

Holliston Zoning Board of Appeals
Meeting Minutes of November 2, 2022

OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS

2022 NOV 21 AM 11:49

GENERAL BUSINESS:

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

Members greeted Vladimir Nechev, an area attorney residing at 26 Governor Prence Way. Mr. Nechev is a potential ZBA member.

Approval of Minutes

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of October 26, 2022 were approved as amended through discussion on a unanimous roll call vote.

CONTINUED PUBLIC HEARING:

Special Permit – 859 Washington Street

The Chairman re-opened the public hearing at 7:18 p.m. Ms. Fair was present to discuss her application. An update on the process to achieve formal "No Parking" designations on this portion of Washington Street as well as Quincy Place was given and the Chairman added that he would feel comfortable supporting such a petition to either the Select Board or Traffic Advisory Committee. Ms. Fair indicated her willingness to restore the grass strip area in front of the building.

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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DELIBERATIONS:

Special Permit – 56 Lowland Street
Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III(G)(3), General Industrial Uses and VI-E(5), Special Permit Granting Authority of the Town of Holliston Zoning By-Laws as well as MGL c. 40A, the Board finds the following: The Board as Special Permit Granting Authority has considered the proposed general industrial use within the existing industrial building 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. The project is compatible with existing uses and other uses allowed by-right in the district. Adequate and appropriate facilities are provided for the proper operation of the proposed use, including provisions for convenient and safe vehicular circulation within the site.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III(G)(3) for property described and located at 56 Lowland 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. This Special Permit is issued to the Applicant, RC Cabinets, LLC and is not transferable or assignable.
3. The proposed project shall not create any significant emission of noise, dust, fumes, noxious or gases.
4. Hours of operation are limited to 7:00 a.m. – 5:00 p.m. Monday – Saturday. Exterior property management and trash removal/recycling shall be limited to those hours as well, with the exception of snow plowing and emergency maintenance.
5. Exterior lighting shall be designed solely for safety and security purposes and shall meet International Dark Sky-compliant fixture standards and shall be shielded from abutting properties.
6. No outdoor storage of materials or equipment is authorized under this permit.

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7. To improve safety at the adjacent Upper Charles Trail crossing and to mitigate impacts to abutting residential properties, the applicant has agreed to the following traffic mitigation measures:
 - a. Installation and maintenance of site signage prohibiting right turns out of the site towards Regal and Woodland Streets (i.e. identifying the Town's Heavy Commercial Vehicle Exclusion on Woodland Street)
 - b. Best efforts to educate drivers and vendors to the identified traffic route through Lowland Industrial Park from Lowland to Jeffrey to Whitney to Washington Street shall be made through posted and instructional information.
 - c. Mr. MacIsaac has agreed to act as the principal point of contact for the community and abutters with regard to compliance.

Dimensional Variance – 234 Lake Shore Drive

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section IV(B) Schedule of Intensity Regulations and VI-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 Applicant has provided sufficient information on the history of the lot to allow the Building Commissioner to determine that the lot is legally non-conforming. The Applicant has used the applicable provisions of the Town's initial Zoning By-Laws (1953) to frame his request for relief from the current provisions of Section IV-B with regard to setbacks. The proposal identifies a 30' x 30' building envelope on the 50' x 100' lot, holding a 30' front yard setback and 10' side yard setbacks. The proposal would conform to the current minimum rear yard setback. The Applicant has also framed his request utilizing examples of massing in the immediate neighborhood and proposes a maximum of 1,200 s.f. of living space, comprised of one bedroom with garage under. Proposed lot coverage would be approximately 18%.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV(B) for property described and located at 234 Lake Shore Drive 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)

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- 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. Proposed construction shall comply with the building envelope noting minimum front yard and side yard setbacks of 30 and 10 respectively as shown on the record plan entitled "Plan Showing Proposed Structure, Lot #234, Holliston, MA Middlesex County" prepared by D. O'Brien Land Surveying (dated 7/20/2022). The structure shall be limited to 1,200 s.f. inclusive of any garage space and the construction shall not be any higher than two stories.
 3. Final architectural plans shall be submitted to the Board for their approval prior to issuance of a building permit.
 4. Temporary construction activities shall be limited to weekdays and shall adhere to the hours specified in Section V-N of the Zoning By-Laws.
 5. The Applicant shall make best efforts to maintain safe passage for pedestrians and vehicles along Lake Shore Drive at all times.

Dimensional Variance – 40 Spring Street
Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C(3)(3.2), Changes Resulting in Increased or New Nonconformity and VI-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 Applicant has demonstrated that a hardship would result from denial of this application as the existing shed encroaches onto two abutting properties and is in a state of dis-repair.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C(3)(3.2) for property described and located at 40 Spring 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 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 replacement shed shall be located no closer than 5' to the side lot line and shall comply with the requirement of Section V-A Accessory Buildings and Structures with regard to rear yard setback.

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Use Variance – 1380 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections V-G(A) and VI-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 Applicant has represented that compliance with all provisions of Section V-G (A) Accessory Family Dwelling Unit (AFDU) is possible in the existing accessory structure but for sub-section (4) with regard to provision of an interior doorway between each living unit as a means of access for purposes of supervisions and emergency response. The Board finds that use of the existing carriage house/barn meet the intent and purpose of Section V-G(A) as the single-family character of the neighborhood will be maintained and that the accessory unit will remain subordinate to the principal use of the existing dwelling at #1380 Washington Street.

Zoning Board Vote

The Board's vote to approve the Petitioner's Use Variance application for relief under Section V-G(A) for property described and located at 1380 Washington Street was as follows on a motion by:

Mr. Love	Aye
Mr. Peabody	Aye
Ms. Dembitzer	Aye

Conditions of Approval

1. This Use 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. Adequate provisions shall be made for proper disposal of sewage and for compliance with the Massachusetts State Building Code for access and egress to the proposed AFDU. The AFDU shall be limited to a maximum of 600 s.f. in floor area.
3. The owner of record shall be responsible for providing documentation on a two-year cycle ensuring compliance with Condition #2 per the provisions outlined in Section V-G (A)(8).

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Special Permit – 859 Washington Street
Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C(2)(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 proposed non-conforming use and finds that the intensity of the proposed use will have fewer adverse effects to the neighborhood or the Town given the one-on-one services provided, 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 I-C(2)(2.1)(2) for property described and located at 859 Washington 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. This Special Permit is issued to the Applicant Mindful Recovery Holliston, Inc. and is not transferable or assignable.
3. To improve safety at the locus and to mitigate impacts to abutting residential properties, the Applicant has agreed to the following traffic/parking mitigation measures:
 - a. Installation and maintenance of site and on-street signage prohibiting parking on the street to the extent possible (i.e. Petitioning the Select Board for installation of street signage.).
 - b. Best efforts to educate employees, clients and vendors to the identified nearby public parking spaces shall be made through posted and instructional information.
 - c. Ms. Fair has agreed to act as the principal point of contact for the community and abutters with regard to compliance.
4. Hours of operation are limited to Monday – Friday 9:00 a.m. - 8:00 p.m. and 9:00 a.m. – 2:00 p.m. on weekends and the building occupancy is limited to not more than three clients and two employees at any given time.

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Adjournment: The meeting adjourned at 8:28 p.m. 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 November 16, 2022 and will be held remotely.

Respectfully submitted,


Karen Sherman, Town Planner

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