

## **Holliston Zoning Board of Appeals Meeting Minutes of October 28, 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 - Present  
Mark Bush- Present  
Elizabeth Dembitzer, Associate – Present

### **Approval of Minutes:**

On a motion by Mr. Bush, seconded by Ms. Dembitzer, the minutes of September 23, 2020 were approved as written on a roll call vote (Mr. Peabody abstained).

### **Special Permit Public Hearing**

#### **Leonardo Rodrigues – 16 Travis Road**

The Chairman opened the public hearing at 7:10 p.m. Owner/Applicant, Leonardo Rodrigues and Meiriele DaSilva Rodrigues were present along with Chris Jayavendra of CJ Associates, LLC to discuss reconstructing the non-conforming structure. The record plot plan, elevations, and floor plans were reviewed. It was noted that the existing house and shed is proposed to be razed. The lot is non-conforming with regard to lot area and frontage. The proposed dwelling is proposed to be less non-conforming than the existing dwelling. Clarifications for the front yard setbacks were detailed with regard to the portico/landing and steps – 25.6' or still less non-conforming than the existing dwelling. The proposed height was clarified at 29' and vinyl siding is proposed.

The Chairman opened the floor to the public. No one spoke in favor or against the proposal.

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was closed.

### **Continued Special Permit Public Hearing**

#### **Gulf Services Inc., 799 Washington Street**

The Chairman re-opened the public hearing. Atty. George Richards representing Tony Mitri of Gulf Services Inc., and TAJ Engineering were present to discuss the petition to operate a self-serve gas station with repairs and construction of a canopy. The plan set entitled "Proposed Canopy, 799 Washington Street, Holliston, MA," prepared for Gulf Services by TAJ Engineering, LLC (dated July 24, 2019 and revised October 26, 2020) was reviewed by Hooshmand Afshar, TAJ Engineering Principal. Revisions include the addition of traffic movement signs, curbing on Washington curb cut, and 5' cement concrete sidewalk at grade on

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Green Street. He indicated that the drainage pattern will not change. Atty. Richards noted that three pumps are proposed but the center pump is only serviceable on the station side.

Correspondence from Bryan Zimolka of Nitsch Engineering (dated October 23, 2020) was also reviewed. Circulation sketches were reviewed as was a canopy and site rendering. The canopy setback was clarified at 1.7'. Comments were made about the impacts of the traffic signals on Washington Street at both Green and Central Streets. The Chairman asked that the revisions be circulated to other departments for comment. Concerns were raised about pedestrian safety and the existing parking space on Washington in relation to the easternmost curb cut as well as circulation through that curb cut with cars in opposing directions. The curb cut dimensions were clarified as 27'. The underground storage location was clarified (left side of the building, parallel to Green Street). The existing signage and pay phone remnants were discussed. Mr. Afshar indicated that the same location would be utilized for signage. Additional information was requested on overall signage. An updated rendering was requested.

The Chairman opened the meeting to the public. The following individuals offered testimony: Warren Chamberlain of 16 Roy Avenue, Mary Greendale of 98 Highland Street, Neil Lazarro of 1292 Washington (Village Auto Service), and Select Board member Tina Hein. Points raised include appropriateness of the site for a gas station (not consumer or pedestrian friendly), negative impacts on the downtown businesses and economy, and negative impacts on municipal uses (9 Green Street). Mrs. Hein indicated that additional information about 9 Green Street plans should be obtained from the Town Administrator. Correspondence received from Erica Plunkett (dated July 7, 2020), Mark Schultz (dated July 7, 2020), Warren Chamberlain (dated July 8, 2020), Mary Greendale (dated July 8, 2020) and Inge Daniels (dated July 15, 2020) were entered into the record.

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was continued to November 18, 2020 on an unanimous roll call vote.

### **Continued Comprehensive Permit Public Hearing:**

#### **Geoffrey Park, Indian Ridge Realty Trust – 0 Indian Ridge Road South**

The Chairman re-opened the public hearing. Present for Indian Ridge Realty Trust were Dean Harrison and Corinne Tobias, PE of Green International Affiliates. Sitting with the Board was Atty. Paul Haverty and peer review engineer David Faist of CMG Engineering Services.

The Chairman noted receipt of the following documents:

- Correspondence from Jeffrey Dirk, P.E., PTOE, FITE of Vanasse & Associates (dated September 29, 2020) regarding traffic review.
- Order of Conditions from the Conservation Agent, Ryan Clapp (dated October 7, 2020)
- Correspondence from David Faist, PE of CMG Engineering Services (Peer Review #3, dated October 6, 2020 and Peer Review #4, dated October 26, 2020)
- Correspondence from Sean Reese, Director of Public Works (dated October 27, 2020).

Correspondence was also received from Cecille Freilich of 10 Indian Ridge Road addressed to David Faist, PE, CMG Engineering Services (dated September 29, 2020 and another to the ZBA

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dated October 14, 2020) and Mark and Lynne DiGregorio of 51 Indian Ridge Road South (dated October 26, 2020).

Discussion centered on the Request for Waivers submitted (dated October 21, 2020). Additional information supporting the waivers was requested and departments will be asked to weigh in again. Atty. Haverty suggested additional detail on proposed subdivision mechanics and surety provisions. He noted that his decision framework was a stepping off point for proposed and suggested mitigation.

Asking questions during the open discussion were the following individuals: Bob Bolandrino of 34 Meetinghouse Path, Gary Sencio of 49 Cheryl Lane, Anne Buckley of 7 Indian Ridge Road, Tracy Cohen of 58 Indian Ridge Road South and Cecille Freilich of 10 Indian Ridge Road.

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was continued to December 9, 2020 on an unanimous roll call vote.

**Deliberations:**

**Special Permit – 16 Travis Road**  
**Findings of Fact**

The Board reviewed the application materials and testimony provided by the applicant and Chris Jayavendra, project engineer from CJ Associates, LLC. In accordance with the provisions of Section VI-E(2a) & (5) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed reconstruction is more compliant with the dimensional requirements than the existing use and does not significantly alter the character of the neighborhood or the Town. The proposed structure is not out of character or scale of neighboring properties. The proposed use is in harmony with the general purpose and intent of the by-laws 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.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C 3.1 (1) for property described and located at 16 Travis 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 |

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**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 relief granted is substantially per the plan of record entitled "Certified Plot Plan showing Proposed 2-Story House" prepared by Horgan Surveying (dated September 17, 2020), that is, construction will encroach into the required front and north side setbacks but construction shall be no closer than 25 feet to both Travis Road and the northern side lot line.
3. Construction shall be substantially in compliance with the Elevations and Floor Plans submitted prepared by CJ Consulting Associates, LLC of Westborough, MA and TAD Designs of Wrentham, MA (undated) as entered into the record.

**Adjournment:** The meeting adjourned at 10:48 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meetings were scheduled for November 18, 2020.

Respectfully submitted,

Karen Sherman  
Town Planner

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