

## **Holliston Zoning Board of Appeals Meeting Minutes April 12, 2023**

**CALL TO ORDER:** The Chairman called the meeting to order at 7:00 p.m. in the Selectmen's Meeting Room (#105) of the Town Hall 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 John Love - Present

Jay Peabody - Present

Elizabeth Dembitzer – Present (for General Business items only)

Vladimir Nechev - Present

### **APPROVAL OF MINUTES:**

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of March 8, 2023 were approved as written on a unanimous roll call vote.

### **DELIBERATION: 39 LOCUST STREET SPECIAL PERMIT**

On a motion by Ms. Dembitzer, seconded by Mr. Nechev with all in favor, members approved the Special Permit with the findings and conditions noted below (Mr. Peabody abstained as he was not present for the hearing sessions):

#### **Project Description**

The Petitioner is seeking a Special Permit under Section 2.1(2) "Change from one non-conforming use to another" to establish a storage warehouse in the existing +/- 6,000 s.f. industrial building located primarily in the Agricultural Residential B (AR-2) zoning district. The prior user, Pegasus, Inc., operated from the facility for many years as a machine shop. Building Department records indicate that there were several authorized additions to the building (1958 and 1971).

#### **Findings of Fact**

The proposed use as described in the application materials and in testimony from the Applicant appears to be of equal or lesser intensity than the prior longstanding industrial use that pre-dated zoning, especially as conditioned below. It has been clarified by MassDOT Highway Division policies that the Heavy Commercial Vehicle Exclusion in place on Locust Street would not apply to heavy commercial vehicles going to or coming from this facility as there is no other access (See January 2012 Massachusetts amendments to the Standard Municipal Traffic Code, Section 10A-9 Exemptions).

#### **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

Approved: May 24, 2023

## **Holliston Zoning Board of Appeals Meeting Minutes April 12, 2023**

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 permit is issued to the petitioner based on the specific nature and intensity of the proposed warehouse use and is not transferable or assignable.
3. Employees are limited to four (4).
4. No outdoor storage is authorized, nor is any storage of hazardous materials. No retail sales are authorized.
5. Hours of operation are limited to 8 a.m. – 5 p.m. Monday – Friday. Deliveries and any servicing of dumpsters have the same limitations.
6. Any dumpster shall be screened in accordance with the provisions of Section V-N(5) of the Holliston Zoning By-Laws and shall not be used for disposal of food waste.
7. Any exterior and parking lot lighting shall be International Dark Sky Association “Dark Sky Approved” fixtures that are fully shielded to reduce light trespass and minimize the amount of glare and blue light in the nighttime environment.
8. The parking lot shall be delineated in compliance with the provisions of Zoning By-Laws Section V-C Off-Street Parking with regard to number of spaces, dimensions of spaces and aisles. Applicable provisions of the Architectural Access Board regulations (521 CMR) shall apply to handicapped parking and access. Designated outdoor storage of fleet vehicles shall be in a location approved by the Building Commissioner.
9. The Petitioner shall exercise best efforts to address issues of visual screening and stormwater management as identified by a direct abutter.

### **PUBLIC HEARINGS:**

#### **Use Variance**

##### **Arun Narayanan – 66 Old Cart Path**

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicant/owner, Arun Narayanan, was present to discuss the Use Variance application for an Accessory Family Dwelling Unit in excess of 600 s.f. Proposed floor plans for the 999 s.f. unit consisting of living space over the garage and sunroom were submitted and prepared by SAH Design, LLC dated 3/17/23 (Option 2). He noted that the unit has been designed for aging parents in need of care and affirmed that the side yard setback will be in compliance with the district requirements (Note: Confirmed with the Building Department record as-built at 60' +/-).

The Chairman opened the hearing to the audience. No one asked questions or spoke in favor or against the petition.

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

#### **Special Permit**

##### **Barbara and Craig Ryan – 14 Irving Place**

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicants/owners, Barbara and Craig Ryan were present to discuss the Special Permit application to demolish and reconstruct a portion of a pre-existing, non-conforming, two-story residential structure. The closest setback of the 2-story reconstruction is the same as current or  
Approved: May 24, 2023

## **Holliston Zoning Board of Appeals Meeting Minutes April 12, 2023**

21.1 feet. The additional floor area is approximately 240 s.f. Plans entitled “Plan Showing Proposed Addition, 14 Irving Place, Holliston, MA, Middlesex County” (dated February 22, 2023) prepared by D. O’Brien Land Surveying and were reviewed in detail. Mrs. Ryan noted that the voluntary demolition is being pursued to make general improvement to the structure in terms of construction, internal design and flow as well as electric and HVAC.

The Chairman opened the hearing to the audience. No one asked questions or spoke in favor or against the petition.

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

### **Special Permit**

#### **Inge Daniels and Joe Jankovsky- 38 Grove Street**

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicants/owners, Inge Daniels and Joseph Jankovsky were present to discuss the Special Permit application to demolish and reconstruct a pre-existing, non-conforming garage with an expanded footprint and the extension of an exterior wall at or along the same non-conforming distance within the required side yard setback. Plans entitled “Proposed Garage Plan, 38 Grove Street, Holliston, MA” dated March 17, 2023, prepared by GLM Engineering Consultants, Inc. along with design plans prepared by Design Collective (dated 1/21/23) were reviewed in detail.

The Chairman opened the hearing to the audience. No one spoke in favor or against the proposal. An email in favor of the proposal from Fran Smith of 94 Elm Street was entered into the record.

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

### **DELIBERATIONS:**

#### **Use Variance – 66 Old Cart Path**

##### **Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-D(3) Variances and V-G(A)(5) 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 Applicant has demonstrated hardship related to the existing configuration of the single-family dwelling in that the proposed construction is substantially vertical over a two-car garage and is not increasing the footprint. The proposed use will remain accessory to the principal single-family use.

### **Zoning Board Vote**

The Board’s vote to approve the Petitioner’s Use Variance application for relief under Section VI-D(3) and V-G(A)(5) for property described and located at 66 Old Cart Path was as follows on a motion by Mr. Peabody, seconded by Mr. Nechev:

Approved: May 24, 2023

**Holliston Zoning Board of Appeals  
Meeting Minutes April 12, 2023**

Mr. Love	Aye
Mr. Peabody	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 Accessory Family Dwelling unit shall be no larger than 999 s.f. of floor area and shall be substantially in compliance with the record plans entitled “Proposed Floor Plan, 66 Old Cart Path, Holliston, MA” prepared by SAH Design, LLC dated 3/17/23 (Option 2).

**Special Permit – 14 Irving Place**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and I-C(3.5.1)(3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the board finds the following: There would be no significant adverse effects to the neighborhood or the Town, considering the by-law regulations, restrictions and criteria of subsection VI-E and I-C(3.5.1)(3) and as conditioned below. The petition to demolish a portion of a pre-existing, non-conforming, residential structure and rebuild a two-story structure in its place, increasing the footprint of the structure by approximately 200 s.f. will have de minimus impacts on the intensity of the single-family use of the property.

**Zoning Board Vote**

The Board’s vote to approve the Petitioner’s Special Permit application for relief under Section VI-E and I-C(3.5.1)(3) for property described and located at 14 Irving Place was as follows on a motion by Mr. Peabody, seconded by Mr. Nechev:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Nechev	Aye

**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 record plans entitled “Plan Showing Proposed Addition, 14 Irving Place, Holliston, MA, Middlesex County” (dated February 22,

Approved: May 24, 2023

**Holliston Zoning Board of Appeals  
Meeting Minutes April 12, 2023**

2023) prepared by D. O'Brien Land Surveying and shall match the architectural style and building materials of the remaining historic structure.

**Special Permit – 38 Grove Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and I-C 3.1 (1) and 3.2 of the Town of Holliston Zoning By-Laws and MGL c. 40A the Board as a Special Permit Granting Authority finds that there would be no significant adverse effects to the neighborhood or the Town, considering the by-law regulations, restrictions and criteria of sub-section VI-E, as conditioned below. The petition to demolish and reconstruct a pre-existing, non-conforming garage with an expanded footprint will enhance the neighborhood.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section VI-E and I-C 3.1(1) and 3.2 for property described and located at 38 Grove Street was as follows on a motion by Mr. Peabody, seconded by Mr. Nechev:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Nechev	Aye

**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 consistent with the record plans entitled "Proposed Garage Plan, 38 Grove Street, Holliston, MA" dated March 17, 2023, prepared by GLM Engineering Consultants, Inc. along with design plans prepared by Design Collective (dated 1/21/23) and shall be no closer than 3' to the northerly side lot.

**ADJOURNMENT:** The meeting adjourned at 8:25 p.m. on a motion made by Mr. Nechev, seconded by Mr. Peabody with all in favor on a roll call vote. The next meeting was scheduled for May 24, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

Approved: May 24, 2023