

Holliston Zoning Board of Appeals
Meeting Minutes November 15, 2023

CALL TO ORDER: The Chairman called the meeting to order at 7:05 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 – Joined at 7:30 p.m.
Associate Member John Love – Present

GENERAL BUSINESS:

Approval of Minutes:

On a motion by Ms. Dembitzer, seconded by Mr. Love, the minutes of October 18, 2023 were approved as written on a unanimous roll call vote.

PUBLIC HEARINGS:

Special Permit

Saba Abernethy – 1660 Washington Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Dr. Saba and J. Abernethy were present to discuss the Special Permit application for relief under Section V-B (C)(2) for erection of a 28 s.f. freestanding sign for Holliston Complete Dentistry to replace the existing multi-tenant ladder sign at the locus. Dr. Abernethy indicated that she had purchased the practice and the property in early 2023 and her tenants do not wish to continue the ladder sign approach to advertising. It was clarified that the by-law allows for 12 s.f. of sign area at 10' in height.

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 hearing was closed on a unanimous roll call vote.

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Use Variance

William Newell – 851 Washington Street

The Chairman opened the public hearing and noted receipt of correspondence dated November 13, 2023 from William Newell (applicant/owner) requesting a 30 day continuance.

On a motion by Ms. Dembitzer, seconded by Mr. Love, the public hearing was continued to December 20, 2023 at 7:01 p.m. on a unanimous roll call vote.

Special Permit

HCT, LLC – 56 Lowland Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Attorney Peter Barbieri of Fletcher Tilton PC was present along with Adam Benson of HCT, LLC and Anthony Rich of 56 Lowland Street Legacy, LLC to discuss the Special Permit application for relief under Section III(G)(1) to expand the square footage of their existing medical device distribution warehouse by 19,273 s.f. within the existing structure. The Chairman noted receipt of correspondence from Carol Bailey of 17 Lowland Street (dated November 15, 2023).

Submissions were a “Parking Sketch”, prepared by GLM Engineering Consultants, Inc. dated March 8, 2001, architectural designs prepared by Balance Architects, dated October 19, 2023 and a project statement by Peter Barbieri, Esquire. Atty. Barbieri reviewed the proposal, making reference to a June 2022 Special Permit issued to the building owners for the same user, HCT, LLC. Mr. Benson elaborated on the growth of the business, indicating that their operations and warehouse staffing was increasing as well as the area for stored goods. He noted the installation of a camera surveillance system to track deliveries. Mr. Rich clarified that RC Cabinets will be vacating their tenant space by January 2024 and their dumpster will be removed from the front of the building.

The Chairman opened the hearing to the audience. The following individuals provided testimony on the proposal: Keefe Bailey of 17 Lowland Street and Karen Apuzzo-Langton of 100 Woodland Street. Both encouraged ongoing vigilance in controlling truck traffic and minimizing any potential impacts on the adjacent residential neighborhood.

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

DELIBERATIONS:

Special Permit – 1660 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section V-B (C)(2) Exterior Signs of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed freestanding sign, as graphically presented in application materials, is designed to replace an existing laddered sign in place. As described, the sign operation meets the General Regulations of Section V-B Exterior Signs with regard to illumination. The proposed sign will not have a detrimental impact on the neighborhood and will preserve the same style and look of the larger existing 40 s.f. sign.

Approved: December 20, 2023

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Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section V-B (C)(2) for property described and located at 1660 Washington Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Love:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Abstain
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. The replacement freestanding sign shall be substantially the same as presented in application materials, that is, it shall not exceed 28 s.f. in area and 7 feet in height and shall be located in the same identified planter island along the site frontage.

Special Permit – 56 Lowland Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III (G)(1) 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 expanded warehouse use in relation to the site, as well as the adjacent uses and structures, and finds that there are 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.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III (G)(1) for property described and located at 56 Lowland Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Love:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Abstain
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

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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 Special Permit is issued to the Owner and identified tenant, HCT, as described in the public hearing and is not transferable or assignable.
3. The warehouse space shall be substantially the same as shown on the record plan entitled "Permit Review" (Sheet A-1.1 First Floor Plan Overall) prepared by Balance Architects (dated October 19, 2023).
4. Hours of operation are limited to 8:00 a.m. – 5:00 p.m. Monday – Friday. Exterior property maintenance and trash removal shall be limited to those hours as well, with the exception of snow plowing.
5. Exterior lighting shall be designed solely for safety and security purposes, shall meet International Dark Sky compliant fixture standards and shall be shielded from abutting properties. No lighting shall be installed on the western façade of the structure (Upper Charles Trail).
6. The Owner shall coordinate with the Holliston Trails Committee for approval of any access to the Upper Charles Trail for tree and building maintenance, waste material removal and landscaping improvements within the trail property.
7. Snow plowing operations shall be directed away from the Upper Charles Trail toward the eastern sections of the paved lot. No snow shall be disposed of on Town property.
8. No outdoor storage of materials or equipment is authorized under this permit.
9. To improve safety at the adjacent Upper Charles Trail crossing and to mitigate impacts to abutting residential properties, the Owner has agreed to the following traffic mitigation measures:
 - a. Installation and maintenance of site signage prohibiting right turns out of the site towards Regal and Woodland Streets (identifying the Town's Heavy Commercial Vehicle Exclusion on Woodland Street)
 - b. Best efforts to educate drivers and vendors to the identified traffic route through Lowland Industrial Park from Lowland to Jeffrey to Whitney to Washington Street shall be made through posted and instructional information.
 - c. Identification as Mr. Benson as the principal point of contact for the community and abutters with regard to compliance.

ADJOURNMENT: The meeting adjourned at 8:12 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, December 20, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

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