

Holliston Zoning Board of Appeals Meeting Minutes of January 20, 2021

Call to Order: The Chairman called the meeting to order at 7:00 p.m. via Zoom. He read the following statement into the record: Pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law M.G.L. c. 30A paragraph 20, as well as the Select Board's Emergency Order dated March 16, 2020, the Zoning Board of Appeals will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted on the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting. At this time, a roll call attendance vote will be taken:

Chairman John Love - Present
Jay Peabody - Present
Mark Bush- Present
Elizabeth Dembitzer, Associate – Present

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Mr. Bush, the minutes of January 13, 2021 were approved as amended on a unanimous roll call vote.

FY22 Budget Request:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, members approved the level-funded draft FY22 budget request on a unanimous roll call vote.

Deliberations:

Special Permit – 213 Central Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C (3.2) and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The Board as Special Permit Granting Authority has considered the proposed alterations in relation to the multi-family structure as denoted on the record plans prepared by Grady Consulting, LLC (dated August 8, 2018 with revisions through January 12, 2021), as well as the adjacent uses and structures, and finds that there are no significant adverse effects to the neighborhood or the Town as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C for property described and located at 213 Central Street was as follows on a motion by Mr. Bush, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	Aye

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Conditions of Approval

1. This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s.11 and shall lapse in three (3) years unless exercised per MGL, c. 40A, s. 9 and Section VI-E(6) of the Holliston Zoning By-Laws. The copy of the decision to be filed must contain a certification the Town Clerk that twenty (20) days have elapsed since after the decision was filed and that no appeal has been filed or if such an appeal has been filed, that it has been dismissed or denied.
2. The extension of the previously authorized addition along the front line parallel to Central Street by 5.8' to cover the front door located 21.1' at its closest point to Franklin Street is approved.
3. Prior to any permanent Certificate of Occupancy by the Building Commissioner, all heavy equipment and exterior material storage shall be removed from the lot. No long-term storage of materials or equipment is authorized by this Board.

Dimensional Variance – 213 Central Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C (3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the provisions of the zoning bylaws would involve substantial hardship to the applicant owing to circumstances related to the shape of the corner lot and the placement of the historic multi-family structure on the 20,319 s.f. corner lot as noted previously by this Board in its Dimensional Variance decision dated December 16, 2015. The lot and multi-family use are both non-conforming. The amended plan of record noted in the conditions below reflects changes made to the approved plan during construction.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C (3.2) for property described and located at 213 Central Street was as follows on a motion by Mr. Bush, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	Aye

Conditions of Approval

1. This Dimensional Variance is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s.11 and shall lapse in one (1) year unless exercised per MGL, c. 40A, s. 10 and Section VI-D of the Holliston Zoning By-Laws. The copy of the decision to be filed must contain a certification the Town Clerk that twenty (20) days have elapsed since after the decision was filed and that no appeal has been filed or if such an appeal has been filed, that it has been dismissed or denied.
2. Construction shall remain in compliance with the amended plan of record prepared by Grady Consulting, LLC (dated August 8, 2018 with revisions through January 12, 2021). Specific relief is granted for the alteration to the covered bulkhead located 11' from Franklin Street in

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the required front yard setback and the rear steps on the western side of the structure 18.1' from the side lot line.

3. The proposed pool, walkway and appurtenant equipment shall be located per the amended record plan noted above to within 0.5 feet of the western side lot line and to within 30 feet of Central Street.
4. The proposed 6-foot fence or opaque natural screening shall be located at least 20 feet from Central Street in order to minimize sight line impacts to the Franklin Street and Central Street intersection.
5. Prior to any permanent Certificate of Occupancy by the Building Commissioner, all heavy equipment and exterior material storage shall be removed from the lot. No long-term storage of materials or equipment is authorized by this Board.

Continued Comprehensive Permit Public Hearing:

Geoffrey Park, Indian Ridge Realty Trust – 0 Indian Ridge Road South

The Chairman re-opened the public hearing. Present for Indian Ridge Realty Trust was Dean Harrison. Sitting with the Board was Atty. Paul Haverty of Blatman, Bobrowski and Haverty, LLC. Members reviewed the draft decision document as prepared by Atty. Haverty and edited by Mr. Harrison and Atty. Haverty to reflect the changes from the prior session.

The Chairman opened the hearing to the audience for questions and comments. Speaking were the following individuals: Lynn DeGregorio of 51 Indian Ridge Road South, Pam Poor of 50 Indian Ridge Road South, Tracy Cohen of Indian Ridge Road South, Judy Douglass of 42 Meetinghouse Lane (Ashland) and Bob Bolandrino of 34 Meetinghouse Lane (Ashland). Issues of construction sequencing, blasting and further permitting and notice of project initiation were discussed.

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was closed on an unanimous roll call vote.

Deliberations:

Comprehensive Permit – Geoffrey Park, 0 Indian Ridge Road South
Zoning Board Vote

The Board's vote to approve the Comprehensive Permit application with conditions per the draft decision discussed and edited through this evening's discussion was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye

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COMPREHENSIVE PERMIT FINDINGS AND DECISION

0 INDIAN RIDGE ROAD

Decision Date: January 20, 2021

Applicant: Indian Ridge Realty Trust

Applicant's Address: 223 Courtland Street
Holliston, MA 01746

Owner(s): Indian Ridge Realty Trust

Subject Property: 0 Indian Ridge Road

Assessors Identification: Map 14, Block 3, Lot 1

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

I. PROCEDURAL HISTORY

1. An application for a Comprehensive Permit submitted by Indian Ridge Realty Trust (the "Applicant") was received by the Town of Holliston Zoning Board of Appeals ("Board") on or about March 11, 2020 (the "Application"). The Application proposes the development of twenty-four (24) home ownership units consisting of twenty (20) single family homes and two (2) duplex structures containing a total of four (4) units, on property located at 0 Indian Ridge Road, Holliston, Massachusetts, to be called "Geoffrey Park" (the "Project").
2. The Board's duly-noticed public hearing on the Application was opened on May 20, 2020, and was continued to June 17, 2020 (no testimony was taken), July 22, 2020, September 2, 2020, September 23, 2020, October 28, 2020, December 9, 2020, January 13, 2021, and January 20, 2021. The public hearing was closed on January 20, 2021.
3. The Project is located at 0 Indian Ridge Road, Holliston, Massachusetts (the "Property").
4. The Property is located in the Agricultural-Residential B Zoning District.
5. The Property contains approximately 12.67 acres of land.
6. The Project will consist of a twenty-three (23) lot subdivision containing twenty (20) single-

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family houses, two lots containing one (1) duplex structure each, one lot consisting of the proposed common septic system, and the final lot consisting of the proposed stormwater drainage system for a total of twenty-four (24) residential units.

7. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application.
8. During the public hearing, the Applicant was assisted primarily by its principal David J. Adams, its Chapter 40B consultant Dean Harrison, its traffic engineer Corinne Tobias, P.E., PTOE of Green International Affiliates, Inc., and its engineer Robert S. Truax of GLM Engineering Consultants, Inc.
9. The Board utilized the services of David T. Faist, P.E., of CMG Environmental, Inc. for civil engineering peer review and Jeffrey Dirk, P.E., PTOE of Vanasse & Associates, Inc., for 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.
10. 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

11. 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 223 Courtland Street, Holliston, MA 01746.
 - b. The Applicant has received a written determination of Project Eligibility from MassHousing dated April 4, 2019, a copy of which was provided to the Board with the original application.
 - c. The Applicant provided a copy of a Quitclaim Deed dated October 18, 1996, recorded in Middlesex South Registry of Deeds in Certificate of Title 206577, at Document No. 1015755. Thus, the Applicant has shown evidence of site control sufficient to qualify as an

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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.
- 12. 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 4.6% of the total year-round units in the Town, based on information from DHCD dated September 14, 2017. 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

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Location of Project

13. The Project is located at 0 Indian Ridge Road, Holliston, Massachusetts. The Property will obtain access via Indian Ridge Road South. The Property is located within the Agricultural-Residential B Zoning District.

Civil Engineering, Site Design, and Stormwater Impact

14. The Board engaged in review of potential civil engineering, site design, and stormwater impacts of the Project.
15. The Project will connect to the Holliston municipal water system, and will be served by a private, on-site common septic system.
16. The Applicant proposes to construct a minimum of two (2) parking spaces per unit for the Project, which is in compliance with the Holliston Zoning Bylaw. There will be a minimum of forty-eight (48) parking spaces for the Project.
17. The Project provides no dedicated on-site amenities, but each single-family house will have a private yard, while the duplex units will have a shared yard, which may be utilized for recreational activities by the unit owner.
18. Approximately 18.5% 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.
19. 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.
20. 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.
21. The Project, as conditioned herein, will address the lack of affordable home-ownership units in the Town.
22. The Board heard testimony from the Applicant and the Board's traffic consultant, including

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the Applicant's Traffic Impact Study dated July 15, 2020, that the Project is expected to result in approximately eighteen (18) vehicle trips during the weekday morning peak hour and approximately twenty-four (24) vehicle trips during the weekday afternoon peak hour.

23. 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.
24. 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.
25. 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.
26. 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 Indian Ridge Realty Trust, a limited dividend organization. The Property is defined as the property located at 0 Indian Ridge Road, 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

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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 the 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 GLM Engineering Consultant, Inc.:

Site Development Plan of Land, A 40B Comprehensive Permit Project, "Geoffrey Park", Holliston, Massachusetts dated February 29, 2020, with revisions through September 16, 2020, prepared by GLM Engineering Consultants, Inc., and consisting of the following sheets:

Sheet No. 1 – Cover

Sheet No. 2 – Layout Plan

Sheet No. 3 – Existing Conditions

Sheet No. 4 – Existing Conditions

Sheet No. 5 – Drainage & Grading

Sheet No. 6 – Drainage & Grading

Sheet No. 7 – Utility Layout

Sheet No. 8 – Plan & Profile

Sheet No. 9 – Plan & Profile

Sheet No. 10 – Erosion Control Plan

Sheet No. 11 – Erosion Control Plan

Sheet No. 12 – Wetland Replication

Sheet No. 13 – Wetland Crossing Detail

Sheets No. 14-18 – Details

The Approved Plans shall also consist of the following architectural plans shown as Design 152641 and Design 15296 submitted with the Applicant's comprehensive permit application.

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- 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 twenty-four (24) units consisting of twenty (20) single-family structures and two (2) duplex structures containing a total of four (4) units. The approved units shall consist of a mix of three (3) and four (4) bedroom units, consisting of six (6) three-bedroom units and eighteen (18) four-bedroom units.
- A.5 There shall be a minimum of forty-eight (48) parking spaces (inclusive of required handicap spaces).
- A.6 All residential units approved under this Comprehensive Permit shall be for-sale. Affordable units shall be interspersed evenly throughout the Project, as approved by the Subsidizing Agency during Final Approval. The Applicant shall submit a copy of the Affordable Unit Location Plan to the Board that is submitted to the Subsidizing Agency as part of the Final Approval process.
- 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.

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- 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 Indian Ridge Realty Trust 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, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project (with the exception of the proposed septic system) are intended to be offered for acceptance as public ways.
- 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

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- 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. Unless expressly allowed by the Subsidizing Agency, the Applicant shall provide the same number of bedrooms and bathrooms for the affordable units as it does for the market-rate units. 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), six (6) of the Project’s twenty-four (24) 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, which is in amount to similar size developments, to be used for the Board to retain outside experts for technical review of Final Plans and inspections required under these conditions. Said funds

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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). 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, as applicable. 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 forty-five days prior to the commencement of construction, a construction sequencing and 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. The Applicant shall also provide to the Building Commissioner and the Indian Ridge South abutters a detailed staging and parking mitigation plan and timeline for the construction of the access to the Property from Indian Ridge Road South forty-five (45) days prior to the commencement of construction. 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.

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- 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 (as applicable), 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 Homeowners Association and Condominium Association 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

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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.
- h. Submit to the Board and the Building Commissioner a copy of the Affordable Unit Location Plan as submitted to the Subsidizing Agency during the Final Approval process.

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 as may be required under the Building/Fire Codes.

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- 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 Homeowners Association Rules and Regulations for the Project as well as the Condominium Association Master Deeds and Rules and Regulations for the four (4) condominium units. At minimum, the Homeowners Association and Condominium Association Documents shall address issues relating to public access, snow removal, trash removal, 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, with twenty-four hour prior notice and during regular construction hours, 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.

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- 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 not requested a waiver from the Town of Holliston Zoning Bylaws regarding signs.
- 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 proposes to heat the structures with electric heat.
- E.10 The Applicant shall install on-site 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. No street lights are proposed.
- 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.

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- 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. No site grading, roadway and utility improvements shall be conducted on weekends or state/federal holidays. 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 any adjacent public or private ways before 7:00 a.m.
- E.14 The Town will be responsible for trash pickup from the Property.
- 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 thirty (30) 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.

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- 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 Town of Holliston Regulations for Driveway Openings regarding curb-cut permits and driveway design.
- E.23 To the extent earth removal or input of fill is necessary, the Applicant shall prepare an earth removal plan/fill plan, showing all necessary cuts and fills, and describing the number of truck trips necessary for the earth removal. Such earth removal/fill plan shall be submitted to the Board with the Final Plans for review and administrative approval.
- 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.
- E.25 All lot corners shall be delineated with capped iron pins.

F. Traffic/Traffic Safety Conditions

- F.1 Access and egress to the Project shall be via Indian Ridge Road South, consistent with the Approved Plans.

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- F.2 The Applicant shall work with the Town to allow for the creation of “No Parking” areas between 85 Turner Road and 171 Turner Road on the west side of Turner Road to match the existing “No Parking” areas on the east side of Turner Road to improve sight distance and to allow two-way traffic to travel through the narrow curves without impediment. The Applicant will be responsible for the cost of such signage
- F.3 The Applicant shall work with the Town to allow for the installation of W-2-2 advance warning signs on Turner Road in advance of the intersection with Indian Ridge Road and South/James Road to inform motorists of the potential for conflicts. The Applicant shall be responsible for the cost of such advance warning signs.
- F.4 The Applicant shall work with the Town to allow for the installation of 25 mph speed limit signs on Turner Road in advance of the horizontal curves to encourage reduced speeds through this intersection. The Applicant shall be responsible for the cost of such signage.
- F.5 The Applicant shall work with the Town to extend the proposed sidewalk on Indian Ridge Road South to the intersection of Turner Road and Indian Ridge Road South, and terminated with an accessible crossing across Indian Ridge Road South. The Applicant shall provide the Town a contribution in the amount of \$15,000 towards the cost of such extension of the proposed sidewalk, payable after the sale of the first unit. If said funds are not used towards the construction of sidewalks as stated above within five (5) years of the date of the initial payment, the remaining balance shall be transferred to the Holliston Affordable Housing Trust for the development of affordable housing.
- F.6 The Applicant shall work with the Town to ensure a Stop bar is installed on the Indian Ridge Road South/James Road southbound approach to Turner Road. The Applicant shall be responsible for the cost of the installation of such Stop bar.
- F.7 The Applicant shall be responsible for selectively trimming/removing vegetation within the sight triangle areas of the Turner Road/Indian Ridge South intersection situated within the public right of way.
- F.8 The Applicant shall add a note to the Final Plans stating “All signs and pavement markings to be installed within the Project Site shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD).”

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- F.9 The sight triangle shall be shown on the Final Plans for the internal roadway intersection within the Project Site, and a note shall be added stating: “signs, landscaping and other features located within sight triangle areas shall be designated, installed and maintained so as not to exceed 2.5 feet (2.5’) in height. Snow windrows located within sight triangle areas that exceed 3.5 feet (3.5’) in height or that would otherwise inhibit sight lines shall be promptly removed.”
- F. 10 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.
- F. 11 The Applicant shall provide surety for the completion of project infrastructure consistent with G. L. c. 41, § 81U. The surety shall be kept in place and shall be automatically renewable until such time as construction of the aforesaid driveway and related infrastructure is completed and funds are released. The bond amount shall be calculated using the standard methodology established by the Holliston Planning Board for subdivisions, and shall include the common septic system components.
- F.12 The Applicant shall use vertical granite curbing for all catch basins and at all intersection roundings, with appropriate transition curbing between sections of Cape Cod berm.
- F.13 Once the extension of Indian Ridge Road South is completed, the Applicant shall not park construction vehicles on Indian Ridge Road South.

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.
- G.2 During construction, adequate provisions shall be made to ensure safe turnaround of emergency vehicles. The Applicant shall meet with the Fire Department to ensure that such safe turnaround is provided.
- G.3 A base course of pavement shall be constructed around the entire loop roadway before building permits may issue for lot numbers 4-16 and 18-21.
- G.4 The Applicant shall provide the Board a phasing plan depicting the proposed phases of the development.

H. Water, Septic and Utilities

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.

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- H.2 All water infrastructure shall be installed in conformance with the Holliston DPW Water Division's "Water Rules and Regulations" regarding installation and construction standards. 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, consistent with the Holliston DPW Water Division's "Water Rules and Regulations". 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 a Water System Impact Study Report as part of the issuance of connection permits for the Project. The Applicant shall be responsible for any applicable System Development Charge as set forth in the DPW Water Division's "Water Rules and Regulations." 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.

I. Wetlands/Environmental Conditions

- I.1 The Applicant proposes approximately 4,530 square feet of wetland filling, along with additional work within a one-hundred-foot buffer zone to a bordering vegetated wetland. The Applicant has obtained an Order of Conditions from the Holliston Conservation Commission authorizing wetland filling and/or work within the buffer zone. A copy of the Order of Conditions is attached hereto as Exhibit "B".

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- I.2 The Applicant has requested a waiver from the Holliston Wetlands Bylaw and/or Regulations, regarding jurisdiction over land subject to flooding. This waiver request was subsequently withdrawn.
- 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 or adult, would be able to gain access to said pipes.

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, other than the personal vehicles of the homeowners, on the site, except during construction.
- J.6 The Applicant shall follow the standards set forth by the Holliston Planning Board for the normal required milestone inspections for clearing and grubbing, drainage installation, water pipe installation, final sub-grade, gravel base placement and compaction, bituminous binder course placement, catch basin inlets, curbing, bituminous wearing course, sidewalks, and incidental items such as soil stabilization for slopes, shade trees and landscaping, guard rails and survey bounds.

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- J.7 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.8 The Project entrance way and interior roads, and drainage systems associated therewith are proposed to be offered for acceptance as public ways. Until such time as the roads are accepted as public ways, the Town shall not have any legal responsibility for the operation and maintenance of such. The HOA/condominium documents shall have provisions addressing maintenance of the roads and drainage systems until such time as the roadways are accepted as public ways, and shall provide for an appropriate reserve for such maintenance. The HOA/condominium documents shall also address the maintenance of the proposed septic system, which shall remain private, with the Town having no obligation to maintain at any time. Town Counsel shall review the condominium documents prior to the issuance of the first occupancy permit.
- J.9 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 twenty (20) single-family homes and two (2) duplex structures, for a total of twenty-four (24) units, pursuant to Chapter 40B, §§ 20-23, for the development described above.

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RECORD OF VOTE

The Board of Appeals voted 3-0, at its public meeting on January 20, 2021, to grant a Comprehensive Permit subject to the above-stated Conditions.

HOLLISTON ZONING BOARD

BY ITS CHAIRMAN

John Love

Dated: January 20, 2021

Filed with the Town Clerk on January __, 2021.

Town Clerk

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.

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Adjournment: The meeting adjourned at 8:59 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for February 17, 2021 and will include discussion of Final Approval for Village on the Green 40B project located near 245 Washington Street. Ms. Sherman agreed to invite the Building Commissioner to attend.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: February 17, 2021