



**TOWN OF HOLLISTON
PLANNING BOARD**

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

September 29, 2020

John Mark Delli Priscoli, Tr.
New Hopping Brook Trust
42 Westboro Road
N. Grafton, MA 01536

CRG Integrated Real Estate Solutions
200 Bar Harbor Drive
Conshoken, PA 19248

Peter Bemis, Agent
Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, MA 01772

Gentlemen;

Town Planner Karen Sherman and Conservation Agent Ryan Clapp visited the property at 555 Hopping Brook Park Road today and found that substantial tree cutting had commenced on the site. Ms. Sherman met with Mr. Bemis at approximately 7:45 a.m. and informed him that work was commencing in violation of the Stormwater and Land Disturbance Permit. Michael Milanoski, representing New Hopping Brook Trust, was present on the site at approximately 11:15 a.m. and conceded to Ms. Sherman and Mr. Clapp that the owner had initiated the tree cutting work. However, he claimed that the tree cutting work was not related to the development and that it was for the purpose of cutting, harvesting and selling the lumber.

Additionally, Town Counsel had a discussion with your counsel Richard Nylen, whose story conflicted with that of Mr. Milanoski. Attorney Nylen said the tree work is, in fact, part of the development but that it does not trigger any responsibilities under the Land Disturbance Bylaw or the permit

issued thereunder. His rationale was that clear cutting the site but not removing the tree stumps was a loophole that does not invoke the permit.

In response to these two positions, please note the following:

- If, as asserted by Mr. Milanoski, the work is divorced from any pending development as indicated to staff in the field, provisions of the Massachusetts Forest Cutting Practices Act may apply, and no work may proceed unless and until complying local and State approvals are received.
- The large scale tree cutting at the site is a violation of Holliston General By-Law Section XLI Stormwater Management and Land Disturbance By-Law and the Stormwater and Land Disturbance permit issued for the site for the applicant CRG Integrated Real Estate Solutions dated March 13, 2020 (attached). Specifically, conditions 1, 2, 4, 5, 7, and 8 have been violated. Construction activities are clearly identified under condition #8 as including, but not limited to "...removal of trees...clearing..." While Attorney Nysten has claimed that removal of trees without removing the stumps serves as a loophole to exempt these activities, such a claim is clearly erroneous. Simple review of the site conditions indicate that the tree cutting operation has disturbed the site within the letter and spirit of the Bylaw.
- On Monday September 14th, a meeting occurred between Mr. Bemis, Mr. Milanoski and Ms. Sherman at which time both the Stormwater and Land Disturbance Permit and Site Plan Review decisions for the site were reviewed with relation to developing a checklist for obtaining a building permit. Tree cutting was discussed and Ms. Sherman advised the two that Condition #1 of the permit should be addressed to include details of tree cutting to commence activities identified on sheet 34 of the approved plan set. No pre-construction meeting was held, no construction sequence was presented and no notice of the pending activity was provided. The two were informed that the next opportunity for the Planning Board to consider start of construction as indicated in the permit would be October 1 and that any request to be placed on the agenda should be received by Thursday, September 24. Mr. Bemis noted that he would provide a "stand alone" plan noting the limit of work and erosion

control. Plainly, you have failed to abide by these promises and representations.

Based upon the foregoing, you are hereby ordered to cease and desist current tree cutting and removal on the site. Should you fail to comply with this Order, the Town will not hesitate to seek enforcement in the courts.

Holliston Planning Board

David Thorn
Chairman

cc Atty. Jay Talerma, Town Counsel
Travis Ahern, Town Administrator
Chris Canney, Building Inspector
Ryan Clapp, Conservation Agent
Matthew Stone, Police Chief

Attachment