

## **Holliston Zoning Board of Appeals Meeting Minutes of September 2, 2020**

**Call to Order:** The Chairman called the meeting to order at 7:00 p.m. via Zoom. He read the following statement into the record: Pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law M.G.L. 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 - Absent

Mark Bush- Present

Elizabeth Dembitzer, Associate – Present (abstained from participating in the public hearing)

### **Approval of Minutes:**

On a motion by Mr Bush, seconded by Ms. Dembitzer, the minutes of August 26, 2020 were approved as written on a roll call vote.

### **Continued Public Hearing:**

#### **Geoffrey Park Comprehensive Permit**

#### **Indian Ridge Realty Trust – 0 Indian Ridge Road South**

The Chairman re-opened the public hearing at 7:05 p.m. It was clarified that Mr. Peabody would be exercising the Mullen Rule per MGL c. 39, s. 23D and reviewing the record of the hearing session. Correspondence from the following individuals were entered into the record: David Bernier of 209 Cedar Street (dated July 24, 2020), Jeffrey Dirk, PE of Vanasse & Associates, Inc., (dated August 24, 2020) as well as Patrick Dunford, PE of Green International Affiliates, Inc.(dated August 31, 2020). Present for Indian Ridge Realty Trust were Dean Harrison, Robert Truax of GLM Engineering Consultants, Inc. and Corinne Tobias, PE of Green International Affiliates (GIA). Sitting with the Board were Atty. Paul Haverty and Jeffrey Dirk, PE of Vanasse & Associates, Inc.

Mr. Truax provided an overview of the site plan status, noting that the Conservation Commission public hearing was extended to the 22<sup>nd</sup>. He represented that the largest design change requested by the Conservation Commission was the use of a bottomless box culvert over the stream crossing required for the roadway extension into the site.

Ms. Tobias presented a Power Point summation of GIA's traffic report and supplemental material submitted on July 15 and August 31, 2020.

Asking questions during the open discussion were the following individuals: Anne Buckley of 7 Indian Ridge Road, Tracy Cohen of 58 Indian Ridge Road South, and Judy Douglass of 42 Meetinghouse Lane (Ashland). Concerns were expressed regarding the traffic data collection during COVID as well as waterline construction period this spring and summer. Additionally,

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traffic control signage and enforcement as well as opportunities for traffic calming were discussed. Mr. Dirk's peer review comments were reviewed in detail.

The audience was encourage to continue to pose written questions that could be addressed by peer reviewers and the development team prior to the next session. Ms. Sherman was asked to poll Town Departments about their recommendations and concerns. On a motion by Mr. Love and seconded by Mr. Bush, the public hearing was continued to September 23, 2020 at 7:15 p.m. The roll call vote in favor was as unanimous.

**DELIBERATIONS:**

**1. Special Permit – 1490 Washington Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E(1) & (5) 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-laws (Section III Commercial Uses #17) and shall be subject to the conditions, safeguards and limitations on time and use as specified below in order to further the objectives of the zoning by-laws. Dedicated parking as represented on the record plan prepared by Merriken Engineering (dated November 20, 2017 with revisions) and in testimony is sufficient to serve the use.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-D (17), for property described and located 1490 Washington Street (Building B) was as follows on a motion by Mr. Bush, seconded by Ms. Dembitzer:

Mr. Love	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. The occupancy of the business is limited to 10, including spectators and all business activities shall be conducted within the facility, with all doors closed at all times.
3. Hours of operation shall be limited to Monday through Friday 9:00 p.m. to 8:30 p.m. and 9:00 a.m. to 8:30 p.m. on weekends and during school vacations.

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**2. Use Variance – 1490 Washington Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III-D (17), Commercial Uses of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the Petitioner owing to circumstances related to the proximity of Building B and the parcel to the Residential zoning district. The building was constructed on compliance with the minimum setbacks required under Section IV-B. The proposed use under (D)(17) requires the additional performance standard of being located 100 feet from the residential zone. The Applicant has demonstrated that the two direct residential abutters to the locus are located more than 100 feet from Building B. The use is also the subject of a Special Permit in which this Board has imposed additional conditions on the use to restrict its operations with regard to hours of operation, occupancy and containment within the building.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Use Variance application for relief under Section III-D (17), for property described and located 1490 Washington Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Bush	Aye
Ms. Dembitzer	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. 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 is solely issued to the Applicant and is not transferable or assignable.

**3. Special Permit – 725 Washington Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section V-O (4)(c)(2) and VI-E(1) & (5) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: the use is in harmony with the intent and purpose of the by-law.

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**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section V-O, for property described and located 725 Washington Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	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. Installation and operation of the proposed equipment shed/ground cabinet will be substantially in compliance with the plans of record prepared by ProTerra Design Group, LLC (dated 6/22/20), including the 13 x 25' lease area and privacy fencing.

**Adjournment:** The meeting adjourned at 9:10 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for September 23, 2020.

Respectfully submitted,

Karen Sherman  
Town Planner

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