

Present: Chairman Henry Dellicker, Chris Flanagan, John Love and Associate Member Michelle Zeamer

General Business:

Approval of Minutes:

The meeting minutes of September 13, 2010 were approved as amended on a motion by Mrs. Zeamer, seconded by Mr. Love.

Use Variance Public Hearing – Giselle Ferrelli, 1133-1135 Washington Street

Chairman Dellicker opened the public hearing at 7:15 p.m. Per Attorney Barbieri's request, the hearing was continued to after the last hearing of the evening.

Special Permit Public Hearing - Esteban Peguero, 86 Washington Street.

Chairman Dellicker opened the public hearing at 7:20 p.m. John Love read the petition into the record. Correspondence from the Fire Chief (dated October 20, 2010) was entered into the record.

Esteban and Ramon Peguero were present to discuss their petition. Mr. Peguero stated that he is seeking a special permit to operate a vehicle repair garage in an existing 2-bay garage. Addressing questions from the Board members, Mr. Peguero stated there were floor drains in place, there are five parking spaces, and the hours of operation will be Monday through Saturday, 7:00 a.m. to 7:00 p.m. Mr. Peguero also stated that he will meet the necessary requirements with the Fire Department regarding the storage of gasoline and motor oil. Mr. Peguero also stated that there will be no painting on site.

Jack Mitre, Owner of Holliston Gulf at 799 Washington Street spoke in opposition of the petition.

Danny Lee of 22 Westfield Drive and Victoria Neeson of 1241 Washington Street spoke in favor of the petition.

Given no further questions or comments the hearing closed at 7:45 p.m. on a motion made by Mrs. Zeamer and seconded by Mr. Flanagan.

Special Permit Public Hearing - Global Companies, 815 Washington Street

Chairman Dellicker opened the public hearing at 7:45 p.m. John Love read the petition into the record. A comment letter from the Fire Chief (dated October 20, 2010) was entered into the record.

Attorneys Tom Waltstein and Bill Siegeloff as well as owner Jack Iaccogo were present to discuss the petition. Attorney Waltstein referred to a special permit which was granted in April, 1991 and stated that they are requesting condition #5 be removed from that permit. The condition states that "this Special Permit is issued solely to the Petitioner and is not transferable or assignable". The petitioners explained that the gas station is changing ownership and therefore would like the condition removed. The petitioners also stated that they are requesting no other changes from the prior permit.

When asked why they did not apply for a new special permit, Attorney Waltstein responded that the existing permit is of record and in good standing

Mr. Love suggested transferring the permit rather than eliminating the condition.

After some discussion, the Board opened the hearing to the public for comments and questions. Michael Healy of 847 Washington Street spoke in favor of the petition stating that it is a very well run station.

Given no further questions or comments the hearing was closed at 8:05 p.m. on a motion made by Mr. Love and seconded by Mrs. Zeamer.

Special Permit Public Hearing – David and Lynda Burrows, 10 Robin Hill Road
Chairman Dellikcer opened the public hearing at 8:05 p.m. Mr. Love read the petition into the record. A comment letter from the Fire Chief (dated October 20, 2010) was entered into the record.

Mr. and Mrs. Burrows were present to discuss their petition. Mr. Burrows stated that they are requesting a special permit to construct a two story addition which does not meet the current side yard set back requirements. Mr. Burrows submitted drawings rendering the proposal which are on file with the Town Clerk's office.

Responding to questions from the Board, the Burrows stated that materials will be consistent with the existing dwelling and the addition will be consistent with plans submitted.

The hearing was opened to questions and comments from the audience. Paula Trask of 38 Smithurst Drive asked questions and spoke in favor of the petition.

Given no further questions or comment the hearing closed at 8:20 p.m. on a motion made by Mrs. Zeamer and seconded by Mr. Love.

**Use Variance Public Hearing – Gisselle Ferrelli, 1133-1135 Washington Street
(continued from 7:15 p.m.)**

Mr. Love read the petition into the record. A comment letter from the Fire Chief (dated August 17, 2010) and Police Chief (dated July 29, 2010) were entered into the record. Attorney Peter Barbieri was present with the petitioner, Giselle Ferrelli. Ms. Ferrelli and Attorney Barbieri explained that the site is in the Agricultural/Residential B District but is currently allowed to be used for antique retail sales through the issuance of a previous special permit. Attorney Barbieri also stated that the petitioner has not been able to find and retain antique sales tenants and as a result the property has been vacant. The petitioner is requesting a use variance to allow the commercial building to be used for office use.

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Attorney Barbieri explained that they are proposing to remove the existing greenhouse which will reduce the size of the building from 2,400 square feet to 2,200 square feet. The intent is to create two offices, each having its' own separate entrance. Attorney Barbieri also stated that the proposal should reduce traffic flow (retail establishments generate approximately 42 trips per day and office use generates approximately 11 trips per day)

Chairman Dellicker asked the applicants for a list of proposed businesses. Attorney Barbieri responded that they do not anticipate medical office use because the septic system would not support that. Mr. Dellicker then suggested issuing a variance with a condition that any potential tenants would need to obtain a special permit, citing a concern that they would otherwise not know what businesses would potentially be moving into the site.

Attorney Barbieri opined that this proposal would have less impact on the neighborhood than antique retail sales. Ms. Ferrelli informed the Board that she notified abutters personally and nobody spoke in opposition of the proposal.

Attorney Barbieri also stated that it would be financially infeasible to convert the property to residential use because of required modifications to the septic system. Additionally, the site cannot be subdivided due to the impact of wetlands.

The hearing was opened to questions and comments from the audience. Paula Trask of 38 Smithhurst Drive and Peter Butler of 437 Central Street spoke in support of the petition.

Given no further questions or comments the hearing was closed at 8:50 p.m. on a motion made by Mr. Love and seconded by Mrs. Zeamer.

Deliberations

1. Special Permit – Esteban Peguero, 86 Washington Street

The Board reviewed the application materials and testimony provided by the petitioner as well as a comment letter from Fire Chief (dated October 20, 2010). The Board found that the proposed uses are consistent with Section III (Use #34) of the Zoning By-laws. The Board made a finding that the proposed uses will not be substantially detrimental to the neighborhood given the Industrial zoning.

Zoning Board Vote

The Board's vote to approve the petitioner's Special Permit application for relief under Section III (Use #34) for property located at 86 Washington Street was as follows on a motion by Mr. Love, seconded by Mrs. Zeamer:

Mr. Dellicker	Aye
Mr. Flanagan	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

- The applicants shall comply with the conditions of approval set forth on the Certificate of Action issued by the Planning Board to Bristol Development Corp., dated January 18, 2007.
- Hours of operation shall be limited to Monday through Saturday, 7:00am to 7:00 pm
- Spillage and leaks shall be controlled to prevent the contamination of land.
- Structure, grounds and operations shall be in accordance with local, state and federal laws and regulations.
- No painting shall be allowed on site.
- Hazardous material data and storage information shall be submitted to the Fire Chief.
- This permit is issued solely to the applicant and is not transferable.
- There shall be no sale of automobiles on the premises.
- There shall be no more than five (5) automobiles parked outside at all times.
- 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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

2. Special Permit - Global Companies, 815 Washington Street

The Board reviewed the application materials and testimony provided by the petitioner as well as a comment letter from Fire Chief (dated October 20, 2010). The Board found that this is a continuation of the operation of the business and facilities at the locus, under the same conditions that were established in the original permit granted to Mobil Oil Co. on April 25, 1991.

Zoning Board Vote

The Board's vote to approve the petitioner's Special Permit application for relief under Section III – A(33a) for property located at 815 Washington Street was as follows on a motion by Mr. Love, seconded by Mr. Flanagan:

Mr. Dellicker	Aye
Mr. Flanagan	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

- The Petitioner will satisfy the requirements of the Board of Health, Conservation, Commission, Highway Dept., and the Inspector of Buildings.
- Suitable landscaping and/or plantings shall be established and maintained to preserve the aesthetics of the Goodwill Park boundary area.

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- There shall be two attendants on duty at all times and assistance will be available for those disabled or otherwise unable to cope with the self-service operation.
- Hours of operation shall be limited to 6:00 AM to 12:00 midnight.
- This Special Permit is issued solely to Global Companies LLC and is not transferable or assignable
- The storage of unregistered vehicles on the premises is prohibited.
- Area and/or outside lighting shall be designed to avoid direct eye contact with passing traffic and abutting properties.
- All scrap is to be stored under cover and screened from view pending disposal.
- The premises shall be maintained so as to be visually unobtrusive and neat at all times,
- All chemical wastes shall be disposed of and removed by a licensed waste chemical disposal contractor.
- All fluids shall be stored in a diked area of sufficient size and construction to contain any spillage
- There shall be no outside storage of chemicals or wastes.
- There will be no floor drains in any area in which chemicals are stored or used.
- There shall be no use or storage of any chemical, hazardous material or potentially contaminating material that has not been fully disclosed to the Board.
- The applicant shall, with 30 days of issuance of the permit, submit an updated contingency emergency plan to the Police Chief, Fire Chief, and Emergency Management Director, Board of Health and Hazardous Waste Coordinator for review, modification if appropriate, and approval by them.
- The applicant hereby agrees to comply with all the provisions, rules regulation and laws relating to the "Right-to-Know" law, so-called, and with MGL C. 21E, and to notify the above listed local, officials of any incident on the premises requiring notification to the Dept. of Environmental Quality Engineering under said 21E.
- All hazardous materials shall be stored in a fireproof cabinet away from heat sources, flame, sparks or other sources of ignition.
- 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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has

been filed or if such appeal has been filed, that it has been dismissed or denied.

3. Special Permit – David and Lynda Burrows, 10 Robin Hill Road

The Board reviewed the application materials and testimony provided by the petitioner as well as a comment letter from the Fire Chief (dated October 20, 2010). The Board found that the application is consistent with Section I-C(3) of the Zoning By-Laws. The Board made a finding that the proposed construction will not be substantially more detrimental than the existing non-conforming use to the neighborhood. The Board also found that the granting of this special permit is in harmony with the general purpose and intent of the zoning by-law.

Zoning Board Vote:

The Board's vote to approve the petitioner's Special Permit application for relief under Section I-C(3) for property located at 10 Robin Hill Road was as follows on a motion by Chris Flanagan, seconded by John Love:

Chairman Dellicker	Aye
Mr. Flanagan	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

- The structure shall be no closer than 17 feet from the west side property line.
- 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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
- Building materials, windows and doors, finishing, trim and roof shingles shall be consistent with existing construction.
- Carbon monoxide detectors and interconnected smoke detectors shall be installed throughout the dwelling in accordance with the current editions of the Board of Fire Prevention Regulations and Massachusetts State Building Code.

4. Use Variance- Giselle Ferrelli, 1133 Washington Street

After some discussion deliberations were continued to Thursday, October 28, 2010 at 7:30 p.m.

On a motion made and duly seconded the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Donna Donovan