

TOWN OF HOLLISTON
PLANNING BOARD
TOWN HALL
HOLLISTON, MASSACHUSETTS 01746

2021 JUL 13 AM 9:15

**APPLICATION FOR GRANT OF SITE PLAN
REVIEW AND SPECIAL PERMIT**

Date Filed: May 24, 2021

Applicant's Name: Walsh Brothers Building Company, Inc.

Applicant's Address: 11 Saddle Way, Walpole, MA 02081

Applicant's Phone Number: 508-668-3434

Owner's Name: Walsh Brothers Building Company, Inc.

Owner's Address: 11 Saddle Way, Walpole, MA 02081

The Owner hereby appoints Brian C. Almeida, Esq. to act as his/her/its agent for the purposes of submitting and processing this application for a special permit.

The Owner's title to the land that is the subject matter of this application is derived under deed from Maurice & Debra Law, dated August 21, 2003

And recorded in Middlesex Registry of Deeds, Book 40555, Page 436

Or Land Court Certificate of Title No. _____, registered in

District Book _____, Page _____.

The land is shown in the Assessor's records as Lot 7&8 on Map 8, Block 5

And has an address of or is located at 229 Hollis Street, Holliston, MA 01746.

Nature and subject matter of Special Permit:

Application for fees in lieu of affordable housing units under Section V-Q(12) of the Town of Holliston Zoning By-Laws, or in the alternative a request for an amendment to the attached prior site plan special permit issued by the Town of Holliston Planning Board in 2004.

Section of Zoning Bylaw that permits this use by grant of Special Permit:

Section V-Q(12) of the Town of Holliston Zoning By-Laws, which was adopted in 2005 after the issuance of the original special permit in this case.

The Applicant presents the following evidence that supports the grant the Special Permit:

a. The use is in harmony with the general purpose and intent of the bylaw because:

The By-Laws' inclusion of Section V-Q(12), and the applicant's desire to exercise this provision, is in harmony with the general purpose and intent of the By-Law, to allow an applicant to make a cash payment to the Holliston Affordable Housing Trust Fund. The original special permit granted in this case, particularly condition #10 thereof, concluded that the applicant must afford assistance of some form of another to affordable housing in the Town of Holliston. Current economic conditions with respect to the cost of raw supplies for building have rendered the building of the affordable units far less economically feasible, increasing the desirability of the applicant utilizing Section V-Q(12) to provide the Holliston Affordable Housing Trust Fund with direct relief.

b. The general or specific provisions of a grant of a special permit, as set forth in the zoning bylaw are satisfied because:

The By-Laws' inclusion of Section V-Q(12) establishes the desirability of cash contributions to the Holliston Affordable Housing Trust Fund, and said fund accomplishes the purposes that this portion of the By-Laws is intended to accomplish, by way of the mechanism of Section V-Q(12). Furthermore, the original special permit granted in this case concluded that the use was indeed in harmony with the general purpose and intent of the By-Laws, and nothing about the relief requested herein would change those circumstances that the Board determined to have met the criteria in the first instance.

c. The following evidence is offered in support of the petition's compliance with the provisions of Rules and Regulations Section 7.4 Performance Standards for Non-Residential Development with regard to Aesthetics, Lighting, Landscaping and Screening, Stormwater Management Site Development Standards, Traffic Management, utilities, Security and Emergency systems and Fiscal Impact:

To the extent that this factor is applicable to the relief sought herein, the original special permit granted in this case concluded that the use was indeed in harmony with the general purpose and intent of the By-Laws, and nothing about the relief requested herein would change those circumstances that the Board determined to have met the criteria in the first instance.

Designer's Certificate

I hereby certify that the plan entitled Senior Residential Community - Balancing Rock Village
And accompanying data is true and correct to the accuracy required by the Rules and
Regulations of the Holliston Planning Board, and my source of information about the
location of boundaries shown on said plan were one or more of the following:

- a. Deed dated _____ and recorded at the Registry of Deeds
in Book _____ Page _____;
- b. Other plans, as follows: _____

- c. Detail and topography has been established by _____ aerial survey,
_____ on-ground survey, other _____,
- d. Other sources, including: Those used in prior special permit application

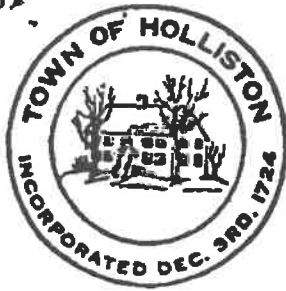
Signed: _____

(Registered Professional Engineer or Land Surveyor)

Address: _____

Signatures

	
Signature of Owner	date
	
Signature of Applicant	date



**TOWN OF HOLLISTON
PLANNING BOARD**

TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

J. Chabers
OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS.
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**SITE PLAN AND SPECIAL PERMIT CERTIFICATE OF ACTION
HOLLIS HILLS PRESERVE, 229 HOLLIS STREET**

Decision Date: September 9, 2004

Applicant: Walsh Brothers Building, Inc. Book 40585 Page 436

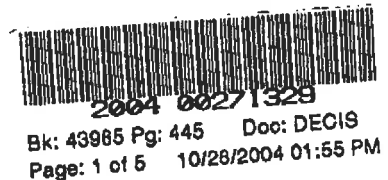
Address: 11 Saddle Way, Walpole, MA 02081

Owner: Same

Site Location: 229 Hollis Street, Holliston, MA 01746

Assessors' Reference: Map 8, Block 5, Lot 7 & 8

Zoning District: Agricultural-Residential District B
& Senior Residential District Overlay



ADMINISTRATION

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 and narrative for the Special Permit filed with the Planning Board and Town Clerk on March 26, 2004,
2. The plan set entitled "Senior Residential Community - Hollis Hills Preserve, Holliston, Massachusetts" dated February 11, 2004 with revisions through September 9, 2004.
3. Project Impact Statement (dated March 2004),
4. Drainage Calculations for Hollis Hills Preserve prepared by GLM Engineering (dated February 11, 2004),
5. Draft Hollis Hills Preserve Condominium Trust,
6. Draft Master Deed of Hollis Hills Preserve Condominiums.
7. Building Elevations - The "Holliston", "Sherborn" and "Amherst" prepared by Creative Designs (dated March 5, 2004), and
8. Letter from GLM Engineering Consultants, Inc. (dated July 13, 2004)

Hearing notice under the requirements of the By-Law and MGL, c. 40A included the following:

1. Publication of a hearing notice in the Metrowest Daily News on March 31 and April 7, 2004,
2. Posting of the public hearing notice with the Town Clerk on March 26, 2004,
3. Abutter notification (including surrounding towns) by mail on March 29, 2004.
4. The Planning Board opened the public hearing on April 15, 2004 and closed the hearing on September 3, 2004.

Special Permit Certificate of Action

Hollis Hills Preserve Senior Residential Community, 229 Hollis Street

The Planning Board received correspondence from the following town departments/agencies:

1. Memo from the Town Planners, dated April 6, 2004,
2. Letters from Rich Westcott of Westcott Site Services (Planning Board's consulting engineer), dated April 13, 2004,
3. Letter from Water Superintendent (dated March 30, 2004),
4. Letter from the Inspector of Buildings (dated April 14, 2004),
5. Letter from the Board of Health Agent (dated September --, 2004,
6. Letters from the Fire Chief (dated April 13 and August 26, 2004),
7. Memos from the Police Department (dated April 15 & August 16, 2004),

HEARING

During the course of the public hearing, the following individuals made appearances on behalf of the application: Atty. Peter Barbieri, Rob Truax of GLM Engineering Consultants, Inc. and John Walsh.

The Applicant and his Representatives explained that the property is located within the Agriculture-Residential B Zoning District and has a Senior Residential District Overlay. Atty. Barbieri gave an overview of the zoning overlay process, the current permitting status with other town boards/commissions and introduced the project design team. Mr. Truax provided an overview of the site and explained that the application involved the construction of 32 units of detached single-family buildings with roadway and related utilities. In response to comments from staff and the Board's consulting engineer, revisions were made to the proposed roadway cross-section, stormwater management system, site utilities and amenities.

At the public hearing sessions Tom and Lisolette Cordele of 249 Hollis Street offered testimony regarding the proposal.

FINDINGS

Having reviewed all the Plans and Reports filed by the Applicant and the Representatives of the Town, considered the testimony at the Public Hearing and having viewed the site, the Planning Board has determined that the Application for Special Permit is consistent with the intent, objectives, and requirements of Section V-P(1),(2) and (8) and Section VII(5)(a-h) of the Zoning By-Laws as follows:

1. The site is appropriate for senior residential use and there are supportive services within a reasonable distance and reasonable transportation services are available through regional bus service.
2. The use will not create a hazard or nuisance to abutters, vehicles or pedestrians on the site or adjacent roadways.
3. Adequate and appropriate facilities have been provided.
4. The development includes appropriate measures to control and mitigate drainage and traffic impacts.
5. The development will not have a negative impact on Town services.
6. Exterior design and layout is in harmony with the character of the surrounding properties and the Town.
7. The development does not have a detrimental impact on the neighborhood or the natural environment and is in harmony with the long-range plan of the Town.

Special Permit Certificate of Action
Hollis Hills Preserve Senior Residential Community, 229 Hollis Street

The Board finds that the aforesaid use can be made at the Site in a manner that is not detrimental to the surrounding areas provided that the conditions of this decision are complied with.

CONDITIONS OF APPROVAL

The Board's decision to grant the petition for Senior Residential Dwelling Development Special Permit is subject to the following conditions:

General Conditions

1. This Special 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.
2. The revised plan set shall be endorsed by the Planning Board and presented to the Inspector of Buildings with the application for building permit. Unless amended with the approval of the Planning Board, the endorsed plan set shall be the plan of record and construction shall proceed in accordance with the improvements shown on said plan and this Certificate of Action.
3. No corrections, additions, substitutions, alterations or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any requests for modifications shall be made in writing to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
4. A copy of this decision shall be kept on site and shall be made available to all site contractors.
5. Prior to commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and business phone number of the individual(s) who shall be responsible for all activities on the site. Additionally, the Police and Fire Departments should be provided with an emergency notification sheet.
6. Prior to the commencement of authorized site activity, the Applicant shall flag the limits of construction and shall clearly mark all existing trees, bushes and other vegetation that is to remain.
7. The Board reserves the right to impose additional requirements in the event that the drainage system fails and impacts public safety and welfare.
8. This decision shall apply to any successor in interest or successor in control of the property and to any contractor or other person performing work conditioned by this approval.

Special Permit Certificate of Action

Hollis Hills Preserve Senior Residential Community, 229 Hollis Street

Special Conditions

9. The development shall contain a maximum of 32 units in Holliston substantially as shown on the approved plan, including two "affordable units". All units shall be limited to 2 bedrooms. There shall be no increase in the number of units or subdivision of the parcel without additional Special Permit approval from the Board.
10. The affordable units shall be made available in perpetuity to households earning no more than 80% of the area median income and all long-term affordability restrictions shall follow the DHCD LIP Program. A monitoring agent to be approved by the Planning Board will review the following: 1. The sales price of the affordable units, 2. Maximum income eligibility and size of households applying for the affordable units, 3. Marketing and outreach plan to ensure affirmative fair marketing is being undertaken, 4. Deed riders used to ensure continued affordability in perpetuity, and 5. Sample advertisements to be used and list of publications where ads will be placed. Once the monitoring agent approves the plan, a written letter of approval will be sent to the developer and the Planning Board. The developer shall be responsible to pay for the all of the costs of administering the lottery. The lottery shall be conducted after the expiration of all appeal periods affecting local permits and in accordance with the Citizens' Housing and Planning Association's "Guidance on Holding Lotteries for Chapter 40B Homeownership Developments". If the development is built in phases over a period of two years or more, sales prices and income guidelines may have to be adjusted for the second phase of the project to reflect changes in interest rates and HUD income limits. One of the units shall be given a local preference, that is, preference shall be given to current residents, applicants born in the community, a child or of a current resident of the community, employees of the municipality or employees of businesses located in the community.
11. In accordance with the requirements of Section V-P(4), the Open Space designated on the project plans (approximately 15 acres) shall be conveyed to the Holliston Conservation Commission prior to occupancy of the first unit.
12. Prior to commencement of work, the Applicant shall submit a detailed phasing plan and associated timeline for completion for review and approval. This plan shall be consistent with the Order of Conditions issued by the Holliston Conservation Commission (File #185-605) on September 7, 2004. The phasing plan shall include a detailed summary of site preparation, utility construction, roadway construction, implementation of traffic mitigation measures, site development and installation of sidewalks, lighting, landscaping, walking path and associated features.
13. Prior to commencement of site work, Applicant shall submit a copy of the NPDES General Permit to the Planning Board.
14. Prior to commencement of site work, Applicant shall provide the Planning Board with the project's final Operations and Maintenance Plan for stormwater management.
15. All retention/detention basins and other stormwater BMP's shall be constructed prior to any clearing of the building sites or the construction of any roadways on the site for which the basins or BMP's are intended to service. The Applicant shall provide as-built plans to the Planning Board and Board of Health to ensure that access for the detention basin maintenance is adequate.
16. Sidewalks, landscaping and lighting features serving each identified phase of unit construction shall be installed prior to issuance of occupancy permits.
17. A final signage plan shall be submitted to the Planning Board and Building Inspector for review and approval. Sign installation shall be completed before issuance of any occupancy permits.

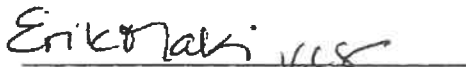
Special Permit Certificate of Action**Hollis Hills Preserve Senior Residential Community, 229 Hollis Street**

18. Hours of construction for required site grading, roadway, and utility improvements shall be as follows: Monday through Friday 7:00 a.m. to 5:00 p.m., Saturday 7:30 to 4:00 p.m. with no work on Sundays or holidays.
19. The Applicant shall engage a registered engineer to oversee the installation of the Improvements and ascertain that the materials and workmanship therefor conform to all specifications and will file written reports with respect to such installation.
20. In accordance with Section V-P(8)(b), the Applicant shall guarantee performance of the conditions of this Special Permit with a bond or other security satisfactory to the Planning Board. The bond amount shall be calculated utilizing the standard methodology established by the Planning Board for subdivisions.
21. Because of the scale and complexity of the project, installation of site roadways, drainage and utilities shall be subject to periodic monitoring and inspections by an agent of the Planning Board to be paid for by the applicant under the provisions of MGL, c.44, s.53G (593 Account) and the Board's Rules and Regulations for Project Review Fees.
22. Agents of the Town shall have the right to enter and inspect the area at reasonable hours to evaluate compliance with the conditions of this Certificate.
23. A pre-construction meeting shall be scheduled through the Planning Board Office with Town staff and the Board's consulting engineer at least 48 hours prior to commencement of work.

Planning Board Vote

The Board's vote in favor of granting Application for Senior Residential Dwelling Development Special Permit for Walsh Brothers Building, Inc. is as follows on a motion made and duly seconded:

Erik Maki	Yes
Len Engel	Yes
Geoff Zeamer	Yes
Carolyn Dykema	Yes
David Mastovsky	Yes

HOLLISTON PLANNING BOARD**BY:**


Erik Maki, Chairman

I hereby certify 20 days have elapsed since after the decision has been filed in my office and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.



Oct. 26, 2004

Jacqueline S. Dellicker

Town Clerk



Arthur Middleton S. Register