

Holliston Zoning Board of Appeals Meeting Minutes of September 29, 2021

Call to Order: The Chairman called the meeting to order at 8:04 p.m. via Zoom. He read the following statement into the record: Pursuant to the Governor's June 16, 2021 Act 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.

Chairman John Love - Present
Jay Peabody - Present
Mark Bush- Present
Elizabeth Dembitzer, Associate – Present

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of August 11, 2021 were approved as written. The roll call vote in favor was 3 – 0 – 1; Mr. Bush abstained as he was not present.

PUBLIC HEARINGS:

Special Permit

JD Automotive Service LLC, d/b/a Boudreau's Automotive – 441R Washington Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicants, Jeremy Mason and Daniel Gonzalez of JD Automotive Service, LLC were present to discuss their application for continuing auto repair use and adding car sales at the location. It was noted that Boudreau's Automotive operated at that location for many years. The application narrative indicates hours of operation of 7:30 am to 5 pm Monday through Friday.

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 on a unanimous roll call vote.

Special Permit

David Dubin and Alex Buckler – 120 Jeffrey Avenue

The Chairman opened the public hearing and waived the reading of the public hearing notice. Applicants, David Dubin and Alex Buckler of D&B Real Estate Management, LLC and Buckler & Dubin Enterprises, Inc. were present to discuss moving their gym, Firewall Fitness, to 120 Jeffrey Avenue from their present location at 72 Jeffrey Avenue. Mr. Dubin indicated that the first floor space was roughly 10,000 s.f. and there are 32 parking spaces with additional paved area available for parking. The second floor of the facility is being renovated for a day care facility. Members asked if conditions from the 2016 Special Permit at 72 Jeffrey Ave. would be acceptable. Mr. Dubin stated that they would (see Book 68436, Page 86). A comment letter was

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received from Scott Moles, Health Director (dated September 27, 2021), noting limitations of the septic system.

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 on a unanimous roll call vote.

DELIBERATIONS:

Special Permit – 441R Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(E)(1 & 4) 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 (E)(1 & 4) for property described and located at 441R Washington 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. Hours of operation shall be limited to 7:30 a.m. to 5:30 p.m. Monday through Friday, including deliveries and refuse disposal.
3. Auto sales operations are limited to a maximum 5 vehicles at any time.

Special Permit – 120 Jeffrey Avenue

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(D)(17) and VI-E(5) Special Permit Granting Authority of the Town of

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Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed crossfit gym 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)(17) for property described and located at 120 Jeffrey Avenue 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. Hours of operation within the designated indoor facility shall be limited to 4:30 a.m. to 9:00 p.m. seven days a week.
3. Retail sales of ancillary fitness items shall be limited to clientele and not the general public.
4. The business' occupancy shall be governed by the septic limitations noted by the Health Director in his correspondence dated September 27, 2021. Maximum occupancy shall be 23 people with an allotment of 350 gallons per day water use. Occupancy increases may be granted after six (6) months upon review and approval of the Health Agent and Building Inspector. Annual septic pumping is required.

Adjournment: The meeting adjourned at 8:42 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for November 17, 2021.

Respectfully submitted,

Karen Sherman
Town Planner

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