

Holliston Zoning Board of Appeals Meeting Minutes of January 12, 2022

Call to Order: The Chairman called the meeting to order at 7:10 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- Absent
Elizabeth Dembitzer, Associate – Present

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of September 29, 2021 were approved as written.

FY23 Budget:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, members approved the FY23 operating budget request for \$11,189 based on 2% salary increases and level funded operational line items on a unanimous roll call vote.

PUBLIC HEARINGS:

Special Permit

Jacob Youmell and Alexandra Lutkevich– 98 Union Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicants, Jacob Youmell and Alexandra Lutkevich were present along with Don Chemini, AIA of Chemini Design Architects to discuss their application for a 2-story addition with full basement exceeding 50% of the existing gross floor area of the dwelling. The proposed 18' x 22' addition includes a family room, mudroom and half bath as well as a master bedroom and bath. Application materials include a plot plan prepared by Applewood Survey (dated November 23, 2021), floor plans, elevations and renderings prepared by Chemini Design Architects (undated Project No. 2020.21), and a proposed septic system repair plan prepared by Wesley Fjeldheim (dated April 1989) within details of the proposed 1,114 s.f. of construction.

Correspondence was received from Briana and Nick Svensson, 94 Union Street (dated January 7, 2022) in favor of the project.

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 Ms. Dembitzer, the public hearing was closed on a unanimous roll call vote.

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Special Permit

David Selent d/b/a Holliston Auto Village – 75 Central Street

The Chairman opened the public hearing at 7:32 p.m. and waived reading the hearing notice. Owners, Marcia and David Selent were present along with Attorney, Peter Barbieri of Fletcher Titlton to discuss use of the entire existing building and lot for motor vehicle sales with repair services. A supplemental plan entitled “Plot Plan of Land” prepared by GLM Engineering Consultants, Inc. (dated January 11, 2022) was entered into the record. Atty. Barbieri clarified that Mr. Selent has owned the property since 1984 and the ZBA had issued him a Special Permit but it was never recorded. In 2004, the ZBA issued a Special Permit for use of a portion of the facility to a tenant. Conditions from both decisions were reviewed in detail. It was clarified that 6 designated parking spaces would be utilized for sales, a van accessible handicapped space will be added, and there will be one employee. Lighting will be added to the building and a single pole fixture will be replaced. Atty. Barbieri agreed to the use of International Dark Sky Association Fixture Seal of Approval for lighting. He also indicated that the Selent’s son, David Jr. would ultimately be taking over the site.

The Chairman opened the hearing to the audience. No asked questions or 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 – 98 Union Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.3.1) Pre-Existing, Non-Conforming Uses, Structures and Lots “Permissible Changes” 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 proposed modification will not be substantially more detrimental than the existing non-conforming structure to the neighborhood as the addition will be constructed in line with the non-conforming side yard setback. 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.

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Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C(3.3.1) for property described and located at 98 Union Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	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 footprint of the addition shall be substantially in compliance with the record "Proposed Plot Plan" prepared by Applewood Survey Co., LLC (dated November 23, 2021).
3. Construction shall also be substantially in compliance with the floor plans, elevations and renderings shown on the record plans prepared by Chemini Design Architects (undated – Project No. 2020.21).

Special Permit – 75 Central Street
Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(E)(1) Motor Vehicle Uses 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) for property described and located at 75 Central Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	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

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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 7:00 a.m. to 9:00 p.m. Monday through Saturday.
3. Parking is limited to designated areas shown on the record plan entitled "Plot Plan of Land, 75 Central Street" prepared by GLM Engineering Consultants, Inc. (dated January 11, 2021) and the parking shall be delineated on the ground per the plan. A maximum of 6 cars shall be offered for sale at any time. There shall be no use of the municipal parking lot for storage of vehicles. No tow truck storage shall be allowed outside the building, nor shall there be any open storage of wrecks, parts or debris outside the building.
4. General operations and solid waste storage shall be in compliance with Zoning By-Law Section V-N Performance Standards.
5. Exterior light fixtures shall meet the International Dark Sky Association's Fixture Seal of Approval.
6. This permit is not assignable or transferable except to David Selent, Jr.

Adjournment: The meeting adjourned at 8:25 p.m. on a motion made by Mr. Peabody, seconded by Ms. Dembitzer with all in favor on a roll call vote. The next meetings were scheduled for February 16 and March 2, 2022.

Respectfully submitted,

Karen Sherman
Town Planner

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