

**Holliston Planning Board
Meeting Minutes of January 26, 2017**

In Attendance: Chairman David Thorn, Geoffrey Zeamer, Josh Santoro, Warren Chamberlain, Karen Apuzzo-Langton and Nikki Borman.

Call to Order: The Chairman called the regular meeting to order at 7:00 p.m. in the Selectmen's Meeting Room #105 of the Town Hall, 703 Washington Street.

General Business:

1. Approval of Minutes of July 28, 2016 and January 12, 2017

On a motion by Mr. Chamberlain, seconded by Mr. Zeamer, the minutes of July 28, 2016 were approved as drafted. On a motion by Mr. Santoro, seconded by Mr. Zeamer, the minutes of January 12, 2017 were approved as drafted.

2. Constitution Village - Update/Extension

Mrs. Langton made a motion to grant a temporary construction extension for the Constitution Village subdivision until March 2, 2017. Mr. Chamberlain seconded with all in favor.

3. Hopping Brook Park - Plan Amendment

Discussion was tabled until the next meeting.

4. Brooksmont of Surety

Based on an email dated January 23, 2017 by Ali Parand of AP Associates, Inc., the recommended surety amount for 100% construction cost was established at \$4,285,906.00 on a motion by Mr. Zeamer, seconded by Mr. Chamberlain with all in favor.

5. Highlands at Holliston of Surety Reduction

Indian Circle of On a motion by Mr. Chamberlain, seconded by Mr. Santoro, the members approved a motion to reduce the surety Unity Casualty Bond #7191 to \$27,912.00 or 10% of the current posted amount per Section 4.3.9 of the Subdivision Regulations. Mr. Zeamer voted nay.

Mayflower Landing and Mohawk Path (Sta. 39 to end) – On a motion by Mrs. Langton, seconded by Mr. Chamberlain, the members approved a motion to reduce the amounts to \$41,540.00 for United Casualty Bond #4541, \$17,024.00 for United Casualty Bond #7151, and \$61,300.00 for United Casualty Bond #7148 or 10% of the current posted amount per Section 4.3.9 of the Subdivision Regulations.

Governor Prentice of On a motion by Mr. Santoro, seconded by Mrs. Langton, the members approved a motion to reduce United Casualty Bond #5482 to \$12,160.00 or 10% of the current posted amount per Section 4.3.9 of the Subdivision Regulations with the provision that the rider be extended through June 30, 2018 and that the site conditions and Form E be revisited by August 15, 2017 to assess for damage.

Road A (aka Old Cart Path interface with Constitution Village Subdivision) of On a motion by Mrs. Langton, seconded by Mr. Santoro, the members approved a motion to require review of the site conditions and revisit the Form E before September 2017.

Approved: February 2, 2017

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6. Downtown Corridor Plan Discussion

The forum handout was approved for distribution and all agreed to postpone the public forum until February 9th. The draft PowerPoint presentation and meeting materials will be circulated for approval on the 2nd.

Continued Public Hearing

Site Plan Review/Special Permit

Michael Brumber – 194 Lowland Street

The Chairman re-opened the public hearing at 7:00 p.m. Mrs. Langton recused herself as she has a conflict of interest under MGL c. 268 and sat in the audience. Associate Member Nikki Borman took her place.

George F. Connors, Counselor at Law was present for the Applicant. He presented revised plans entitled "Existing Conditions Plan", dated July 7, 2015, prepared by SCS Engineers noted as "Annotated as to Removal of Compost and Largest Pile of Mixed Fill" by Connorstone Engineering Inc., dated January 17, 2017. He noted that he had exchanged e-mails (draft framework of operational conditions and response to prior comment letters) with Mr. Tartakoff, Mr. Moles, Mrs. O'Brien and Ms. Sherman after the December 22nd staff level meeting also attended by Chief Cassidy, Sgt. Leurini, Atty. Bobrowski and Mr. Santoro.

Additional correspondence from Building Inspector, Peter Tartakoff (dated January 18, 2017 and January 25, 2017) and Conservation Commission Determinations of Applicability (D-576 and D-577) were noted for the record. Additionally, correspondence from Karen Apuzzo-Langton of 100 Woodland Street (dated December 20, 2016), Michael and Audrea Szabatura of 31 Noel Drive (dated January 3 and 4, 2017), Carol and Walter McClennen of 432 Fiske Street (dated January 4, 2017) and Paul Smith of 306 Fiske Street (dated January 6, 2017) were noted in the record.

The Chairman opened the hearing to the audience. The following individuals raised concerns about the proposal: Selectman Jay Marsden (notes of 1/26 were entered into the record), Chris and Janet Fielder of 303 Lowland Street, Carol McClennen of 432 Fiske Street, Marsha Wintringham of 20 Marilyn Street, Doug and Ellen Trolland of 101 Marilyn Street, Doug Brown of 314 Fiske Street, Audrea Szabatura of 31 Noel Drive, Karen Langton of 100 Woodland Street, Larry Gordon, CEO of Cold Chain Technologies of 29 Everett Street, and Pat and Cherie Hafford of 242 Lowland Street. Issues raised included trucking volumes and sizes, truck routes by independent truckers and impacts of trucking such as idling, noise, dust that would be elevated because of the proposed spring/summer work. Potential processing of raw materials at the applicant's facility at 157 Lowland was characterized as unacceptable. Atty. Connors verified that the applicant does not want to truck materials (other than the "tailings") to #157 as it would not be economical. He also noted that chemical dust control was nixed by the Conservation Commission in their review and that use of water from the on-site pond is being proposed. Safety of Upper Charles Trail users as it crosses Lowland Street north and west of the locus was also raised. It was noted that the proposed operation is not being made to prepare the site for future development and that the "mixed fill" materials have not been tested.

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Comments about the institutional failure in enforcing the conditions of the Special Permit for 157 Lowland Street were reiterated by many speakers.

On a motion by Mr. Zeamer, seconded by Mr. Chamberlain with all in favor, the public hearing was closed.

After some discussion of potential conditions of approval (e.g. bonding and monitoring), Mr. Zeamer made a motion to instruct Special Town Counsel Bobrowski to draft a denial for consideration at the February 2nd meeting. Mr. Chamberlain seconded with all in favor. Atty. Bobrowski noted that he could have a draft available by the 31st and suggested that the members read the Wendy's Old Fashioned Hamburgers of New York, Inc. vs. Board of Appeal of Billerica case (454 Mass. 374, 2009) in order to understand how to frame their Special Permit decision on the 2nd. He cautioned members about assassinating the applicant's character because in theory, behavior can be conditioned.

Adjournment - The meeting was adjourned at 9:25 p.m. on a motion made and duly seconded. The next meeting was scheduled for February 2, 2017 at 7:00 p.m.

Respectfully submitted,

Karen L. Sherman, Town Planner