

**Holliston Planning Board
Meeting Minutes of December 21, 2015**

In Attendance: Chairman Geoffrey Zeamer, Warren Chamberlain, Nikki Borman, Taro Matsuno and David Thorn.

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

Workshop with Zoning Board of Appeals: Zoning By-Laws Sections I-E, I-E and III-A

The members met with Special Counsel Mark Bobrowski and ZBA Chairman Henry Dellicker to discuss proposed amendments to the above-noted sections. Atty. Bobrowski provided draft text dated December 2nd and several comments from staff and other board members were added to the discussion. Members will contemplate additional uses and refinements to uses categories, especially commercial and industrial. Next steps would be to draft a series of amendments for consideration for the ATM warrant and to discuss proposals with the economic Development Committee.

General Business:

1. Planning Advisory Board Discussion of DLTA Funding from MAPC

Ms. Sherman reviewed the DLTA announcement deadline and indicated that she had spoken with Land Use Director Mark Racicot about the Corridor Plan. Mr. Matsuno agreed to review the 2-page draft scope and technical assistance criteria. Funding announcements are expected in January.

2. Approval of Minutes of November 5, 2015 and December 3, 2015

On a motion by Mr. Matsuno, seconded by Mr. Thorn, the draft minutes of November 5 and December 3, 2015 were approved as written.

Continued Senior Residential Dwelling Development & Inclusionary Housing Site Plan Review and Special Permit Public Hearing:

“Brooksmont” by Pulte Homes of New England, LLC – 415 Concord Street

The Chairman re-opened the public hearing at 8:30 p.m. Present for the applicant were Mark Mastroianni and Reid Blute of Pulte Homes of New England, LLC, Matt Leidner, PE of Civil Design Group, LLC, and Bob Michaud, PE of MDM Transportation.

The Board's vote in favor of granting Application for Senior Residential Dwelling Development Special Permit for Brooksmont was as follows on a motion made by Mr. Thorn, seconded by Mr. Chamberlain: 5 (aye)-0 (nay)-0 (abstain):

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.

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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.

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 and Inclusionary Housing Special Permit under the provisions of Section V-P and V-Q of the Holliston Zoning By-Laws 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.

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7. The Board reserves the right consistent with the process afforded under law 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 Conditions

9. 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. Written notice shall be provided to abutters a minimum of 72 hours prior to initial commencement of work, including tree cutting. The Applicant shall provide the name, address and business phone number of the individual(s) responsible for the activities on site.
10. Hours of construction for required site grading, roadway, and utility improvements shall be as follows: Monday through Friday 7:30 a.m. to 5:30 p.m. No site grading, roadway, and utility improvements shall be done on weekends or state and national holidays.
11. The Applicant shall take measures to prevent construction vehicle queuing at the site entrance and along Concord Street before 7:00 a.m.
12. The applicant shall at all times use reasonable means to minimize inconvenience to residents in the general area from construction activities. Construction activities shall include but not be limited to: start-up of equipment or machinery; delivery of materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities(both on and off the site); and removal of stumps and debris. Construction hours shall be enforced by the Holliston Police Department and Inspectors of Buildings.
13. 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 and will file written reports with respect to such installation.
14. 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.
15. In accordance with Section V-P (8) (b), the Applicant shall guarantee performance of the conditions of this Special Permit with a surety 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. 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.
17. The development shall contain a maximum of 66 units in Holliston substantially as shown on the approved plan, including seven (7) "affordable units". There shall be no increase in the number of units or subdivision of the parcel without additional Special Permit approval from the Board.
18. The development shall be subject to an age-restriction as follows: All of the dwelling units shall be occupied by at least one person who is age 55 or older. The age-restriction is intended to be consistent with, and is set forth in order to comply with the Fair Housing Act, 42 USC section 3607(b), as amended, the regulations promulgated thereunder, 24

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- CFR Subtitle B, Ch. 1, section 100.300 et seq. and G.L. c 151B, section 4 and shall be approved as to form by the Board's legal counsel.
19. The affordable units proposed, units #20, #24, #26, #30, #48, #63, #66 are subject to DHCD approval, and shall not be segregated from the market rate units and shall not be substantially different in exterior appearance from the standard market rate units. The affordable units shall be located per Appendix B of the Applicant's Inclusionary Housing submittal dated 6/19/15. A fee-in-lieu scenario in accordance with the provisions of Section V-Q (12) may replace this condition and #20, 21, 22, 23 if approved by the Planning Board and the Housing Trust.
20. The timing and/or sequence of construction of the affordable units and market rate units shall comply with the timing requirements set forth in Section V-Q(7)(c) of the Zoning By-Laws. As detailed in the Applicant's Inclusionary Housing submittal, the development of the affordable units will not be delayed beyond the schedule below:

MARKET RATE UNIT %	AFFORDABLE HOUSING UNIT %
Up to 30% (17 units)	None Required
Up to 50% (29 units)	At least 30% (3 units)
Up to 75% (44 units)	At least 50% (4 units)
75% plus 1 (45 units)	At least 70% (5 units)
Up to 90% (53 units)	At least 100% (7 units)
100% (59 units)	100% (7 units)

21. The affordable units shall be made available in perpetuity to households earning no more than 80% of the Boston PMSA (or applicable PMSA in the event of a change) median income and all long-term affordability restrictions shall follow the DHCD LIP Program. The maximum resale price shall be established in accordance with the terms of an approved Deed Rider. The form of deed rider to be used is the "Universal Deed Rider" which has been approved by Fannie Mae and is designed to preserve the Chapter 40B affordability requirement in the instance of a foreclosure by a lender.
22. 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.
23. To the extent permitted by law, preference for the sale of seventy percent (70%) of the affordable units in the initial round of sales shall be given a local preference, that is, preference shall be given to current residents, applicants born in the community, a child or parent of a current resident of the community, employees of the municipality or employees of businesses located in the community. The local preference shall be implemented by a Lottery Agent approved by the Board. Prior to conducting the lottery, the Lottery Agent shall submit a final lottery plan to the Board for its approval. The developer shall be responsible to pay for 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 City's Housing and Planning Association's

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- 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.
24. In accordance with the requirements of Section V-P(4), the Open Space designated on the project plans (approximately 5.1 acres) shall be conveyed to a Homeowner's Association with an approved Conservation Restriction enforceable by a qualified non-profit approved by the Planning Board and Conservation Commission prior to construction of the 17th unit. The Applicant shall be entitled to an extension of the above condition upon demonstration to the satisfaction of reasonable due diligence in achieving Town and State approval of the Conservation Restriction. The Conservation Restriction shall be prepared in accordance with Section 31 and 33, inclusive, of MGL Chapter 184.
 25. The Open Space shall be clearly identified and marked on the ground prior to commencement of any construction activity. Permanent markers shall be approved and installed to the satisfaction of the Conservation Agent and Town Planner.
 26. Prior to commencement of site work, Applicant shall submit a copy of the NPDES General Permit to the Planning Board.
 27. Prior to commencement of site work, Applicant shall provide the Planning Board with the project's final Operations and Maintenance Plan for stormwater management.
 28. Prior to any soil disturbance, removal or stockpiling, the applicant shall have an emergency supply of erosion and sedimentation control measures stockpiled on site and such measures shall be employed in a timely fashion in anticipation of extreme weather events.
 29. The Applicant shall not cause a nuisance to neighboring residents due to dust or noise. Neither oil nor sodium chloride shall be used during or after construction for the control of dust. If, in the opinion of this Board, the employed measures do not sufficiently mitigate noise and dust migrating off the property in accordance with the standards of Section V-N of the zoning By-Laws, the Board will notify the applicant in writing and the Applicant shall supply a corrective action plan within 7 days for the Board's review and approval. The Inspector of Building shall take additional measures as the Town's Zoning Enforcement Officer.
 30. All retention/detention basins and other stormwater BMP's shall be constructed as detailed on sheets 7 and 8 of the endorsed plan set. The Applicant shall provide as-built plans to the Planning Board.
 31. Sidewalks, landscaping and lighting features serving each identified phase of unit construction shall be installed prior to issuance of the final occupancy permit for that phase.
 32. Homeowner Association documentation shall include a restriction on use of neonicotinoid insecticides, pesticides and fertilizers as well as sulfoxaflo in order to protect local bee populations and bee habitat.
 33. A final street signage plan shall be submitted to the Planning Board and Building Inspector for review and approval. Street sign installation shall be completed before issuance of any occupancy permits.
 34. The roadways within the development shall not be dedicated to or accepted by the Town.
 35. The Applicant has proposed, and the Board hereby requires, that the following aspects of the development shall be and shall remain forever private, and that the Town of Holliston

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shall not have, now or ever, any legal responsibility for operation, maintenance, repair or replacement of same:

- All roadways and parking areas
- Stormwater management facilities
- Snow plowing
- Landscaping
- Trash removal
- Street lighting
- Building repair and maintenance
- Water services beyond the individual meter pits
- On-site wastewater disposal system.

36. The Applicant shall promptly pay the reasonable fee of the Board's legal counsel for review of the plans or documents described herein.

Adjournment - The meeting was adjourned at 10:45 p.m. on a motion made and duly seconded. The next meeting was scheduled for January 7, 2016.

Respectfully submitted,

Karen L. Sherman, Town Planner