

**Holliston Zoning Board of Appeals  
Meeting Minutes September 18, 2023**

**CALL TO ORDER:** The Chairman called the meeting to order at 7:04 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  
Elizabeth Dembitzer – Present  
Vladimir Nechev – Present  
John Love (Associate) – Present

**GENERAL BUSINESS:**

**Approval of Minutes**

On a motion by Ms. Dembitzer, seconded by Mr. Love, the minutes of August 23, 2023 were approved as written on a roll call vote (Mr. Nechev abstained as he was not present.).

**PUBLIC HEARINGS:**

**Dimensional Variance**

**Derek and Sarath Lucas – 52 Ashland Street**

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicant/Owner Derek Lucas was present to discuss the Dimensional Variance application for relief under Section I-C(3.2) and VI-D(3) to construct an addition on the non-conforming dwelling with less than the required minimum side yard setback. Mr. Lucas confirmed that the addition is two-story 9' x 12' with a 9' x 7' covered porch to the rear. The existing side yard setback is 27.8' and the proposed is 20.2' on the non-conforming 26,136 s.f. lot.

The plan of record is entitled "Proposed Addition Plan, 52 Ashland Street, Holliston, MA" prepared by GLM Engineering Consultants, Inc. (dated April 28, 2023). In addition, building elevations and first and second floor plans prepared by Chemini Design Architects, Inc. were provided for discussion and clarification.

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

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**Use Variance**

**Phil Cotter – 576 Highland Street**

The Chairman opened the public hearing at 7:15 p.m. and waived reading the hearing notice into the record. Phil Cotter (Applicant) was present to discuss the Use Variance application for relief under Section III Use Regulations, sub-sections D(7) General Service Establishment and H(12) Accessory Outdoor Storage for a landscape construction business. Mr. Cotter noted that he functions as a sole proprietor with a single seasonal employee. He has a home office and a 40' x 60' storage yard to the rear of the existing dwelling on the isolated 69,920 s.f. lot. He indicated that there is no signage identifying the business and the storage area is not visible from the street.

A marked up Mortgage Inspection Plan and hand drawn plans entitled "Approximate Layout of Shop Area" were submitted for the record. The shop area houses several pick-up trucks and trailers as well as a 10' x 20' storage box.

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

On a motion by Ms. Dembitzer, seconded by Mr. Love, the public hearings was closed on a unanimous roll call vote.

**Special Permit**

**Ed Daniels/Lara Realty, LLC – 15 Winthrop Street**

The Chairman opened the public hearing and waived reading the hearing notice into the record. Ed Daniels of Lara Realty, LLC was present along with John Matz, AIA of Matz Collaborative Architects. It was clarified that the Special Permit application is unique to the Village Center Commercial zoning district under Sections IV-B Schedule of Intensity Regulations and V-K(5) Village Center Commercial District for several areas of zero lot line along the Winthrop Street frontage and 80% lot coverage. The work proposed involves installation of a foundation under the existing structure. At several points along the Winthrop Street frontage, the building encroaches over the property line and the foundation work will involve installation below grade in sections as the structure cannot be lifted.

Record plans include the following: "Vesta Co-Working, 15 Winthrop Street, Holliston, MA 01760" prepared by Matz Collaborative Architects (dated February 16, 2023), "Vesta Building Rehabilitation, 15 Winthrop Street, Holliston, MA", prepared by Seacoast Structural Engineers, LLC (dated June 7, 2023) and "Plot Plan of Map 3F Lot 12, Property of Urmston, LLC, 15 Winthrop Street, Town of Holliston, Middlesex County, Commonwealth of Massachusetts" (dated June 2, 2020 with revisions through August 30, 2023), Prepared by Levesque Geomatics Inc. Supplemental narrative regarding Village Commercial Compliance was submitted by John Matz, Matz Collaborative Architects (dated September 7, 2023).

Mr. Daniels noted that the proposed new use of the facility is limited by the septic capacity. Mr. Matz clarified that the proposed "gut renovating" project will result in flexible office and conference space adjacent to the Upper Charles Trail and the newly rehabilitated Blair Square.

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Ms. Sherman indicated that the Building Commissioner and the Town Administrator have facilitated an article for Town Meeting action declaring “No Municipal Value” for the encroachment area. Mr. Daniels added that if approved, fee to the encroachment area will be transferred to the applicant (See revised site plan of August 30, 2023).

The Chairman opened the hearing to the audience. Ian Martin of 21 Winthrop Street spoke in favor of the petition.

On a motion by Mr. Love, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call vote.

**DELIBERATIONS:**

**Dimensional Variance – 52 Ashland Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C(3.2) Non-Conforming Structures 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 due to the unique placement of the existing dwelling against the western-most portion of the building envelope. Changes in the lot’s zoning district initiated by the Town have rendered the lot and structure non-conforming over time. The dwelling layout and septic placement to the rear limit physical expansion elsewhere on the lot.

**Zoning Board Vote**

The Board’s vote to approve the Petitioners’ Dimensional Variance application for relief under Section I-C(3.2) for property described and located at 52 Ashland Street was as follows on a motion by Mr. Nechev seconded by Ms. Dembitzer:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Aye
Mr. Love	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 record plan entitled “Proposed Addition Plan 52 Ashland Street” prepared by GLM Engineering Consultants, Inc. (dated

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April 28, 2023. The structural improvements shall be no closer than 20' to the western side yard setback.

3. Construction shall also be in substantial compliance with the elevation drawings provided prepared by Chemini Design Architects, Inc. (dated January 3, 2020).

**Use Variance – 576 Highland Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-D(3) Variances and Section III Use Regulations, sub-sections D(7) General Service Establishment and H(12) Accessory Outdoor Storage 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 due to the limited nature of the home-based business and its unique location. The applicant has demonstrated that the commercial use of the property does not adversely impact the residential character of the property. As an expansion of a traditional home-based business for a sole proprietor, the General Service Establishment with limited outdoor storage provides a public benefit to the community.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Use Variance application for relief under Sections III, sub-sections D(7) and H(12) for property described and located at 576 Highland Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Nechev:

Mr. Peabody	Aye
Mr. Dembitzer	Aye
Mr. Nechev	Aye
Mr. Love	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 storage area is limited to that 2,400 s.f. shown on the record sketch entitled "Approximate Layout of Shop Area". Any modification to the area must be presented to the Board for consideration as a modification to the decision.

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**Special Permit – 15 Winthrop Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section IV-B and Section V-K(5) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed rehabilitation of this historic commercial structure meets the objectives, design requirements and design guidelines of Section V-K. The proposed yard reductions and lot coverage are unique due to the triangular lots' location between two public ways. The proposed project will provide new flexible co-working spaces within a renovated historic structure and the project will support small businesses and provide an amenity within the district. Actions by both the applicant and the Town of Holliston will resolve historic building encroachment into the public way.

**Zoning Board Vote**

The Board's vote to approve the Petitioners' Special Permit application for relief under Section IV-B and V-K(5) for property described and located at 15 Winthrop Street was as follows on a motion by Mr. Love, seconded by Ms. Dembitzer:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Aye
Mr. Love	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. Setbacks shall be in substantial compliance with the plans of record entitled "Plot Plan of Map 8F Lot 12, Property of Urmston, LLC, 15 Winthrop Street, Town of Holliston, Middlesex County, Commonwealth of Massachusetts" (dated June 2, 2020 with revisions through August 30, 2023), prepared by Levesque Geomatics, Inc.
3. Construction shall be in substantial compliance with the architectural plan of record entitled "Vesta Co-Working, 15 Winthrop Street, Holliston, MA 01760" prepared by Matz Collaborative Architects (dated February 16, 2023).

**ADJOURNMENT:** The meeting adjourned at 8:01 p.m. on a motion made by Mr. Love, seconded by Ms. Dembitzer with all in favor on a roll call vote. The next meeting was scheduled for Wednesday, October 18, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

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