations shall be included on the Final Plans.
- E.10 The Applicant shall install lighting on the site that conforms to the Town of Holliston's Zoning Bylaw. Lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties. Management of outdoor lighting shall be the responsibility of the Applicant.
- E.11 Utilities, including but not limited to telephone, electric, and cable, shall be located underground.
- E.12 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Commissioner as meeting design specifications, as applicable.
- E.13 Construction activities shall be conducted between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday. Interior work is allowed on Saturdays from 9:00 a.m. to 6:00 p.m. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction. The Applicant shall take measures to prevent construction vehicle queuing at the site entrance and along Washington Street before 7:00 a.m.

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- E.14 The Property owner and/or the subsequent condominium association shall be responsible for trash pickup. The condominium documents shall make provisions for trash pickup.
- E.15 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.16 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Building Commissioner based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.18 Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site.
- E.19 The Applicant shall comply with all applicable state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project as emergency vehicles.
- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.

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- E.22 The Applicant shall comply with DPW requirements regarding curb-cut permits, and shall obtain any necessary State Highway Access Permits from MassDOT.
- E.23 To the extent earth removal is necessary, the Applicant shall prepare an earth removal plan, showing all necessary cuts and fills, and describing the number of truck trips necessary for the earth removal.
- E.24 To the extent the Applicant needs to bring fill onto the Property, such fill shall be clean in nature, and the Applicant shall ensure that it has not been brought from any contaminated source. Any material brought onto the site shall not contain any construction debris, stumps, wood chips, other decomposable organic material, winter treated sand or sand/salt mixtures or parking lot sweepings. No hazardous materials shall be used as fill. No processing of material shall be done onsite.

**F. Traffic/Traffic Safety Conditions**

- F.1 Access and egress to the Project shall be via Washington Street, consistent with the Approved Plans.
- F.2 In order to ensure appropriate sight distance at the intersection of the access road and Washington Street, the Applicant shall undertake the necessary clearing of vegetation and removal/relocation of stone walls to ensure the sight distance of 500ø for the left turn onto Washington Street, and 430ø for the right turn onto Washington Street, when measured from a decision point of 10ø from the traveled way, is achieved.
- F.3 The Applicant's proposal shows the entrance for the existing structure on the Property being relocated and incorporated into the plans for the proposed entrance way for the Project. The Applicant shall coordinate with the owner of the existing structure to ensure that the access to the existing structure is adequate for emergency vehicles. The Final Plans shall show the proposed access for the existing structure.
- F.4 The Applicant shall ensure that adequate snow storage is provided at the site, and that trash bins and pick-up activity will not block on-site parking or circulation.

**G. Police, Fire, and Emergency Medical Conditions**

- G.1 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Holliston Fire Department shall review the Final Plans to ensure compliance with this condition.

**H. Water, Septic and Utilities**

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.

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- H.2 All water infrastructure shall be installed in conformance with the Town's requirements. The Applicant shall consult with the Holliston Department of Public Works prior to the commencement of construction.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Holliston Fire Department. If the Holliston Fire Department approves different hydrant locations, such modification shall be accepted as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service should be verified by the Holliston Water Department and information on the fire service size and requirements should be verified by the Fire Department. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Holliston Water Department and the Fire Department respectively.
- H.5 All water improvements necessary, if any, to serve the Project must be completed, and interim as-built plans must be submitted to and approved by the Water Department, before any occupancy permits for the Project may be issued.
- H.6 The water and drainage utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.
- H.7 Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like.
- H.8 The Applicant has agreed to relocate the septic system for the existing structure on the Property. The new location of the septic system for the existing structure shall be shown on the Final Plans.

**I. Wetlands/Environmental Conditions**

- I.1 The Applicant proposes work within a one-hundred-foot buffer zone to a bordering vegetated wetland and a perennial stream. The Applicant will be required to obtain an Order of Conditions from the Holliston Conservation Commission to authorize any work within the buffer zone. No work may commence on the Property prior to the issuance of such Order of Conditions.

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- I.2 The Applicant has requested any waivers from the Holliston Wetlands Bylaw and/or Regulations, to allow work within the fifty foot (50ø) No-Disturbance Zone. The Commission has recommended the Board approve the Applicant's waiver subject to the following:
- a. Mitigation Planting: All planting within the No-Disturbance Zone shall be native plants approved by the Commission (through the approval of an Order of Conditions under the Wetlands Protection Act). All residential structures within the one hundred foot (100ø) wetlands buffer must have a row of native shrubs planted between the lawn and the wetland to create a formal wetland buffer.
  - b. Stormwater Peer Review: An independent peer review of the stormwater management system has been completed on behalf of the Board. The Commission may elect to conduct an additional independent peer review pursuant to its authority under the Wetlands Protection Act.
  - c. Permanent Wetland Marker Bounds: All lots within the 100ø wetland buffer zone shall have permanent concrete bounds with wetland resource area plaques. The bounds are to be installed at the back corners of each lot in front of the native planting row required in Comment #1. These post-mounted marker bounds shall be maintained in place, in serviceable condition as a limit of disturbance.
  - d. Fencing and Shed Approval: No fencing or sheds are allowed within the 100ø wetland buffer zone without approval of the Conservation Commission.
  - e. Tree Inventory and Protection: Prior to commencement of any site work, all trees within twenty-five feet (25ø) of the limit of work must be surveyed for health and potential impacts of adjacent work. For trees that are to remain and could be harmed during the construction process (e.g. root damage through digging or compaction or grazing by construction vehicles), a protection plan must be created. No work can begin until the Commission has reviewed and approved the inventory and protection plan.
  - f. Wetland Protection: No work or activity, including the cutting of vegetation, shall take place within a wetlands area or the 100ø buffer zone without the issuance of a valid Order of Conditions from the Commission (or Superseding Order of Conditions from the Department of Environmental Protection).
  - g. Erosion Control Installation and Inspection: Prior to the commencement of tree clearing, earthwork or other land disturbance under this Comprehensive Permit, all erosion control

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measures (e.g., erosion control barriers and check dams, etc.), shall be installed as shown on the project plan. Where hay bales or silt fence cannot be entrenched because of paved or compacted surfaces, loose hay shall be stuffed between and under bales to ensure that water is properly filtered. The Conservation Commission, or its Agent, shall be notified when the protective measures have been installed for inspection and verification. No other work shall be undertaken until written approval of the erosion control installations is received from the Commission or its agent.

- h. Homeowner Notification: All homes within the 100' wetland buffer zone shall be issued a letter informing them of the adjacent wetlands and any restrictions imposed by Massachusetts Wetlands Protection Act M.G.L. c. 131, §40, the Holliston Wetlands Administration Bylaw (Article XXX), and this Comprehensive Permit. This letter shall be issued by the home owners association after every sale and shall be posted on a community board and/or website should one be created.
- i. Fertilizers/Pesticides/Herbicides: Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area.
- j. Location of Yard Waste/Brush: Future yard waste/brush piles and/or burning piles will be located outside the 50' no-touch buffer zone. This condition is intended to apply in perpetuity and will outlive the issuance of a Comprehensive Permit.
- k. Snow Removal/De-Icing: At no time shall snow removal result in the direct discharge of snow into wetlands bordering the property. Sodium chloride shall not be used for de-icing on the property.
- l. Damage to Resource Areas: Any damage caused as a direct result of this project to any wetland resource area is the responsibility of the Applicant to repair, restore or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. The Conservation Commission shall be promptly notified of any damage to wetland resource areas. Following notification, the Applicant must submit a written plan for abatement of the problem and restoration. This plan must be approved by the Conservation Commission, pursuant to its authority under the Wetlands Protection Act, prior to its implementation.
- m. Control of Construction Debris: No construction debris (paper, wood, metal, concrete, etc.) may be allowed to enter the resource area at any time. Windblown material shall be promptly removed from wetland resource areas.

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- n. **Timely Response to Erosion Problems:** The Applicant shall move swiftly to control any erosion problems that occur on the site. The Holliston Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary, pursuant to its authority under the Wetlands Protection Act.
  - o. **Stockpiling:** Should any on-site stockpiling be required, all debris, fill and excavated material, construction material, and building material shall be stockpiled at least 50 feet away from any wetland, be located outside of any floodplain and be located to prevent sediment from surface runoff entering the wetlands. At no time shall any debris or other material be buried or disposed of within the line marked on the plan as the 50-foot Buffer Zone. All stockpiles to remain in place for more than seven (7) days shall be properly stabilized to prevent erosion and siltation. Preventative control such as additional perimeter erosion control, temporary seeding/ bonded fiber matrix or jute covering shall be employed to prevent such an occurrence.
  - p. **Dewatering:** There shall be no dewatering on site that will result in the direct discharge of water to any wetland resource area. Any dewatering discharge within 100 feet of a resource area or functional drainage way will be equipped with a filter bag designed for that purpose. All suction hoses will be kept at the surface of the water to reduce to a minimum the suspension and pumping of silt.
  - q. **Spill Prevention:** All equipment shall be stored outside the resource area and the 100-foot buffer zone and in such a manner so as not to introduce any pollutants into any wetlands, and in no event shall there be any discharge or spillage of fuel, oil or other pollutants into any resource area. Servicing of equipment (e.g., fueling, changing, adding or applying lubricants or hydraulic fluids, or washing/rinsing of concrete transports) must be done outside resource areas and the 100-foot buffer zone, with the exception of refueling of immobile equipment. Immobile equipment includes, but is not limited to, operating pumps, where removal of the pump would cause unreasonable damage to the resource area or delay to the construction effort. During and after work on this project, the Applicant shall take all reasonable precautions to prevent the discharge or spillage of fuel, oil or other pollutants by ignorance, accident or vandalism. No storage of petroleum products for use during construction (motor oil, gasoline, or diesel fuel, shall be allowed on the site at any time.
- I.3 All pipe openings leading to or from any retention/detention basins or drainage pipes, shall incorporate an access panel, able to pass drainage runoff while ensuring that no child, adult, or small animal larger than a woodchuck would be able to gain access to said pipes.

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- I.4 The Applicant has agreed to provide a Conservation Restriction, to be held by the Holliston Conservation Commission pursuant to G. L. c. 184, §§ 31-33, upon the undisturbed rear portion of the Property. The Applicant shall submit to the Board with the Final Plans a plan depicting the boundaries of the area to be the subject of the Conservation Restriction.

**J. Other General Conditions**

- J.1 This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later. In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- J.2 The Applicant must have available for occupancy one (1) affordable unit for every three (3) market-rate units. No further occupancy permits may be issued if this ratio has not been satisfied.
- J.3 The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
- J.4 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- J.5 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction.
- J.6 In the event that the Applicant (or the successor Condominium Association) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, the Town, acting by and through its Department of Public Works, may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town is required to perform such maintenance, the Applicant shall reimburse the Town within forty-five (45) days for all of its reasonable expenses related to such work.

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- J.7 The Project entrance way and interior roads, septic system, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such. The condominium documents shall have provisions addressing maintenance of the roads, septic system and drainage systems, and shall provide for an appropriate reserve for such maintenance. Town Counsel shall review the condominium documents prior to the issuance of the first occupancy permit.
- J.8 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

**Adjournment:** The meeting adjourned at 8:40 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Diane Lynch  
Clerk

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