

Holliston Planning Board Meeting Minutes of April 30, 2020

Call to Order: The Chairman called the regular meeting to order at 7:00 p.m. in the Select Board Meeting Room (#105) of the Town Hall, 703 Washington Street and read the following statement: Pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law M.G.L. c. 30A paragraph 20, as well as the Select Board's Emergency Order dated March 16, 2020, the Planning Board will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted on the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting. At this time, a roll call attendance vote will be taken:

Chairman David Thorn - present
Karen Apuzzo-Langton - present
Josh Santoro – present
Jason Santos - present
Warren Chamberlain - present

General Business:

1. Approval of Minutes: April 9, 2020

On a motion by Mrs. Langton, seconded by Mr. Santos, amended minutes were approved on a unanimous roll call vote.

2. Approval Not Required Subdivision

On a motion by Mr. Chamberlain, seconded by Mr. Santoro on a unanimous roll call vote, members agreed to endorse a plan entitled "Approval Not Required Plan of Land" prepared by Engineering Design Consultants, Inc. dated April 28, 2020 depicting Lots 3 and 4 within Hopping Brook Park located on Hopping Brook Road Extension.

3. Brooksmont Surety

Ms. Sherman reported that Construction Cost Estimate forms dated April 1, 2020 and prepared by Marchionda Assoc. project manager Mike Rosati had been reviewed and approved by the Board's consulting engineer and project inspector Ali Parand, PE. An adjustment of the project surety to the amount of \$700,196.66 was approved on a motion by Mrs. Langton, seconded by Mr. Chamberlain. The roll call vote in favor was unanimous. Remaining items to be completed include approximately 2000 feet of curbing and sidewalk as well as the top course of bituminous concrete.

4. Pharmacannis Surety

Ms. Sherman reported that the company is seeking a temporary occupancy for Phase II of their project (construction of their main grow and production facility) at 465 Hopping Brook Road. Their project engineer from Greenman Pedersen has prepared a cost estimate for remaining work totaling \$103,892 (\$46,642 in landscaping) per provision of Section VII Site Plan Review of the Zoning By-law and at the direction of the Building Inspector. The Board's inspecting engineer for the project – McClure Engineering – has reviewed the site and agreed with the estimated amount. Mr. Santoro made a motion to approve the recommendation. Mrs. Langton seconded with all in favor on a roll call vote.

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5. Constitution Village Definitive Subdivision – Construction Extension and Surety
Atty. Angela Conforti as well as Jim Sullivan and Dale McKinnon, PE of Guerriere & Halnon joined the members and Special Town Counsel Mark Bobrowski for a discussion of
1. The project's proposed 2020 construction schedule and remaining items for completion
and 2. The series of Construction Cost Estimate Forms submitted for the project.

The document entitled "Punchlist Items Remaining at Constitution Village (dated April 9, 2020) was reviewed in detail. Atty. Bobrowski discussed options with the members and referred to Mr. Parand's letter of April 2nd regarding Phase III.

Mr. Chamberlain made a motion to extend the construction deadline until November 30, 2020 and approve the identified work items to be completed by November 30, 2020 (#1-11 on page 1 of the document) contingent upon 1. Completion of an inspection of the site including Mr. Parand as agent for the board on or before September 10th to identify needed repairs and areas of stabilization and 2. Revisiting the agreement in the Fall. If items #1-11 are not completed, the Board reserves its right to exercise on the appropriate surety. Mrs. Langton seconded with all in favor on a roll call vote.

Ms. Sherman reported that Construction Cost Estimate forms dated April 27, 2020 and prepared by Guerriere & Halnon project engineer Dale McKinnon had been reviewed and approved by the Board's consulting engineer and project inspector Ali Parand, PE after a detailed discussion with Mr. Sullivan and Mr. McKinnon and revision of the initial February submittal requesting a reduction to \$1,640,831. The current surety is in two parts, totaling \$4,253,146. Items of note being held in the roadway estimates include an adjustment of the gravel line item to allow for removal of the binder, grading and compaction, a 20% allowance for manholes and catch basins as well as street lights and street trees. Ms. Sherman noted that Mr. Parand has expressed a firm position on the need for removal and replacement of the binder throughout the project based on damage from deep excavations and settling from drainage system repair. Mr. Sullivan noted that this is an issue to revisit. Mr. McKinnon noted that Mr. Parand had signed off on all of the drainage repair items but one.

An adjustment of the overall project surety to the amount of \$2,259,488.49 was approved on a motion by Mr. Santoro, seconded by Mr. Chamberlain. The roll call vote in favor was unanimous. Mr. Santoro also made a two-part motion directing the owner to seek the opinion of the Select Board regarding future installation of street lights per the current Rules and Regulation provisions and based on the fact that no conduit has been installed to date and requested a plan of proposed street tree locations be provided as soon as possible. Mr. Chamberlain seconded with all in favor.

**Continued Special Permit and Site Plan Review Public Hearing
Michael Alves (Scooby Truck Sales) – 1569 Washington Street**

The Chairman re-opened the hearing at 7:05 p.m. Present for the Applicant/Owner was Joyce Hastings, PLS of GLM Engineering Consultants, Inc. She provided an overview of the application, noting the proposed construction of a 7,500 s.f. industrial building in an area of existing pavement within the Industrial zoning district.

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Members asked for clarification on distance to residential neighbors as well as the quality of the screening within that area. It was noted that the area is wooded, with maples, oak and pines prevailing. Ms. Hastings noted that the applicant had agreed to adjust any existing lighting to Dark Sky fixtures as well as utilize them for the new construction. Streeviews and Google Earth images were reviewed. Ms. Hastings stated that she could revisit the site and define potential areas for additional screening with staggered plantings.

The Chairman opened the public hearing to the audience for questions and comments. Reiterating his written comments of April 30, 2020 was Robert Weidknecht of 40 Hemlock Drive. He also expressed concerns for noise and visual screening and suggested a planted evergreen berm as mitigation. Adding to Mr. Weidknecht's concerns were Deborah and Elliot Wheelwright of 64 Hemlock Drive, Dan Sweeney of 32 Hemlock Drive, and Kirk Dinehart of 60 Hemlock Drive. Members agreed to a site visit on Friday, May 1st in the afternoon.

Ms. Hastings requested that the public hearing be continued so that she could consult with her client about options on the Special Permit request.

Mr. Santoro made a motion to continue the public hearing until May 14th at 7:00 p.m. Mr. Santos seconded with all in favor on a roll call vote.

Continued Public Hearing

Constitution Village Definitive Subdivision Modification

The Chairman opened the public hearing at 7:50 p.m. present for the Board was Atty. Mark Bobrowski. Present for the applicant was Atty. Angela Conforti as well as Jim Sullivan and Dale McKinnon, PE of Guerriere & Halnon. Mr. McKinnon provided an overview of the proposed modification plan, indicating that the proposed new roadway to be known as "Paul Revere" is 480 feet long and will serve 5 lots. The area of the proposal is currently known as Lot 83 on an Approval Not Required Subdivision Plan endorsed by the Board. The area is planned to be served by public water and gas. The roadway slopes downward at a 3% grade away from Old Cart Path. Stormwater design for Detention Basin D serving the roadway as well as a configuration and retrofit of Detention Basins B, C and E in the general area (serving the majority of the subdivision area) is being peer reviewed by Steve Bouley, PE of TetraTech on behalf of the Board and the Conservation Commission.

Reference was made to a Guerriere & Halnon narrative of January 30, 2020 requesting a finding under the Open Space Residential Dwelling Development provisions of the Zoning By-Law to waive the provisions in lieu of this conventional design. It was noted that a Conservation Restriction is being proposed to the Conservation Commission with regard to the protection of vernal pool areas and the floodplain of Dopping Brook as noted on the plans. Atty. Bobrowski noted that he would discuss the legal position on the zoning issue with Atty. Roeloffs and provide the Board with additional information on the matter.

Mr. McKinnon noted that the Conservation Commission hearing remains open as the stormwater issues need to be resolved. Ms. Sherman noted that in Mr. Bouley's comment letter, it was noted that four units known as "Downstream Defenders" are being proposed to achieve a DEP-required water quality standard but the Town has no mechanism in place to maintain the

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structures because they require use of a vacuum truck. Mr. McKinnon asked that she discuss the issue further with Mr. Smith and Mr. Reese from the DPW for their recommendation.

No one was on the meeting to speak when the chairman asked for public comments.

Mr. McKinnon stated that his client would like to continue the matter to the meeting of the 14th and would be willing to consent to an extension of the decision deadline to the 28th. On a motion by Mr. Santoro, seconded by Mr. Chamberlain, members voted unanimously on a roll call vote to continue the public hearing until May 14th at 7:15 p.m.

Adjournment - The meeting was adjourned at 9:45 p.m. on a motion made and duly seconded. The next meeting was scheduled for May 14, 2020 at 7:00 p.m.

Respectfully submitted,

Karen L. Sherman, Town Planner