

**TOWN OF HOLLISTON  
PLANNING BOARD**  
Town Hall – 703 Washington Street  
Holliston, MA 01746

OFFICE OF THE  
TOWN CLERK  
HOLLISTON, MASS.  
2023 SEP 11 AM 11:13

**CRG ACQUISITION, LLC – 555 HOPPING BROOK ROAD**

**CERTIFICATE OF ACTION:**

- 1. SPECIAL PERMIT AND**
- 2. SITE PLAN REVIEW**
- 3. LAND DISTURBANCE AND STORMWATER PERMIT**

**Date of Decision:** August 31, 2023

**Applicant:** CRG Acquisition, LLC

**Applicant's Address:** 2199 Innerbelt Business Center, St. Louis MO. 63114

**Owner:** New Hopping Brook Realty Trust  
PO Box 952, Carver MA 02330

**Subject Property:** 555 Hopping Brook Road

**Assessor's Identification:** Map 4, Block 6, Lot 154, and portions of 152 and 153

**Zoning District:** Industrial

**ADMINISTRATIVE RECORD:**

The Applicant filed an application for a Special Permit with the Planning Board and Town Clerk on November 10, 2023.

Hearing notice under the requirements of MGL, c. 40A and the Planning Board Rules and Regulations included the following:

1. Publication of the hearing notice in the Metrowest Daily News on December 28, 2022 and January 4, 2023;
2. Posting of the hearing notice in the Town Clerk's Office on December 1, 2022;
3. Notification to abutters (including surrounding towns and Applicant) by mail on December 5, 2022.

The following documents were entered into the public record in support of the application and were presented and discussed in detail:

- Record plans entitled "555 Hopping Brook Road, a Modification of the Definitive Site Plan in Holliston, Ma" prepared by Engineering Design Consultants for CRG Acquisition, LLC (dated September 1, 2022, revised 1/24/2023 and 6/6/2023)

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- Stormwater Report titled “Stormwater Operation, Maintenance and Pollution Prevention Plan” prepared by Engineering Design Consultants, Inc. (dated 1/24/23)
- Correspondence entitled “555 Hopping Brook Road, Holliston, Ma, EDC Job No: 3780”, from Engineering Design Consultants Inc. (dated 3/24/23)
- Plans entitled “Hopping Brook Road Extension, Draft D1” prepared by Engineering Design Consultants Inc. (dated 1/24/2023)
- Plans from Engineering Design Consultants Inc. entitled “555 Hopping Brook Road, Alternative Maximum Parking (dated 9/1/2022)
- Email from Peter Bemis with subject “Sound Study” (dated 2/8/23)
- Correspondence from Walter Lewinski, P.E. Engineering Design Consultants, Inc., titled 555 Hopping Brook Road, Holliston, Ma. EDC Job No. 3780 (dated 6/13/23)
- Document titled “Stage-Area Storage 10P and 30P” prepared by Engineering Design Consultants Inc. (dated 1/24/23)
- Document prepared by Engineering Design Consultants titled Stormwater Operation Maintenance and Pollution Prevention Plan (dated 6/6/23)
- Abutter and Site Perspective Illustrations prepared by CRG (undated)
- Stormwater Hydraulic Grade Line Profiles prepared by EDC (dated 6/14/23)
- Interior Landscape Calculation, prepared by Engineering Design Consultants (dated 6/6/23)
- 465 Hopping Brook Site Plan PharmaCann prepared by Engineering Design Consultants (dated 12/7/17, revised date 8/1/18)
- 555 Hopping Brook Building Height Exhibit, prepared by Engineering Design Consultants (dated 6/6/23)
- Alternative Maximum Parking Exhibit, prepared by Engineering Design Consultants (dated 9/1/22, revised 1/24/23 and 6/6/23)
- Cut and Fill Exhibit prepared by Engineering Design Consultants (dated 9/1/22, revised 1/24/23 and 6/6/23)
- “DRAFT – Approval Not Required Plan of Land” Plan 1 of 1 prepared by Engineering Design Consultants, Inc. Draft date 6/6/23.
- Correspondence from Peter Bemis, titled 555 Hopping Brook Road, Holliston, Ma. EDC Job No. 3780, for a proposed slope waiver (dated 6/13/23)
- Document entitled Stormwater Checklist Standard #5 Restated (undated)
- “Pharmacann Gravel Road As-Built” prepared by O’Brien Land Surveying, dated (12/14/18)
- “Stormwater Calculations Hopping Brook Road Modification Plans to the Amended Definitive Plan of Land Holliston Massachusetts” prepared by Engineering Design Consultants, Inc. (revised date 12/5/16)
- Document entitled “Contech Unit Oil Storage Capacity” prepared by Jim Lyons, Stormwater Consultant, Contech Engineered Solutions, LLC (undated)
- Correspondence from Atty. Richard Nylen, Jr. of Lynch, Desimone & Nylen, LLP (dated 11/7/22 and 1/11/23)

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- CRG Integrated Real Estate Solutions PowerPoint presentation entitled “Planning Board Meeting” (dated February 2023)
- Correspondence entitled “Responses to Questions asked in the February 16, 2023 Planning Board Meeting and Emails forwarded by Town Planner Karen Sherman through April 6, 2023; CRG Warehouse Facility, 555 Hopping Brook Road ” from CRG Integrated Real Estate Solutions (dated 4/6/23)
- Correspondence from Frank Petkunis, Senior Vice President/Partner- Northeast Region CRG Integrated Real Estate Solutions in response to questions from the April 13, 2023 Holliston Planning Board meeting (dated 6/15/23)
- Correspondence from Gregory Tocci and Bradley Dunkin of Cavanaugh Tocci (dated 12/9/22)
- Cavanaugh Tocci PowerPoint summary of the sound study completed in December 2022, “Proposed Warehouse Sound Analysis: Hopping Brook Industrial Park, 555 Hopping Brook Road, Holliston, MA” (dated 2/16/23)
- Correspondence entitled “Response to Supplemental Peer Review No. 3 – Proposed Warehouse Hopping Brook Park, Holliston, Ma. ”, from Vanasse Associates, Inc, (dated 4/5/23)
- PowerPoint presentation entitled “Traffic Study Overview” prepared by Vanasse and Associates (dated November 2022).

**Peer Review.** The board employed the services of several peer review consultants using the provisions of MGL c. 44, s. 53G and Article VII Regulations for Special Permits and Site Plan Review Appendix C – Project Review Fees. The following correspondence was entered into the record from the peer reviewers:

- Traffic - Robert Michaud, PE of MDM Transportation Consultants, Inc. (dated 2/3/23)
- Noise - Christopher Menge of Harris, Miller, Miller & Hanson (dated 1/19/23).
- Civil Engineering – David Faist, PE of CMG Environmental and Robert Lussier, Project Engineer of CMG Environmental (dated 1/24/23 and 5/31/23)

**The following Town Agencies and Public Officials offered the following correspondence for the record:**

- Holliston Select Board (dated 6/20/23)
- Scott Moles, Health Director (dated 1/10/23) and Holliston Board of Health – Disposal System Construction Permit No. 8801 (dated 5/25/23)
- State Rep. James Arena-DeRosa, 9 Mechanic Street (dated 5/18/23)

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**Correspondence from the following individuals was received and entered into the record:**

JW of 23 Prospect St (not dated), Janice Miller of 208 Winthrop St (1/10/23), Anne Lindsay (Holliston Concerned Citizens) of 170 Adams St (2/8/23), Susan and Ken Rockett of 21 Hampshire Street (2/23/23), Ann and Steve McElhinney of 12 Carriage House Way, Medway (2/17/23), Gene Muller of 76 Courtland Street (5/16/23), Matthew Mnich of 4 Olde Surrey Lane, Medway (2/24/23), Jennifer Bihuniak of 45 Pond View Road (3/22/23), Len Epstein of 81 Jackson Drive (3/5/23), Joe Mastrangelo of 84 Dunster Road (not dated), David Bastille of 136 Rockland Street (5/19/23), Raquel and Mark Nelson of 1 Fisher Street (4/10/23), Eileen and Gene Muller of 76 Courtland Street (6/15/23), Gene Muller of 76 Courtland Street (5/16/23), Scott, Ann, Conor, and Emma Brady of 209 Courtland Street (5/25/23), Carmen Bedell of 28 Piedmont Drive (5/29/23), Sandra Willette of 27 Piedmont Drive (5/30/23), Mary Foniri of 3 Piedmont Drive (6/16/23), Janis Klein of 48 Piedmont Drive (4/11/23 and 6/14/23), Mary and Ron Whinnem of 46 Piedmont Drive (6/14/23), Pauline Santino of 37 Piedmont Drive (5/30/23), Diana Pedersen of 43 Piedmont Drive (5/31/23), Charlene Murphy of 41 Piedmont Drive (6/5/23), Judy and John MacPhee of 49 Balancing Rock Drive (6/5/23), Christopher and Margaret Lee of 35 Balancing Rock Drive (6/7/23), Karl Adelman of 46 South Street (6/15/23), Suzanne Adelman of 46 South Street (6/15/23), Deborah Gleason of 429 South Street (6/8/23), Kathleen Ackerman of 417 South Street (6/12/23), Maria Cortez of 1796 Washington Street (6/6/23), Lauren, Matt, Jack, and George Sooy of 1845 Washington Street (6/13/23), Charles Metchear of 1894 Washington Street (2/21/23 and 4/5/23), Helen Dana of 58 Jackson Drive (6/10/23), Alice Valle of 54 Jackson Drive (6/7/23), Allan and Deb Osborne of 39 Jackson Drive (not dated), Andrew Krim of 6 Jackson Drive (5/23/23), Frances Patterson of 100 Monroe Drive (6/6/23), Tim Sheehan of 5 Olde Surrey Lane, Medway (4/12/23), Elizabeth Adams of 983 Washington Street (6/8/23), Chris and John Luczkow Jr of 306 Washington Street (6/1/23), Mary Greendale of 198 Highland Street (4/25/23), James Pizzi and Leslie Rich of 37 Quincy Place (5/24/23), Laurie and John Markoff of 280 Marked Tree Road (5/24/23), Jacqueline Barillet of 173 Union Street (5/30/23), Laura Matz of 65 Bayberry Lane (5/30/23), Cecilia and Paul LeBeau of 147 Karen Circle (6/1/23), Sharon Thornton of 107 Meadowbrook Lane (5/30/23), William Byers of 654 Central Street (5/25/23), Steven Durning of 32 Railroad Street (5/26/23), Dawn Durning-Hammond of 32 Railroad Street (5/30/23), Chryso Lawless of 23 Pinecrest Road (6/11/23), Bonnie Kozubal of 19 Partridge Way (5/27/23), John Chapin of 72 Elm Street (6/13/23), Carol Holly of 78 Briarcliff Lane (5/30/23), Bradley Lucas of 15 Kingsbury Drive (5/27/23), Sue Leavey of 72 Elm Street (5/24/23), Georganna Woods of 55 Grove Street (5/23/23), Concerned Citizens of Holliston (4/5/23 and 6/15/23, and Lynn and Jeffrey Hewes of 121 Rockland Street (4/17/23).

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**PUBLIC HEARING:**

The public hearing was opened on January 12, 2023 and continued to February 16, 2023, April 13, 2023, and June 22, 2023 at which time the hearing was closed. Mr. Santos was not in attendance at the April 13, 2023 public hearing sessions but he certified that he examined all the materials of the session and affirmed that per MGL c. 39, s. 23D, he is eligible to vote on the matter. Mr. Thorn was not in attendance at the June 22, 2023 public hearing sessions but he certified that he examined all the materials of the session and affirmed that per MGL c. 39, s. 23D, he is eligible to vote on the matter. All sessions were conducted fully remotely utilizing the Zoom platform. Recordings are posted on the Town's webpage.

The Board deliberated on the matter on July 13, 2023 and August 31, 2023.

During the course of the hearing, the following individuals made appearances on behalf of the Applicant: Atty. Richard Nylen of Lynch, DeSimone & Nylen, LLP, Frank Petkunas of CRG, Peter Bemis of Engineering Design Consultants (EDC), Scott Thornton, PE of Vanasse Assoc., and Gregory Tocci of Cavanaugh Tocci.

Appearing on behalf of the Board were Robert Lussier, EIT of CMG Environmental and Christopher Menge of Harris, Miller, Miller & Hanson.

The following individuals offered comments and raised questions about the application: Eileen Muller of 76 Courtland Street, John Deloge of 957 Washington Street, Lauren Douglas of 20 Powderhorn Lane, Gary Rotatori of 14 Olde Surrey Lane (Medway), Terri Stiffler formerly of 58 Front, Brian Goodman of 86 Church Street, Heidi Schnabel of 235 Rolling Meadow Drive, Jesse Witkowski of 125 Marilyn Street, Michelle Weiner Taylor of 80 Burnap Road, Cherie Hafford of 242 Lowland Street, Ellen George of 62 Persis Place, Kris Westland of 103 Norfolk Street, Jamie Ring of 427 Prentice Street, Leslie Rich of 37 Quincy Place, Barbara Ryan of 14 Irving Place, Janet Sheehan of 5 Olde Surrey Lane (Medway), Joe Mastrangelo, 84 Dunster Road, Benjamin Keehn of 15 Prospect Street, Rita Bell of 37 Locust Street, Suzanne Adelman of 46 South Street, Joe Darnell of 449 Chamberlain Street, Steve McElhinney of 12 Carriage House Way (Medway), Dawn Hammond of 32 Railroad Street, Jeremy Power of 22 Fischer Street, and Anne Lindsay of 170 Adams Street.

**Findings of Fact:**

The Board finds as follows in accordance with the provisions of Holliston Zoning By-Laws Section VI-E Special Permit Granting Authority and Section VII Site Plan Review as well as its Regulations for Special Permits and Site Plan Review and Stormwater Management and Land Disturbance Regulations adopted in support of Article XLI Stormwater Management and Land Disturbance By-Law:

The Subject Property is located within Phase II of Hopping Brook Industrial Park and directly abuts the Agricultural-Residential 1 zoning district to the east in the Town of Medway. The Subject Property lies entirely within the Industrial zoning district. The Subject Property is

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approximately 73 acres and has approximately 150 feet of frontage on Hopping Brook Road. The site has 8.2 acres of wetlands.

The Applicant proposes to develop an approximately 550,000 square foot building. 110 trailer bays are proposed. This is a reduction from the prior proposal which included a 800,400 s.f. building. The present project includes 17.2% lot coverage (an FAR of 0.17).

The project includes parking area for the storage of trailers (160 spaces) as well as employee/visitor parking (236 spaces). The Applicant also proposes a security guard building. Total impervious coverage is 26.6 acres.

Average daily traffic trips (cars and trucks) would total approximately 958 if the Applicant adhered to its' self-imposed restriction as projected under the ITE Land Use Code 150 Warehouse, with 258 trailer truck vehicle trips and 700 passenger vehicle trips estimated.

The Applicant proposes a 24/7 operation, albeit with some operational mitigation in evening hours on the back of the building between 10 p.m. and 6 a.m. The closest abutters include residential lots (in Medway) that immediately abut the property, toward the rear of the proposed building. To address concerns regarding noise, the Applicant proposes a substantial vegetated berm, which would buffer, to an extent, noise and also operate as a visual obstruction so that the proposed building would not be in direct view.

On June 30, 2020 Tori Kim, Assistant Secretary of the Executive Office of Energy and Environmental Affairs issued a Request for Advisory Opinion to the Applicant's Atty. Richard Nylen regarding EEA #4411 concluding that a Notice of Project Change is required and that the development of the previously proposed 800,000+ s.f. building may proceed under the conditions set forth.

On September 29, 2020 the Planning Board issued a Cease and Desist letter to the property owner and project applicant documenting non-compliance with the March 13, 2020 Stormwater and Land Disturbance Permit issued under Holliston General By-Law Section XLI Stormwater Management and Land Disturbance By-Law. Approximately 18-20 acres of the site was clear cut. The Town of Holliston sought injunctive relief in Superior Court.

On October 7, 2020, the Middlesex Superior Court, issued a temporary restraining order barring the Applicant and Owner from further land clearing and site work on the property (C. A. No 20-2415).

On January 21, 2021 the Planning Board issued a Phase I: Removal of Felled Timber Zone A and Perimeter Cut Stormwater and Land Disturbance Permit to CRG after a site visit and peer review recommendations from CMG Environmental. The authorized work was completed in mid-February 2021. Field observations were completed by CMG Environmental on behalf of the Board.

On February 12, 2021, Peter Bemis of Engineering Design Consultants requested an Amended Site Plan approval. On April 29, 2021, Atty. Richard Nylen followed upon that request with a list of

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amended documents to be added to the site plan filing as well as proposed General and Special Condition additions and in correspondence of June 3, 2021, he conveyed CRG's consent to consolidate the decision timelines for the Special Permit, Site Plan Review and Land Disturbance Permit so that all permit decisions would be issued on the timeline for issuance of the Special permit.

Upon the denial of the previous applications after due consideration, the Applicant appealed to the Land Court. That appeal remains pending. An intervening project that would not involve a 24/7 operation was proposed but such proposal was ultimately withdrawn from consideration.

**DECISION – SPECIAL PERMIT**

After consideration of the proposed use in relation to the site as well as the adjacent uses and structures and potential significant adverse effects to the neighborhood or the Town, the Planning Board voted to **DENY** the application for a Special Permit based upon the following findings and reasons:

**Zoning By-Laws**

**Section VI-E Special Permit Granting Authority, sub-section (5):**

- a. The degree to which the proposed use complies with the dimensional requirements of the by-law, is in an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and other uses allowed by-right in the district and is designed to be compatible with the character and the scale of neighboring properties.
- b. To the extent feasible, the proposal has been integrated into the existing terrain and surrounding landscape, minimizing the impacts to the aquifer and/or recharge area, wetlands, steep slopes, and floodplains.
- c. Adequate and appropriate facilities shall be provided for the proper operation of the proposed use, including screening and provisions for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and properties.
- d. The proposed project shall not create any significant emission of noise, dust, fumes, noxious gases or any other adverse environmental impact including stormwater, erosion and sedimentation.
- e. There shall be no unreasonable glare from lighting, whether direct or reflected, onto ways, the night sky or onto adjacent properties.

Additionally, members have considered the Board's Special Permit and Site Plan Review Regulations Section 7.4 Performance Standards for Nonresidential Development (A-H) and Zoning By-Laws Section VII Site plan Review, sub-section (5) General Conditions for Approval.

**General**

While the Board recognizes that the project is located in an industrial zone, the proposed building itself is larger than any building in the industrial park as well as within the community as a whole. Although the currently proposed project is certainly an improvement over the

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previous project, the mere reduction in the scope of the project does not change the fact that the present project is extremely large and anomalous for the Town of Holliston. The board is not aware of any permitted single use in Holliston that operates at the scale and intensity proposed. Against the backdrop of the project's unprecedented size, is the Board's consideration of impacts to Holliston's essential character. Holliston is small town with historical and agricultural underpinnings. The proposed project, even if it could be limited to the level of activity proposed by the applicant, will have a negative impact on the Town's character. Furthermore, should the Town be unable to effectively enforce and monitor the noise, traffic and other impacts, the impacts to the Town's character will be exacerbated.

The project, if approved, would significantly alter and adversely impact the character of the surrounding neighborhoods (identified as Claybrook Farms, Claybrook II and Broad Acre Estates Definitive Subdivisions by the Town of Medway Community and Economic Development Director) due to its scale and proposed operational conditions (24/7/365), the amount and nature of traffic (especially heavy trucks), noise, lighting and diesel exhaust. The site is located within Phase II of Hopping Brook Industrial Park and directly abuts the Agricultural-Residential 1 zoning district in the Town of Medway to the east. There are approximately fifteen (15) residential abutters (single-family homes) within 300' of the site, many of whom corresponded as well as spoke at the public hearing sessions and raised concerns about proposed operational details, including noise, traffic, and lighting. Additionally, there are 66 units of age-restricted housing within Holliston known as Holliston Woods located off the south side of Washington Street, northwest of the site that abut additional vacant land within the industrial park. As to these neighbors, it is noted that the massive berm proposed by the Applicant will mitigate noise, which in most cases, will be below certain DEP thresholds. However, as noted during peer review on this subject "the continuous sound from the facility will be audible at all times during the quietest periods of the night and day." The Board finds that, even if DEP thresholds are not reached, subjecting these residential properties to constant noise, 24 hours a day is an unacceptable impact to the use and enjoyment of their homes. Limiting the use of the rear docks from 10 pm to 6 am will provide some mitigation but the Board finds that it is insufficient. Noise will also be an omnipresent issue for any property owners along the trucking route. The project has the potential to nearly double the amount of truck traffic on Rte. 16 in that area.

While the use has been represented as a warehouse facility under ITE use code 150, board members are concerned that it may evolve into a distribution facility, fulfillment center or more intense land use (i.e. ITE LUC 155 High-Cube Fulfillment Center or LUC 156 High-Cube Parcel Hub Warehouse). Supporting this concern is the fact that the proposal includes substantially more loading docks than is typical for a general warehousing operation under ITE use code 150. The Town has insufficient resources to effectively monitor whether the use of the project remains under the less intense general warehouse category. If the project evolves into a more intense High Cube or fulfillment center use, the impacts to the Town and the surrounding neighborhood would be substantially greater.



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The revised building placement, proposed 30' berm and landscape plantings offer material mitigation and improvement but the project will require substantial site work. Although the Applicant has characterized the site as generally flat and wooded, there are some significant slopes and the members are in agreement that the proposed site development requires a massive earthmoving effort to situate the 550,000sf building and associated driveways and parking areas approximately 60' higher than the elevation of Hopping Brook Road.

The standard of living impacts on abutters during the proposed one-year construction period from dust and noise is unprecedented and will adversely impact the abutting and nearby residential neighborhoods. The board is also concerned, based upon experience with large projects, that non-compliance with local and state standards is unavoidable.

A waiver from the Board's Special Permit and Site Plan Regulations at Section 7.4.2 (E)(8) which states "Finished grades should be limited to no greater than a 3:1 slope" is required for construction of the designed berm that would be placed between the project and the residential abutters as well as the site drives. The berm is essential to the applicant's noise mitigation efforts. The Board is supportive of feasible mitigation but is disinclined to grant the waiver. Approximately 12 Acres or 16.33 % of the project area (73.47 +/- Acres) consists of sloped grading areas ranging between 2:1 – 3:1 slopes. Plans for the proposed berm are similar to the prior proposal. The Board remains concerned about the long-term viability, stability and aesthetics of such an immense vegetative berm which is such an essential component of the design. If the berm and side slopes, as designed are not constructed and maintained properly, the impact to neighboring properties and sensitive environmental receptors will be increased.

A lack of clarity remains about the following design and operational aspects of the proposal:

- additional traffic study including assessment of major intersections at Rte. 16/Beaver St/Fortune Blvd. in Milford and Rte. 16/Summer Street in Holliston as well as others dictated by DOT;
- water demands for domestic and fire protection as well as water pressure impacts;
- impacts and mitigation of fine particulate matter from diesel tractor trailers, including but not limited to concerns relating to the unavoidable idling of trucks on the site or adjacent roadways.

**Traffic**

The volume of traffic associated with the use is solely based on estimates from the applicant and the Board fears that imposing controls on volume limits would be ineffective. The Applicant has offered to limit traffic from the site to 958 ADT with a traffic monitoring plan. The traffic study indicates that there are currently 300 – 600 trucks on that section of Washington Street daily and the project is projected to add 258 Weekday Daily ADT, a significant increase. The proposed monitoring plan is temporary (5 years from building occupancy with a 6-month delay start) and the number of limitations would unduly tax the Town's limited ability to monitor and police this project. Enforcement is after-the-fact and would place a burden upon the Town's limited staff resources. In the event that truck trips exceed estimates, adverse impacts to the surrounding

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neighborhood, local Holliston, and regional Medway and Milford roadways would be substantial.

Impacts from traffic could be exacerbated by projected traffic from the future build condition which may include another comparably sized warehouse in the same industrial park. Such facility has, in fact, been forecasted by the Applicant here.

Although the Applicant has proposed a truck route limiting eastbound turns onto Washington Street, it is likely that few (if any) of the trucks will be owned or operated by an entity under the control of the applicant, other than, perhaps, by lease agreement to the building's operator. The Board finds that any decision limiting the operations to certain truck routes would be ineffective and insufficient to adequately mitigate impacts given such a high volume of truck activity.

The proposed truck traffic would result in significant threats to pedestrians, bicyclists, and other users of the regional Upper Charles Multi-Use Trail (UCT) which crosses Hopping Brook Road approximately 1400' from the intersection of Washington Street and Hopping Brook Road.

Additionally, Hopping Brook Road north of the UCT does not have sidewalks or significant shoulders to provide safe havens for users.

In addition to the previously mentioned concern over the lack of study of two Rte. 16 intersections, concerns remain about use of South Street in Holliston as a cut through from and to Rte. 109 in Milford and Medway regardless of a recent MassDOT-approved Heavy Commercial Vehicle Exclusion in Holliston and Medway.

While MassDOT issued Section 61 Findings for the project in December 2020 and favorably considered the preliminary signal design and other mitigation measures, the Holliston Select Board has not endorsed the project or the proposed traffic-related improvements.

Lighting

Off-site impacts of lighting were raised as a concerns (aka glow and potential overillumination) by board members as well as abutters and other hearing participants. There can be no dispute that the abutting residential neighborhood currently experiences very little light spill from the project site. While light-shielding devices have been proposed, no analysis was provided of indirect lighting impact. Although efforts were made to design a system of 250watt LED fixtures compliant with International Illuminating Engineers "Dark Sky" standards, members are in agreement that artificial light at night created by the overnight operation of the project will be unavoidable and will be adversely impact abutters as well as wildlife and birds and the regional night sky, intuitively and scientifically.

Noise

Operational noise 24/7/365 presents a condition that will fundamentally change the quality of life in the adjacent residential neighborhoods in Medway as well as South Street area residents in Holliston who are impacted by traffic and operational noise within the Hopping Brook Park as a

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whole. Similar to light impacts, the residential abutters presently experience very little noise emanating from the project site. Despite laudable efforts to mitigate potential impacts and comply with DEP and local noise standards, noise impacts, especially in the overnight hours from transient sources such as idling, trailer uncoupling, unloading, and backup alarms will be unavoidable. As described above, peer review reveals that abutting properties will be subject to constant noise, 24 hours a day. Those impacts will adversely impact the abutting residents' use and enjoyment of their homes. Outdoor usage, especially in the evenings will be severely impacted by the increase in noise and overnight noise will adversely impact normal seasonal open-window sleeping conditions. The Board remains concerned that the noise, as proposed or as may result if the activity increases (as noted above) or the noise abatement measures fail (see above) will approach nuisance conditions that could directly affect the health and welfare of the neighbors. While the Applicant proposes limitation on hours for the rear of the building, such a condition will be impractical and difficult to enforce. Members are in agreement that noise created by the overnight operation of the site will adversely impact abutters as well as wildlife and birds, intuitively and scientifically.

Based upon all of the above findings and conclusions, Board finds that there will be significant adverse effects to the neighborhood and the Town as the Project as proposed. Additionally, as detailed above, the Project fails to satisfy the requirements of Section VI-E(5) as well as the Board's Special Permit and Site Plan Review Regulations Section 7.4 Performance Standards for Nonresidential Development (A-H).

**PLANNING BOARD VOTE:**

The Board's votes to **DENY** the Applicant's Special Permit for property located at 555 Hopping Brook Road. The roll call vote was as follows on a motion by Mr. Santos and seconded by Ms. Peatie:

Karen Apuzzo-Langton - Aye  
David Thorn - Aye  
Jason Santos - Aye  
Scott Ferkler - Aye  
Barbara Peatie - Aye

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**DECISION – SITE PLAN REVIEW**

After consideration, the Planning Board voted to deny site plan amendment approval because it determined that it could not ensure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located that there would be in accordance with the General Conditions for Site Plan Review approval specified in Section VII (5)(a-h) of the Holliston Zoning Bylaw as follows:

- a. protection of adjoining premises against seriously detrimental or offensive uses on the site;
- b. convenience and safety of vehicular and pedestrian movement within and without the site, and in relation to adjacent streets, property or improvements;
- c. adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses on the site, and the methods of drainage for surface water from its parking spaces and driveways;
- d. adequacy and safety of storage facilities/methods for fuel, refuse, vehicles and other material and equipment incidental to the use of the site;
- e. provision for emergency access and operations within the site;
- f. provision for off-street loading, unloading and parking of vehicles incidental to the normal operation of the establishment;
- g. development that to the extent reasonably possible harmonizes with neighboring land uses and structures; and
- h. compliance with the Board's adopted design guidelines.

The Board finds that the proposed application fails to satisfy the by-law criteria, in particular at numbers a. and g. for the reasons cited above in the Special Permit decision and reiterated here. This finding is based on materials and testimony submitted to the board during the Special Permit application review process and the concurrent site plan review amendment request.

The application, if approved, would significantly alter the character of the neighborhood and the western portion of the community as well as have adverse effects on the surrounding communities of Medway and Milford due to the 24/7/365 nature of the operation, amount and nature of truck traffic and noise. The proposal is not compatible with existing uses and other uses allowed by-right in the district because of its scale and intensity and is not designed to be compatible with the character and the scale of neighboring properties.

**PLANNING BOARD VOTE:**

The Board's votes to **DENY** the Applicant's Amended Site Plan Review petitions for property located at 555 Hopping Brook Road. The roll call vote was as follows on a motion by Mr. Ferkler and seconded by Mr. Santos:

Karen Apuzzo-Langton - Aye  
David Thorn - Aye  
Jason Santos - Aye  
Scott Ferkler - Aye  
Barbara Peatie - Aye

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**DECISION – STORMWATER AND LAND DISTURBANCE PERMIT**

The underlying Land Disturbance Permit was premised upon approval and construction of this project. Specifically, the March 11, 2020 permit is based on a record plan and construction schedule denoting the proposed structure that requires relief under the Holliston Zoning By-Laws. With the denial of the underlying special permit application and site plan, no further land disturbance may be conducted under the existing permit. Any further land clearing and tree cutting is subject to further review and approval by the Planning Board, and provisions of the Forest Cutting Practices Act may apply.

**PLANNING BOARD VOTE:**

The Board's votes to **DENY** the Applicant's Stormwater Management and Land Disturbance Permit, for property located at 555 Hopping Brook Road. The roll call vote was as follows on a motion by Mr. Thorn and seconded by Mr. Santos:

Karen Apuzzo-Langton - Aye  
David Thorn - Aye  
Jason Santos - Aye  
Scott Ferkler - Aye  
Barbara Peatie - Aye

**HOLLISTON PLANNING BOARD**

By: \_\_\_\_\_

Karen Apuzzo-Langton, Chairperson

Date

9/6/2023

**TOWN CLERK'S CERTIFICATION OF NO APPEAL**

I hereby certify that 20 days has passed since this decision has been filed and no appeals have been taken in accordance with MGL, c. 40A.

\_\_\_\_\_  
Elizabeth Greendale, Town Clerk

\_\_\_\_\_  
Date