

2017 01776101
Bk: 01381 Pg: 89 Cert#: 246005
Doc: DECIS 11/27/2017 02:08 PM

**TOWN OF HOLLISTON
ZONING BOARD OF APPEALS**
703 Washington Street
Holliston, MA 01746
(508) 429-0635

**COMPREHENSIVE PERMIT FINDINGS AND DECISION
245 WASHINGTON STREET**

Decision Date: October 18, 2017

Applicant: Village On The Green LLC

Applicant's Address: 44 Burroughs Street
Jamaica Plain, MA 02130

Owner(s): Michael Tomasetti

Subject Property: 245 Washington Street

Assessors Identification: Map 11G, Block 5, Lot(s) 5-69.2

Zoning District: Agricultural Residential B District (AR-2)

2017 OCT 26 PM 12:08
CLERK
HOLLISTON, MASS.

Cert = Michael R. Tomasetti
Lots 1 + 2

I. PROCEDURAL HISTORY

1. An application for a Comprehensive Permit submitted by Village on the Green LLC (the "Applicant") was received by the Town of Holliston Zoning Board of Appeals ("Board") on or about April 11, 2017 (the "Application"). The Application proposes the development of sixteen (16) detached condominium structures on property located at 245 Washington Street, Holliston, Massachusetts, to be called "Village on the Green" (the "Project").
2. The Board's duly-noticed public hearing on the Application was opened on May 3, 2017, and was continued to May 31, 2017, June 21, 2017, July 19, 2017 and August 16, 2017. The public hearing was closed on September 20, 2017.
3. The Project is located at 245 Washington Street, Holliston, Massachusetts (the "Property").
4. The Property is located in the Agricultural-Residential B Zoning District.
5. The Property contains an existing three-family structure located on Lot 4, which consists of approximately 1.3 acres of land, and which is shown as Assessors Map 11G, Block 5, Lot(s) 5-69.2. The current owner of the Property will retain ownership of Lot 4, which will not be part of the Project.

246005

1381-8

6. The Project will be located on what is shown as Lot 5, which consists of approximately 12.99 acres.
7. The Project will consist of sixteen (16) detached single-family residential structures, each having an exclusive use area, having a condominium form of ownership.
8. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application.
9. During the public hearing, the Applicant was assisted primarily by its principal Peter Conant, its civil engineer Stamski & McNary, and its traffic engineer McMahon Associates.
10. The Board utilized the services of Wayne Perry, P.E. and Frederick Moseley, P.E. of Stantec for civil engineering peer review and traffic peer review. The Board also utilized the services of Paul Haverty, Esq., of Blatman, Bobrowski & Haverty, LLC as its technical consultant through a grant from the Massachusetts Housing Partnership.
11. During the public hearing, there was public input. The Board heard input from abutters and other interested persons throughout the hearing process. The documents and plans set forth on the File Inventory Addendum attached hereto as Exhibit A were submitted throughout the course of the public hearing.

II. JURISDICTIONAL FINDINGS

12. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
 - a. The Applicant is a limited liability company, and has indicated in its application that it will conform to the limited dividend requirements of G. L. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 44 Burroughs Street, Jamaica Plain, MA 02130.
 - b. The Applicant has received a written determination of Project Eligibility from MassHousing dated December 22, 2016, a copy of which was provided to the Board with the original application. The Project Eligibility Letter was issued to Wildlife Woods, LLC, an entity which was never legally created, the Applicant is the successor entity to Wildlife Woods, LLC.
 - c. The Applicant provided a copy of a Purchase and Sale Agreement dated October 16, 2015 from Michael Tomasetti to Peter M. Conant (the principal of Own a Home MA). Thus, the Applicant has shown evidence of site control sufficient to qualify as an Applicant for a Comprehensive Permit.
 - d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by DHCD.

13. The Town of Holliston (“Town”) does not meet the statutory minima set forth in G.L. c. 40B, § 20 or 760 CMR 56.03(3) to 56.03(7):
 - a. At the time of the filing of the Application, the number of low or moderate-income housing units in the Town constituted 4.5% of the total year-round units in the Town, based on information from DHCD dated July 13, 2015. Thus, the Town does not meet the ten percent (10%) statutory minimum.
 - b. The Town does not have information that there are existing affordable housing units that are on sites that comprise more than one and one-half percent (1.5%) of the total land area of the Town that is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).
 - c. The granting of this Comprehensive Permit will not result in the commencement of construction of low or moderate-income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
 - d. The Town has an approved Housing Production Plan pursuant to 760 CMR 56.03(4), but is not currently within (or eligible for) certification.
 - e. The Town has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
 - f. The Project does not constitute a Large Project pursuant to 760 CMR 56.03(6).
 - g. The Applicant’s Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

III. FACTUAL FINDINGS

Location of Project

14. The Project is located at 245 Washington Street, Holliston, Massachusetts. The Property has frontage on Washington Street (Route 16). The Property is located within the Agricultural-Residential B Zoning District.

Civil Engineering, Site Design, and Stormwater Impact

15. The Board engaged in review of potential civil engineering, site design, and stormwater impacts of the Project.
16. The Project will connect to the Holliston municipal water system, and will be served by a private, on-site common septic system.

17. The Applicant proposes to construct three (3) parking spaces per unit for the Project, which is in compliance with the Holliston Zoning Bylaw, which requires two (2) parking spaces per unit. There will be a total of fifty-four (54) parking spaces for the Project.
18. The Project provides no dedicated on-site amenities, but each unit will be provided with an exclusive use area which shall serve as the functional equivalent of a private yard, which may be utilized for recreational activities by the unit owner.
19. Approximately 10.52% of the site will consist of impervious surface with the remainder consisting of pervious surface. The Board finds that the total amount of impervious area is acceptable.
20. The Board finds that the landscaping proposed by the Applicant is sufficient in light of the site disturbance that the Project will entail. The landscape design objective for the proposed development will be to enhance the built environment through the creation of a sustainable landscape that blends into the site's natural surroundings. The overall design will emphasize the use of low maintenance, native plantings and strive to integrate the proposed development's needs into the site's surrounding environment.
21. The site design incorporates natural Low Impact Development (LID) practices such as an infiltration system with a sediment forebay and subsurface infiltration systems. The stormwater management plan is designed in accordance with the MA Stormwater Management Policy and the applicable local criteria.
22. The Project, as conditioned herein, will address the lack of affordable home-ownership units in the Town.
23. The Board heard testimony from the Applicant and the Board's traffic consultant, including the Applicant's Traffic Impact Study dated July 7, 2017, that the Project is expected to result in approximately twenty-one (21) vehicle trips during the weekday morning peak hour and approximately twenty (20) vehicle trips during the weekday afternoon peak hour.
24. The Board heard evidence that the necessary stopping sight distance for the left turning movement at the Site Driveway and Washington Street is 290' and that the necessary stopping sight distance for the right turning movement is 280'.
25. The Board was also presented evidence that the available stopping sight distance looking left from the Site Driveway onto Washington Street is 130', and the available stopping sight distance looking right was 140', both when measured at a distance of 14.5 feet from the edge of the travel lane.
26. The Board was then presented evidence that the limiting factor in obtaining the necessary sight distance was the obstruction by vegetation and a stone wall which could be removed. The Board was presented evidence that with the removal of these obstructions, and with the measurement taken at a point of 10 feet from the edge of the traveled way, the available stopping sight distance was measures as 500' looking left, and 430' looking right.
27. The Board finds that the conditions imposed in Section IV of this Decision are necessary in

order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.

28. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting any waivers may have an adverse impact on Local Concerns.
29. The Board acknowledges concerns raised by abutters and other interested parties about the Project's potential incompatibility with abutting residential uses, including concerns relating to increased traffic and parking demand and pedestrian safety. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below addresses local and regional housing needs while properly protecting valid issues of local concern.
30. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.

IV. CONDITIONS

A. **General**

- A.1 The holder of this Comprehensive Permit is Village On The Green LLC, a limited dividend organization. The Property is defined as the property located at 245 Washington Street, Holliston, Massachusetts. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.
- A.2 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Building Commissioner who shall have the authority to approve such changes as immaterial changes. If Building Commissioner determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set from Stamski and McNary, Inc.:

Site Plan for Own a Home MA 245 Washington Street, Holliston, Massachusetts, dated March 31, 2017, with revisions through August 10, 2017, prepared by Stamski and McNary, and consisting of the following sheets:

Title Sheet
Existing Conditions Plan
Layout Plan
Grading Plan
Plan and Profile
Details
Details
Erosion Control Plan

The Approved Plans shall also consist of the following architectural plans entitled Village on the Green, dated April 3, 2017 stamped by Peter M. Conant:

First Floor Plan –	Cottage Style A
Second Floor Plan –	Cottage Style A
First Floor Plan –	Cottage Style B
Second Floor Plan –	Cottage Style B
First Floor Plan –	Cottage Style C
Second Floor Plan –	Cottage Style C
First Floor Plan –	Cottage Style D
Second Floor Plan –	Cottage Style D
Village on the Green –	Rear View Schematic

The Approved Plans shall also consist of Landscape Plan submitted by Kim Ahern Landscape Architects revised through September 27, 2017.

- A.3 The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and its successors and assign, shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.4 The Project shall consist of not more than sixteen (16) detached condominium units located in sixteen (16) structures, each containing three (3) bedrooms, for a total of forty-eight (48) bedrooms.
- A.5 There shall be a minimum of fifty-four (54) parking spaces (inclusive of required handicap spaces).
- A.6 All residential units approved under this Comprehensive Permit shall be for-sale condominium units. Affordable units shall be interspersed evenly throughout the Project, as approved by the Subsidizing Agency during Final Approval.
- A.7 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit B, the Applicant has requested, and the Board has granted, those waivers from the Holliston Zoning Bylaws and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G. L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Approved Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).

- A.8 The Project shall comply with all local regulations of the Town of Holliston and its boards, commissions and departments unless specifically waived herein or as otherwise addressed in these conditions.
- A.9 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- A.10 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Commissioner or other Town Departments, the Building Commissioner or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Building Commissioner or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.
- A.11 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph. The Board shall receive notice of any change in the principals of Village On The Green LLC during construction of the Project, except if said change is as a result of the exercise by the Project lender of any rights under the applicable Loan Documents.
- A.12 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- A.13 The sidewalks, driveways, roads, utilities, drainage systems, common septic system and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal and landscape maintenance. In this regard, the proposed site access road within the Project shall not be dedicated to or accepted by the Town.
- A.14 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

B. Affordability

- B.1 A minimum of twenty-five percent (25%) of the home ownership units in the Project shall be low- or moderate-income units, meaning that they shall sold to households whose income is not more than eighty percent (80%) of the Area Median Income ("AMI"), as determined by the United States Department of Housing and Urban Development ("HUD") and DHCD ("Affordable Units"). Affordable Units shall be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the location of Affordable Units in the Project and the sale of such Affordable Units to income-eligible households.
- B.2 Upon completion of the Project, and in perpetuity (or for so long as the Project does not comply with the underlying zoning requirements), four (4) units shall meet the criteria for inclusion in the DHCD's Subsidized Housing Inventory.
- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the sale of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.
- B.4 The maximum number of affordable units allowed by law and applicable subsidy program, but no more than seventy (70%) percent of the affordable units, shall be reserved for present residents of Holliston, or employees of the Town of Holliston (or a business located in Holliston) or teachers employed by the school district serving Holliston (or households with children attending Holliston public schools). A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project's monitoring agent to effectuate this local preference, with an approved secondary lottery for all other applicants. The Board acknowledges that is the Town's responsibility to demonstrate to the Subsidizing Agency that there is a need for a local preference. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board recognizes that the Town must provide evidence of its local preference need to the Subsidizing Agency within three (3) months of the final issuance of the Comprehensive Permit.

C. Submission Requirements

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit, the Applicant shall:
 - a. Deliver to the Board a check in a reasonable amount determined by the Board to be used for the Board to retain outside experts for technical review of Final Plans and inspections required under these conditions. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall

inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.

- b. Obtain a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.
- c. The Applicant shall test the soil during construction to confirm soil types in the areas of the infiltration system. Such testing shall be witnessed by the Board of Health Agent.
- d. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans ("Final Plans") that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Site Plan Submission Date").

At a minimum, the Final Plans shall be in accordance with the comments from the peer review consultants detailed while the hearing.

- e. Submit to the Building Commissioner a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Building Commissioner, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Building Commissioner, in consultation with the Board's peer review engineer, has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Zoning Administrator concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.
- f. Submit to the Board for its administrative approval, a landscaping plan with the Final Plans, signed and sealed by a Registered Landscape Architect, depicting the following:
 - i. Overall planting plan that includes a demarcation of clearing and the limits of work;
 - ii. Planting plans for drives showing shade trees and lighting fixture locations;
 - iii. Plans of walkways in open space and recreation areas;

- iv. Prototype planting plans for each building that include shade trees, ornamental trees, shrubs, and groundcovers, as applicable;
- v. Prototype screening plans for dumpsters, depicting plantings and fencing;
- vi. Planting details for coniferous and deciduous shade trees, ornamental trees, and shrubs;
- vii. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
- viii. Tree protection and preservation plans; and
- ix. Construction details.
- x. Specifications for plantings, site amenities (including benches, trash cans, light fixtures, fencing) will submitted to the Board for review.

All plantings shall consist of native, non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant. The final landscaping plans shall preserve the existing perimeter tree cover to the greatest extent practicable. Twelve (12) months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The condominium documents shall address ongoing maintenance of landscaping features.

C.2 Prior to the issuance of any building permits, the Applicant shall:

- a. Record this Comprehensive Permit with the Middlesex South Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Building Commissioner.
- b. Submit to the Board and the Building Commissioner evidence of Final Approval from the Subsidizing Agency (MassHousing), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board and the Building Commissioner a certified copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with MassHousing shall be complete prior to the issuance of any building permit.
- d. Submit to the Building Commissioner final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Commissioner may request.
- e. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- f. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law.

- g. Submit evidence of permits from the Holliston Board of Health pursuant to 310 CMR 15.00 (Title V) for construction of the common septic system for the Project.

D. Construction Completion/Certificate of Occupancy

- D.1 Prior to issuance of a certificate of occupancy for any individual unit in the Project, the Applicant shall:
 - a. Submit engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Building Commissioner.
 - b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the Project has been constructed in compliance with the Final Plans in all material respects.
 - c. Obtain acceptance from the Holliston Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units.
- D.2 Prior to issuance of the certificate of occupancy for the last residential building to be constructed, the Applicant shall:
 - a. Submit to the Building Department, in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Department. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
 - b. Submit to the Building Commissioner as-built plans for all buildings in the Project.
 - c. Submit to the Board, for review by its Counsel, a copy of the Condominium Unit Deed and Bylaws for the Project. At minimum, the Condominium Documents shall address issues relating to public access, pet policy, snow removal, trash removal, and smoking policies, and other issues addressed in the conditions herein.

E. Project Design and Construction

- E.1 At least forty-eight hours prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with the Building Commissioner and other Town staff as may be determined. Written notice must be submitted to abutters entitled to notice pursuant to G. L. c. 40A, §11 a minimum of seventy-two (72) hours prior to the initial commencement of work.

- E.2 If blasting is necessary, the Applicant shall comply with the blasting guidelines required by applicable Massachusetts state law, rule and regulations. The Applicant shall permit representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed.
- E.3 The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.
- E.4 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.5 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.
- E.6 During construction, the Applicant shall conform to all local, State, and Federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.
- E.7 Appropriate signage shall be shown on the Final Plans. The Applicant has requested a waiver from the Town of Holliston Zoning Bylaws regarding signs, to allow for two (2) marketing signs, each eighteen square feet, facing in either direction on Washington Street. The signage shall be depicted on the Final Plans.
- E.8 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
- E.9 The Applicant shall use natural gas for the Project, if reasonably available at the time of the submission of Final Plans. Gas service locations shall be included on the Final Plans.
- E.10 The Applicant shall install lighting on the site that conforms to the Town of Holliston's Zoning Bylaw. Lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties. Management of outdoor lighting shall be the responsibility of the Applicant.
- E.11 Utilities, including but not limited to telephone, electric, and cable, shall be located underground.
- E.12 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Commissioner as meeting design specifications, as applicable.

- E.13 Construction activities shall be conducted between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday. Interior work is allowed on Saturdays from 9:00 a.m. to 6:00 p.m. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery; delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction. The Applicant shall take measures to prevent construction vehicle queuing at the site entrance and along Washington Street before 7:00 a.m.
- E.14 The Property owner and/or the subsequent condominium association shall be responsible for trash pickup. The condominium documents shall make provisions for trash pickup.
- E.15 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.16 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Building Commissioner based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.18 Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site.
- E.19 The Applicant shall comply with all applicable state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.

- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project as emergency vehicles.
- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.22 The Applicant shall comply with DPW requirements regarding curb-cut permits, and shall obtain any necessary State Highway Access Permits from MassDOT.
- E.23 To the extent earth removal is necessary, the Applicant shall prepare an earth removal plan, showing all necessary cuts and fills, and describing the number of truck trips necessary for the earth removal.
- E.24 To the extent the Applicant needs to bring fill onto the Property, such fill shall be clean in nature, and the Applicant shall ensure that it has not been brought from any contaminated source. Any material brought onto the site shall not contain any construction debris, stumps, wood chips, other decomposable organic material, winter treated sand or sand/salt mixtures or parking lot sweepings. No hazardous materials shall be used as fill. No processing of material shall be done onsite.

F. Traffic/Traffic Safety Conditions

- F.1 Access and egress to the Project shall be via Washington Street, consistent with the Approved Plans.
- F.2 In order to ensure appropriate sight distance at the intersection of the access road and Washington Street, the Applicant shall undertake the necessary clearing of vegetation and removal/relocation of stone walls to ensure the sight distance of 500' for the left turn onto Washington Street, and 430' for the right turn onto Washington Street, when measured from a decision point of 10' from the traveled way, is achieved.
- F.3 The Applicant's proposal shows the entrance for the existing structure on the Property being relocated and incorporated into the plans for the proposed entrance way for the Project. The Applicant shall coordinate with the owner of the existing structure to ensure that the access to the existing structure is adequate for emergency vehicles. The Final Plans shall show the proposed access for the existing structure.
- F.4 The Applicant shall ensure that adequate snow storage is provided at the site, and that trash bins and pick-up activity will not block on-site parking or circulation.

G. Police, Fire, and Emergency Medical Conditions

- G.1 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Holliston Fire Department shall review the Final Plans to ensure compliance with this condition.

H. Water, Septic and Utilities

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- H.2 All water infrastructure shall be installed in conformance with the Town's requirements. The Applicant shall consult with the Holliston Department of Public Works prior to the commencement of construction.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Holliston Fire Department. If the Holliston Fire Department approves different hydrant locations, such modification shall be accepted as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service should be verified by the Holliston Water Department and information on the fire service size and requirements should be verified by the Fire Department. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Holliston Water Department and the Fire Department respectively.
- H.5 All water improvements necessary, if any, to serve the Project must be completed, and interim as-built plans must be submitted to and approved by the Water Department, before any occupancy permits for the Project may be issued.
- H.6 The water and drainage utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.
- H.7 Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like.
- H.8 The Applicant has agreed to relocate the septic system for the existing structure on the Property. The new location of the septic system for the existing structure shall be shown on the Final Plans.

I. Wetlands/Environmental Conditions

- I.1 The Applicant proposes work within a one-hundred-foot buffer zone to a bordering vegetated wetland and a perennial stream. The Applicant will be required to obtain an Order of Conditions from the Holliston Conservation Commission to authorize any work within the buffer zone. No work may commence on the Property prior to the issuance of such Order of Conditions.
- I.2 The Applicant has requested any waivers from the Holliston Wetlands Bylaw and/or Regulations, to allow work within the fifty foot (50') No-Disturbance Zone. The Commission has recommended the Board approve the Applicant's waiver subject to the following:

- a. Mitigation Planting: All planting within the No-Disturbance Zone shall be native plants approved by the Commission (through the approval of an Order of Conditions under the Wetlands Protection Act). All residential structures within the one hundred foot (100') wetlands buffer must have a row of native shrubs planted between the lawn and the wetland to create a formal wetland buffer.
- b. Stormwater Peer Review: An independent peer review of the stormwater management system has been completed on behalf of the Board. The Commission may elect to conduct an additional independent peer review pursuant to its authority under the Wetlands Protection Act.
- c. Permanent Wetland Marker Bounds: All lots within the 100' wetland buffer zone shall have permanent concrete bounds with wetland resource area plaques. The bounds are to be installed at the back corners of each lot in front of the native planting row required in Comment #1. These post-mounted marker bounds shall be maintained in place, in serviceable condition as a limit of disturbance.
- d. Fencing and Shed Approval: No fencing or sheds are allowed within the 100' wetland buffer zone without approval of the Conservation Commission.
- e. Tree Inventory and Protection: Prior to commencement of any site work, all trees within twenty-five feet (25') of the limit of work must be surveyed for health and potential impacts of adjacent work. For trees that are to remain and could be harmed during the construction process (e.g. root damage through digging or compaction or grazing by construction vehicles), a protection plan must be created. No work can begin until the Commission has reviewed and approved the inventory and protection plan.
- f. Wetland Protection: No work or activity, including the cutting of vegetation, shall take place within a wetlands area or the 100' buffer zone without the issuance of a valid Order of Conditions from the Commission (or Superseding Order of Conditions from the Department of Environmental Protection).
- g. Erosion Control Installation and Inspection: Prior to the commencement of tree clearing, earthwork or other land disturbance under this Comprehensive Permit, all erosion control measures (e.g., erosion control barriers and check dams, etc.), shall be installed as shown on the project plan. Where hay bales or silt fence cannot be entrenched because of paved or compacted surfaces, loose hay shall be stuffed between and under bales to ensure that water is properly filtered. The Conservation Commission, or its Agent, shall be notified when the protective measures have been installed for inspection and verification. No other work shall be undertaken until written approval of the erosion control installations is received from the Commission or its agent.
- h. Homeowner Notification: All homes within the 100' wetland buffer zone shall be issued a letter informing them of the adjacent wetlands and any restrictions imposed by Massachusetts Wetlands Protection Act M.G.L. c. 131, §40, the Holliston Wetlands Administration Bylaw (Article XXX), and this Comprehensive Permit. This letter shall be issued by the home owners association after every sale and shall be posted on a community board and/or website should one be created.

- i. Fertilizers/Pesticides/Herbicides: Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area.
- j. Location of Yard Waste/Brush: Future yard waste/brush piles and/or burning piles will be located outside the 50' no-touch buffer zone. This condition is intended to apply in perpetuity and will outlive the issuance of a Comprehensive Permit.
- k. Snow Removal/De-Icing: At no time shall snow removal result in the direct discharge of snow into wetlands bordering the property. Sodium chloride shall not be used for de-icing on the property.
- l. Damage to Resource Areas: Any damage caused as a direct result of this project to any wetland resource area is the responsibility of the Applicant to repair, restore or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. The Conservation Commission shall be promptly notified of any damage to wetland resource areas. Following notification, the Applicant must submit a written plan for abatement of the problem and restoration. This plan must be approved by the Conservation Commission, pursuant to its authority under the Wetlands Protection Act, prior to its implementation.
- m. Control of Construction Debris: No construction debris (paper, wood, metal, concrete, etc.) may be allowed to enter the resource area at any time. Windblown material shall be promptly removed from wetland resource areas.
- n. Timely Response to Erosion Problems: The Applicant shall move swiftly to control any erosion problems that occur on the site. The Holliston Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary, pursuant to its authority under the Wetlands Protection Act.
- o. Stockpiling: Should any on-site stockpiling be required, all debris, fill and excavated material, construction material, and building material shall be stockpiled at least 50 feet away from any wetland, be located outside of any floodplain and be located to prevent sediment from surface runoff entering the wetlands. At no time shall any debris or other material be buried or disposed of within the line marked on the plan as the "50' Buffer Zone." All stockpiles to remain in place for more than seven (7) days shall be properly stabilized to prevent erosion and siltation. Preventative control such as additional perimeter erosion control, temporary seeding/ bonded fiber matrix or jute covering shall be employed to prevent such an occurrence.
- p. Dewatering: There shall be no dewatering on site that will result in the direct discharge of water to any wetland resource area. Any dewatering discharge within 100 feet of a resource area or functional drainage way will be equipped with a filter bag designed for that purpose. All suction hoses will be kept at the surface of the water to reduce to a minimum the suspension and pumping of silt.
- q. Spill Prevention: All equipment shall be stored outside the resource area and the 100-foot buffer zone and in such a manner so as not to introduce any pollutants into any wetlands, and in no event shall there be any discharge or spillage of fuel, oil or other

pollutants into any resource area. Servicing of equipment (e.g., fueling, changing, adding or applying lubricants or hydraulic fluids, or washing/rinsing of concrete transports) must be done outside resource areas and the 100-foot buffer zone, with the exception of refueling of immobile equipment. Immobile equipment includes, but is not limited to, operating pumps, where removal of the pump would cause unreasonable damage to the resource area or delay to the construction effort. During and after work on this project, the Applicant shall take all reasonable precautions to prevent the discharge or spillage of fuel, oil other pollutants by ignorance, accident or vandalism. No storage of petroleum products for use during construction (motor oil, gasoline, or diesel fuel, shall be allowed on the site at any time.

- I.3 All pipe openings leading to or from any retention/detention basins or drainage pipes, shall incorporate an access panel, able to pass drainage runoff while ensuring that no child, adult, or small animal larger than a woodchuck would be able to gain access to said pipes.
- I.4 The Applicant has agreed to provide a Conservation Restriction, to be held by the Holliston Conservation Commission pursuant to G. L. c. 184, §§ 31-33, upon the undisturbed rear portion of the Property. The Applicant shall submit to the Board with the Final Plans a plan depicting the boundaries of the area to be the subject of the Conservation Restriction.

J. Other General Conditions

- J.1 This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later. In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- J.2 The Applicant must have available for occupancy one (1) affordable unit for every three (3) market-rate units. No further occupancy permits may be issued if this ratio has not been satisfied.
- J.3 The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
- J.4 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- J.5 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction.

- J.6 In the event that the Applicant (or the successor Condominium Association) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, the Town, acting by and through its Department of Public Works, may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town is required to perform such maintenance, the Applicant shall reimburse the Town within forty-five (45) days for all of its reasonable expenses related to such work.
- J.7 The Project entrance way and interior roads, septic system, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such. The condominium documents shall have provisions addressing maintenance of the roads, septic system and drainage systems, and shall provide for an appropriate reserve for such maintenance. Town Counsel shall review the condominium documents prior to the issuance of the first occupancy permit.
- J.8 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

DECISION

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of sixteen (16) detached condominium units, pursuant to Chapter 40B, §§ 20-23, for the development described above.

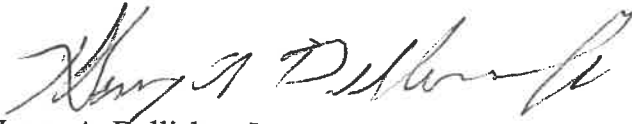
RECORD OF VOTE

The Board of Appeals voted 5-0, at its public meeting on October 18, 2017, to grant a Comprehensive Permit subject to the above-stated Conditions, with this decision as attested by the signature below.

Chairman, Henry Dellicker	Aye
Mr. John Love	Aye
Mr. Brian Liberis	Aye
Mr. Jay Peabody	Aye
Mr. Mark Bush	Aye

HOLLISTON ZONING BOARD OF APPEALS


BY:



Henry A. Dellicker, Jr.
Chairman

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~~
Dyan Fitzgerald
Assistant Town Clerk

Nov. 21, 2017

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Holliston, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

Exhibit “A” – Waivers

Pursuant to the Waiver List revised and submitted to the Board, the Applicant has requested, and the Board has granted, waivers from the Holliston Zoning Bylaw and other local by-laws and regulations as specified herein. No waivers are granted from requirements that are beyond the purview of G. L. c. 40B, §§20-23. No waiver of permits or inspections fees are granted.

TOWN OF HOLLISTON ZONING BY-LAWS

Section 5 – Filing Fees – Applicant requests a waiver of the filing fee from \$2,600 to \$2,200 (waiver of fee for affordable units).

Action Taken: Waiver Denied. The Applicant shall pay the fee prior to issuance of building permits.

Section I-D(3) - 3.01/3.01.1 - Prohibits private sewage disposal systems except for single and two-family uses. Applicant proposes a common septic system to serve the sixteen (16) structures.

Action Taken: Waiver Granted

Section IV-A(1) – Prohibits more than one structure per lot. Applicant requests authorization for the construction of sixteen residential structures on a single lot.

Action Taken: Waiver Granted

Section IV-A(13) – Prohibits new common driveways. Applicant proposes a common driveway to serve the proposed units.

Action Taken: Waiver Granted.

Section IV-B – Requires a 30’ minimum side-yard in the Agricultural District. Applicant proposes a minimum side-yard setback of 7’, as shown on the Approved Plans.

Action Taken: Waiver Granted.

Section V-B(C)(1) - Prohibits lighted signs in excess of 18 square feet. Applicant requests two marketing signs totaling 36 square feet.

Action Taken: Waiver Granted.

WETLANDS PROTECTION BYLAW

Article XXX – Requires a 50’ No Disturb Zone. Applicant requests a waiver to allow disturbance up to 5’, as shown on the Approved Plans.

Action Taken: Waiver Granted.

BOARD OF HEALTH REGULATIONS

Applicant requests a waiver of the prohibition against monolithic septic tanks and pump chamber, to allow standard septic tanks and pump chambers.

Action Taken: Waiver Granted.

Henry B. P. Clerk chairman

Win

1298666

P.R.
①

Doc 01776101

Southern Middlesex Land Court
Registry District

RECEIVED FOR REGISTRATION

On: Nov 27, 2017 at 02:08P

Document Fee 75.00

Receipt Total: \$75.00

NOTED ON: CERT 246005 BK 01381 PG 29

ALSO NOTED ON:

Peter Conant 781-789-9291
NAME TEL
44 Burroughs Street
STREET ADDRESS
Jamaica Plain MA 02130
CITY OR TOWN ZIP