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**VIA E-MAIL**

September 21, 2023

Karen Apuzzo Langton, Chair  
Holliston Planning Board  
Town Hall  
703 Washington Street  
Holliston, MA 01746  
e-mail: [shermank@holliston.k12.ma.us](mailto:shermank@holliston.k12.ma.us)

**RE: 157-165 Lowland Street / Application for Special Permit and Site Plan Approval**

Dear Chairperson Langton and Members of the Board:

As you know, this firm represents Master Paving Corporation and Middlesex Asphalt Services, Inc. (together, the “Applicants”) with respect to their application for special permit and site plan approval (the “Application”) under the Town of Holliston Zoning Bylaws (the “Bylaw”) currently pending before the Holliston Planning Board (the “Board”). The Applicants seek only approval for the proposed construction of a garage building and offices (the “Project”) at 157-165 Lowland Street (the “Property”), which is zoned “Industrial” under the Bylaw.

During its August 31, 2023 hearing on this matter, the Board expressed some confusion over precisely what type of approval the Applicants are seeking. The Board also requested an overview of the Applicants’ expected day-to-day operations associated with the proposed Project. Finally, the Board and residents posed questions for the Applicants’ team to answer.<sup>1</sup> We are pleased to offer the following responses, together with an updated engineering plan and supplemental noise memorandum from Cavanaugh Tocci.

**APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL**

The Applicants seek a Special Permit and Site Plan Approval for the Project pursuant to the Bylaw, §§ VI-E and VII, respectively.<sup>2</sup> The Application proposes construction of a garage

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<sup>1</sup> Residents and the Board’s members were invited and encouraged to submit further questions in writing, to be addressed by the Applicants and their consultants in advance of the September 28 hearing. We received some of those comments and questions by email on September 14, 2023. In mid-afternoon on September 20, 2023, we also received a letter submitted that day from Mr. and Mrs. Szabatura (despite the letter being dated September 11, 2023).

<sup>2</sup> On August 31, the Board voted to allow the Applicants’ July 17, 2023 request to withdrawal without prejudice that portion of the Application seeking approval for the continuation and improvement of the asphalt and concrete manufacturing and recycling operations at the Property.

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building to allow for the overnight parking of trucks and storage of equipment associated with the Applicants' businesses, including modest office space which the Applicants will use for administrative purposes in connection with those same businesses.<sup>3</sup> This proposed use qualifies as a "General Service Establishment" under the Bylaw, which is allowed by Special Permit in the Industrial zoning district where the Property is located, pursuant to § III(D)(7).<sup>4</sup>

As set forth below, the Project qualifies for approval under the Bylaw and meets all applicable standards and criteria for issuance of a Special Permit and Site Plan Approval.

### DAILY OPERATIONS ASSOCIATED WITH THE PROJECT

The Applicants' proposed operations would be minimal as compared to most Industrial or Commercial uses. As discussed above, the Project involves construction of a garage building to allow for the overnight parking of trucks, and storage of equipment, associated with the Applicants' businesses. The proposed building will include office space for use in connection with those same businesses. Consequently, the day-to-day operations at the Property are largely described in the March 2023 Traffic Impact Assessment prepared by Howard Stein Hudson.

The Applicants operate their paving businesses from approximately April through November each year.<sup>5</sup> During that "paving season", daily operations are expected to be Monday through Friday from approximately 6:00 a.m. to 7:00 p.m., and Saturday from approximately 7:00 a.m. to 3:00 p.m. Depending on the work to be done, the Applicants' trucks may occasionally return to the Property between 8:00-9:00 p.m. on weekdays. It is important to note that the Property will remain mostly vacant during these business hours, with employees and equipment working at job sites throughout the MetroWest suburbs. The offices will be used outside of those hours, year-round, for administrative purposes like scheduling and billing.

The Applicants own a total of 16 trucks, and employ a total of 16 employees. On a typical day, employees would be expected to arrive at the Property at approximately 6:00 a.m. in their own private vehicles, park at the Property and "check-in" to get job assignments for the day, and then depart in one of the Applicants' paving trucks (one employee per truck); employees will return to the Property at the end of the day in those same paving trucks, park the trucks, and depart the Property in their private vehicles.

Upon leaving the Property in the morning, the Applicant's employees will usually drive to pick up asphalt off-site, before proceeding to whatever job site they will be working at on a given day. The paving trucks will be cleaned prior to returning to the Property at the end of the day, so minimal cleaning or maintenance would be required at the Property. The Project has

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<sup>3</sup> The March 2023 Traffic Impact Assessment, Appendix D, includes a list of the equipment to be stored at the Property.

<sup>4</sup> The Bylaw, I(E), defines "General Service Establishment" as "[e]stablishments engaged primarily in providing services and assistance, as opposed to products, to individuals or businesses including but not limited to repair, trades, dry cleaning, and the like." The Applicants' team has confirmed with the Town Planner, Building Inspector and Town Counsel that the proposed use qualifies as a "General Service Establishment" under the Bylaw.

<sup>5</sup> Master Paving Corporation focuses primarily on residential projects, while Middlesex Asphalt Services, Inc. focuses primarily on commercial projects.



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been designed to minimize the need for trucks to operate in “reverse” – the trucks will “pull through” the garage to largely eliminate noise associated with the trucks’ “back-up alarms”.

As detailed in the March 2023 Traffic Impact Assessment, there are expected to be no vehicle trips during the morning peak hour and 32 vehicle trips (16 in and 16 out) during the evening peak hour. There are expected to be 66 total daily vehicle trips (33 in and 33 out).

Outside of the “paving season” – that is, from approximately December through March of each year – the Property would be used primarily for administrative purposes. On occasion, the Applicants may perform “emergency” paving work during these months, usually on behalf of municipalities (i.e., filling potholes or other road repairs which cannot wait until spring).<sup>6</sup> The Applicants also provide snow-plowing services during these winter months, which involves fewer vehicles (only 10 trucks, rather than 16), but hours of operation are unpredictable as they are necessarily tied to the beginning and end of winter storms.<sup>7</sup>

We offer the following responses to questions regarding proposed operations, posed during and after the August 31 hearing – please note that questions related to noise are addressed in the supplemental memorandum prepared by Cavanaugh Tocci and submitted herewith.

- Many of the comments and questions received relate to the historic use of the Property for asphalt and concrete manufacturing and recycling operations, which has been withdrawn from the Application. These include odor (related to asphalt), noise (beyond what has been modeled by Cavanaugh Tocci) and dust.
- The “future scale” shown on the Project plans has been removed – it was a vestige of the previously proposed continuation and improvement of the asphalt and concrete manufacturing and recycling operations, which is no longer part of the Application.
- There will be no fueling of trucks at the Property. Any fueling will take place at an off-site gas station, just as any motor vehicle would be fueled.
- The Applicants own all trucks and equipment that will be stored at the Property.
- The Project would not draw in or otherwise attract truck traffic from neighboring towns. The Applicants’ paving trucks will be the only vehicles stored at the Property.
- Exhaust from trucks would be de minimis – as described above, truck traffic would be limited to the Applicants’ 16 trucks leaving the Property in the morning and returning in the evening.
- The Applicants anticipate using natural gas for heaters in the building, via a gas line connection from Lowland Street (Eversource would be responsible for installation).
- The Applicants will work with MassDEP and Town Officials to identify a plan for re-using some existing materials on the Property, and removing others.

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<sup>6</sup> Hours of operations for “emergency” paving work are no longer than those set forth above, and are typically shorter due to lack of daylight.

<sup>7</sup> Aside from the reduced number of trucks and unpredictable days/hours, operations at the Property for plowing would essentially mirror those for paving, as employees would be expected to: arrive at the Property in their own private vehicles; park at the Property and “check-in” to get job assignments; depart in one of the Applicants’ plowing trucks; return to the Property in those same trucks; park the trucks; and depart in their private vehicles.



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- The Applicants are preparing to file a Notice of Intent with the Holliston Conservation Commission, which is the appropriate venue to address questions and comments regarding stormwater management, alleged impacts to wetland Resource Areas like Riverfront Area associated with Bogastow Brook and related interests protected by the state Wetlands Protection Act (like public water supply).<sup>8</sup>
- As discussed above, the Applicants' paving trucks will be cleaned prior to returning to the Property at the end of the day. Asphalt will not be brought back to the Property. Minimal cleaning or maintenance of trucks would be required at the Property.
- The Applicants will not import snow to the Property as part of their snow-plowing services.
- The Application proposes to raise the ground underlying the garage building by approximately 5-6 feet, so the resulting elevation of the garage floor would be 163 feet (as discussed during the August 31 hearing, the proposed berm and sound barriers will rise more than 20 feet above this garage floor elevation).

### THE PROJECT MEETS THE BYLAW'S APPLICABLE STANDARDS AND CRITERIA FOR APPROVAL

The Project satisfies all of the Bylaw's applicable standards and criteria for issuance of a Special Permit and Site Plan Approval. The Bylaw, § VI-E(5), provides that when deciding whether to issue a Special Permit, the Board "shall find that there will be no significant adverse effects to the neighborhood or the town" based upon six criteria, which we discuss in order:

- a. The Project's proposed garage and offices comply with the Bylaw's dimensional requirements; the Project is appropriately located within an Industrial zoning district; it does not significantly alter the character of the neighborhood, which is zoned Industrial; it is compatible with existing uses (and other uses allowed by-right in the Industrial zoning district); and the Project is designed to be compatible with the character and the scale of neighboring properties within an Industrial zoning district and beyond, including significant noise mitigation.
- b. The Project has been integrated into the existing terrain and surrounding landscape, and minimizes the impacts to the aquifer and/or recharge area, wetlands, steep slopes, and floodplains, by improving the Property's stormwater management system.
- c. The Project provides adequate and appropriate facilities for the proper operation of the proposed use, including the proposed extension and enlargement of an existing berm to improve screening and mitigate noise, and further provides for convenient and safe vehicular and pedestrian circulation on the Property and adjacent streets and properties, as detailed on the Project plans and March 2023 Traffic Impact Assessment.
- d. The Project proposes a garage and office space, and shall not create any significant emission of noise, dust, fumes, noxious gases or any other adverse environmental impact including stormwater, erosion and sedimentation.

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<sup>8</sup> For example, Mr. and Mrs. Szabatura questioned whether the Project would discharge from an emergency spillway into Bogastow Brook – the proposed stormwater management system has been designed so that there would be no water exiting the emergency spillway in 100-year storm events.



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- e. The Project will not cause glare from lighting onto ways, the night sky or onto adjacent properties.

The Bylaw, § VII, provides criteria for the Board to consider when deciding whether to issue a Site Plan Approval, which we address in order:

- a. The Project protects adjoining premises against seriously detrimental or offensive uses on the site by virtue of its design, including proposed noise mitigation, traffic circulation and improved stormwater management.
- b. The Project ensures convenience and safety of vehicular and pedestrian movement within and without the Property, and in relation to adjacent streets, property or improvements, as detailed on the Project plans and March 2023 Traffic Impact Assessment.
- c. The Project provides adequate methods of disposal for sewage, refuse and other wastes resulting from the uses on the Property, and the methods of drainage for surface water from its parking spaces and driveways by modernizing and improving the Property's stormwater management system and providing an oil/water separator and holding tank.
- d. The Project provides for adequate and safe storage facilities/methods for fuel, refuse, vehicles and other material and equipment incidental to the use of the Property.
- e. The Project provides for emergency access and operations within the Property.
- f. The Project provides for off-street loading, unloading and parking of vehicles incidental to the normal operation of the establishment.
- g. The Project is in harmony with neighboring land uses and structures within the Industrial zoning district.
- h. The Project complies with the Board's adopted design guidelines.

### CONCLUSION

On behalf of the Applicants, we respectfully request that the Board approve the Application and issue a Special Permit and Site Plan Approval allowing construction of the Project. As set forth above, the Project meets all of the Bylaw's applicable standards and criteria.

We look forward to meeting with the Board on September 28, 2023 for the next hearing on this matter. Please do not hesitate to contact me with any questions in the meantime.

Thank you for your time and consideration.

Very truly yours,



Luke H. Legere

cc: Brian Winner, Esq.

