

**TOWN OF HOLLISTON
PLANNING BOARD**
Town Hall – 703 Washington Street

Holliston, MA 01746
(508) 429-0635

**SPECIAL PERMIT AND SITE PLAN REVIEW
CERTIFICATE OF ACTION
0 & 194 LOWLAND STREET**

Date of Decision: December 3, 2020

Applicant: Auto Dealers Exchange of Concord, LLC d/b/a ADESA
Auction Boston

Applicant's Address: 63 Western Avenue, Framingham, MA 01702

Owner: DCAB, LLC

Subject Property: 0 & 194 Lowland Street

Assessor's Identification: Map 9, Block 2, Lot 57.1 and Map 2, Block 4, Lot 33.1

Zoning District: Industrial (I)

Administrative Record

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 July 1, 2020 and July 8, 2020;
2. Posting of the hearing notice in the Town Clerk's Office on June 25, 2020;
3. Notification to abutters (including surrounding towns and Applicant) by mail on June 30, 2020.

The public hearing was opened on July 16, 2020 and continued until September 3, 2020, October 1, 2020 and October 22, 2020 at which time the hearing was closed. The Board deliberated on the matter on December 3, 2020.

The Applicant filed with the Planning Board the following, which are contained in the records at the Planning Board office and are incorporated into this Decision by reference:

1. Application for a Special Permit and Site Plan Review filed with the Planning Board and Town Clerk on June 3, 2020.

STAFF REPORT
TO: PLANNING BOARD
HOLLISTON, MASS.
2020 DEC -7 PM 12:54

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2. The Plan of Record entitled "Site Development Plan for ADESA Holliston, ADESA, Inc., 194 Lowland Street, Holliston, MA", prepared by Kimley-Horn and Associates, Inc. (dated May 12, 2020 with amendments dated September 25, 2020 and October 6, 2020).
3. Traffic Impact Assessment prepared by Howard Stein Hudson (dated August 31, 2020).
4. Supplemental correspondence was also received from a. Atty. Peter Barbieri of Fletcher, Tilton PC (dated August 28 and an undated Performance Standard memo), b. Brian Brewer, PE of Kimley Horn (dated October 6 and 9, 2020), and c. Keri Pyke, PE PTOE and Melissa Restrepo of Howard, Stein, Hudson (dated October 14, 2020) regarding peer review traffic comments.

Peer Review correspondence was received from John Shevlin, PE of Pare Corporation (dated September 28, 2020, and October 21, 2020) and David Faist, PE of CMG (dated July 24, 2020 and October 20, 2020).

The Planning Board has received correspondence from the following Town officials: Conservation Agent Ryan Clapp (dated July 6, 2020).

The following individuals submitted correspondence for the record: Select Board member Tina Hein (dated September 3, 2020 and October 22, 2020), Sherborn Planning Board Chair Marian Neutra (dated October 22, 2020), Pat Hafford of 242 Lowland Street (dated September 3, 2020), Leslie Negri of 79 Northway Street (dated September 3, 2020), Ellen Troland of 101 Marilyn Street (dated September 9, 2020), Mindy Payne of 614 Fiske Street (dated August 6, 2020) and a group letter from Carol McGarry of 262 Western Avenue, Sherborn, Donald Crawshaw of 198 Western Avenue, Sherborn, David Sossen of 234 Western Avenue, Sherborn, Frank Jenkins of 63 Western Avenue, Sherborn, Wes Wirth of 133 Western Avenue, Sherborn, Seth Molloy of 176 Western Avenue, Sherborn, Joseph and Bene Raia of 256 Western Avenue, Sherborn, Deepika Bhayana of 258 Western Avenue, Sherborn, Christopher and Patricia Severson of 264 Western Avenue, Sherborn, Lee and Elaine Cheretavian of 12 Ames Drive and Willow Tree Farm, 265 Western Avenue, Sherborn, Doug and Sally Brodie of 7 Curve Street, Sherborn, Tom and Donna Trainor of 97 Washington Street, Sherborn, Hedy Wermer of 27 Brush Hill Road, Sherborn, Ken and Johanne Kaplan of 123 Mill Street, Sherborn, Susie and Warren Wheelwright of 137 Hunting Lane, Sherborn and Dianne Polizzi and Joseph Bethoney, 210 Western Avenue, Sherborn.

Public Hearing

During the course of the hearing, the following individuals made appearances on behalf of the Applicant: Atty. Peter Barbieri, Adesa Framingham General Manager Jack Nash, Brian Brewer, PE of Kimley-Horn and Associates, Inc. and Keri Pyke, PE PTOE of Howard Stein Hudson.

Appearing on behalf of the Board regarding traffic issues was John Shevlin, PE of Pare Corporation.

The following individuals offered comments and raised questions about the application: Select Board Member Tina Hein of 142 Union Street, Marian Neutra of the Sherborn Planning Board, Cheri and Pat Hafford of 242 Lowland Street, Rob Smith of 60 Marilyn Street, Ellen Troland of

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101 Marilyn Street, Mike Pensack of 125 Marilyn Street, Michelle Mehigan of 76 Regal Street, Audrea and Mike Szabatura of 31 Noel Drive, Carol McGarry of 262 Western Avenue (Sherborn), Leslie Negri of 79 Northway Street, Deborah Hurley of 22 Ward Lane (Sherborn), Carol Khouri of 40 Bullard Street, Sarah Baroud of 21 Lowland Street, Harris Schnare of 21 Regal Street, and Keefe and Carol Bailey of 17 Lowland Street.

Findings

The Board finds as follows in accordance with the provisions of Holliston Zoning By-Laws Section VI-E Special Permit Granting Authority and VII Site Plan Review as well as its Rules and Regulations for Special Permits and Site Plan Regulations:

The Applicant seeks a Special Permit and seeks Site Plan Approval to authorize the construction and operation of “outdoor storage of vehicles” under Section III.G.6 of the Zoning Bylaw. The Applicant also seeks Site Plan Approval under Section VII (5). Section III.G.3 also requires a Special Permit for industrial uses exceeding 15,000 square feet. However, the Applicant did not identify or request a Special Permit under this section.

The Subject Property is located at the southerly edge of Lowland Industrial Park and directly abuts the Agricultural-Residential B zoning district to the south. The Subject Property lies entirely within Zone II of the Groundwater Protection District. The Subject Property is approximately 43.1 acres and has approximately eight hundred and ninety feet of frontage on Lowland Street. As much of the Subject Property contains wetlands, the useable upland area is approximately six acres.

The Applicant proposes to remove the two existing buildings and the existing stockpiles of earth materials in order to develop a parking area for the storage of vehicles (the “Project”). The Applicant also proposes a security guard building but no other structures. The vehicles stored would serve as overflow for the Applicant’s auction facilities in Framingham and Sherborn which is not large enough to meet the Applicant’s needs. As shown on the site plan, the Applicant proposes approximately 5.23 acres of vehicle storage and impervious surface which equates to approximately 500 vehicles.

In accordance with the provisions of Holliston Zoning By-Laws Section VI-E Special Permit Granting Authority (SPGA), the Planning Board (acting as SPGA) has considered the proposed use in relation to the site as well as the adjacent uses and structures and finds that there will be significant adverse effects to the neighborhood and the Town as proposed, considering the following criteria:

Section VI-E(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.

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- 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.

The Board has considered the provisions Section V-L Groundwater Protection District, especially sub-section 1. Purposes (C) "To protect the groundwater and groundwater recharge areas of the town from adverse development or land use practices."

The Board has also considered the General Conditions for Site Plan Review approval specified in Section VII (5)(a-h) of the Holliston Zoning Bylaw as follows:

5. General Conditions for Approval. In considering a site plan application under this Section, the Planning Board shall 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 is:

- 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.

Additionally, members have considered the Special Permit and Site Plan Review Regulations Section 7.4 Performance Standards for Nonresidential Development (A-H). Atty. Barbieri provided a one-page narrative addressing these provisions in supplemental materials in addition to the more detailed stormwater and traffic materials submitted by Kimley-Horn and Howard Stein Hudson respectively.

The site is located at the southerly edge of Lowland Industrial Park and directly abuts the Agricultural-Residential B zoning district to the south. There are approximately fifteen (15) residential abutters (single-family homes) within 300' of the site, many of whom spoke at the

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public hearing sessions and raised concerns about proposed operational details, including traffic, lighting, and noise.

General

The application, if approved would significantly alter the character of the surrounding neighborhoods due to the amount and nature of traffic (especially heavy trucks), noise and diesel exhaust. The application materials incorrectly characterize a by-right industrial use, neglecting to identify a Special Permit requirement for general industrial uses over 15,000 s.f. (Zoning By-Laws Section III.G.3). Proposed hours of operation are not consistent with those allowed by the Sherborn Planning Board in their Special Permit of August 2018 and the Board fears that any limit on hours of operation in Holliston would be ineffective as a result of proposed employee and vehicle shuttling between the sites as well as deliveries/pick-ups from external sources. No sign plan was provided and no details of any permanent security/operations structure (such as an elevation and septic design) were provided. Concerns were raised about the potential for emergency refueling, changing of vehicle fluids, repairs and cleaning of vehicles, and application of de-icing materials in the Zone II and the board fears that any such limitations on these activities would be ineffective or unenforceable.

Traffic

Although the Applicant has proposed a truck route for the inbound 8- or 9-car carriers, van and individual vehicle traffic and outbound 2-car carriers, van and individual vehicle traffic, an unknown number of the vehicles will be owned or operated by an entity not under total control of the Applicant. The Board fears that any decision limiting operations to a certain truck route would be ineffective. Additionally, the Applicant did not provide a written plan for truck route compliance or mitigation such as signage to demonstrate commitment to such a limitation.

Howard Stein Hudson's Technical Memorandum of October 14th indicates that there are two locations where a heavy vehicle (nine-car carrier) would be required to encroach upon opposing lanes in order to complete turns: Washington Street and Summer Street and Washington Street at Whitney Street (the proposed Lowland Industrial Park truck route). While recognized as an existing condition, the impact on the locally owned and maintained streets is of concern as are the safety concerns for the function of the Whitney and Washington Street intersection, especially in the p.m. peak condition. No mitigation was offered.

The proposed truck traffic would result in significant threats to pedestrians (including schoolchildren), bicyclists, and other users of the regional Upper Charles Multi-Use Trail which is located approximately 1300' northwest of the site. Lowland Street does not have sidewalks or significant shoulders to provide safe havens for users. 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.

Lighting

Off-site impacts of lighting were raised as a concerns (aka reflection and glow). Security of the site is a paramount issue to the applicant but as a result, exterior lighting is proposed after the

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facility is closed for business day in conflict with the standard of Planning Board Rules and Regulations Section 7.4(B)(9) Hours of Operation. No detailed analysis was provided of indirect lighting impact.

Noise

Noise levels within the Lowland Industrial Park have routinely violated state and local noise limits based on a study previously prepared for the site's owner and American Recycled Materials (157-165 Lowland). The applicant did not propose any specific method to monitor or limit noise on the property other than landscape buffering to Lowland Street and in the area of Bogastow Brook. No detailed plan for minimizing or managing car alarms or vehicle idling was provided. Saturday operational hours were proposed despite the objections of hearing attendees.

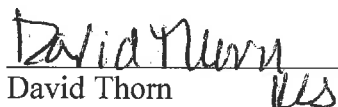
Based upon all of the above findings and conclusions, Board finds that there will be significant adverse effects to the neighborhood and the Town as the Project is proposed. Additionally, as detailed above, the Project fails to satisfy the requirements of Section VI-E(5), Section, III.G.3, Section VII (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 vote to deny the Special Permit and Site Plan Review petition for ADESA at 0 & 194 Lowland Street is as follows on a motion by Mr. Santoro, seconded by Mrs. Apuzzo-Langton:

David Thorn – Aye
Karen Apuzzo-Langton – Aye
Josh Santoro -- Aye
Jason Santos – Aye
Scott Ferkler -- Aye

**HOLLISTON PLANNING BOARD
By its Chairman**



David Thorn

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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: