

**Holliston Zoning Board of Appeals
Meeting Minutes of December 14, 2022**

CALL TO ORDER: The Chairman called the meeting to order at 7:13 p.m. via Zoom. Ms.

Dembitzer read the following statement into the record: Pursuant to the Governor's June 16, 2022 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
Vladimir Nechev - Absent

APPROVAL OF MINUTES:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of November 16, 2022 were approved as amended on a unanimous roll call vote.

PUBLIC HEARINGS:

Continued Use Variance

Frederick Cullen d/b/a Green Team Junk Removal, LLC – 600 Central Street

The Chairman re-opened the public hearing. Applicant, Frederick Cullen, was present to request a withdrawal of the Use Variance application for operation of a general services establishment within the Christ the King Lutheran Church facility.

Chris Flanagan of 81 Pilgrim Road was present to clarify the procedural next steps.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, members accepted and granted the withdrawal request.

Special Permit

Frederick Cullen – 18 Water Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicant, Frederick Cullen was present to discuss the Special Permit application to operate a general services establishment for his start-up Green Team Junk Removal. He indicated the proposed hours of operation with three employees.

The Chairman opened the hearing to the audience. Karyn Knight Detering of 83 Winthrop Street expressed concerns about noise from the property in general.

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

Jonathan Sutherland – 425 Washington Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicant, Jonathan Sutherland was present to discuss the Special Permit application to operate a general services establishment and install exterior signs in excess of the allowances in the By-Law. He noted that his electrical business would co-locate in the space along with NearMe HVAC. The space would be utilized primarily for storage of tools, equipment and stock and would serve as their offices with fleet storage in the rear of the building as assigned by the landlord.

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

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

Use Variance

Small Mountain Properties – 356 Washington Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicant, Thom Schmalenberger of Small Mountain Properties, was present to discuss the Use Variance application for creation of an apartment. The owner is Small Mountain Properties, LLC. It was noted that the prior use was medical and professional offices. The first floor is proposed to be converted to a single apartment for rental. The unit will be independent of the second floor office in terms of access and utilities.

The Chairman opened the hearing to the audience. Bill Hammond of 332 Washington Street spoke 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 – 18 Water Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(D)(7), General Services Establishment 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 use for a limited junk removal office within a multi-tenant Industrially-zoned property. The Board finds that there would be 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)(7) for property described and located at 18 Water Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

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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. Hours of operation shall be limited to 7 a.m. to 6 p.m. The use is limited to general office and storage of tools. Exterior storage is limited to fleet vehicles.

Special Permit – 425 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section V-B(5) Exterior Signs and Use Regulations, Section III(D)(7), General Services Establishment 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 use for storage of tools, equipment and stock for tradesmen as well as the proposed sign package within the shared space located within the Commercial zoning district. The Board finds that there would be 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 Sections III(D)(7) and V-B(5) for property described and located at 425 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. The proposed sign package is limited to the signs as designated within the application materials; the existing wall-mounted frame is 24" x 165" and the freestanding sign will be no greater than 48" x 62" and is to be located within the existing freestanding frame.

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3. The proposed façade mural shall be limited to coverage of the existing windows and door of the unit.
4. The proposed general services establishment shall have general hours of operation limited to 7 a.m. to 4 p.m. and shall not be open to the public.

Use Variance – 356 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(A)(5) 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 the structure has a long residential history and that an apartment would serve as both an income source and a rental meeting the community demand. The level of intensity of use within the building would lessen and be more characteristic of the residential neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioner's Use Variance application for relief under Sections III(A)(5) and VI-D(3) for property described and located at 356 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 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. The single apartment shall be located on the first floor and shall be limited to 1,650 s.f. and two (2) bedrooms.

ADJOURNMENT: The meeting adjourned at 8:55 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 January 25, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

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