

**Holliston Zoning Board of Appeals  
Meeting Minutes February 8, 2023**

OFFICE OF THE  
TOWN CLERK  
HOLLISTON, MASS.

2023 MAR - 9 AM 11:46

**CALL TO ORDER:**

The Chairman called the meeting to order at 7:00 p.m. via Zoom and read the following statement into the record: Pursuant to the Governor's June 16, 2022 Act 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.

Chairman John Love - Present

Jay Peabody - Absent

Elizabeth Dembitzer – Present

Vladimir Nechev - Present

**APPROVAL OF MINUTES:**

On a motion by Ms. Dembitzer, seconded by Mr. Nechev, the minutes of January 25, 2023 were approved as amended on a unanimous roll call vote.

**CONTINUED PUBLIC HEARINGS:**

**Special Permit**

**Wai Lam – 39 Locust Street**

The Chairman re-opened the public hearing. Applicant, Wai Lam was present along with Arnold Lin (interpreter) to discuss his Special Permit application under Section 2.1(2) "Change from one nonconforming use to another" to establish a storage warehouse in the existing +/- 6,000 s.f. industrial building located in the Agricultural Residential B zoning district. Members asked a series of questions about the proposed operation.

The Chairman opened the hearing to the audience. The following individuals asked questions and spoke against the proposal: Andy and Rita Bell, 37 Locust Street, Mike Nagel of 141 Washington Street, and Carol Hildreth of 135 Washington Street.

On a motion by Mr. Nechev, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call vote. Ms. Sherman will seek clarification on the Heavy Commercial Vehicle Exclusion and prior use(s) of the premises.

**Administrative Appeal**

**18-24 Water Street Realty Trust, LLC**

The Chairman re-opened the public hearing. Atty. Peter Barbieri of Fletcher, Tilton PC was present along with Fran Colantonio of 18-24 Water Street Realty Trust to discuss the Administrative Appeal application. The Chairman noted that he had communicated with Town

Approved: March 8, 2023

**Holliston Zoning Board of Appeals  
Meeting Minutes February 8, 2023**

Counsel Brian Winner of Mead, Talerman and Costa, LLC regarding the multiple applications and he recommended that the Board either close the hearing and deny the appeal or secure the withdrawal to avoid a potential constructive grant if members were inclined to grant the Use Variance with conditions. Atty. Barbieri agreed to the withdrawal.

On a motion by Ms. Dembitzer, seconded by Mr. Nechev, the Board unanimously agreed to allow a withdrawal of the Administrative Appeal without prejudice on a roll call vote.

**DELIBERATIONS:**

**Dimensional Variance – 87 Morton Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section IV-B and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. Literal enforcement of the by-law would result in substantial hardship to the applicant. Unique circumstances related to the shape and size of the parcel (corner lot), including existing house and septic placement, were sufficiently demonstrated.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-B for property described and located at 87 Morton Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Nechev:

Mr. Love	Aye
Ms. Dembitzer	Aye
Mr. Nechev	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. The proposed 24' x 31' two-car attached garage shall be no closer than 7.5' to the Louis Street front yard property line and no closer than the existing structure to Morton Street. Construction shall be in substantial compliance with the record plan entitled "Proposed Plot Plan 87 Morton Street Holliston, Mass." prepared by Applewood Survey Co., LLC (dated May 4, 2022) and architectural plans entitled "The Lamont-Shaughnessy Residence" prepared by CWC Design (dated January 21, 2022).
3. Building materials and architectural features shall be compatible with the existing 1.5 story wood frame house.

Approved: March 8, 2023

**Holliston Zoning Board of Appeals  
Meeting Minutes February 8, 2023**

**Use Variance – 1135 Washington Street**

**Project Description**

The Applicant explained the proposed changes in the operation of the business, including overnight parking for 4 fleet vehicles and outdoor storage in the form of an 8' x 40' x 9' storage container to be located in the rear of the 2,200 s.f. office building. The business located on the 3.8-acre lot located in the Agricultural-Residential zoning district has been in operation since 2010 and the single-family home at 1133 Washington is in common ownership. The Building Inspector noted that the proposed fleet and material storage represents a change in the business model described in 2010 as office to characteristics of "general service establishment".

**Findings of Fact**

The Board reviewed the application materials and testimony provided, including the November 2010 Variance granted to the prior owner, Papillion Real Estate Trust and reiterates the prior findings here: The Board further finds that the property has been used commercially since prior to the adoption of zoning to date for a farm stand, florist, and most recently, as an antique retail facility, subject to a Special Permit. The Board finds that the property is located in a residential neighborhood in which the property historically has both residential and commercial use. The Board recognized the unique characteristics of the property within the neighborhood and has proposed conditions listed below in this decision to limit the impact of the commercial use to the neighborhood in order to preserve the residential atmosphere. The Site is further impacted by Wetlands and the conversion of the Site to residential use would necessitate demolition of the existing commercial facility and the removal of improvements associated therewith.

In accordance with the provisions of Section VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds that the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Use Variance application for relief under Section VI-D(3) for property described and located at 1135 Washington Street was as follows on a motion by Mr. Nechev, seconded by Ms. Dembitzer:

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

**Conditions of Approval**

1. This Use 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. This Use Variance supersedes and replaces the 2010 variance which the applicant/owner has agreed to abandon by virtue of accepting and recording this variance.

Approved: March 8, 2023

**Holliston Zoning Board of Appeals**  
**Meeting Minutes February 8, 2023**

3. There shall be no change in the use of the Premises that would require providing additional septic capacity, above the existing designed capacity for the non-residential share of the current septic system.
4. The Board's authorization for the use of the Premises is on the condition that the use of the Premises, including the building and parking areas, is as shown on the Plans presented to the Zoning Board of Appeals, and there shall be no increase in the size of the facility or the provision for additional parking spaces without further review and approval of the Board.
5. There shall be no arrival or departures (including loading or unloading) by employees or customers before 7:00 a.m. and after 7:00 p.m. daily.
6. All non-emergency/security exterior lighting shall be extinguished no more than one hour after the close of the office use, and all exterior lighting shall be residential in character. Direct lighting pattern shall be confined to the premises.
7. All external trash disposal facilities shall be screen from view of the surrounding properties.
8. The parking and site improvements shall comply with the Massachusetts Architectural Access Board Regulations.
9. The Board hereby authorizes a single sign, not internally or self lighted, for each of the two tenants on the property, with a maximum size of 4 square feet each. The signs shall be attached to the building.
10. A ten foot area surrounding the rear of the building shall be graded and landscaped to allow emergency vehicles full access around the building.
11. Outdoor storage of vehicles overnight is limited to a maximum of four vehicles that are less than 10,000 GVW to be stored in the southeastern parking area only. No outdoor storage of materials is authorized.
12. A single 8' x 40' x 9' temporary storage container is allowed as shown on the record plan. It must be screened with a 10' opaque wood or vinyl fence in order to shield residential neighbors. The container shall not be used as a workshop nor shall it house any hazardous materials. No exterior lighting is authorized. It shall be gated and secured when not in active use.

**Use Variance – 1038 Washington Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. The artist's studio with an emphasis on quilting and fiber arts is clearly an accessory use to the single-family residence and is proposed within an existing detached barn structure that has a history of functioning as a studio. The use as conditioned below is limited to the first floor of the structure. Improvements are planned to make the facility handicapped accessible and adequate off-street parking is available.

Approved: March 8, 2023

**Holliston Zoning Board of Appeals  
Meeting Minutes February 8, 2023**

**Zoning Board Vote**

The Board voted against the applicants request for a waiver of the application fee because her business is not for profit was as follows on a motion from Mr. Nechev, seconded by Ms. Dembitzer:

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

The Board's vote to approve the Petitioner's Use Variance application for relief under Section VI-D(3) for property described and located at 1038 Washington Street was as follows on a motion by Mr. Nechev, seconded by Ms. Dembitzer:

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

**Conditions of Approval**

1. This Use 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. Use of the 1,000 s.f. first floor of the accessory structure (referred to as the "existing Building with Office Space" in the application materials) is limited to the accessory studio use as described. No retail sales are authorized.
3. Instructional classes are limited to 10 individuals and shall not extend beyond 9 p.m.

**Dimensional Variance – 36 Cranberry Lane**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3) Pre-Existing Non-Conforming Uses, Structures, and Lots, V-L Groundwater Protection Zone II Permitted Uses, and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. Unique circumstances related to the shape and size of the parcel, existing house placement as well as rear septic and wetland locations have been demonstrated as hardships. A detached structure could be placed within 10' of the side line by right. Additionally, the Board finds that the proposed 20.84% of impervious coverage is a de minimus increase over the 20% Zone II standard prescribed in the Groundwater Protection District.

**Zoning Board Vote**

Approved: March 8, 2023

**Holliston Zoning Board of Appeals  
Meeting Minutes February 8, 2023**

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C(3) for construction of a 26' x 36' attached garage on property described and located at 36 Cranberry Lane was as follows on a motion by Ms. Dembitzer, seconded by Mr. Nechev:

Mr. Love	Aye
Ms. Dembitzer	Aye
Mr. Nechev	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 be in substantial compliance with the plans of record entitled "Proposed Addition Plan of Land" prepared by Colonial Engineering, Inc. (dated February 10, 2022) and "Ferrick Residence, 36 Cranberry Lane, Holliston, MA" prepared by D. Michael Collins Architects (dated 11/21/22). Construction shall be no closer than 17.5 feet to the the southern lot line at its closest point.
3. Runoff from the structure must be recharged to the maximum extent practicable via stormwater best management practices such as French drains or infiltration units.

**Special Permit – 36 Cranberry Lane**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.3) Non-Conforming Uses, Structures and Lots, V-L Groundwater Protection Zone II Permitted Uses and VI-E(5), 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 expansion of the existing non-conforming single-family residential structure on a non-conforming 21,086 s.f. lot created prior to the 1963 Zoning By-Law amendment still in effect today. The Board finds that there would be no significant adverse effects to the neighborhood or the Town, considering the regulations, restrictions and criteria of sub-section VI-E(5) and as conditioned below. Additionally, the Board finds that the proposed 20.84% of impervious coverage is a de minimus increase over the 20% Zone II standard prescribed in the Groundwater Protection District.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Sections V-L(4)(A)(3)(e) for property described and located at 36 Cranberry was as follows on a motion by Ms. Dembitzer, seconded by Mr. Nechev:

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

Approved: March 8, 2023

## **Holliston Zoning Board of Appeals Meeting Minutes February 8, 2023**

### **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. Construction shall be in substantial compliance with the plans of record entitled “Proposed Addition Plan of Land” prepared by Colonial Engineering, Inc. (dated February 10, 2022) and “Ferrick Residence, 36 Cranberry Lane, Holliston, MA” prepared by D. Michael Collins Architects (dated 11/21/22).
3. Runoff from the structure must be recharged to the maximum extent practicable.

### **Use Variance – 18-24 Water Street**

#### **Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. The board understands that this facility will be licensed, certified, and equipped for professional food production. The proposed 1,700 s.f. shared use kitchen within this multi-tenant historic mill facility in the Industrial zoning district presents a unique opportunity to foster growing food service businesses by allowing chefs, bakers, caterers or other food related professionals to split the cost of a professional kitchen space. Event caterers, wholesale bakers, packaged food sellers and even food truck vendors can all make use of this type of space.

#### **Zoning Board Vote**

The Board’s vote to approve the Petitioner’s Use Variance application for relief under Section VI-D(3) for property described and located at 18-24 Water Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Nechev:

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

### **Conditions of Approval**

1. This Use 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. The use shall be limited to the 1,700 s.f. space as presented in the application and depicted on the record plan entitled “Mill Kitchen Concept” prepared by Colantonio (dated 12/22/22).
3. This facility will be licensed, certified, and equipped for professional food production.

Approved: March 8, 2023

**Holliston Zoning Board of Appeals**  
**Meeting Minutes February 8, 2023**

4. The shared kitchen shall be managed by a designated “producing operator” or other identified manager that will be made known to the Building and Health Departments who will be responsible for managing all other users who rent the facility.
5. Deliveries and waste management services for this use are limited to the hours of 7:00 a.m. to 5:00 p.m.

**Dimensional Variance – 114 Concord Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section IV-A&B and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. Creation of a lot with 18.27 feet in the Agricultural Residential-B zoning district is not de minimus relief and the Board does not find a compelling argument to allow the relief. The hardship is self-created and other regulatory permitting schemes exist to achieve additional density on the property. Additionally, the amended application requesting lot size relief for the existing dwelling does not provide sufficient evidence that the two-family dwelling was created legally or a compelling argument to allow the members to make a finding supporting the requested 10,000 s.f. area relief. The Board also notes compelling testimony and correspondence from multiple abutters entered into the record during the public hearing.

**Zoning Board Vote**

The Board’s vote to deny the Petitioner’s Dimensional Variance application for relief under Section IV-A&B for property described and located at 114 Concord Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Nechev:

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

**ADJOURNMENT:** The meeting adjourned at 9:58 p.m. on a motion made by Ms. Dembitzer, seconded by Mr. Love with all in favor on a roll call vote. The next meeting was scheduled for March 8, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

Approved: March 8, 2023