

## **Holliston Zoning Board of Appeals Meeting Minutes of February 17, 2021**

**Call to Order:** The Chairman called the meeting to order at 7:07 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

Also present was Building Commissioner, Mark Kaferlein.

### **Approval of Minutes:**

On a motion by Mr. Peabody, seconded by Mr. Bush, the minutes of January 20, 2021 were approved as written on a roll call vote. The Chairman noted a clarification to E.24 of the Geoffrey Park decision to reflect the language of the Town's Earth Removal zoning by-law provisions.

### **Village on the Green – Final Approval**

Peter Conant of Own a Home MA and Village on the Green, LLC was present to discuss his plans to move forward with project construction. Members reviewed and discussed the following documents:

- Correspondence from David Faist, PE of CMG Engineering Services (dated February 2, 2021) entitled "Final Plan Review" and "Final Plan Review #2" (dated February 16, 2021).
- Correspondence from Peter Conant (dated February 16, 2021).
- Correspondence from Daniel Carr, P.E. and George Dimakarakos, P.E. of Stamski and McNary, Inc. (dated February 9, 2021).
- Revised plan set entitled "Village On The Green, Site Plan, Washington Street, Holliston, Massachusetts" dated March 31, 2017 (revised April 28, 2017, June 30, 2017, July 27, 2017, August 10, 2017, October 6, 2017 and February 9, 2021).

On a motion by Mr. Peabody, seconded by Mr. Bush, members agreed to accept and approve the Final Plan requirements of the October 18, 2017 Comprehensive Permit based upon the recommendation of peer review engineer, David Faist, PE of CMG Engineering, noting Mr. Conant's ascent to Mr. Faist's outstanding items regarding conditions C.1.c and E.9, as well as requiring execution of the required conservation restriction within 18 months (August 17, 2022). The roll call vote in favor was unanimous.

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**Use Variance**

**Nextgrid Snowberry, LLC, 1070 Washington Street**

The Chairman opened the public hearing. Daniel Serber of Next Grid and Brendan Kling of Grady Consulting, LLC were present along with owner Nancy Dubin to discuss allowing construction of a large scale solar energy generation system consisting of two barn roof mounted solar arrays and one canopy mounted solar array. Mr. Serber clarified that the full system in DC is 589 kW and the proposed 8,500 s.f. ground-mounted canopy is 161 kW (408 modules).

Members discussed the application materials as well as the following:

- A narrative entitled “Supplemental information submitted by applicant in support of Variance” and
- “Smart Municipal Aggregation Master Memorandum of Understanding by and between Nextgrid, Inc., as Provider and Town of Holliston, Massachusetts as Off-Taker, on behalf of the customers of the Holliston Community Choice Power Supply Program” dated October 6, 2020.

The Chairman opened the hearing to the audience. Speaking in favor of the application was James Neal (address unknown). Correspondence from Laura Matz and Stephen Hill of 65 Bayberry Lane (dated February 4, 2021) in favor of the petition was also entered into the record.

After some discussion with Mr. Kaferlein, members agreed to seek counsel on the petition, specifically the question of accessory use and applicability of MGL c. 40A, s. 3. On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was continued to March 17, 2021 at 7:00 p.m. The roll call vote in favor was unanimous.

**Dimensional Variance**

**Virginia Roach – 105 Arch Street**

The Chairman opened the public hearing at 8:15 p.m. Owner/applicant Virginia Roach was present to discuss locating a 10’x14’ shed within the required minimum side yard setback. She reviewed the application materials and presented an aerial view of the lot, noting that the photo was taken during mounded septic system replacement. She identified other unique physical constraints as being lot width of 50’, existing driveway location, block retaining wall, flooplain boundary and wetland buffer.

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

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

**Special Permit**

**Diana Phillips – 400 Norfolk Street**

The Chairman opened the public hearing at 8:25 p.m. Diana Phillips, applicant, was present to discuss operations of a summer day camp at Happy Goats Farm along with her husband Lee Silverberg. The couple noted that the day camp proposal seems like a natural extension of their 4H and pop-up craft activities. Programming will be focused on learning about farming (chickens and goats), crafts, leadership skills, and screen-free outdoor experiences. 10-14 campers per week are anticipated.

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The Chairman noted that there is a fee waiver/reduction request. Mr. Peabody made a motion to waive the application fee. Ms. Dembitzer seconded with all in favor.

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

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

**DELIBERATIONS:**

**Dimensional Variance – 105 Arch Street**

**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, Structures and Lots and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief (placement of a 140 s.f. shed within the side yard setback) 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. The applicant has demonstrated that the pre-existing, non-conforming 50' wide lot is physically unique due to the location of wetlands, floodplain and placement of the dwelling and literal enforcement of the provisions would pose a substantial hardship.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C(3) for property described and located at 105 Arch Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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. The 10' x 14' shed shall be located no closer than 1' to the side lot line as denoted in the application materials.
3. The applicant shall provide the Building Commissioner with an as-built prepared by a professional land surveyor to verify the location.

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**Special Permit – 400 Norfolk Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(D)(2) and VI-E(5) 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) and as conditioned below.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III (D)(2) for property described and located at 400 Norfolk Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

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. The privately organized camp shall be limited to 15 campers at a time.

**Adjournment:** The meeting adjourned at 8:57 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for March 17, 2021.

Respectfully submitted,

Karen Sherman  
Town Planner

Approved: March 17, 2021