

**Holliston Zoning Board of Appeals
Meeting Minutes February 28, 2024**

CALL TO ORDER:

The Chairman called the meeting to order at 7:15 p.m. via Zoom and read the following statement into the record: Pursuant to the Governor's action on March 29, 2023 relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, 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 to the Town's webpage within 24 hours in accordance with 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:

Present:

Chairman Jay Peabody - Present
Vice Chair - Elizabeth Dembitzer - Present
Vladimir Nechev Present
Associate Member John Love - Present

GENERAL BUSINESS:

Deliberations

Special Permit – Holliston 747 Washington Street

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Sections III (D) (16) and III (D) (9) for property described and located at 747 Washington Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Nechev:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Aye
Mr. Love	Aye

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Holliston Zoning By-Laws Section VI-E Special Permit Granting Authority (SPGA) and Section V-K Village Center Commercial district, the Zoning Board of Appeals (acting as SPGA) has considered the proposed use in relation to the site as well as the adjacent uses and structures and finds that there will be no significant adverse effects to the neighborhood and the Town as proposed and conditioned, considering the following criteria:

Section VI-E(5):

a. The degree to which the proposed use complies with the dimensional requirements of the by-law, is in an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and other uses allowed by-right in the district and is designed to be compatible with the character and the scale of neighboring properties.

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- b. To the extent feasible, the proposal has been integrated into the existing terrain and surrounding landscape, minimizing the impacts to the aquifer and/or recharge area, wetlands, steep slopes, and floodplains.
- c. Adequate and appropriate facilities shall be provided for the proper operation of the proposed use, including screening and provisions for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and properties.
- d. The proposed project shall not create any significant emission of noise, dust, fumes, noxious gases or any other adverse environmental impact including stormwater, erosion and sedimentation.
- e. There shall be no unreasonable glare from lighting, whether direct or reflected, onto ways, the night sky or onto adjacent properties.

Section V-K Village Center Commercial District (1) Objectives

- a. Provide convenient business and professional services for Holliston residents and those passing through.
- b. Facilitate the development and maintenance of small businesses.
- c. Promote a compact, pedestrian-oriented environment.
- d. Develop harmonious visual relations between the Village Center Commercial District and its surroundings.
- e. Promote pedestrian and vehicular safety and convenience.
- f. Provide for mixed uses in the center of Holliston compatible with its historic village character where residents are able to walk to shops, services and public transportation.

Throughout its deliberations, the Zoning Board of Appeals has been mindful of the statements of the Applicant and his representatives all as made during the public hearing. The Board has considered the proposed use in relation to the site as well as the adjacent uses and structures and finds that there will be no significant adverse effects to the neighborhood and the Town as proposed and conditioned.

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 by 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. This permit is issued to the Applicant and is not transferable or assignable without permission of this Board. Any change in owner or operator of the facility shall be presented to the Board for review along with a detailed description of any substantial changes in site plans, operating procedures or mechanical systems. Unless the Board has consented thereto in writing, this approval shall expire if the property or business is sold, transferred or conveyed or upon any other disposition by which the current owner/operator no longer has full and complete control of the site and operation.
3. Approval by the Zoning Board shall not be treated as, nor deemed to be, approval by the Board of Health or Board of Selectmen, for a permit or license for the uses proposed, nor shall this decision be construed as approval from any other Board, Committee, official, or

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department. Conditions of approval of all permits issued by other boards or agencies of the Town shall be considered conditions of approval under this decision. In the event that said permits contain conditions conflicting with the conditions hereof, the Board reserves the right to amend the conditions of this decision, after a public hearing, so as to render it consistent.

4. Agents of the Town shall have the right to enter and inspect the area at reasonable hours to evaluate compliance with the conditions of this decision. The Applicant shall allow for periodic inspections by the Holliston Police Department, the Building Inspector, and/or the Board of Health during the hours when the premises are open for business. The purpose of the periodic inspections is to determine if the licensed premises are operated in accordance with the requirements of the Special Permit and the conditions outlined therein.
5. Hours of operations for activities on the site are limited as follows:
 - a. Outdoor beverage service - 12:00 p.m. to 8:30 p.m. daily.
 - b. Outdoor live entertainment – 5:30 -8 p.m.
 - c. Food Truck service – 5:30 – 8 p.m. weekdays and 12:00 p.m. to 8 p.m. weekends and holidays recognized by the Town of Holliston
 - d. Pop-up markets – 12:00 p.m. to 8 p.m.
6. All exterior light fixtures shall meet the Fixture Seal of Approval by the International Dark Sky Association. All site lighting to be extinguished outside of operating hours.
7. The number of food trucks on site at any time is limited to one (1). Food trucks shall not operate with any related tents, canopies, or other temporary structures or seating in the parking area. Food trucks shall not be left idling while parked on the site and shall not display any temporary signage other than immediately at the designated food truck location. At the end of each day, the site shall be cleaned of all trash, litter, and other debris.
8. The record plans entitled “Rushford & Sons, Timothy Fiske House” (undated) and “Plot Plan 747 Washington Street, Holliston, Mass” prepared by Applewood Survey Co., LLC (dated November 3, 2023) shall be amended to include the detail and location of a suitable noise barrier for the residents of 20 and 24 Hollis Street. Screening shall include the designated food truck location. The mitigation shall be approved by the Building Commissioner.
9. The record plans shall also be amended to document compliance with 521 CMR Massachusetts Architectural Access Board requirements for parking spaces and all pathways to the outdoor seating area.
10. This decision is based upon the unique and specific facts of this case and the requirements of the Zoning Bylaw. The Board, therefore explicitly retains the right to, with notice and after hearing, revise or modify this decision in whole or for any substantial violation of the conditions herein and/or any substantial deviation from the intent, purposes or requirements of the Zoning Bylaw, or upon a finding that the facts presented by the applicant in this case were misrepresented, mistaken or otherwise constitute a fraud so as to materially undermine the Board’s decision. If the Board invokes this provision citing the applicant’s failure to comply with the terms of this Decision, the Board may revoke this Decision in accordance with the terms herein. The Zoning Board shall, by first class mail, send the owner written notification of any failure to comply with the terms of this Decision. If the owner believes that it is not in violation, they may request and will be granted an opportunity to attend a Zoning Board meeting to try to resolve the alleged violation. If within thirty (30) days from the date of mailing of said notice, the owner has not resolved the matter with the Zoning Board or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the thirty (30) day period, the Zoning Board, after a

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duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a unanimous vote that there has been a violation of the terms of this Decision and that the owner has failed to remedy it; alternatively, the Zoning Board may continue the public hearing, or by a unanimous vote extend the time period in which the violation may be corrected.

11. Notwithstanding compliance with the above conditions, the project shall under no circumstances be or create a nuisance by reason of odor, noise, fugitive light, dust, or by virtue of litter, vermin or bird hazards or other impacts to the neighborhood of similar like and kind.

ADJOURNMENT: The meeting adjourned at 7:50 p.m. on a motion made by Ms. Dembitzer, seconded by Mr. Love with all in favor on a roll call vote. Ms. Dembiter shared an invitation to the March 26th Housing Production Plan forum to be held from 6-8 p.m. at the HHS Library. The next meeting was scheduled for Wednesday, March 27, 2024 if warranted and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

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