

Holliston Zoning Board of Appeals Meeting Minutes of April 22, 2020

Call to Order: The Chairman called the meeting to order at 7:04 p.m. via Zoom. It was noted that HCAT was also taping the meeting and options to join the meeting were available on the Town webpage. He suggested use of the Chat function on Zoom or raising hands as options for audience members to be recognized during the public comment period of each hearing.

Mr. Love read the following statement into the record: Pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law MGL c. 30A paragraph 20, as well as the Select Board's Emergency Order dated March 16, 2020, 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 on the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of 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 - Present
Mark Bush - Present
Elizabeth Dembitzer, Associate - Present

Approval of Minutes:

On a motion by Mr. Bush, seconded by Mr. Peabody, the minutes of April 15, 2020 were approved as written on a roll call vote.

PUBLIC HEARINGS:

Special Permit

Jacob Gadbois, Master's Touch – 2 Wingate Road

The Chairman opened the public hearing at 7:07 p.m. and waived the reading of the hearing notice. Jacob Gadbois from Master's Touch shared his screen which was comprised of a PowerPoint presentation of the application materials including the record plan prepared by Continental Land Survey (dated November 11, 2019) and a 3-D rendering of the one-story addition and deck prepared by Master's Touch. Mr. Gadbois clarified that the lot is a corner lot with two required front yards and Travis Road is a dead-end cul-de-sac with one neighbor who has offered a letter of support in the application materials (Elizabeth McKenna of 100 Travis Road).

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

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was closed. The roll call vote in favor was unanimous.

Approved: May 6, 2020

Holliston Zoning Board of Appeals Meeting Minutes of April 22, 2020

Special Permit

Jacob Gadbois, Master's Touch – 39 Locust Street (aka 137 Washington Street)

The Chairman opened the public hearing at 7:16 p.m. and noted receipt of several e-mails from abutters Andy Bell of 37 Locust Street and Mike Nagle of 141 Washington Street. Jacob Gadbois and Doug Masters of Master's Touch represented the application as well as property owner Chris Best of Pegasus. Mr. Gadbois shared his screen which was a PowerPoint presentation of the application materials. He indicated that the proposal is for Master's Touch to purchase the property which is currently a machine shop and convert it to their offices, warehouse and showroom for their residential design studio and construction/installation business. They intend to upgrade the façade as well as convert the interior of the block building with no changes to the existing footprint. They are proposing to operate 7 a.m. to 4 p.m. Monday through Friday by appointment only with outdoor storage of several fleet vehicles and trailers. Weekend hours were touched on as well. Mr. Masters clarified that only the office and design staff would regularly occupy the building (approximately 8) with other staff dropping in to pick up materials from the warehouse or completing a quick assembly on an as needed basis (24 employees total). Expected deliveries consist of 2 or 3 trucks weekly. He noted that the business has been operating in Holliston on Water Street since 2014 and that the business is strictly custom order with no inventory (i.e. no cash and carry). He noted that their typical projects would involve cabinets and hardware, tile, carpet and other residential construction products that are primarily shown in their demonstration kitchen and bathrooms.

Members clarified that there was no access over Old Locust Street and viewed several Google Earth perspectives of the site. Formalization of the parking lot was also discussed as well as potential noise generation from workers and equipment (power tools). They discussed that the permit could be crafted specifically for the hybrid business and not be transferable.

The Chairman opened the hearing to the audience. Reiterating their written concerns were Andy and Rita Bell of 37 Locust Street and Mike Nagle of 141 Washington Street. Also calling in was Carol Hildreth of 135 Washington Street. Issues discussed included screening, stormwater management, septic capacity, hours of operations, limitations on retail, and access. Mr. Masters offered to meet with neighbors regarding mitigation.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed. The roll call vote in favor was unanimous.

Dimensional Variance

Gregory and Eileen Ferrick - 36 Cranberry Lane

The Chairman opened the public hearing at 8:30 p.m. and waived the reading of the public hearing notice. Present along with the applicant Gregory Ferrick was Atty. Peter Barbieri. Atty. Barbieri gave a brief history of the lots' creation prior to current zoning in a multiple phase subdivision. The lot is non-conforming with regard to lot area (21,086 s.f.), frontage (141 feet), and front yard setback. The house was located closer to the street as there are significant wetlands to the rear and septic location is limited. It was also noted that there is significant high groundwater in the area, leading to raising the structure 4 steps to the entry. The proposal is to construct a 36' x 26' two-car garage, attached to the dwelling by a breezeway. The garage is

Approved: May 6, 2020

Holliston Zoning Board of Appeals Meeting Minutes of April 22, 2020

proposed to be located within 17+/- feet of the side lot line on the existing driveway. It was represented that over 70% of the other homes on the street have garages. A detached garage would be an option but could potentially be more impactful to neighbors with a 10' setback. Adjustments to the driveway will be required as denoted on the record plan.

Several Google Earth perspectives were reviewed. Atty. Barbieri pointed out the closest dwelling owned by Kevin Conley of 44 Cranberry Lane who expressed his lack of opposition in an email dated 4/22.

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. Bush, the public hearing was closed. The roll call vote in favor was unanimous.

DELIBERATIONS:

1. 2 Wingate Road - Special Permit

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C Pre-Existing Non-Conforming Uses (3.1 and 3.2) and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use is in harmony with the general purpose and intent of the by-law. The Board as Special Permit Granting Authority has considered the proposed 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). The proposed modification is not substantially more detrimental than the existing non-conforming structure to the neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C for property described and located at 2 Wingate Road was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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.

Approved: May 6, 2020

**Holliston Zoning Board of Appeals
Meeting Minutes of April 22, 2020**

2. Construction shall be substantially per the record plot plan provided for the file prepared by Continental Land Survey, LLC entitled “Certified Plot Plan Located at 2 Wingate Road”, dated November 11, 2019 as well as the rendering prepared by Masters Touch Design Build presented April 22nd during the public hearing and subsequently entered into the record.
3. The addition shall be no closer than 30 feet to the front lot line of Travis Road.

2. 39 Locust Street (Master’s Touch) - Special Permit

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, Lots and Structures and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use is in harmony with the general purpose and intent of the by-law. The Board as Special Permit Granting Authority has considered the proposed 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 criteria of sub-section VI-E(5). The proposed change in use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

Zoning Board Vote

The Board’s vote to approve the Petitioner’s Special Permit application for relief under Section I-C (3) for property described and located at 137 Washington Street (aka 39 Locust Street) was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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. This permit is issued to the petitioner based on the specific nature and intensity of the proposed “residential design studio” uses – office, warehouse and residential building finishes showroom including a demonstration kitchen and bathroom with retail sales of building materials limited to specific contracted customers within the existing building footprint by appointment only – and is not transferable or assignable.
3. The petitioner shall exercise best efforts to address issues of visual screening and stormwater management as identified by a direct abutter and offered in open dialogue during the public hearing.
4. Deliveries are limited to 9 a.m. to 5 p.m. Monday through Friday as is use of power tools.

Approved: May 6, 2020

**Holliston Zoning Board of Appeals
Meeting Minutes of April 22, 2020**

5. 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.
6. 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 and storage trailers shall be included.

3. 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, Lots and Structures and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the by-law would result in substantial hardship to the applicant. The proposed use is in harmony with the general purpose and intent of the by-law and will create no substantial detriment to the public good. Unique circumstances related to the shape and size of the parcel, existing house placement as well as the septic system location have been demonstrated. A detached structure could be placed within 10’ of the side lot line by right.

Zoning Board Vote

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 Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye	Mr. Peabody	Aye
Mr. Bush	Aye	Ms. Dembitzer	Aye

Conditions of Approval

1. This 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 substantially in compliance with the plan of record entitled “Proposed Addition Plan of Land” prepared by Colonial Engineering, Inc. dated March 4, 2020 and shall be no closer than 17.5 feet to the southern side lot line at the closest point.

Adjournment: The next meeting was scheduled for May 6, 2020. The meeting adjourned at 8:50 p.m. on a motion made and duly seconded with all in favor on a roll call vote.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: May 6, 2020