

**TOWN OF HOLLISTON
PLANNING BOARD**

Town Hall – 703 Washington Street
Holliston, MA 01746
(508) 429-0635

OFFICE OF THE
TOWN CLERK
HOLLISTON, MA
2021 AUG 10 PM 12:24

**CERTIFICATE OF ACTION
SPECIAL PERMIT, AMENDED SITE PLAN REVIEW AND
AMENDED LAND DISTURBANCE AND STORMWATER PERMIT
555 Hopping Brook Road**

Date of Decision: July 29, 2021

Applicant: CRG Integrated Real Estate Solutions

Applicant's Address: 200 Bar Harbor Drive, Conshocken, PA 19248

Owner: New Hopping Brook Trust
42 Westboro Road, N. Grafton, MA 01536

Subject Property: 555 Hopping Brook Trust

Assessor's Identification: Map 4, Block 6, Lot 15.A

Zoning District: Industrial

Administrative Record:

The Applicant filed an application for a Special Permit with the Planning Board and Town Clerk on June 30, 2020.

Hearing notice under the requirements of MGL, c. 40A and the Planning Board Rules and Regulations included the following:

1. Publication of the hearing notice in the Metrowest Daily News on July 8, 2020 and July 15, 2020;
2. Posting of the hearing notice in the Town Clerk's Office on July 2, 2020;
3. Notification to abutters (including surrounding towns and Applicant) by mail on July 2, 2020.

The following documents were entered into the public record in support of the application and were presented and discussed in detail:

- Plan set entitled "555 Hopping Brook Road, A Modification of the Definitive Site Plan in Holliston, Massachusetts (Middlesex County)" prepared by Engineering Design Consultants, Inc. (EDC), dated November 16, 2019 and revised February 5, 2020, March 2, 2020, February 5, 2021, April 13, 2021, and May 11, 2021.

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- Stormwater Calculations, 555 Hopping Brook Road, Holliston, MA, prepared by Engineering Design Consultants, Inc., dated November 16, 2019 and revised February 5, 2020, February 5, 2021, April 13, 2021 and May 11, 2021 (Addendum).
- Plan set entitled “Sections, 555 Hopping Brook Road, Holliston, Massachusetts”, prepared by Engineering Design Consultants, Inc., dated January 8, 2020 and revised August 4, 2020, January 13, 2021 and April 13, 2021.
- Plans entitled “Layout & Materials, 555 Hopping Brook Road, Holliston, Massachusetts” and “Grading & Utilities, 555 Hopping Brook Road, Holliston, Massachusetts”, prepared by Engineering Design Consultants, Inc., dated November 16, 2019 (revised January 28, 2021), and “555 Hopping Brook Road, Modification of the Definitive Site Plan in Holliston, Massachusetts (Middlesex County)” dated November 16, 2019 (revised February 5, 2021).
- Plan set entitled “Potential Parking Plan, 555 Hopping Brook Road, Holliston, Massachusetts” prepared by Engineering Design Consultants, Inc., dated November 16, 2019 and revised thru April 13, 2021.
- Correspondence from Frank Petkunas of CRG (dated January 25, 2021 and February 4, 2021).
- Correspondence from CRG regarding “Responses to Questions asked in the April 15, 2021 Planning Board Meeting” dated April 29, 2021.
- Correspondence from Richard A. Nylén, Jr. of Lynch, Desimone & Nylén, LLP dated April 29, 2021 and May 27, 2021 including Summary of Mitigation 4/27/21), letter in support of Site Plan approval amendment, and letter in support of Stormwater and Land Disturbance Permit amendment.
- Correspondence from Richard A. Nylén, Jr. and Donald R. Pinto, Jr., of Lynch, DeSimone & Nylén, LLP (dated March 18, 2021) regarding Swatara Township, PA and Rotatori of 14 Olde Surrey Lane, Medway.
- Correspondence from Peter Bemis of Engineering Design Consultants, Inc. (dated August 18, 2020 and December 11 and 17, 2020, February 5, 2021, February 12, 2021, March 30, 2021, April 8, 2021, April 27, 2021(2) and May 27, 2021 (2) regarding supplemental materials and response to peer review comments.
- Correspondence from Scott Thornton, PE of Vanasse & Associates, Inc. (dated November 18, 2020, January 28, 2021 and February 18, 2021).
- Correspondence from Gregory Tocci, Sr. and Bradley Dunkin of Cavanaugh Tocci (dated January 25, 2021, February 4, 2021, February 5, 2021, March 11, 2021, and April 13, 2021).
- Powerpoint presentation by Greg Tocci of Cavanaugh Tocci (dated March 18, 2021).
- Powerpoint presentation by Scott Thornton, PE of Vanasse Associates (dated March 18, 2021) entitled “Traffic Assessment: Responses to Comments Areas from February 4, 2021 Planning Board Meeting”.

Peer Review. The board employed the services of several peer review consultants using the provisions of c. 44, s. 53G and Article VII Regulations for Special Permits and Site Plan

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Review Appendix C – Project Review Fees. The following correspondence was entered into the record from the peer reviewers:

- Traffic - Robert Michaud, PE of MDM Transportation Consultants, Inc. (dated December 23, 2020 and February 4, 2021)
- Noise - Christopher Menge of Harris, Miller, Miller & Hanson (HMMH) (dated January 28, 2021 and February 17, 2021, March 17, 2021 and March 31, 2021).
- Civil Engineering – David Faist, PE of CMG Environmental (dated March 15, 2021, April 6, 2021, May 13, 2021 and May 14, 2021).

The following Town Agencies offered the following correspondence for the record:

- Holliston Conservation Commission Determinations of Applicability D-659 and D-680
- Michael Cassidy, Fire Chief (dated July 22, 2020 and April 29, 2021)
- John Cronin, Select Board Chair (dated November 9, 2020)
- Peter Barbieri, Economic Development Committee Chair (dated January 7, 2021)
- Board of Assessors (dated March 18, 2021)

Correspondence from the following State and Regional agencies was also entered into the record:

- Tori Kim, Assistant Secretary of Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs addressed to Richard Nysten, Esq. (dated July 30, 2020)
- Jonathan Gulliver, Administrator of MassDOT (dated December 18, 2020)
- Ed Carr, Executive Director of Metrowest Regional Transit Authority (dated February 3, 2021)

Correspondence from the following individuals was received and entered into the record:

Michelle Mehigan of 76 Regal Street (dated August 4, 2020), Wendy Cabot of 1395 Washington Street (dated August 5, 2020), Drew Horton of 164 South Street (dated August 6, 2020), Millie Kampersal of 387 South Street (dated August 6, 2020, February 1, 2021 and May 17, 2021), Jan Klein of 48 Piedmont Drive (dated August 10, September 10, November 16, November 18, 2020 and March 29, 2021), Suzanne Adelman of 46 South Street (dated August 11, 2020, September 8, 2020 and March 3, 2021), Pauline Santino of 37 Piedmont Drive (dated August 17, 2020), Susan Schnapp of 4 Glacier Way (dated August 17, 2020 and November 18, 2020), Paul and Susan Hession of 45 Balancing Rock Drive (dated August 17, 2020), Andrius Monvila of 15 Amy Lane (dated August 18, 2020), Kevin O'Connor of Hermes, Netburn, O'Connor & Spearing, P.C. (dated August 18, 2020 and October 3, 2020), Monica & Pete McDonald of 7 Kingsbury Drive (dated August 19, 2020), John Coukos of 17 Pond View Road (dated August 19, 2020), Robert Ostrow of 5 Amy Lane (dated August 19, 2020), James Vazza of 110 Johnson Drive (dated August 21, 2020), Anne Tobin of 181 Central Street (dated August 21, 2020), Alison Beard of 14 Deer Run Road (dated August 24, 2020), Gary and Mary Rotatori of 14 Olde Surrey Lane, Medway (dated August 27, 2020, October 29, 2020, December 7, 2020 and February 1, 2021 and March 11, 2021), Jon Trombley of 194 Courtland Street (dated August 31, 2020), Toni Neal of 8 South Street (dated September 17, 2020), Alice Valle of 54 Jackson Drive (dated September 23, 2020), Robert, Janeen, Miranda and Rob Cox of 67 Overlook Drive

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(dated September 24, 2020), Micky Rae Keogh of 9 Jackson Drive (dated September 27, 2020), Scott Brady of 209 Courtland Street (dated October 1, 2020), Matthew Mnich of 4 Olde Surrey Lane, Medway (dated October 12, 2020 and April 15, 2021), Pauline Santino of 37 Piedmont Drive (dated October 13, 2020), David & Liz Kaplan of 14 Stable Way, Medway (dated October 9, 2020), Brian and Kristen Grace of 14 Hillside Drive (dated October 19, 2020), Charles Myers of 9 Curtis Lane, Medway (dated November 4, 2020 and March 25, 2021), Stanley and Rhonda Parker of 33 Piedmont Drive (dated November 16, 2020), Linda Zavalick of 26 Glacier Way (dated November 16, 2020), Anne Lindsay and David Schwarz of 170 Adams Street (dated November 16, 2020, April 7, 2021 and May 5, 2021), David Bastille of 136 Rockland Street (dated November 13, 2020 and April 15, 2021), Joan Hugenberger of 864 Washington Street (dated December 3, 2020 and April 14, 2021), Ann McElhinney of 12 Carriage House Way, Medway (dated December 7, 2020, February 4, 2021, March 25, 2021 and June 1, 2021), Susan Roll of 305 South Street (dated December 26, 2020 and May 1, 2021), Kristen Breen of 363 South Street (dated January 13, 2021), Janet Sheehan of 5 Olde Surrey Lane, Medway (dated January 20, 2021, February 1, 2021, April 14, 2021, April 16, 2021, April 29, 2021 and June 2, 2021), Elliot Wheelwright of 64 Hemlock Drive (dated January, 26 2021 and May 6, 2021), Ed and Karen Holupka of 5 Carriage House Way, Medway (dated February 2, 2021), Anne Silver of 944 Washington Street (dated February 1, 2021), David Franco of 45 Summer Street (dated February 2, 2021), Bill and Erin Hoye of 6 Carriage Way, Medway, Alanna Liberto of 13 Carriage Way, Medway (dated February 4, 2021) Edward Kofron of 38 Piedmont Drive (dated February 8, 2021), Gary C. Harris of 2 Summit Road, Medway (dated February 8, 2021), Walter Branson of 263 South Street (undated), Holliston Woods Condominium Trust (dated February 15, 2021), Leonard J Epstein of 81 Jackson Drive (dated February 20, 2021, March 4, 2021 and March 20, 2021), Nancy O'Neill of 98 Monroe Drive (dated February 20, 2021), Ben Schechter of 64 Jackson Drive (dated February 20, 2021), Liz Theiler of 17 Norland Street (dated February 22, 2021), Rachel Heppen of 82 Jackson Drive (dated February 23, 2021), Tom and Josephine Zazulak of 82 Monroe Drive (dated February 23, 2021, Alison Quinan of 37 Pilgrim Road (dated February 23, 2021), Sandra and Timothy O'Neil of 110 Bullard Street, Thom and Carol Gilbert of 105 Bullard Street, Ginny and Don Bates of 124 Bullard Street, Shahar and Jane Ze'evi of 15 Bullard Street, Colleen and Alan Imgrund of 121 Bullard Street, Mary and Will Blake of 94 Bullard Street, Zinta Gulens of 45 Bullard Street, Adam & Lauren McClain of 91 Bullard Street, Chris Kibble and Toni Stone of 31 Bullard Street, Ellen and Bill George of 62 Persis Place, Therese and Kevin Reilly of 61 Bullard Street (dated February 23, 2021), Thomas and Amy Fitzgerald of 61 Rockland Street (dated February 24, 2021), Rami Mitri and Cashelle Larsen of 175 Winthrop Street (dated February 24, 2021, March 12, 2021, March 23, 2021, March 29, 2021, April 7, 2021, April 13, 2021, April 14, 2021, April 15, 2021, April 27, 2021, May 2, 2021, May 6, 2021 and May 28, 2021), Mary Greendale of 198 Highland Street (dated February 22, 2021), John Warshaw of 82 Jackson Drive (dated February 25, 2021), Ken Sawyers of 15 Evergreen Street (dated February 24, 2021), Joe Cooper and Christine Beckwith Cooper of 89 Rockland Street (dated February 25, 2021), Georganna Woods of 55 Grove Street (dated February 26, 2021 and May 2, 2021), Mark Ahronian of 107 Concord Street (dated March 1, 2021), Carol Holly and Gordon MacPhai of 78 Briarcliff Lane (dated March 4, 2021), Mia Otey of 1881 Washington Street (dated March 4, 2021), Paul Chalupa, Ed Kofron, Larry Dennin, Len Zavalick, Linda Arthur, Balancing Rock Village Condominium Trust (dated March 2, 2021),

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John and Maureen Marshall of 79 Morton Street (dated March 6, 2021), William & Antenette Neal of 8 South Street, Travis Hein of 142 Union Street (dated March 15, 2021 and March 24, 2021), Virginia Roach of 105 Arch Street (dated March 17, 2021, April 14, 2021 and May 2, 2021), John Ratcliffe of 185 Marked Tree Road (dated March 18, 2021), Phil Schefter of 20 Amy Lane (dated March 18, 2021), Heather Barresi of 37 Cedar Farm Road, Medway (dated March 18, 2021), a blog from Mary Greendale called “Just Thinking” (dated February 26, 2021), Gary Donlin of 45 Alberta Lane (dated March 19, 2021, March 30, 2021 and April 6, 2021), Carol Holly of 78 Briarcliff Lane (dated March 19, 2021), Brooke Stebbins of 43 Peter Street (dated March 20, 2021), Dr. Donald Taylor of 9 Madison Drive (dated March 20, 2021, May 10, 2021, May 20, 2021 and May 27, 2021), Eileen Muller and Eugene Muller of 76 Courtland Street (dated March 20, 2021, April 9, 2021, and undated), Andrew Krim of 6 Jackson Drive (dated March 23, 2021), A. David DeStefano of 1797 Washington Street (dated March 23, 2021), Joanna Gannon of 1929 Washington Street (dated March 25, 2021), Kate Connell of 38 Mechanic Street (dated March 29, 2021), Lisa Matthews of 136 Goulding Street (dated March 30, 2021), Terri Stiffler of 58 Front Street (dated March 28, 2021, April 14, 2021, May 3, 4 and 5, 2021), Joan Levinsohn of 66 Jarr Brook Road (dated March 27, 2021), Helen Hadley Dana of 58 Jackson Drive (dated October 2, 2020 and March 22, 2021), Dawn Durning-Hammond of 32 Railroad Street (dated March 30, 2021), Charles Metcheat of 1894 Washington Street (dated April 5, 2021), Rita Bell of 37 Locust Street (dated April 6, 2021), Lynn and Jeffrey Hewes of 121 Rockland Street (dated April 5, 2021), Mark, Raquel and Alexandra Nelson of 1 Fisher Street (undated), John and Christine Luczkow of 306 Washington Street (undated), Chester and Sandra Sims Williams of 15 Carriage House Way, Medway (undated), Deborah Gleason of 429 South Street (dated April 14, 2021), Susan Woodrow of 136 Union Street (undated and May 3, 2021), Ellen Piontek of 45 Garrett Way (dated April 15, 2021), Kathleen Kirkman of 57 Monroe Drive (dated April 15, 2021), Greta Kahn of 39 Garrett Way (dated April 15, 2021), Laurie and John Markoff of 280 Marked Tree Road (dated April 15, 2021), Joyce and Walter Dias of 78 Monroe Drive (dated April 15, 2021), Cheryl Clinton of 283 Chamberlain Street (dated April 15, 2021), Cynthia Little of 77 Garrett Way (dated April 16, 2021), Jacqueline Barillet of 173 Union Street (dated April 20, 2021), Vivek Diwanji of 41 Garrett Way (dated April 20, 2021), Heidi Schnabel and David Rose of 235 Rolling Meadow Drive (dated May 2, 2021), Gary Donlin of 45 Alberta Lane and Gene Muller of 76 Courtland Street (dated May 3, 2021), Dave and Sue Strang of 107 Bogastow Brook Road (dated May 6, 2021), Brian Williams of 27 Paul Road (dated May 10, 2021), Mary Kinsella of 239 Concord Street (dated May 17, 2021), Pamela Kyrka of 14 Dixon Circle (dated May 30, 2021), Joe Mastrangelo of 84 Dunster Road (undated) and Alison Flippin of 5 Laurel Glen Court (dated June 2, 2021).

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Project Description:

The Applicant, CRG Integrated Real Estate Solutions, is proposing General Industrial use per Section III(G)(2) within an 800,420 s.f. (1291' x 620") building to be located at 555 Hopping Brook Road. The application identified storage, processing, packaging, and assembly as the proposed General Industrial use. They also characterized the use as "speculative warehouse facility" to be used primarily for the "storage and distribution of goods and materials but not for sale of these goods and materials on the premises".

The 3,458,910 s.f. locus is comprised primarily of Assessors Map 4, Block 6, Lot 15.A and is located within the Hopping Brook Business Park (See Amended Definitive Subdivision Plan). The locus is entirely within the Industrial zoning district.

The application was modified during the hearing process as follows:

- The number of tractor trailer spaces were reduced from 593 to 278.
- Loading docks were reduced from 170 to 160 (80 doors on front and rear).
- Outdoor storage of equipment (aka trailers) was reduced to comply with the by-right provisions of Section III(G)(5). 25% of the ground floor area of the main building or 200,105 s.f. would be allowed and is subject to screening.

It was represented that a maximum of 500 employees would work in the building, spread over three shifts and spanning a 24-hour per day and 365-day per year business operation.

Public Hearing:

The public hearing was opened on July 23, 2020 and continued to August 6, 2020, September 17, 2020, November 12, 2020, January 7, 2021, February 4, 2021, February 25, 2021, March 18, 2021, April 15, 2021, May 6, 2021 and June 3, 2021 at which time the hearing was closed. Mr. Ferkler was not in attendance at the July 23, 2020 public hearing sessions but he certified that he examined all the materials of the session and affirmed that per MGL c. 39, s. 23D, he is eligible to vote on the matter. The Board deliberated the matter on June 3 and July 29, 2021.

During the course of the hearing, the following individuals made appearances on behalf of the Applicant: Atty. Richard Nysten of Lynch, DeSimone & Nysten, LLP, Frank Petkunas of CRG, Peter Bemis of EDC, Scott Thornton, PE of Vanasse Assoc., and Greg Tocci of Cavanaugh Tocci.

Appearing on behalf of the Board were David Faist, PE of CMG Environmental, Christopher Menge of HMMH, and Robert Michaud, PE of MDM Transportation Consultants, Inc.

The following 68 individuals offered comments and raised questions about the application:

John Adler – 251 Gorwin Street
Suzanne Adelman – 46 South Street
Jackie Avery – 105 Whitney Street
Michael Barry – 54 Regal Street

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Rita Bell – 37 Locust Street
Joyce Bogigian – 220 Courtland Street
Walter Branson – 262 South Street
James Bruce – 1 Olde Surrey Lane (Medway)
Mark Bunker – 53 Green Street
Mike Carlyle – 9 Olde Surrey Lane (Medway)
Scott Carman, Attorney – Krems, Jackowitz & Carman, 141 Tremont St. Boston
Joe Cooper – 89 Rockland Street
John Deloge – 957 Washington Street
Gary Donlin – 45 Alberta Lane
Laureen Douglas – 20 Powderhorn Lane
Mark Dumouchel – 3 Olde Surrey Lane (Medway)
Len Epstein – 81 Jackson Drive
Paul Faramelli – 80 Kim Place
Don Fennyery – 1 Summit Road (Medway)
Thomas and Amy Fitzgerald – 61 Rockland Street
Michael Fowler – 124 South Street
John Giacobbe – 3 Summit Road (Medway)
Mary Greendale – 198 Highland Street
Wayne Griffin – 116 Hopping Brook Road
Travis Hein – 142 Union Street
Bill and Erin Hoye – 6 Carriage Way (Medway)
Veronica Kelly – 26 Stable Way (Medway)
Andrew Kennedy – 450 Adams Street
Dorie Kilduff – 10 Carriage House Way (Medway)
Kerry Mangan – 2290 Washington Street
Nick Marra – 123 South Street
Joe Mastrangelo – 84 Dunster Road
Steve and Anne McElhinney – 12 Carriage House Way (Medway)
Ed McLellan – 5 Washington Path
Rami Mitri and Cashelle Larsen – 175 Winthrop Street
Matt Mnech – 4 Olde Surrey Lane (Medway)
Eileen and Gene Muller – 76 Courtland Street
Charles Myers – 9 Curtis Lane
Kevin O'Connor – 15 Stable Way (Medway)
Liam O'Sullivan – 135 Fiske Street
John Player – 19 Francine Drive
Steven Proia – 30 Stable Way (Medway)
Mark Regan – 15 Carriage House Way (Medway)
Virginia Roach – 105 Arch Street
Andy Rodenhiser – 104 Fisher Street (Medway)
Gary and Mary Rotatori – 14 Olde Surrey Lane (Medway)
Barbara Ryan – 14 Irving Place
Janet and Tim Sheehan – 5 Olde Surrey Lane (Medway)

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Matthew Smith – 13 Carriage House Way (Medway)
Brooke Stebbins – 41 Peter Street
Terry Stiffler – 58 Front Street
Don Taylor – 9 Madison Drive
Liz Theiler – 17 Norland Street
John Varell – 928 Washington Street
Andres Vargas – 12 Curve Street
Sabine Warner – 180 South Street
Kristine Westland – 103 Norfolk Street
Jane Whitney-Mason – Stable Way (Medway)
Chester Williams – 15 Carriage House Way (Medway)
Dave Wolfson – 293 South Street
Susan Woodrow – 36 Union Street

Findings of Fact:

The Board finds as follows in accordance with the provisions of Holliston Zoning By-Laws Section VI-E Special Permit Granting Authority and Section VII Site Plan Review as well as its Regulations for Special Permits and Site Plan Review and Stormwater Management and Land Disturbance Regulations adopted in support of Article XLI Stormwater Management and Land Disturbance By-Law:

The Subject Property is located within Phase II of Hopping Brook Industrial Park and directly abuts the Agricultural-Residential 1 zoning district to the east in the Town of Medway. The Subject Property lies entirely within the Industrial zoning district. The Subject Property is approximately 72 acres and has approximately 150 feet of frontage on Hopping Brook Road.

The Applicant proposes to develop an 800,400 s.f. building and parking area for the storage of trailers as well as employee parking. The Applicant also proposes a security guard building.

Average daily traffic trips (cars and trucks) would total approximately 1310 if the Applicant adhered to its' self-imposed restriction as projected under the ITE Land Use Code 150 Warehouse, with 362 trailer truck vehicle trips and 948 passenger vehicle trips.

On June 30, 2020 Tori Kim, Assistant Secretary of the Executive Office of Energy and Environmental Affairs issued a Request for Advisory Opinion to the Applicant's Atty. Richard Nysten regarding EEA #4411 concluding that a Notice of Project Change is required and that the development of the 800,000+ s.f. building may proceed under the conditions set forth.

On September 29, 2020 the Planning Board issued a Cease and Desist letter to the property owner and project applicant documenting non-compliance with the March 13, 2020 Stormwater and Land Disturbance Permit issued under Holliston General By-Law Section XLI Stormwater Management and Land Disturbance By-Law. Approximately 18-20 acres of the site was clear cut. The Town of Holliston sought injunctive relief in Superior Court.

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On October 7, 2020, the Middlesex Superior Court, issued a temporary restraining order barring the Applicant and Owner from further land clearing and site work on the property (C. A. No 20-2415).

On January 21, 2021 the Planning Board issued a Phase I: Removal of Felled Timber Zone A and Perimeter Cut Stormwater and Land Disturbance Permit to CRG after a site visit and peer review recommendations from CMG Environmental. The authorized work was completed in mid-February 2021. Field observations were completed by CMG Environmental on behalf of the Board.

On February 12, 2021, Peter Bemis of Engineering Design Consultants requested an Amended Site Plan approval. On April 29, 2021, Atty. Richard Nylén followed up on that request with a list of amended documents to be added to the site plan filing as well as proposed General and Special Condition additions and in correspondence of June 3, 2021, he conveyed CRG's consent to consolidate the decision timelines for the Special Permit, Site Plan Review and Land Disturbance Permit so that all permit decisions would be issued on the timeline for issuance of the Special Permit.

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DECISION – SPECIAL PERMIT

After consideration of the proposed use in relation to the site as well as the adjacent uses and structures and potential significant adverse effects to the neighborhood or the Town, the Planning Board voted to DENY the application for a Special Permit based upon the following findings and reasons:

Section VI-E(5):

- a. The degree to which the proposed use complies with the dimensional requirements of the by-law, 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 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.

Additionally, members have considered the Board's Special Permit and Site Plan Review Regulations Section 7.4 Performance Standards for Nonresidential Development (A-H).

General

While the Board recognizes that the project is located in an industrial zone, the proposed building itself is larger than any building in the industrial park as well as within the community as a whole. The board is not aware of any permitted single use in Holliston that operates at the scale and intensity proposed. Against the backdrop of the project's unprecedented size, is the Board's consideration of impacts to Holliston's essential character. Holliston is small town with historical and agricultural underpinnings. The proposed project, even if it could be limited to the level of activity proposed by the applicant, will have a negative impact on the Town's character. Should the Town be unable to effectively enforce and monitor the noise, traffic and other impacts, the impacts to the Town's character will be exacerbated.

The project, if approved, would significantly alter and adversely impact the character of the surrounding neighborhoods (identified as Claybrook Farms, Claybrook II and Broad Acre Estates Definitive Subdivisions by the Town of Medway Community and Economic Development Director) due to its scale and proposed operational conditions (24/7/365), the amount and nature of traffic (especially heavy trucks), noise, lighting and diesel exhaust.

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The site is located within Phase II of Hopping Brook Industrial Park and directly abuts the Agricultural-Residential 1 zoning district in the Town of Medway to the east. There are approximately fifteen (15) residential abutters (single-family homes) within 300' of the site, many of whom corresponded as well as spoke at the public hearing sessions and raised concerns about proposed operational details, including noise, traffic, and lighting. Additionally, there are 66 units of age-restricted housing within Holliston known as Holliston Woods located off the south side of Washington Street, northwest of the site that abut additional vacant land within the industrial park.

The project has been marketed as “The Cubes at Hopping Brook” by CRG as “best in class industrial cross-dock facilities” with a 2022 delivery, 40' ceiling height, 4 drive-in loading dock doors, 185' truck courts, etc. While the use has been represented as a warehouse facility under ITE use code 150, members are concerned that it may evolve into a distribution facility, fulfillment center or more intense land use (i.e. ITE LUC 155 High-Cube Fulfillment Center or LUC 156 High-Cube Parcel Hub Warehouse). Supporting this concern is the fact that the proposal includes substantially more loading docks than is typical for a general warehousing operation under ITE use code 150. The Town has insufficient resources to effectively monitor whether the use of the project remains under the less intense general warehouse category. If the project evolves into a more intense High Cube or fulfillment center use, the impacts to the Town and the surrounding neighborhood would be substantially greater.

The revised building placement, proposed 30' berm and landscape plantings offer substantial mitigation but literally move a mountain to be constructed. Atty. Nysten's summary correspondence of May 27th characterizes the site as generally flat and wooded. However, the members are in agreement that the proposed site development requires a massive earthmoving effort to situate the 1291 x 620 building and associated driveways and parking areas approximately 60' higher than the elevation of Hopping Brook Road.

The standard of living impacts on abutters during the proposed one-year construction period from dust and noise is unprecedented and will adversely impact the abutting and nearby residential neighborhoods. The board is also concerned, based upon experience with large projects that non-compliance with local and state standards is unavoidable.

A waiver from the Board's Special Permit and Site Plan Regulations at Section 7.4.2 (E)(8) which states “Finished grades should be limited to no greater than a 3:1 slope” is required for construction of the designed berm that would be placed between the project and the residential abutters as well as the site drives. The berm is essential to the applicant's noise mitigation efforts. The Board is supportive of feasible mitigation but is disinclined to grant the waiver. Approximately 12 acres or 20% of the project area consists of 2:1 slopes and approximately 0.6 acres or 1% of the area consists of 1:1 slopes. Peer reviewer CMG Environmental notes that the majority of the project's sloped grading areas are designed with a steeper 2:1 slope. CMG identified an inconsistency with the plans and represented use of rock fill and recommended that the board consider requiring slope stabilization design, construction methods and materials for site slopes equal to or greater than 2:1 be designed and specified by

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a licensed Geotechnical Engineer. While the Applicant has agreed in concept to such modifications, it did not present any details during the public hearing or otherwise provide assurances as to the viability of the berms and the vegetation thereon. The Board remains concerned about the long-term viability, stability and aesthetics of such an immense vegetative berm which is such an essential component of the design. If the berm and side slopes, as designed, fail, the impact to neighboring properties and sensitive environmental receptors will be increased.

A lack of clarity remains about the following design and operational aspects of the proposal: wastewater treatment, water demands for domestic and fire protection as well as water pressure impacts, additional traffic study including assessment of operations at 12 area intersections, disabling audible OSHA alarms, yard dogs and their operation, tractor trailer snow scraper(s), fork lift operations as well as impacts and mitigation of fine particulate matter from diesel tractor trailers.

Traffic

The volume of traffic associated with the use is solely based on estimates from the applicant and the Board fears that imposing controls on volume limits would be ineffective. The Applicant has offered to limit traffic from the site to 1310 ADT with a traffic monitoring plan. However, the monitoring plan is temporary, and the number of limitations would unduly tax the Town's limited ability to monitor and police this project. Enforcement is after-the-fact and would place a burden upon the Town's limited staff resources. In the event that truck trips exceed estimates, adverse impacts to the surrounding neighborhood and local Holliston and regional Medway and Milford roadways would be substantial.

Although the Applicant has proposed truck routes, it is likely that none of the trucks will be owned or operated by an entity under the control of the applicant, other than, perhaps, by lease agreement to the building's operator. The Board finds that any decision limiting the operations to certain truck routes would be ineffective and insufficient to adequately mitigate impacts.

The proposed truck traffic would result in significant threats to pedestrians, bicyclists, and other users of the regional Upper Charles Multi-Use Trail (UCT) which crosses Hopping Brook Road approximately 1400' from the intersection of Washington Street and Hopping Brook Road.

Additionally, Hopping Brook Road north of the UCT does not have sidewalks or significant shoulders to provide safe havens for users.

The Traffic Assessment only considered impacts to the Hopping Brook Road intersection and the members and community as a whole have expressed concerns for all of the intersections between the site and the possible highway access, including Rte. 16 and Summer Street in Holliston, Summer Street and Rte. 109 in Medway and Rte. 16 and Beaver Street/Fortune Boulevard in Milford. Additionally, concerns remain about use of South Street in Holliston as

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a cut through from and to Rte. 109 in Milford and Medway regardless of a recently approved Heavy Commercial Vehicle Exclusion in Holliston and Medway.

While DOT issued Section 61 Findings for the project in December 2020 and favorably considered the preliminary signal design and other mitigation measures, the Holliston Select Board has not endorsed the project or the proposed traffic-related improvements.

Lighting

Off-site impacts of lighting were raised as concerns (aka glow and potential over illumination) by board members as well as abutters and other hearing participants. There can be no dispute that the abutting residential neighborhood currently experiences very little light spill from the project site. No analysis was provided of indirect lighting impact. Although efforts were made to design a system of 250watt LED fixtures compliant with International Illuminating Engineers "Dark Sky" standards, members are in full agreement that artificial light at night created by the overnight operation of the project will be unavoidable and will be adversely impact abutters as well as wildlife and birds and the regional night sky, intuitively and scientifically.

Noise

Operational noise 24/7/365 presents a condition that will fundamentally change the quality of life in the adjacent residential neighborhoods in Medway as well as South Street area residents in Holliston who are impacted by traffic and operational noise within the Hopping Brook Park as a whole. Similar to light impacts, the residential abutters presently experience very little noise emanating from the project site. Despite laudable efforts to mitigate potential impacts and comply with DEP and local noise standards, noise impacts, especially in the overnight hours from transient sources such as idling, trailer uncoupling, unloading, and backup alarms will be unavoidable. Those impacts will adversely affect the abutting residents' use of their property and enjoyment of their homes. Outdoor activities, especially in the evenings will be severely impacted by the increase in noise. Overnight noise will adversely impact normal seasonal open window sleeping conditions. The Board remains concerned that the noise, as proposed or as may result if the activity increases (as noted above) or the noise abatement measures fail (see above) will approach nuisance conditions that could directly affect the health and welfare of the neighbors. Members are in full agreement that noise created by the overnight operation of the site will adversely impact abutters as well as wildlife and birds, intuitively and scientifically.

Based upon all of the above findings and conclusions, Board finds that there will be significant adverse effects to the neighborhood and the Town as the Project as proposed. Additionally, as detailed above, the Project fails to satisfy the requirements of Section VI-E(5) as well as the Board's Special Permit and Site Plan Review Regulations Section 7.4 Performance Standards for Nonresidential Development (A-H).

**Holliston Planning Board
Special Permit Certificate of Action
555 Hopping Brook Road**

DECISION – SITE PLAN REVIEW

After consideration, the Planning Board voted to deny site plan amendment approval because it determined that it could not ensure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located that there would be in accordance with the General Conditions for Site Plan Review approval specified in Section VII (5)(a-h) of the Holliston Zoning Bylaw as follows:

- a. protection of adjoining premises against seriously detrimental or offensive uses on the site;
- b. convenience and safety of vehicular and pedestrian movement within and without the site, and in relation to adjacent streets, property or improvements;
- c. adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses on the site, and the methods of drainage for surface water from its parking spaces and driveways;
- d. adequacy and safety of storage facilities/methods for fuel, refuse, vehicles and other material and equipment incidental to the use of the site;
- e. provision for emergency access and operations within the site;
- f. provision for off-street loading, unloading and parking of vehicles incidental to the normal operation of the establishment;
- g. development that to the extent reasonably possible harmonizes with neighboring land uses and structures; and
- h. compliance with the Board's adopted design guidelines.

The Board finds that the proposed application fails to satisfy the by-law criteria, in particular at numbers a. and g. for the reasons cited above in the Special Permit decision and reiterated here. This finding is based on materials and testimony submitted to the board during the Special Permit application review process and the concurrent site plan review amendment request.

The application, if approved, would significantly alter the character of the neighborhood and the western portion of the community as well as have adverse effects on the surrounding communities of Medway and Milford due to the 24/7/365 nature of the operation, amount and nature of truck traffic and noise. The proposal is not compatible with existing uses and other uses allowed by-right in the district because of its scale and intensity and is not designed to be compatible with the character and the scale of neighboring properties.

**Holliston Planning Board
Special Permit Certificate of Action
555 Hopping Brook Road**

DECISION – STORMWATER AND LAND DISTURBANCE PERMIT

The underlying Land Disturbance Permit was premised upon approval and construction of this project. Specifically, the March 11, 2020 permit is based on a record plan and construction schedule denoting the proposed structure that requires relief under the Holliston Zoning By-Laws. With the denial of the underlying Special Permit application and site plan, no further land disturbance may be conducted under the existing permit. Any further land clearing and tree cutting is subject to further review and approval by the Planning Board, and provisions of the Forest Cutting Practices Act may apply.

**Holliston Planning Board
Special Permit Certificate of Action
555 Hopping Brook Road**

Planning Board Vote:

The Board's vote to DENY the Applicant's Special Permit and Amended Site Plan Review petition at 555 Hopping Brook Road is as follows on a motion by Mr. Santoro and seconded by Mr. Santos:

Karen Apuzzo-Langton - Aye
David Thorn - Aye
Jason Santos - Aye
Scott Ferkler - Aye
Josh Santoro - Aye

HOLLISTON PLANNING BOARD

By: 
Karen Apuzzo-Langton, Chairperson

TOWN CLERK'S CERTIFICATION OF NO APPEAL

I hereby certify that 20 days has passed since this decision has been filed and no appeals have been taken in accordance with MGL, c. 40A.

Elizabeth Greendale, Town Clerk

Date: