

**Holliston Planning Board
Meeting Minutes of May 16, 2013**

In Attendance: Chairman Parashar Patel, Geoffrey Zeamer, Jonathan Loya, Jack Donovan and Warren Chamberlain. Also present was Richard Westcott, PE of Westcott Site Services.

Call to Order: The Chairman called the regular meeting to order at 7:30 p.m. in Room 105 of the Town Hall, 703 Washington Street.

General Business:

1. Approval of Minutes

On a motion by Mr. Chamberlain, seconded by Mr. Donovan, the Board voted unanimously to approve the minutes of April 11, 2013 as amended. Mr. Patel abstained as he was absent.

2. Approval Not Required (ANR) Subdivisions

Mr. Donovan made a motion to empower the Agent to endorse two ANR plans prepared by Guerriere & Halnon on behalf of Holliston Residential Realty and Constitution Village LLC for lots on Governor Prentice within the Highlands at Holliston Cluster Subdivision (moving lot lines) and Old Cart Path within the Constitution Village Subdivision (net two lots). The motion was seconded by Mr. Chamberlain with all in favor. Don Seaberg, PE was present on behalf of the owners to discuss the plans. Ms. Sherman mentioned that there had been a recent security issue and the gate at Governor Prentice had been vandalized and overnight noise complaints were received by the Police Department. It has since been repaired.

3. Highlands at Holliston Cluster Subdivision – Surety and Extension

Don Seaberg, PE of Benchmark Engineering was present to discuss his request of April 8, 2013 to extend the construction deadline for all phases of the development for one year. On a motion by Mr. Zeamer, seconded by Mr. Donovan, the members voted unanimously to extend the construction deadline until December 31, 2013.

Based upon a recommendation from Rich Westcott, PE dated May 2, 2013, Form E Construction Cost Estimates were adjusted for the following sections of the subdivision on a motion by Mr. Donovan, seconded by Mr. Zeamer:

Mayflower Landing Sta. 0+00 to 30+10 - \$453,116
Governor Prentice Way Sta. 0+00 to 8+00 - \$299,550

The Mohawk Path Form E's will be revisited in Fall 2013. Mr. Seaberg anticipates that vertical curbing will be installed on the remaining portions of Mohawk Path during the summer. Ms. Sherman reported that the Water Department's contractor will be repairing the path on Mayflower and Mohawk during the month of June. Other updates were included on a revised "Status Plan" for the subdivision prepared by Benchmark Engineering dated April 2013.

4. Evergreen Square Subdivision - Surety and Extension

Lou Petrozzi of Wall Street Development was present to discuss his request of April 29, 2013 with supplemental submittal dated May 16, 2013 to discuss a schedule for completion of remaining improvements, surety reduction and extension to project completion deadline. Mr. Patel turned the meeting over to vice Chairman Zeamer as he is a resident of the subdivision. He sat in the audience for the entire discussion.

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Mr. Petrozzi noted that the current surety amount of \$128,603 which was adjusted in March 2012 was based on the 10% of total cost number defined under Section 4.3.9.1 of the Planning Board's Rules and Regulations. He added that that same section of the regulations allows for the Board to reduce the number "until the Board determines that the secured improvements have been satisfactorily completed and the integrity of the roadway and utilities has been verified following at least one winter in place." Ms. Sherman noted that this regulation has been in place since 2001. Mr. Petrozzi stated that his subdivision would therefore be grandfathered. Ms. Sherman added that this subdivision is also the subject of a negotiated Memorandum of Understanding from 2008 specifying terms of completion and no Form E review could be completed as the escrow account is empty. The Vice Chairman noted that a legal opinion is in order on these matters as well as replenishment of the escrow fund in order to go forward. Mr. Westcott estimated that \$500 would cover the costs of inspection and review of the Form E.

Mr. Donovan asked for information on planned completion. Mr. Petrozzi noted that his intention was to complete the fence/guardrail and remaining curbing this summer and to pave in the fall. He added that the issue of guardrail/fence specification should be resolved so that he may move forward. Ms. Sherman was directed to coordinate between Messrs. Westcott, Smith and Tartakoff regarding potential Building Code and Mass. Highway Standards and to provide a graphic to members and residents upon resolution prior to June 1st. Mr. Donovan made a motion to extend the completion deadline to September 30, 2013. Mr. Chamberlain seconded with all in favor.

Mr. Kaslow of 19 Kingsbury Drive stressed the need for a coordinated response so that Mr. Petrozzi would bear the responsibility for repairs within the subdivision as well as completion of required improvements. Mr. Patel of 3 Metcalf Drive stressed that the neighborhood has been dealing with the ongoing safety issue of the wetland crossings and has a vested interest in seeing measures installed as soon as possible.

5. Sumitpointe Subdivision – Informal Discussion

Bruce Wheeler of Habitech Homes and his counsel, Louis Levine of D'Agostine, Levine, Parra & Netburn, PC of Acton were present to discuss the pending purchase of the Sumitpointe Definitive Subdivision from the current owner, Northeastern University. Mr. Wheeler noted that he had met with staff to discuss steps to resurrect the partially constructed roadway and wanted to introduce himself to the Board. Ms. Sherman added that she had solicited a cost estimate from Mr. Westcott to provide both future inspections and an initial inspection and recommendation for testing and surety establishment. She also spoke with Atty. Bobrowski about completing a peer review on Atty. Levine's two position papers on the status of the subdivision and the issue of zoning protections. Mr. Wheeler agreed to fund an escrow account to move forward.

6. Washington Hills Senior Residential Development – Special Permit Extension

Tracy Dillon Schaller was present on behalf of the owners and Mark Mastroianni was present for Pulte Homes to discuss the request for a one-year extension to the Special Permit issued by the Board on June 4, 2007. The Permit Extension Act automatically extended the decision until June 4, 2013. The request is simply for the Special Permit as is; all other terms and conditions of the permit will remain in full effect. Ms. Schaller noted that the one year extension will allow them to market the parcel and request any required modifications to the Planning Board approval. On a

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motion by Mr. Donovan, seconded by Mr. Zeamer, the Board voted unanimously to extend the Special permit to June 30, 2014.

7. Winter Court Cluster Subdivision – Lot Release and Extension

Ms. Sherman presented a draft Extension Agreement and Lot Release Form for the subdivision, noting that the subdivision is subject to the Permit Extension Act and the completion dated specified in the Covenant had previously been extended until November 2011. The Act would automatically extend that date until November 2015, but both the lender and potential buyer would prefer to have the Board issue an Extension Agreement. The Lot Release is for Lot 1, the existing dwelling owned by the Bonfatti family and its recording is conditioned upon open space deed and restriction execution. Ms. Sherman noted that the Board of Selectmen has acted favorably on both a deed and conservation restriction per the plans and recommended by the Conservation Commission in the past few months.

Mr. Donovan made a motion to sign both documents as presented. Mr. Chamberlain seconded with the vote in favor as follows: 4 – aye, 1 – abstain (Mr. Zeamer abstained from acting on the motion as he has an interest in an abutting property on Winter Street.).

Adjournment - The meeting was adjourned at 9:15 p.m. on a motion made and duly seconded. The members Thanked Mr. Donovan for his years of service and wished him well. He agreed to remain involved in the Downtown Traffic Study.

Respectfully submitted,

Karen L. Sherman, Town Planner