

**Holliston Planning Board
Meeting Minutes of February 16, 2012**

In Attendance: Chairman Jack Donovan, Parashar Patel, Jonathan Loya, Warren Chamberlain, and Geoffrey Zeamer. Also present were Tree Warden Mark Ahronian and Mark Bobrowski, Special Town Counsel.

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

General Business:

Approval of Minutes – 1/19/12

On a motion by Mr. Patel, seconded by Mr. Chamberlain, the minutes were approved as amended.

Mullin Rule Discussion

The members conferred with Attorney Bobrowski and agreed that although the Town Meeting had adopted the provisions of the Mullin Law, their recordkeeping did not meet the Attorney General's recommended standard for a member missing a public hearing session. Mr. Zeamer inquired if he was still sitting on the Bullard St Scenic Road Hearing. The Chairman confirmed that no testimony was taken on the tree issues on the 19th.

Evergreen Square Definitive Subdivision – Construction Extension and Field Changes

No one was present for the developer, Wall Street. The Chairman provided interested neighbors with a summary of materials submitted. Keith Waryas of Kingsbury Drive inquired about the modified roadway profile in the area of the wetland crossing and proposed guardrail/fence. He noted that the retaining wall and guardrail do not appear to be "in the right place" and the sidewalk is very narrow. The Chairman stated that the board would ask for a clarification from the developer. The matter was tabled until the next available meeting date.

Courtland Pines – Extension Agreement

The members unanimously endorsed the Extension Agreement for Courtland Pines until January 2013. All building lots remain under Covenant and the roadway is in binder.

**Continued Administrative Site Plan Review: Bullard Farm Solar Facility
and**

**Continued Scenic Road and Shade Tree Act Public Hearing
Bullard Memorial Farm, Bullard Street**

The Chairman re-opened the discussion. Representing the applicants, Renewable Energy Massachusetts, LLC (REM), were Brian Kopperl and Bob Knowles of REM as well as Larry Beals and Greg St. Louis, PE of Beals Associates, Inc. of Charlestown (land planners and civil engineers), David Palumbo, PE (electrical engineer) and Atty. Bob Orsi of Orsi Arone Rothenberg Iannuzzi & Turner, LLP.

The Chairman noted that he had discussed the issue of power distribution with Dave Aman of NSTAR who offered that energy demand within approximately ½ mile of the site would utilize the proposed power generation. Ms. Sherman provided a quick update of the project's status with the Board of Assessor's, noting the draft PILOT agreement was provided in the Board's packets. The Assessor's have requested funding for an

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appraisal of the proposed facility in order to better negotiate the terms of the proposed PILOT. Mr. Kopperl agreed, noting that the value of the facility over its proposed life is what the Assessor's are trying to get their arms around.

Shortly after 7:30 p.m., the Chairman re-opened the joint public hearing along with Tree Warden, Mark Ahronian and noted that this is a continued hearing of the two authorities under the Massachusetts Scenic Road and Shade Tree Acts.

The Chairman asked Mr. Beals to summarize plan revisions, including requested details on the inverter structure. Mr. Beals reviewed the materials submitted in a packet dated February 9th and introduced Mr. Palumbo to provide details. Mr. Palumbo discussed the two component fields of power generation – electric and magnetic (aka EMF). He noted that at the perimeter of the site, EMF levels would be lower than average household appliances. Mr. Patel asked if there were recognized health standards. Mr. Palumbo provided thresholds for acute non-occupational exposure (830 milligauss) and noted that the levels at the perimeter of the site would be indistinguishable from background levels. Detailed EMF calculations with distances noted across the site and off-site as well as alternative locations for placement of components generating the highest levels of EMF's were requested.

Mr. Palumbo reviewed provided graphics with regard to distribution (tab 3). He also provided details of the "transfer station", noting there would be high voltage switches, relays, metering equipment and a transformer. Additionally the proposed inverter "shed" with 5 inverters would also house circuit breakers, filtering equipment and fuses. Mr. Palumbo described the proposed design of stringing voltage through combinations of panels as well as the conversion from DC to AC, and the ultimate connection to a telephone pole. He added that a single point of disconnect is required and the conduit is run in PVC pipe underground and then in a rigid galvanized steel pipe up the pole.

Mr. Beals referred to a plan set entitled "Plans to Accompany an Administrative Site Plan Review for Solar Energy Facility at Bullard Farm, Bullard Street, Holliston, MA" dated November 8, 2011 (revised January 5th and February 8th). Mr. Beals reviewed additional supplemental materials, including clarification on the width of Bullard Street and the property line, locations of other facilities, stormwater management and this proposed site's location in reference to the Zone 2 and municipal well site #5. He indicated that this site discharges downstream of the well site. He noted that a response to the chairman's written review of February 7th was included as the last tab in the supplemental materials. Further review of the type of locations of the sites in other communities on the "carve-out" list was requested.

Offering comments from the audience were: Marty Lamb of 57 Wingate Road, Sandra O'Neil of 110 Bullard Street, Thomas Gilbert of 105 Bullard Street, Carol Khouri of 40 Bullard Street, Bronwen Bernier of 45 Bullard Street and Marty Boyles of 121 Bullard Street, Bill Gabriel of 86 Winchester Drive, Bill George of 62 Persis Place, Tara Hathway of 705 Adams Street, and Diane Lulek of 35 Dalton Road. Of particular note were comments offered on the potential health impacts to a resident of 85 Bogastow Brook Road who has a cochlear implant, the revelation that the Town of Bedford would

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be the purchaser of the power credits generated by the site, the lack of planned site security, and additional debate on the local and state zoning allowances for the proposed use.

Atty. Orsi stated that it remained his interpretation that MGL, c. 40A, s. 3 “Exemptions from Zoning Regulations” with regard to “solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare” is applicable to this project. Atty. Bobrowski provided some comments on c. 40A, s. 3 as well as the history of the local definition of public utility which was amended in 1978. He again suggested that under the position by the applicant that the exemption prevails, the Town’s options are to embrace the exemption of c. 40A, s. 3 or regulate the use. Mr. Zeamer offered that this proposed use is not a public utility. Many in the audience were in agreement.

The Chairman noted correspondence received from the Board of Health dated February 16, 2012, Fire Chief Michael Cassidy dated February 14, 2012, Tree Warden Mark Ahronian dated February 9, 2012, Westcott Site Services dated February 16, 2012, Dr. Sandra George O’Neil of 110 Bullard Street et al dated February 10 and 13, 2012, Thomas Gilbert of 105 Bullard Street et al dated February 15 and 16, 2012 (3 letters), Jane and Shahar Ze’evi of 15 Bullard Street dated February 16, 2012, Kristine Irving of 29 Winchester Drive dated February 16, 2012, Stacey McGovern of 85 Bogastow Brook Road, and Martha DeWolfe of 125 Long Hill Road (West Brookfield).

It was agreed to continue the site plan discussion until March 12th at 7:30 p.m. Atty Orsi and Mr. Kopperl endorsed an extension agreement for the continuance given that the 90 day timeframe for review under the Planning Board’s Regulations had been exceeded.

With regard to the Street Trees, Mr. Beals mentioned that all of the trees within the right of way cause shading and impact the panels by decreasing efficiency. However, they have analyzed the shadow effects and based on that analysis, they are proposing to leave six of the seven trees within the right of way, to respect neighborhood concerns. The one tree that they would like to remove within the right of way is the southern-most tree. It is a red maple that has been impacted by vehicles/snow plows and vines. As a consequence the tree is diseased and dying. Their amended proposal is to leave six of the seven street trees and remove one. They also recommended that they be allowed to do some work within the crowns of the remaining trees including removing dead wood and possibly thinning the crown by a certain percentage recommended by the Holliston Tree Warden.

Mr. Ahronian mentioned that there are additional trees that may be considered street trees because they are growing within the stone wall that forms the property line. It was discussed that there is a cherry tree that is within the wall but it is essentially dead and its removal did not seem to be a problem. Mr. Beals acknowledged that any tree that has its trunk within the wall, by definition, is a street tree but that any tree that has a trunk entirely within the BMFA property, irrespective of its crown, is not a street tree and there is no jurisdiction over a tree on private property even if a branch may extend over the property line and into the right of way. Mr. Beals agreed to meet Mr. Ahronian in the field to review.

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Given that Mr. Ahronian will not be available for the 12th, the Scenic Road and Shade Tree Public Hearing was continued until March 19th at 7:30 p.m. on a motion by Mr. Chamberlain, seconded by Mr. Zeamer with all in favor.

Continued Public Hearing: Common Driveway, 2016 Washington Street

The Chairman re-opened the public hearing at 10:05. Present for the applicants were Atty. Peter Barbieri, Rob Truax of GLM Engineering Consultants, Inc., and William Scully, PE (traffic engineer). The Chairman noted receipt plan revisions dated February 13, 2012, a Consent to Easement Structures (Tract 2410E-2) from the Corps of Engineers, and a Variance from the Board of Appeals (dated December 14, 2012) for access. Additional permitting was discussed, including DOT, ACOE Regulatory Division 404 Permit, and Holliston Conservation Commission Order of Conditions. Mr. Truax summarized the plan revisions, noting that sloped granite curbing had been added to the entrance radius per DOT comments.

Noel Layman of 1989 Washington Street commented on potential traffic safety concerns given the passing lane location on Washington Street and the planned multiple driveways. Mr. Scully revisited the planned clearing on the westerly side of the driveway to achieve recommended sight distances. He added that the calculations had been based on the posted 45 mph speed limit. Mr. Layman asked how the sites were interconnected and what the planned uses were. Atty. Barbieri stated that the front site is planned for approximately 5,000 s.f. of office or retail and the rear is being offered for industrial uses. Conceptual footprints are shown on the plans with parking and septic being the limiting factors on the front site.

Potential conditions of approval were discussed and Ms. Sherman was directed to draft a Certificate of Action for the Board's consideration. Mr. Patel made a motion to continue the hearing until 7:00 p.m. on March 12, 2012. Mr. Loya seconded with all in favor.

**Special Permit and Site Plan Review Public Hearing
Metrowest Realty Group, 100 Central Street**

The Chairman re-opened the public hearing. Present for the Applicant was Dan Nissi of Metrowest Realty Group, Peter Barbieri, Esq. of Fletcher Tilton PC, Ed Clinton, AIA of Clinton Design, Rob Truax of GLM Engineering Consultants, Inc. and Tom Chipman of Chipman Electric. Atty. Barbieri reviewed the Project Narrative submitted with the application. The Special Permit request is from the provisions of Section III-A (#28 Business or professional offices...) resulting in a building over 5,000 s.f. He noted that the Zoning Board of Appeals granted both a Dimensional Variance for the proposed Floor Area Ratio over 1.0 and a Special Permit for the proposed setbacks on January 18th.

Atty. Barbieri and Mr. Clinton reviewed the proposed elevation changes to the existing 2-story multi-tenant plaza building, including façade, roofline, siding, HVAC, and entrances. The existing septic system will service the entire facility and tenant allocation

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will require approval of the Board of Health. The third floor is planned for approximately 7,800 s.f. office space with additional common areas. The second floor will remain a mixture of restaurant and retail space and the first floor will remain a karate studio and dentist office. Renovations on the second floor have begun, including the addition of a fire alarm system. The total building area will be 24,930 s.f. The HVAC is proposed to be located in a flat section of roof. A main lobby with stairs and an elevator is planned from the Central Street parking area, resulting in the loss of 4 or 5 parking spaces.

It was noted that 32 parking spaces are also available at the corner of Fruit and Charles Streets which is commonly owned. That lot supports an existing multi-family dwelling and 8 spaces have been reserved for that use. Atty. Barbieri provided some parking calculations based on activity at the site in the past few weeks.

Mr. Truax verified that a wetland filing with the Conservation Commission will be required as the columns on Charles Street are located within the buffer and riverfront areas. Mr. Layman of 1989 Washington Street asked about the first floor space and roof runoff given the existing interior drains. Mr. Clinton noted the changes in the roof lines and the location of a manhole which ultimately drains to the Winthrop Canal.

Construction is estimated at one-year with minimal interruption to existing tenants. No changes to signage as planned. Dumpster location, screening and control of servicing were discussed as was the potential for landscaping along the Fruit Street frontage. Additional information was requested on staging as well as drainage retrofits.

Potential conditions of approval were discussed and Ms. Sherman was directed to draft a Certificate of Action for the Board's consideration. On a motion by Mr. Loya, seconded by Mr. Chamberlain, the board voted unanimously to continue the hearing until 7:15 p.m. on March 12th.

General Business Continued

Articles for Annual Town Meeting Warrant:

- a. Zoning By-Law Amendments (Purpose, Special Permit Criteria, Solar Energy Systems, Noise Regulations)
- b. Road Acceptance – Deer Run (Courtland Square Subdivision)

On a motion by Mr. Patel, seconded by Mr. Chamberlain, the members voted unanimously to sponsor the following 4 proposed amendments to the Zoning By-Laws for submission to the Board of Selectmen and placement of articles on the warrant for the annual town meeting:

1. ARTICLE : To see if the Town will vote to amend the Town of Holliston Zoning By-Laws by amending Section I-A Purpose as follows:

Note: Text in bold and italic is new.

I-A PURPOSE

The purpose of this zoning by-law is to promote the *general* health, safety, convenience, morals and welfare of the inhabitants of Holliston *under the*

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provisions of General Laws, Chapter 40A (the Zoning Act); to encourage the most appropriate use of the land; to preserve the cultural, historical and agricultural heritage of the community; to conserve the value of land and buildings, including the conservation of natural resources; to protect water quality and supply; to secure safety from fire, flood and other dangers; to regulate land uses that have an impact on the Town's natural, fiscal and physical capacities; to encourage housing for residents of all income levels; and to provide for other purposes authorized under the Zoning Act. For this purpose, the use, construction, repair, alteration, height, area, and location of buildings and structures, and use of premises in the Town of Holliston, are regulated as hereinafter provided.

or take any action relative thereto.

2. ARTICLE : To see if the Town will vote to amend the Town of Holliston Zoning By-Laws by adding the following text to Section VI-E Special Permit Granting Authority:

Note: Text in bold and italic is new.

VI-E SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

5. Before granting a Special Permit, the SPGA shall consider the proposed use in relation to the site as well as the adjacent uses and structures and shall find that there will be no significant adverse effects to the neighborhood or the town, considering the following criteria:

- a. The degree to which the proposed use is in an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and other uses allowed by-right in the district and is designed to be compatible with the character and the scale of neighboring properties.***
- b. To the extent feasible, the proposal has been integrated into the existing terrain and surrounding landscape, minimizing the impacts to the aquifer and/or recharge area, wetlands, steep slopes, and floodplains.***
- c. Adequate and appropriate facilities shall be provided for the proper operation of the proposed use, including screening and provisions for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and properties.***
- d. The proposed project shall not create any significant emission of noise, dust, fumes, noxious gases or any other adverse environmental impact including increase in the rate and volume of stormwater, erosion and sedimentation.***
- e. There shall be no unreasonable glare from lighting, whether direct or reflected, onto ways, the night sky or onto adjacent properties.***

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3. ARTICLE : To see if the Town will vote to amend the Town of Holliston Zoning By-Laws by amending Section V-N Performance Standards as follows:

Note: Text in bold and italic is new and text being stricken is denoted by strikethrough.

V-N PERFORMANCE STANDARDS CONTINUED

4. Noise. No use shall be permitted within the town of Holliston which, buy reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property. Exempt from the provisions of this subsection are (a) vehicles not controlled by an owner or occupant of a lot within the town, (b) ~~temporary~~ ***outdoor*** construction activities (***including use, delivery and pickup of equipment***) occurring during the hours of 7 a.m. to 6 p.m. on weekdays ***and 8:00 a.m. to 4:00 p.m. on Saturday***, (c) occasionally used safety signals, warning devices, emergency pressure relief valves, or other such temporary activity, (d) use of power tools and equipment such as lawn mowers, snow blowers, chainsaws, tractors, and similar equipment for the maintenance of property between the hours of 7 a.m. and 8 p.m. on weekdays and 8 a.m. and 6 p.m. on weekends. ***No outdoor construction activity is allowed on Sundays or national holidays, except activity performed by the owner of an owner-occupied residential property that does not involve the use of heavy equipment.***

4. ARTICLE ____: To see if the Town will vote to amend the Zoning Bylaw to provide for the regulation of solar energy systems as a principal use as follows:

Note: Text in bold and italic is new.

1. BY ADDING the following to Section I-E Definitions

Large-scale solar energy system – A roof or ground-mounted solar power generation system which has a rated nameplate capacity of 250 kilowatt or more (i.e. the maximum rated output of electric power production of the solar energy system in Direct Current).

Small-scale solar energy system – A roof or ground-mounted solar power generation system which has a rated nameplate capacity of less than 250 kilowatt (i.e. the maximum rated output of electric power production of the solar energy system in Direct Current) and is not deemed accessory to an individual residential or business use.

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2. BY ADDING the following to Section III-A Schedule of Use Regulations:

III-A SCHEDULE OF USE REGULATIONS

Use	Ag-Res Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res. Dist.	Comm. Dist.	Vill. Ctr. Comm. Dist.	Ind. Dist.	Apt. Dist.
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30. Solar Energy Systems

<i>a. Small-scale solar power generation system</i>	<i>P</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>P</i>	<i>A</i>
<i>b. Large-scale solar power generation system</i>	<i>O</i>	<i>O</i>	<i>O</i>	<i>O</i>	<i>A</i>	<i>O</i>	<i>A</i>	<i>O</i>

P - Permitted Use

A - Use allowed under Special Permit by the Special Permit Granting Authority as provided in Section VI-E hereinafter.

O - Prohibited Use

Note: Small scale solar energy systems intended for non-commercial, single residential or business use are permitted accessory uses per Section V-A.

3. BY AMENDING Section IV-B Schedule of Intensity Regulations as follows:

“For all ground-mounted small- and large-scale solar power generation systems, minimum perimeter setbacks shall be 50 feet from any component to any lot line.”

4. BY ADDING the following to Section VII Site Plan Review (2)(b) “Applicability of Site Plan Review”:

“and v. No new drive-thru facilities or non-accessory solar energy generation systems shall be allowed except in conformity with a site plan bearing an endorsement of approval by the Planning Board.”

Additionally, Mr. Patel made a motion to forward the following road acceptance article to the Board of Selectmen:

ARTICLE : To see if the Town will vote to accept as a public way, Deer Run (Sta. 0+00 to 6+77.43), as shown on the plan entitled “Acceptance Plan of Deer Run, Holliston, MA (Middlesex County)” dated September 20, 2011, prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA 01746, such way having been laid out as a Town Way by the Board of Selectmen;

or take any action relative thereto. Mr. Chamberlain seconded with all in favor.

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Adjournment - The meeting was adjourned at 11:45 p.m. on a motion made and duly seconded. The next meetings were scheduled for March 12th and March 19th at 7:00 p.m.

Respectfully submitted,

Karen L. Sherman, Town Planner