

Holliston Zoning Board of Appeals Meeting Minutes of September 21, 2022

Call to Order: The Chairman called the meeting to order at 7:05 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
Elizabeth Dembitzer - Present

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of August 17, 2022 were approved as written on a roll call vote.

PUBLIC HEARINGS:

Continued Special Permit

Amardeep Singh – Lots 1A & 2A, Norfolk Street (next to 611 Norfolk Street)

The Chairman re-opened the public hearings and noted the combined discussion of side by side Special Permit applications. Joyce Hastings of GLM Engineering Consultants, Inc., was present along with the applicant/owner, Amardeep (Bill) Singh to discuss the Special Permit applications to construct a two-family dwelling on both lots. She presented the following revisions: confirmation of the zoning district line (R-1 district 200' deep from Norfolk Street), a 20' shift in the southernmost unit away from the adjacent residential abutter with added plantings (20 staggered arborvitae along the side yard and three "street trees" along the front of each lot) and renderings of the dwellings showing side and street views with foundation plantings added. She noted the proposed front yard setbacks are 74' and 84' respectively with septic systems located close to the rear of the dwelling because of high water tables and significant wetlands to the back of the lots.

The Chairman opened the hearing to the audience. Caryn Martin of 62 Norfolk Street asked for clarification of the proposed ownership of the units. Ms. Hastings noted that they would be developed by the present owner and sold individually. She added that it was Mr. Singh's intent to live in one of the units.

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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**Continued Dimensional Variance
Glenn Wegrzyn – 98 Robert Road**

The Chairman re-opened the public hearing at 7:20 p.m. Applicant/owner, Glenn Wegrzyn was present to discuss his petition to add a second garage bay on the front west side and 20' x 20' great room on the east side rear of his dwelling. He noted that the lot is located in the AR-B zoning district and is 21,099 s.f. The lot has become non-conforming over time as the Town has implemented zoning changes. Some discussion followed regarding the lack of clarity on the plot plan with regard to the proposed front yard setback for the garage addition. While it is set back several feet from the existing dwelling, the existing dwelling is non-conforming with regard to the 40' setback. Mr. Wegrzyn did not produce building plans but noted that the entire house will be re-sided as a result of these proposed additions and internal renovations.

Richard Cotter of 12 Meadowbrook Drive spoke in opposition to the petition, noting that his principal concern as a long-term resident was maintaining privacy. Mr. Wegrzyn stated that the end wall of the proposed garage bay will not have any windows nor will the second story space and the net result is that there will be two fewer windows facing the Cotter residence.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call vote.

**Continued Special Permit
Leudson Veloz – 893 Washington Street**

The Chairman re-opened the public hearing and waived reading the hearing notice into the record. Joyce Hastings of GLM Engineering Consultants, Inc., was present along with applicant/owner, Leudson Veloz to discuss the Special Permit application to change from one non-conforming use to another non-conforming use for retail sales within the Residential zoning district. Ms. Hastings clarified that Mr. Veloz has decided to request permission for his own business, an HVAC service, to be located in the space. She indicated that there were presently three employees and two fleet vehicles, a car and a van. The 610 s.f. office would not be open to the public and no materials would be stored on the site.

The Chairman opened the hearing to the audience. The following individuals asked questions about the proposal: Leslie Rich of 37 Quincy Place, Jason Caton of 900 Washington Street, Donna Donovan of 857 Washington Street, and Mike Swift of 899 Washington Street. Some concerns were expressed about overnight parking of commercial vehicles and outdoor storage behind the building. Neighbors noted that the property renovations to the existing multi-family dwelling have been significant and they wished Mr. Veloz well in this endeavor.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call vote.

**Special Permit
Jack's Automotive, LLC – 85 Central Street**

The Chairman opened the public hearing and waived reading the hearing notice into the record. Atty. Peter Barbieri of Fletcher Tilton was present along with petitioner Steve Proia, owner of Jack's Automotive and Authentic Auto Body to discuss the Special Permit application to expand

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the sale of vehicles from 4 to 6. Atty. Barbieri noted that a record search did not reveal any prior Special Permits for the existing long-standing repair and towing business. He indicated that Mr. Prizio had come to the ZBA in recent years to add a modest number of cars for sale and the terms of condition #2 of that Special Permit is what his client would like to modify. He added that the site functionality would remain the same. The septic system is being replaced as part of the pending sale and the guardrail along the Union Street side of the corner lot is being extended to prevent people from cutting the corner. The six spaces on the record plan closest to Central Street are proposed for sales display.

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.

DELIBERATIONS:

Special Permit – Lot 1A, Norfolk Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III-A(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 Board as Special Permit Granting Authority has considered the proposed construction of a two family dwelling 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), with mitigation as proposed on the record plans, and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A(2) for property described and located at Lot 1A, Norfolk 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. Construction and vegetative screening shall be in substantial compliance with the plan of record entitled "Proposed Sewage Disposal System Lot 1A Norfolk Street, Holliston, MA"

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prepared by GLM Engineering Consultants, Inc. (dated June 21, 2022 with revisions dated September 1, 2022 and signed September 20, 2022).

3. Construction shall also be in substantial compliance with the record exterior elevations (Sheet A-6) entitled “New Duplex Apartment Address Street Town, Massachusetts” prepared by Laurence Malsky Architect, LLC (dated July 25, 2022).

Special Permit – Lot 2A, Norfolk Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III-A (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 Board as Special Permit Granting Authority has considered the proposed construction of a two family dwelling 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-A(2) for property described and located at Lot 2A, Norfolk Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Peabody:

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. Construction and vegetative screening shall be in substantial compliance with the plan of record entitled “Proposed Sewage Disposal System Lot 1A Norfolk Street, Holliston, MA” prepared by GLM Engineering Consultants, Inc. (dated June 21, 2022 with revisions dated September 1, 2022).
3. Construction shall also be in substantial compliance with the record exterior elevations (Sheet A-6) entitled “New Duplex Apartment Address Street Town, Massachusetts” prepared by Laurence Malsky Architect, LLC (dated July 25, 2022).

Dimensional Variance – 98 Robert Road

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C 3(2), Pre-Existing, Non-Conforming Uses, Structures and Lots and VI-

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D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief 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 applicants have demonstrated that literal enforcement of the provisions of this by-law would involve substantial hardship due to placement of the structure on the non-conforming lot and the location of the septic tank and pump chamber at the rear of the dwelling. As noted by the applicant, a detached garage structure could be located to within 10' of the side lot line but an addition is being proposed as part of an overall home renovation.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C 3(2) for property described and located at 98 Robert Road 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 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. Construction shall be in substantial compliance with the record plan entitled "Proposed Plot Plan 98 Robert Road, Holliston, MA" prepared by Applewood Survey Co. LLC (dated May 27, 2022). The proposed 12' x 22.67' garage addition shall be no closer than 21 feet to the western side lot line labeled N/F Cotter and no closer to Robert Road than the required 40' minimum front yard setback as shown on the plan. The proposed great room addition to the rear of the dwelling shall be no closer than 25.8' to the eastern side lot line labeled N/F Charrette.
3. As described by the Applicant, building materials shall be consistent through the new construction and renovation. There shall be no windows on the east side of the proposed addition.

Special Permit – 893 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C (2.1) (2), Pre-Existing, Non-Conforming Uses, Structures and Lots 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 Board as Special Permit Granting Authority has considered the change from one non-conforming use to another non-conforming use for the general service establishment with four office employees as opposed to the monument sales business previously operating on the site for several decades and finds that there are no significant adverse effects to the neighborhood or the Town, considering the regulations,

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restrictions and criteria of sub-section VI-E(5) and as conditioned below. The Board also finds that the property is non-conforming as well as the proposed commercial use in the Residential zone and reinforces the conclusions of the prior board in its decision of March 1992.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (2.1)(2) for property described and located at 893 Washington Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Peabody:

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. This permit is issued to the owner/applicant is not transferable or assignable.
3. Notwithstanding the multiple uses on the property, the property cannot be divided as the lot and current structures are non-conforming.
4. Parking shall be delineated on the site per the record plan entitled "Site Plan 883 & 893 Washington Street Holliston, Massachusetts" prepared by GLM Engineering Consultants, Inc. (dated July 25, 2022). The Building Commissioner has determined that additional parking will be required to meet the standards of the Massachusetts Architectural Access Board.
5. Overnight parking of commercial fleet vehicles on the site is limited to two vehicles.
6. Hours of operation for the identified HVAC general service establishment are 6 a.m. to 6 p.m. Monday – Saturday.
7. No outdoor storage of materials or equipment is authorized.
8. The existing non-flashing sign attached to the building shall be removed. Any replacement signage shall adhere to the provisions of Section V-B(C)(1).

Special Permit – 85 Central Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section 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 Board as Special Permit Granting Authority has considered the impact of vehicle sales in combination with the longstanding repair, inspection and towing business located at the site 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 III-E (1) for property described and located at 85 Central Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Peabody:

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. A maximum of six (6) cars are allowed to be displayed for sale on the site in spots designated on the plan of record entitled "Proposed Parking Lot Striping Plan – 85 Central Street, Holliston" prepared by CIVILized Solutions (dated May 24, 2022).
3. Site parking shall be delineated per the record plan noted above and shall be limited to those designated areas. Measures shall be taken to ensure that vehicles do not encroach upon either Central or Union Streets.

Adjournment: The meeting was adjourned on a motion made by Mr. Peabody, seconded by Ms. Dembitzer with all in favor on a roll call vote. The next meeting was scheduled for October 26, 2022 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

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