

**Holliston Planning Board  
Meeting Minutes of April 14, 2022**

**Call to Order:**

The Chairwoman called the regular meeting to order at 7:05 p.m. and read the following statement: Pursuant to the 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 Planning Board 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:

Chairperson Karen Apuzzo-Langton - present  
David Thorn – present  
Jason Santos - present  
Scott Ferkler – present  
Barbara Peatie – present

**General Business:**

1. Approval of Minutes  
On a motion by Mr. Ferkler, seconded by Ms. Peatie, members agreed to approve the minutes of March 31, 2022 as written on a unanimous roll call vote.
2. Approval Not Required Subdivision(s) – 146 Oak Street  
On a motion by Ms. Peatie, seconded by Mr. Thorn, the Board voted to empower the Town Planner to endorse a plan prepared by GLM Engineering Consultants, Inc., entitled “Subdivision of Land, As Shown On Land Court Plan No. 41919 A, Holliston, Massachusetts” dated October 5, 2021 on a unanimous roll call vote.

**PUBLIC HEARING**

**Zoning By-Law Amendments**

The Chairwoman opened the public hearing at 7:10 p.m. and waived reading the notice into the record. Present for the discussion were Building Commissioner Mark Kaferlein and Town Counsel Jay Talerman of Mead, Talerman and Costa, LLC. After member discussion of each article, the Chairwoman asked for public comment. No input was received for Articles 7, 37 or 38. For Article 39, the following individuals asked questions and offered comments: Patrick Hafford of 242 Lowland Street, Suzanne Adelman of 46 South Street, and Audrea Szabatura of 31 Noel Drive.

**I. Article 7. Amend Sections I-E Definitions and III(G) Use**

On a motion by Ms. Peatie, seconded by Mr. Thorn, members voted to make a positive recommendation on the proposed amendments comprising Article 7 as follows:

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I-E DEFINITIONS

**Marijuana Establishment:** ~~A cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined by the Massachusetts General Laws, Chapter 94G, said Marijuana establishments shall be deemed independent of any other definitions in this by law and not a subset or subcategory of any other category.~~ **Limited to Marijuana Cultivators, Craft Marijuana Cooperatives, Marijuana Product Manufacturers, Independent Testing Laboratories, Marijuana Transporters, Marijuana Delivery Licensees (including Marijuana Couriers and Marijuana Delivery Operators).** (Added October 2018 – STM, Art. 24)

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**Marijuana Courier – An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Good directly to Consumers from a Marijuana Retailer, or directly to Registered Quality Patients or Caregivers from an Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized or to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional marijuana use that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a Marijuana Retailer.**

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**Marijuana Delivery Licensee – An entity that is authorized to deliver Marijuana and Marijuana Products directly to Consumers and as permitted, Marijuana Couriers to Patients and Caregivers.**

**Marijuana Delivery Operator – An entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Projects acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional marijuana use that allows for limited delivery of Marijuana or Marijuana Projects to Consumers; and shall not be considered to be a Marijuana Retailer.**

AND

G. Industrial and Outdoor Uses	District							
	AR-1	AR-2	R-1	VR	C-1	VC	I	APT
9. Marijuana Delivery Licensees (Marijuana Courier and Marijuana Delivery Operator)	N	N	N	N	N	N	SP	N

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; or to take any action relative thereto.

**II. Article 37. Amend Sections I-C Pre-Existing Non-Conforming Uses, Structures and Lots and I-E Definitions**

On a motion by Mr. Ferkler, seconded by Ms. Peatie, members voted to make a positive recommendation on the proposed amendments comprising Article 37 as follows:

Article 37. To see if the Town will vote to amend the Zoning By-Laws by making the following changes at Section I-C Pre-Existing Non-conforming Uses, Structures and Lots and I-E Definitions in order to address an inconsistency in the definition and applicability of the term gross floor area and to generically identify a Special Permit Granting Authority rather than to specify the Zoning Board of Appeals. Note: ***Italicized and bold*** text is proposed and strikethrough text is to be deleted:

**I-C PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS**

3.3 Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be changed upon a determination by the Building Inspector that such proposed change does not increase the gross floor area of ~~said the existing non-conforming~~ structure by more than 50% of the existing gross floor area of the original gross floor area of said structure. The area of accessory structures and basements shall not be included in such calculation. (Amended May 2019 – ATM, Art. 30)

**3.3.1 Permissible Changes.**

If the Building Inspector determines that proposed change exceeds the one or more of the criteria set forth above (including the 50% cap), the ~~Zoning Board of Appeals~~ **Special Permit Granting Authority** may, by Special Permit, allow such change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. For the purposes of this subsection only, the term “reconstruction” shall not include the voluntary demolition of such structure and its rebuilding. See Section 3.5 below.

AND

**I-E DEFINITIONS**

**Gross Floor Area** - The sum of the gross horizontal areas of all floors of principal ~~building and accessory buildings~~ on a lot, ~~including basements used for permitted uses~~, as measured from the exterior faces of the exterior walls. excluding basements and accessory structures. (Added May 1997 – ATM, Article 30)

**Special Permit Granting Authority** - The Board of Appeals ~~or Planning Board.~~ (Amended March 1978 – STM, Art. 1)

; or to take any action relative thereto

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The roll call vote in favor as unanimous.

**III. Article 38. Amend Sections I-E Definitions, II-B Location of Districts and V-A Accessory Buildings and Structures**

On a motion by Mr. Ferklar, seconded by Ms. Peatie, members voted to make a positive recommendation on the proposed amendments comprising Article 38 as follows:

**Article 38**

To see if the Town will vote to amend the Zoning By-Laws at Sections I-E, II-B Location of Districts, and V-A Accessory Buildings and Structures to update several definitions and performance standards and to update zoning map interpretation standards. Note: ***Italicized and bold*** text is proposed and ~~striktthrough text~~ is to be deleted.

**I-E DEFINITIONS**

**Accessory Building** - ~~A detached building designed, constructed and used for an Accessory Use as defined herein. (Amended November 1989 – STM, Art. 7)~~ ***A building devoted exclusively to a use subordinate to and customarily incidental to the principal use.***

**Accessory Use** - ~~A customary use in conjunction with, incidental to, or subordinate to a use allowed by this By-Law; and located on the same lot with the principal use or on an adjoining lot under the same ownership. (Amended November 1989 – STM, Art. 7)~~ ***A use subordinate to and customarily incidental to the principal use.***

**Private Way** - Any driveway or other vehicle access way, not owned and maintained by public authority. For the purposes of Section IV-A General Requirements, a common driveway provides access to 2 to 3 lots ~~and a private way provides access to four to seven lots.~~  
(Amended May 2001 – ATM, Art. 40. Added May 1993 – ATM, Article 37)

AND

**II-B LOCATION OF DISTRICTS**

5. Where a district boundary line divides a lot, the regulations applying to the portion of such lot in the less restricted district may be considered as extending not more than 50 feet into the more restricted portion, but only if the lot has frontage on a street in the less restricted district, ~~provided, however, that there shall be no such extension into any area subject to the provisions of Section V-I.~~

AND

**SECTION V - SPECIAL REGULATIONS**

**V-A ACCESSORY BUILDINGS AND STRUCTURES**

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No accessory building or structure shall be located within the required front yard area. No accessory building, structure, or appurtenant element (e.g. pool decks, concrete aprons, heating or air conditioning equipment, or other similar elements which are accessory to the building or structure) shall be ~~located~~ **constructed, altered or relocated so that any part thereof shall be less than ten feet (10') from any other building or structure or** in any side yard area nearer to the side lot line than ten feet, or in the rear yard nearer than ~~five~~ **ten** feet. Freestanding non-commercial solar energy collection apparatus and wind energy systems (i.e. designed or operated and intended for single residential or business uses) are considered to be accessory structures and uses. In no case shall accessory buildings or structures cover more than 30% of the required rear **or side** yard area. (*Amended May 2009 – ATM, Art. 29. Previously amended May 1995 – ATM, Art. 42*)

**IV. Article 39. Amend Sections I-E Definitions and III Use Regulations**

On a motion by Mr. Ferkler, seconded by Ms. Peatie, members voted to make a positive recommendation on the proposed amendments comprising Article 39 as follows:

Article 39. To see if the Town will vote to amend the Zoning By-Laws at Sections I-E Definitions and III – Use Regulations to clarify general service establishments, warehouses, and general industrial uses as well as accessory outdoor storage uses. Note: ***Italicized and bold*** text is proposed and ~~strikethrough text~~ is to be deleted.

**I-E DEFINITIONS**

**Warehouse** - A building used primarily for the interior storage of goods and materials, for distribution **or fulfillment, but not for sale on the premises.** Warehouse facilities shall not exceed 200,000 square feet on any lot. Warehouse facilities may not operate between the hours of 8:00 p.m and 6:30 a.m. (*Added May 2016 – ATM, Art. 22*)

AND

**SECTION III - USE REGULATIONS**

Permitted Uses and uses allowed by the Special Permit Granting Authority shall be in conformity with the provisions of Section IV and V of this Zoning By-Law. ~~Where a use, structure, or activity may be classified under more than one use in the table below, the more specific classification applies. If equally specific, the more restrictive classification is used.~~

<b>D. COMMERCIAL USES CONTINUED</b>	<b>AR- 1</b>	<b>AR- 2</b>	<b>R-1</b>	<b>VR</b>	<b>C-1</b>	<b>VC</b>	<b>I</b>	<b>APT</b>
7. General service establishment	N	N	N	N	<del>✓</del> SP	<del>✓</del> SP	<del>✓</del> SP	N

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<b>G. INDUSTRIAL AND OUTDOOR USES</b>	<b>AR-1</b>	<b>AR-2</b>	<b>R-1</b>	<b>VR</b>	<b>C-1</b>	<b>VC</b>	<b>I</b>	<b>APT</b>
1. Wholesale office or showroom, including <u>Warehouse facility</u>	N	N	N	N	<del>SP</del> N	<del>SP</del> N	<del>Y</del> SP	N
2. General industrial uses including manufacturing, storage, processing, fabrication, packaging and assembly comprised of not more than 15,000 square feet of floor area devoted to such use and otherwise in compliance with local, state and federal laws, rules and regulations, but not including any use which involves the manufacture, storage, transportation, discharge or disposal of hazardous, toxic or radioactive materials <del>or which generates perceptible vibration or noise levels greater than 65 dbA at the property line</del>	N	N	N	N	N	N	Y	<del>SP</del> N
3. General Industrial uses including manufacturing, storage, processing, fabrication, packaging, and assembly that occupy more than 15,000 square feet of floor area, <b>not including Warehouse</b> or those that have no more than 15,000 square feet of floor area and which involve the manufacture, storage, transportation, discharge or disposal of hazardous, toxic, or radioactive materials	N	N	N	N	N	N	SP	N
<del>4. Building materials and equipment exposed to view the extent actually necessary during active continuous construction work on the same lot</del>	Y	Y	Y	Y	Y	Y	Y	Y
<del>5. Outdoor storage of building materials and equipment, excluding scrap and junk, which is not provided for elsewhere in this by-law, if the same is subjected to screening, not occupy an area exceeding 25% of the ground floor area of the main building on the lot</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>SP</del>
6. Outdoor storage of building or other materials or equipment not covered elsewhere in this by-law	SP	SP	SP	SP	SP	SP	SP	SP
<b>H. ACCESSORY USES</b>	<b>AR-1</b>	<b>AR-2</b>	<b>R-1</b>	<b>VR</b>	<b>C-1</b>	<b>VC</b>	<b>I</b>	<b>APT</b>
10. Building materials and equipment	Y	Y	Y	Y	Y	Y	Y	Y

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<i>exposed to view the extent actually necessary during active continuous construction work on the same lot</i>								
<b>11. Commercial open storage of raw materials, finished goods or construction materials not associated with active permitted construction or agricultural uses</b>	SP	SP	SP	SP	SP	SP	SP	N
<b>12. Accessory outdoor storage clearly necessary to the operation and conduct of a permitted industrial or commercial use</b>	N	N	N	N	SP	SP	SP	N
<b>13. Processing of raw materials not associated with active permitted uses</b>	N	N	N	N	N	N	SP	N

; or to take any action relative thereto.

The roll call vote in favor as unanimous.

**Executive Session – MGL c. 30A, s. 21**

**Exception 3. To discuss strategy with respect to litigation**

On a motion by Mr. Thorn, seconded by Ms. Peatie, members agreed to enter into Executive Session for the following reason on a unanimous roll call vote: CRG Acquisition, LLC and New Hopping Brook Realty Trust - 555 Hopping Brook Road. Atty. Jason Talerman of Mead, Talerman, and Costa, LLC and Town Planner, Karen Sherman joined the members in the discussion. Mr. Santos made a motion to instruct Atty. Talerman to continue negotiations with non-binding support of the modified project as proposed. Ms. Peatie seconded with all in favor on a roll call vote.

**Adjournment** - The meeting was adjourned at 10:15 p.m. on a motion made by Mr. Santos and duly seconded by Mr. Ferkler on a unanimous roll call vote. No motions were made in Open Session on issues discussed in Executive Session. The next meeting was scheduled for April 28, 2022 at 7:00 p.m.

Respectfully submitted,

Karen L. Sherman, Town Planner