

Holliston Planning Board Meeting Minutes of November 21, 2013

In Attendance: Chairman Geoffrey Zeamer, Warren Chamberlain, David Thorn, Parashar Patel and Rachelle Finn.

Call to Order: Mr. Zeamer called the regular meeting to order at 7:35 p.m. in the Selectmen's Meeting Room (#105) of the Town Hall, 703 Washington Street.

General Business:

1. Planning Board Associate

The members welcomed Taro Matsuno of 67 Adams Street and discussed the available Associate position. He provided information on his background and interest in municipal planning. On a motion by Mr. Chamberlain, seconded by Mr. Thorn, the members voted unanimously to appoint Mr. Matsuno to serve as Associate member.

2. Approval of Minutes - 10/23/13

Mr. Chamberlain made a motion to approve the minutes of 10/23 as written. Mr. Thorn seconded with the vote in favor as follows: 4 aye and 1 abstain (Ms. Finn).

3. Approval Not Required Subdivision(s) - 944 Washington Street

Mr. Thorn made a motion to empower the Agent to endorse the plan prepared by Goldsmith, Prest & Ringwall, Inc. dated November 18, 2013. Mr. Chamberlain seconded with all in favor. The plan results in creation of a single building lot.

Grasshopper Tree

Special Permit Extension and Modification Request

Atty. Peter Barbieri and Joyce Hastings, PLS of GLM Engineering Consultants, Inc. were present to discuss an extension to the approved Construction Schedule (Special Condition #9) and amendment to Special Condition #5 (See correspondence dated October 29th and November 20th). Ms. Hastings provided a plan entitled "Exist. Cond./Prop. Site Plan 67 Jeffrey Avenue" for Grasshopper Tree & Landscape, Inc. (dated November 21, 2013) as well as a series of photos and clarified differences between the approved plan and existing conditions. She noted that remaining construction items include preparation of the palletized storage area authorized under special conditions #4, 5 and 12, including tree removal, installation of the concrete block barrier and placement of the storage materials. The area of the retaining wall has been alternatively graded, pinned and stabilized with fabric, loamed and seeded. Installation of the screened chain link fence, berm and plantings (spruce, white pine and arborvitae) has been completed. Atty. Barbieri noted that the shed noted in Special Condition #11 has been removed from the site.

The Chairman asked for additional information about the slope grading and stability, including guardrail detail. Mr. Patel took exception to the last minute request for extension and modification and asked for additional information on compliance. Scott Fenton, Esq. of Bowditch & Dewey, LLP was present with his client Larry Gordon, President of Cold Chain Technologies of 29 Everett Street. He stated that it was his belief that the proposed modification is not minor and warrants a public hearing and engineering review. He noted the continuing disregard to abutters by Grasshopper Tree and encouraged the Board to pursue enforcement action, not limited to rescission of the Special Permit. Discussion was tabled until December 5th.

Approved: January 6, 2014

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Continued Special Permit, Site Plan Review and Amended Definitive Subdivision Public Hearing: Deer Run, 379 Underwood Street

The Chairman re-opened the public hearings at 8:20 p.m. Present for the applicant was George Connors, Esq. of Connorstone Engineering, Inc. Also present was Barbara Thissell, PE of AP Associates, peer review engineers for the Planning Board and Peter Barbieri, Esq. representing the Owner.

Mr. Connors provided an overview of the supplemental application materials, including: Board of Health approval letter of November 15, 2013, AP Associates correspondence of November 15, 2013, and supplemental narrative and plan revisions dated November 19th from Connorstone. He noted that he had accompanied several members on a site visit.

Asking questions about the proposal were Herb and Lynne Novogrowski of 402 Underwood Street, Conrad and Louise St. Pierre of 364 Underwood Street, Ruthann Baler of 305 Underwood Street and Pamela Watson-Hogan of 275 Underwood Street. Issues discussed were access on Underwood Street, stormwater and ledge. Ms. Baler asked about the proposed construction schedule. Mr. Connors indicated that the roadway would likely be constructed in 2014 with home construction to follow.

Mr. Patel asked several questions to Ms. Thissell regarding her review letter of 11/15, including clarification of Waiver #8 and 9. Ms. Thissell clarified conflicts between the Boards regulations and DEP Stormwater Management Standards.

On a motion by Mr. Patel, seconded by Mr. Chamberlain the public hearing was closed.

Mr. Patel made a motion to approve the application for an amended site plan and definitive subdivision based on the prepared Certificate of Action (dated November 21 as amended through discussion). Mr. Thorn seconded with the vote as follows: 4- aye, 1- abstain (Ms. Finn). Findings, Waivers and Conditions are excerpted below:

AMENDED DEFINITIVE SUBDIVISION AND OSRD SITE PLAN REVIEW

FINDINGS

Having reviewed the Plans and Reports filed by the Applicant and its Representatives and the Representatives of the Town, considered the testimony at the Public Hearing and having viewed the site, the Planning Board has determined that this Application for an Open Space Residential Definitive Subdivision is consistent with the requirements of the Board's Rules and Regulations (dated January 5, 2012) with the conditions specified in this Certificate and the waivers noted below. The proposed use of the land for not more than six (6) single family residential dwellings plus designated open space is consistent with the uses allowed within the Agricultural Residential B zoning district and the provisions of Section V-H Open Space Residential Development of the Holliston Zoning By-Laws as per the Board's previous decision of April 2009. A total of 6.86 acres has been designated as open space (50% of total land area) comprised 97% of upland and 3% of wetland. The Board finds that the required perimeter buffer will be preserved because of the location of the open space. The open space shall be available for use by the general public and public access is proposed from the proposed street as well as frontage along Underwood Street.

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WAIVERS

The Board's decision to grant the Application for Definitive Subdivision is based on the following waivers from strict compliance with the Board's Rules and Regulations and is granted under the authority of MGL, c. 41, s. 81-R. To the extent that the plan shows additional waivers not expressly set forth below, the appropriate Town by-law or regulation shall apply. To the extent the plans are silent on a particular issue, the appropriate Town by-law or regulation shall apply:

1. Section 5.2.1 ó Waive the 2% slope requirement for 150 feet at the intersection with Underwood Street, and allow a leveling area of 3.5% for 40 feet before the intersection. The proposed profile matches the previously approved definitive subdivision plans, and allows for the road profile to follow the existing topography avoiding excessive ledge excavation.
2. Section 5.2.4(b) ó Waiver to allow a tee turnaround at the end of a dead end road and an irregular shaped right-of-way. The proposed layout mirrors the previously approved definitive subdivision.
3. Section 5.2.5.5 ó Waive the requirement for granite curb at the radii of the tee turnaround.
4. Section 5.3.3 ó Waiver to allow the depth of cover over storm sewer be reduced from 36 inches to 24 inches. The reduced depth will reduce the required ledge excavation and matches the depth of cover provided on the previously approved definitive subdivision.
5. Section 5.4.3(a) ó Waive the requirement of street lighting at the intersection with Underwood Street. This location has no existing pedestrian crossings or sidewalks, and the absence of street lighting would preserve the scenic and rural character of the area.
6. Appendix A Table 1 ó Waive the 10% maximum road profile grade to allow a maximum road profile grade of 11.5%. This is the maximum grade of the previously approved definitive subdivision and the roadway will remain private.
7. Appendix B ó Waive the requirement of an emergency spillway with a route of overflow in Infiltration Basin 1. This area is an existing low point and the project has been designed to mimic the existing conditions. Also waive the required minimum 2-percent bottom slope in infiltration basins to allow a 0-percent slope with additional annual inspection and maintenance if warranted. Waive the requirement that infiltration basins must drain without infiltration within 40 hours during a 25-year storm and within 72 hours during a 100 year storm to allow basins to rely on infiltration to drain with additional annual inspection and maintenance if warranted. The required drawdown calculations per MassDEP requirements were submitted to verify the basin will drawdown in time required.

The Board finds that these waivers are not inconsistent with the purposes of the Subdivision Control Law (MGL c. 41, s. 81R) and the Holliston Planning Board Rules and Regulations (dated January 5, 2012).

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CONDITIONS OF APPROVAL

The Board's decision to grant the Application for an Open Space Residential Definitive Subdivision is subject to the following conditions:

1. This Definitive Subdivision is not valid until recorded and indexed at the South Middlesex County Registry of Deeds in accordance with the provisions of MGL, c. 41, s.81-W. 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 has been filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied. The Applicant shall submit proof of recording to the Planning Board.
2. All construction within the subdivision shall be completed within two years from the date of the endorsement of the approved plan and covenant. Failure to complete construction within two years from the date of endorsement shall render the approval of the subdivision null and void. Any request for extension of the two-year period must be made in writing more than 30 days prior to the expiration.
3. A copy of this decision and endorsed plan set shall be kept on site and shall be made available to all site contractors.
4. The Applicant shall provide the Planning Board office with the name, address and business phone number of the individual(s) responsible for the activities on site and the date work will commence. 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. At the conference, a schedule of inspections shall be agreed upon by the applicant, the Board's agents and other municipal officials.
5. The Applicant shall engage a registered engineer to oversee the installation of the improvements and ascertain that the materials and workmanship therefore conform to all specifications. The engineer will file written reports with respect to such installation in accordance with the requirements of the Holliston Subdivision Rules and Regulations (Form D).
6. The Board or its agents may enter onto and view and inspect the property during regular business hours, without notice, to ensure compliance with the terms and conditions of this decision, subject to applicable safety regulations.
7. 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 field changes shall be made in writing to the Planning Board for review and approval and shall include a description of the proposed change(s), reasons the change is necessary, and supporting documentation deemed necessary by the Board.
8. 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.
9. Hours of construction for required improvements shall be as follows: Monday through Friday 7:00 a.m. to 5:00 p.m. with no work on weekends or holidays. The applicant shall at all time use reasonable means to minimize inconvenience to residents in the general area. Construction activities shall include but not be limited to: start-up of equipment or machinery; delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of

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- utilities (both on and off the site); removal of stumps and debris; and erection of new structures. Hours of operation shall be enforced by the Holliston Police Department.
10. Prior to any release or reduction of required surety, an interim as-built plan of the drainage facilities shall be submitted to the Board for review and approval.
 11. During construction the Applicant shall perform daily clean up of construction debris, including soil, on Town streets caused by the site construction.
 12. Approval by the Planning Board shall not be treated as, nor deemed to be, approval by the Board of Health for a permit for the construction and use on any lot of an individual sewage system. If there is any inconsistency between the submitted Subdivision Plan and the plans as may be approved by the Board of Health, the applicant shall submit an amended plan to the Planning Board for approval. Said amended plans shall be accompanied by a letter setting forth any and all changes from the submitted subdivision plan and shall include drainage calculations, if applicable.
 13. Should a centralized mailbox area be required by the USPS for the project, adequate off-street parking shall be provided for the facility.
 14. Blasting, if any, shall be performed in accordance with the regulations of the Commonwealth of Massachusetts, 537 CMR. 13.00, and in accordance with the Holliston Fire Department. Hours shall be restricted to 10 a.m. to 3 p.m. Monday through Friday.
 15. All signage, including signs to promote sales, shall comply with the Zoning By-Law.

Special Conditions

16. The Applicant shall secure any approval required from the Board of Selectmen, Water Department and Highway Department for work on Underwood Street before the issuance of any Building Permit. Proof of this approval shall be submitted to the Planning Board and the Inspector of Buildings.
17. Prior to the issuance of any Certificate of Occupancy, the Applicant/Developer shall establish a Homeowner's Association. Membership in said association shall be required by a deed restriction prepared by the applicant and approved as to form and content by the Board's legal counsel prior to execution thereof. Such Homeowner's Association shall own and maintain the designated open space, stormwater management best management practices, common driveways and private road. Additionally, the Applicant will execute an easement for the benefit of the Town of Holliston ensuring that the road will remain open for public access to the open space and a reservation for access and maintenance of the public utilities within the private right-of-way.
18. The Open Space conservation restriction as specified under the provisions of Section V-H(7)(A) and (8)(A) of the Holliston Zoning By-Laws for the Open Space shall be reviewed and approved by the Board and its counsel as well as the Conservation Commission and shall be recorded prior to grant of any Certificate of Occupancy. The conservation restriction and Homeowner's Association deed restriction noted above shall specify that the open space shall be available for use by the general public and shall provide for and describe maintenance in perpetuity. The conservation restriction shall be effective when the Town and the grantor have executed it, when the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained and it has been recorded in the South Middlesex County Registry of Deeds. The Planning Board shall notify the Inspector of Buildings in writing of such approval and provide a copy of the approved and recorded documents.

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19. Legal review of said documents noted in conditions #17 and 18 is 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.
20. The Open Space, as well as the drainage easements within the project, shall be clearly identified and marked on the ground prior to commencement of any construction activity to the satisfaction of the Conservation Commission.
21. The Applicant has proposed, and the Board hereby requires, that the following aspects of the OSRD shall be and shall remain forever private, and that the Town of Holliston shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of the road, stormwater management facilities located within the site, snow plowing, landscaping, and street lighting. Should the Town be required to provide removal of snow or ice for public safety access, the Property Owners (Homeowner's Association) shall provide reimbursement.
22. The existing driveway and sheds associated with #379 Underwood (Lot 1) are to be removed from the site prior to issuance of any occupancy permit. Lot 1 shall not be subject to provisions of the subdivision covenant required below.
23. Sight distance improvements described on the Schofield Brothers of New England, Inc. plan entitled, "Scenic Road Plan", as revised August 17, 2009 shall be completed prior to release of any lot from the provisions of the covenant required below.
24. Property Owners shall not be allowed to erect fencing within drainage easements.
25. The design engineer shall certify that after site stabilization the proposed infiltration basins have been inspected and found to be excavated to subgrade before final grading of infiltration basins.
26. The infiltration basins shall be inspected by the Homeowners Association at least annually, three days after a 25-year rainfall event has ended to ensure that the facility has drained to the appropriate level. If significant water remains ponded in the infiltration basins three days after the latest rainfall, sediment removal/blockage removal activities must be investigated and performed.
27. Uniform pole or post-mounted light fixtures (period style) shall be chosen in accordance with the standards of the International Dark-Sky Association or be IDA-ApprovedTM and shall be installed at the end of each driveway prior to occupancy. The specifications shall be approved by the Planning Board prior to installation.
28. All Conditions and Waivers noted above shall be an attachment to the statutory covenant governed by the provisions of G.L. c. 41, s. 81U.

Following endorsement by the Planning Board, the applicant shall supply five (5) prints of the signed plan set and a digital copy of the plans capable of conversion to a .dxf file prepared in accordance with the MassGIS Standard for Digital Plan Submission to Municipalities.

Mr. Patel made a motion to approve the Common Driveway application for two drives and associated fire lane based on the prepared Certificate of Action (dated November 19 as amended through discussion). Mr. Thorn seconded with the vote as follows: 4- aye, 1- abstain (Ms. Finn). Findings and Conditions are excerpted below:

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COMMON DRIVEWAY SPECIAL PERMIT

FINDINGS

Having reviewed the Plans and Reports filed by the Applicant and its Representatives and the Representatives of the Town, considered the testimony at the Public Hearing and having viewed the site, the Planning Board has determined that this Application for two common driveways respectively under the provisions of Section IV-A(13) of the Zoning By-Laws serving lots 2&3 and 4, 5 & 6 within an Open Space Residential Definitive Subdivision is consistent with the requirements of the Board's Rules and Regulations Article VIII Regulations for Common Driveways (dated January 5, 2012) and the provisions of Zoning By-Laws, Section VI-E(5)(a-e). The Board finds that the two common driveways and their associated connecting fire lane will not result in significant adverse effects to the neighborhood or the Town and will allow for public safety vehicles to access the site adequately. The Board notes that the fire lane connecting the two drives to the roadway known as Anna Place is not located entirely within the boundaries of the lots served, but serves as a public safety enhancement and is endorsed by the Fire Chief. It is also noted that Lot 1 is not part of this decision.

CONDITIONS OF APPROVAL

The Board's decision to grant the Application for two Common Driveways and associated Fire Lane is subject to the following conditions:

1. This Special Permit is not valid until recorded and indexed at the South Middlesex County 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 has been filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied. The Applicant shall record this Decision prior to the commencement of authorized site activity and shall submit proof of recording to the Planning Board. Failure to record the Decision or comply with the conditions of approval herein or to act on this Special Permit within two years shall render this Decision null and void.
2. This Special Permit is not valid until the amended subdivision plan of land depicting the creation of subject parcels has been recorded with the South Middlesex County Registry of Deeds in accordance with the provisions of the Holliston Planning Board Rules and Regulations for the Subdivision and Land and MGL, c. 41, s. 81-W.
3. 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.
4. The Applicant shall provide the Planning Board office with the name, address and business phone number of the individual(s) responsible for the activities on site and the date work will commence.
5. A copy of this decision and endorsed plan set shall be kept on site and shall be made available to all site contractors.
6. During construction the owner/developer shall perform daily clean up of construction debris, including soil, on Town streets caused by the site construction.
7. The common driveways are to be constructed within the access and utility easement as shown on the approved plan. The common driveways shall remain private and are not

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- intended now or at any time to be a part of a public way. No petition shall ever be made to the Town of Holliston seeking to change the status of the common driveways.
8. The street addresses are to be clearly marked at Anna Place and along the common drive per direction of the Fire Chief.
 9. The drive, including the fire lane, shall be kept clear for emergency access. Snow shall not be deposited onto Underwood Street.
 10. 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.
 11. Because of the complexity of the project, installation of driveways, 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.
 12. 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.
 13. 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.
 14. Hours of construction for required driveway improvements shall be as follows: Monday through Friday 7:30 a.m. to 5:00 p.m., with no work on weekends or holidays.
 15. In accordance with Article VIII(10), the property owner 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.
 16. Prior to the issuance of a Building Permit for the lots, the Applicant shall submit an interim as-built plan stamped by a professional engineer certifying that all site improvements associated with the common driveways are completed in accordance with the approved plan with the exception of the final paving. The Applicant shall submit a statement certifying that all conditions of approval of this decision have been met as well as a final as-built prior to occupancy of the last dwelling in the development and release of the bond or other security.
 17. Proposed documents shall be submitted to the Planning Board for approval demonstrating that, through easements, restrictive covenants or other appropriate legal devices, the maintenance, repair, snow removal and liability for the common driveways shall remain perpetually the responsibility of the private parties or their successors-in-interest. These documents and Access and Utility Easements and plan depicting the easement limits shall be recorded and presented to the Building Inspector prior to lot releases. Legal review of said documents is 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.

Adjournment - The meeting was adjourned at 9:40 p.m. on a motion made and duly seconded. The next meeting was scheduled for December 5, 2013 at 7:30 p.m.

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Respectfully submitted,

Karen L. Sherman, Town Planner