

TOWN OF HOLLISTON
ZONING BOARD OF APPEALS

TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR ADMINISTRATIVE APPEAL (Ch. 40A, s. 15)

Date Filed: December 28, 2022

Applicant's Name: 18 - 24 Water Street realty Trust, LLC

Applicant's Address: c/o Colantnio Inc 16 Everett Street, Holl.

Applicant's Phone Number: 508-429-8666

Applicant's Email: fran@colantonio.com

Owner's Name: 18- 24 Water Street Realty Trust, LLC

Owner's Address: c/o Colantonio, Inc. 16 Everett Street, Holl.

The Owner hereby appoints Peter Brbieri to act as his/her/its agent for the purposes of submitting and processing this application for a special permit.

The Owner's title to the land that is the subject matter of this application is derived under deed from Hollisotn Mill realty Trust, dated Oct. 21, 2014

And recorded in Middlesex Registry of Deeds, Book 64401, Page 346

Or Land Court Certificate of Title No. ~~213200~~ 257907, registered in

District Book 1461, Page 121.

The land is shown in the Assessor's records as Lot 18 on Map 8F, Block 4

And has an address of or is located at 18-24 Water Street

in the Industrial zoning district.

Applicant's Signature: Fran Colantonio mayor

Owner's Signature: Fran Colantonio mayor

1. What are you appealing and why? Is it an inability to obtain a building permit, enforcement action, order or decision of the Building Commissioner? (Please attach copy)

Yes. Appeal of ruling that commercail kitchen is not an industrial use allowed in an Industrail zone. *Decision on Attached*

*Application For A use
Variance*

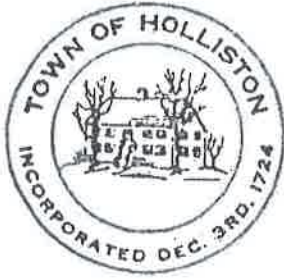
2. Are you within the 30 day appeal period (M.G.L. c. 40A s.15)? Yes x No

3. Provide the grounds for the appeal and legal reasons why you assert that the order or decision is legally not valid. (Please attach copy)

Commercial Kitchen is the manufacturing and assembly of a product, the same as an industrail use. See attached.

4. What outcome do you request if your appeal is upheld?

Authorization for use of the property for a commercial kitchen/industrail use.



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APPLICATION FOR GRANT OF A USE VARIANCE

Date Filed: December 29, 2022

Subject Address: 18 - 24 Water Street

Applicant's Name: 18 - 24 Water Street Realty Trust, LLC

Applicant's Phone Number: 508-429-8666

Applicants Email: fran@colantonio.com

Owner's Name: 18 - 24 Water Street Realty Trust, LLC

Owner's Address: c/o Colantonio, Inc., 16 Everett Street, Holliston, MA 01746

Zoning Information:

The Owner hereby appoints Peter R. Barbieri, Esquire to act as his/her/its agent for the purposes of submitting and processing this application for a variance.

Applicant's Signature: Fran Colantonio

Owner's Signature: Fran Colantonio

Registry of Deeds Recording Information: Book 64401, Page 346 L.C. Y/N?

Assessor's Map 8F, Block 4 Lot 18

Zoning Information (To be completed by Building Commissioner):

Zoning district: Industrial

Commercial Kitchen is not an allowed use in the zoning by laws. This use would require a use variance. 12/29/22

**MEMORANDUM IN SUPPORT OF
PETITION FOR VARIANCE**

The Property, known as 18 – 24 Water Street, is located in an Industrial Zone. Based upon Assessor's records, the main building on the Property was constructed in the 1890s. The Property consists of over 1.3 acres and has over three hundred sixty (360) feet of frontage on Water Street. There are three (3) buildings on the Property, including the main structure, an existing wood frame structure and a garage. Approximately sixty percent (60%) of the Property is developed with the buildings and parking, and approximately forty percent (40%) is undeveloped due to wetland conditions. There are sixty (60) parking spaces on the site.

The Property is non-conforming in a number of ways. First, the main building is only setback approximately one (1) foot from Water Street. Additionally, the out building is not set back twenty (20) feet from the side property line nor thirty (30) feet from the rear property line. Accordingly, the location of the buildings does not comply with the Setback Requirements of the By-Law. The buildings were all constructed prior to the current regulations.

The total area of the buildings on the Property consist of approximately forty-one thousand seven hundred (41,700) square feet. Based upon the area of the site (approximately fifty-six thousand six hundred twenty-eight (56,628) square feet), the development establishes a Floor Area Ratio of .77, which is in excess of the allowed .5 Floor Area Ratio. Again, the buildings were developed prior to the Floor Area Ratio limitation, making the premises non-conforming.

At the present time, there is approximately one thousand seven hundred (1,700) square feet of vacant space on the second floor of the main building. The proposal is to convert the space, which has been used as an office and showroom for a contractor, into a commercial kitchen. It is

anticipated that there would be two (2) employees associated with the commercial kitchen. The commercial kitchen would also be available for rental by outside groups and individuals for their own special occasions. The operations are not that of a restaurant and on site retail sales are not part of the operations.

The Building Official has determined that there is no Use Category for a commercial kitchen and, therefore, a commercial kitchen is not allowed in the Industrial Zone. It is our belief that the commercial kitchen should be classified as a General Industrial Use, as the commercial kitchen, like an industrial use, involves the manufacture, processing, packaging and assembly of goods. The only difference being that the goods being assembled and created or manufactured are perishable goods in the nature of food products. There is nothing in the By-Law that separates food products from other manufactured products. We, therefore, request that the Zoning Board of Appeals determine that the commercial kitchen use is an industrial use and allowed as a matter of right.

In the alternative, if the Board agrees with the Building Official that the commercial kitchen use is not a General Industrial Use and, therefore, not defined in the By-Law; we request that the Board issue a Variance for the use of the Property for a commercial kitchen.

The Property meets the standards for the Zoning Board's issuance of a Use Variance for the commercial kitchen. First, as noted and as depicted on the Plan, approximately forty percent (40%) of the site is affected by the wetlands and unusable; thereby creating a substantial hardship. Additionally, the Property is unique due to its size and existing development, as there are no other similarly situated or developed properties within the Industrial Zone. Accordingly, the Board's granting of the Use Variance will allow the use of the Property in a manner which is consistent

with an Industrial Uses which are allowed within the district and therefore there will be no derogation from the purpose and intent of he By-Law.

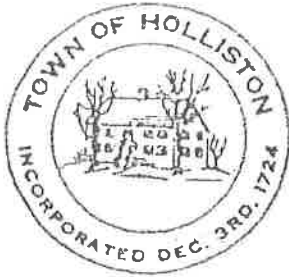
The Petitioner respectfully requests that the Board either determine that the commercial kitchen use is an Industrial Use and allowed as a matter of right or grant a Use Variance for the use of the Property as a commercial kitchen.

PETITIONER:

18 – 24 WATER STREET REALTY TRUST, LLC
By its Attorney,



Peter R. Barbieri, Esquire
Fletcher Tilton PC
161 Worcester Road, Suite 501
Framingham, MA 01701
Direct Phone: 508-532-3517
Email: pbarbieri@fletchertilton.com



TOWN OF HOLLISTON
ZONING BOARD OF APPEALS

TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

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Zoning Information:

The Owner hereby appoints Peter R. Barbieri, Esquire to act as his/her/its agent for the purposes of submitting and processing this application for a variance.

Applicant's Signature: Fran Colantonio

Owner's Signature: Fran Colantonio

Registry of Deeds Recording Information: Book 64401, Page 346 L.C. Y/N?

Assessor's Map 8F, Block 4 Lot 18

Zoning Information (To be completed by Building Commissioner):

Zoning district: Industrial

Commercial Kitchen is not an allowed use in the zoning by laws. This use would require a use variance. 12/29/22

WJ

Nature and subject matter of Variance:

Request for Use Variance for commercial kitchen. Use not listed on Use Table.

Section of Zoning Bylaw that permits this use by grant of Variance:

The Applicant presents the following evidence that supports grant of the Variance:

a. If this Variance is allowed it will alleviate a substantial hardship because:

The building is non-conforming and is located in an Industrial Zone. Industrial uses are not sustainable. The use of the premises for a commercial kitchen will allow a use similar to an industrial use. Building will become vacant.

b. If this variance is allowed it will create no substantial detriment to the public good because:

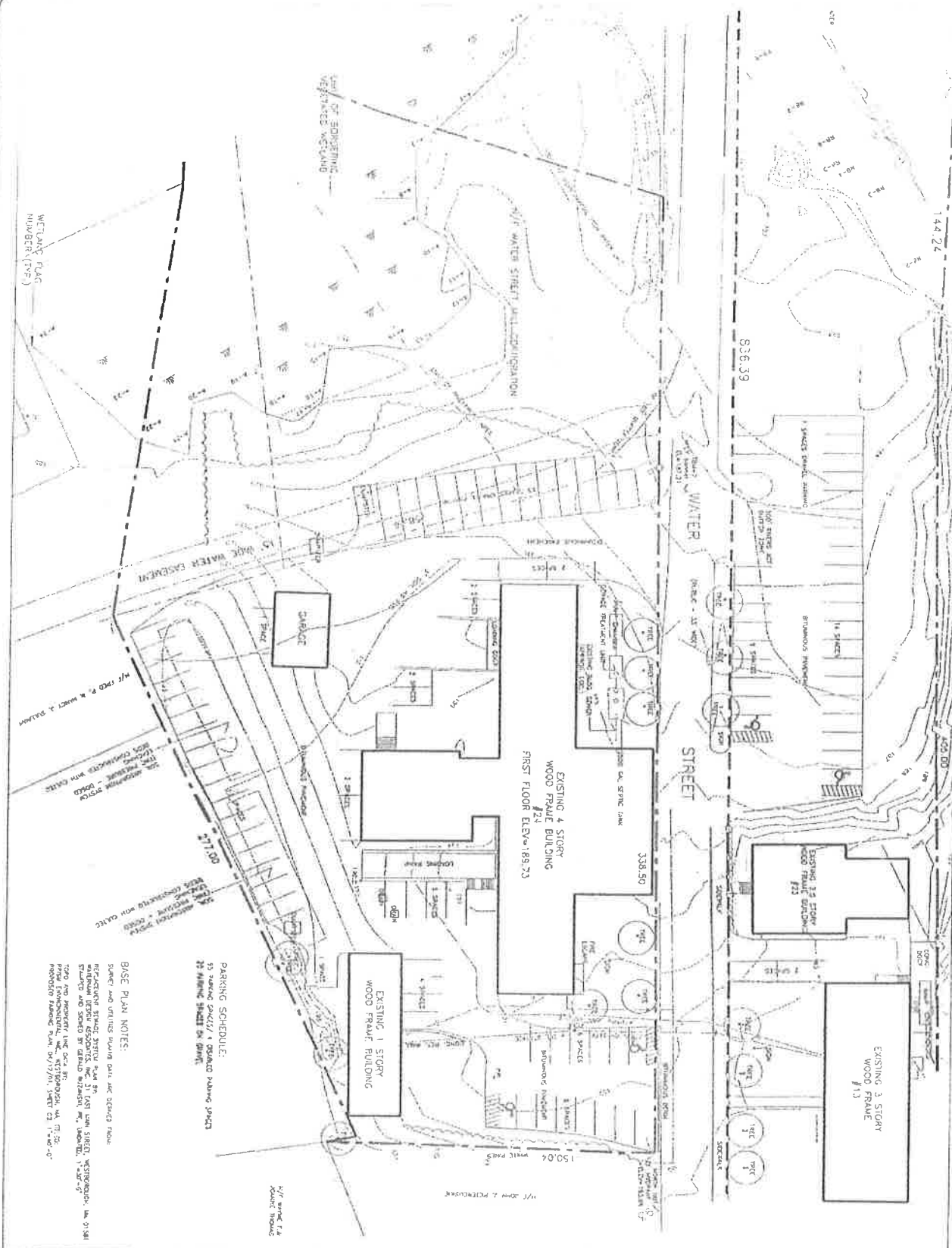
Operation will have no greater impact than uses allowed as of right.

c. If this variance is allowed, it will not nullify or substantially derogate from the intent and purpose of the zoning bylaw because:

Operations of a commercial kitchen are similar to other industrial uses which are allowed.

d. Will the proposed use include the storage or process of any hazardous substance?

Yes _____ (Please attach additional information.) No X



PARKING SCHEDULE:
 15 VEHICULAR SPACES
 25 BICYCLE SPACES
 25 BICYCLE SPACES
 25 BICYCLE SPACES

BASE PLAN NOTES:
 1. SURVEY AND UTILITIES DRAWING DATE: DEC 2010
 2. REFERENCE: 2010 SURVEY DRAWING BY: [redacted]
 3. EXISTING 1 STORY WOOD FRAME BUILDING #13
 4. EXISTING 1 STORY WOOD FRAME BUILDING #14
 5. EXISTING 1 STORY WOOD FRAME BUILDING #15
 6. EXISTING 1 STORY WOOD FRAME BUILDING #16
 7. EXISTING 1 STORY WOOD FRAME BUILDING #17
 8. EXISTING 1 STORY WOOD FRAME BUILDING #18
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 11. EXISTING 1 STORY WOOD FRAME BUILDING #21
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 13. EXISTING 1 STORY WOOD FRAME BUILDING #23
 14. EXISTING 1 STORY WOOD FRAME BUILDING #24
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 89. EXISTING 1 STORY WOOD FRAME BUILDING #99
 90. EXISTING 1 STORY WOOD FRAME BUILDING #100

Project
 COLANTONIO INC.
 #13
 #23
 #24

WATER STREET
 HOLLISTON
 MA 01746

KATTMAN CORPORATION
 21 WATER STREET
 BOSTON, MA 02109
 TEL: 617-552-0232
 FAX: 617-552-0233
 WWW.KATTMAN.COM

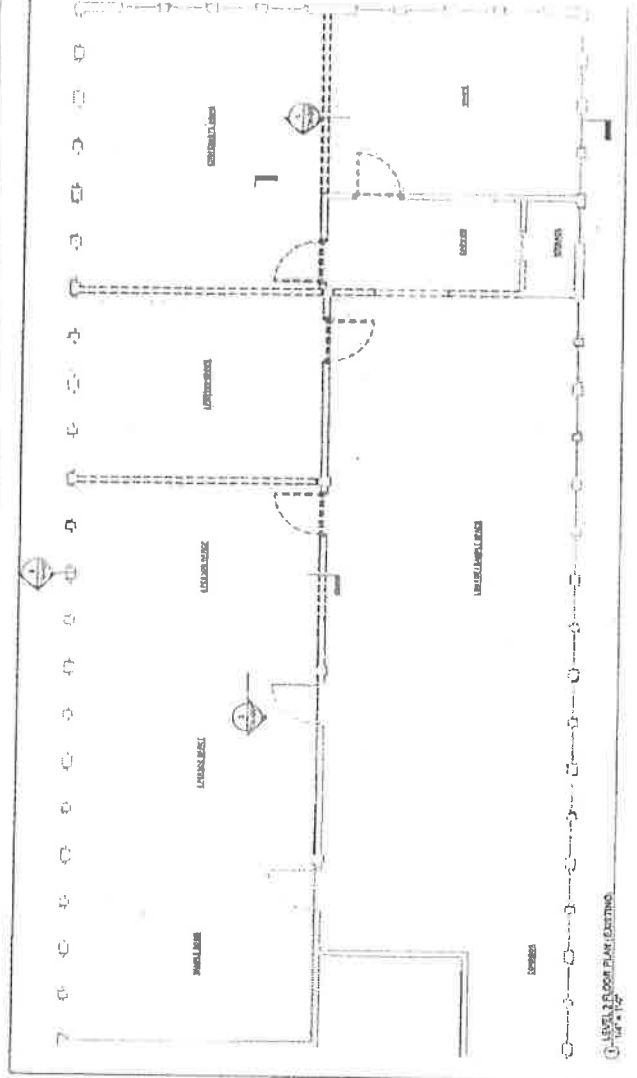
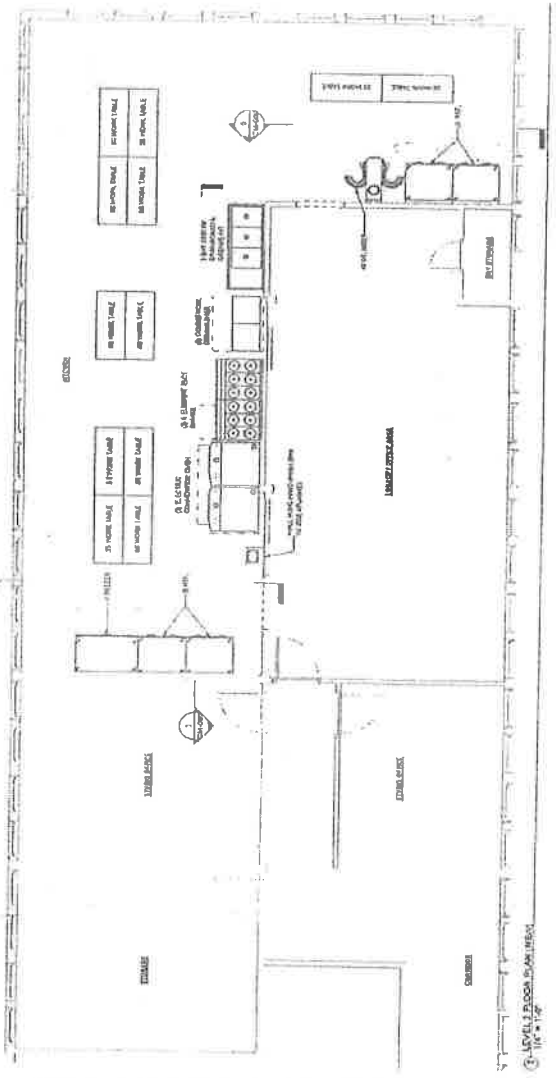
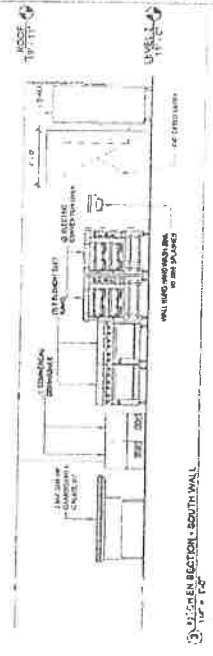
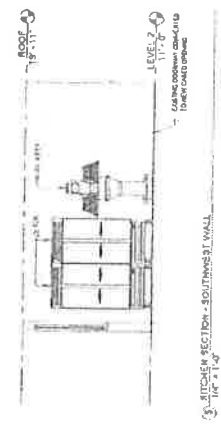
Sheet Title
 PARKING LOT PLAN
 Scale: 1"=20'-0"
 Date: 12/20/2012
 Designer: [redacted]
 Sheet Number: 1

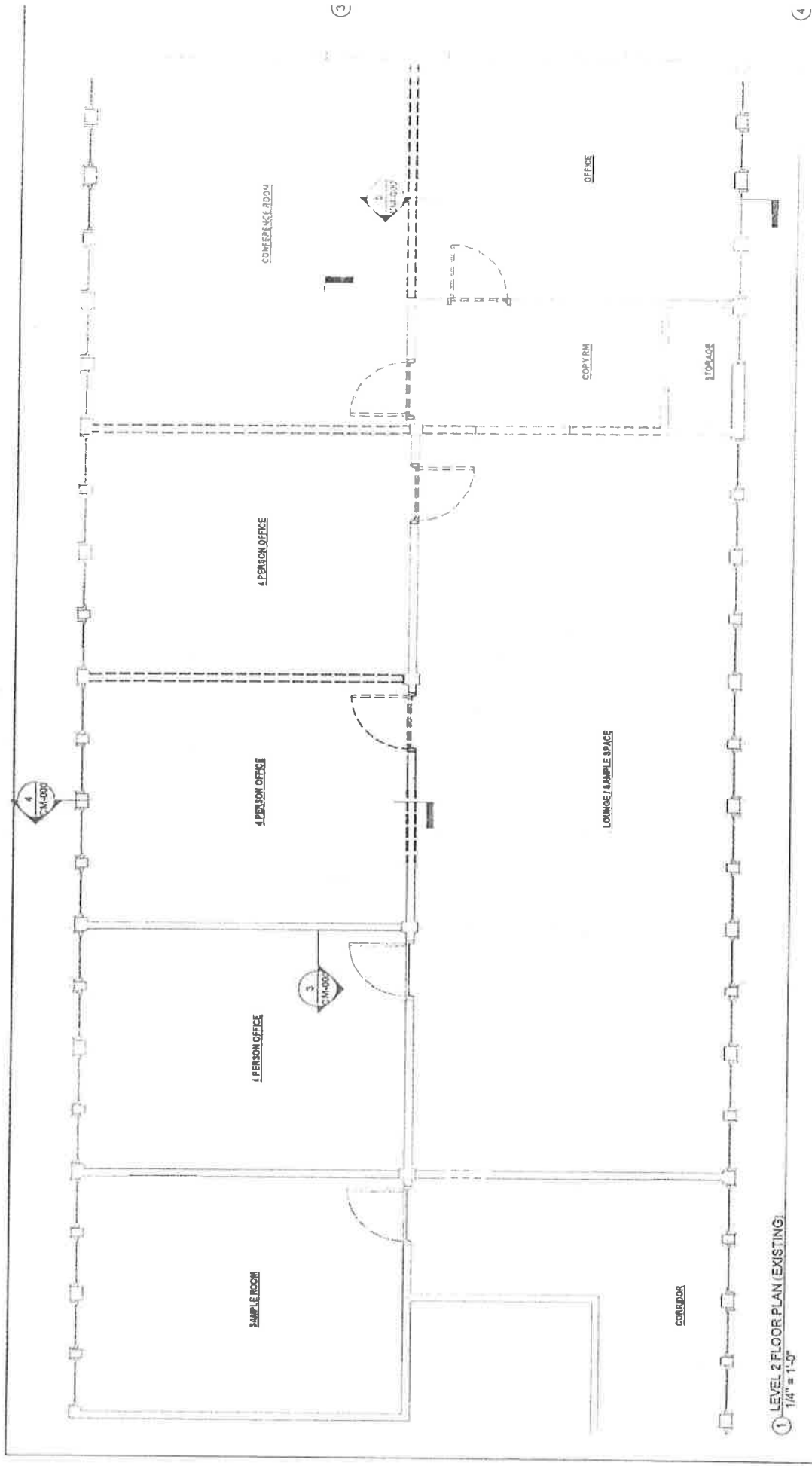
MILL KITCHEN

CONCEPT

Project Address: 1000
 Project Name: 1000

COLANTONIO
 ARCHITECTS
 1000 1000 1000
 WWW.COLANTONIO.COM





① LEVEL 2 FLOOR PLAN (EXISTING)
1/4" = 1'-0"

(3)

(4)

**MEMORANDUM IN SUPPORT OF
PETITION FOR VARIANCE**

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The Petitioner respectfully requests that the Board either determine that the commercial kitchen use is an Industrial Use and allowed as a matter of right or grant a Use Variance for the use of the Property as a commercial kitchen.

PETITIONER:

18 – 24 WATER STREET REALTY TRUST, LLC
By its Attorney,

A handwritten signature in cursive script, appearing to read "P. R. Barbieri", is written over a horizontal line.

Peter R. Barbieri, Esquire
Fletcher Tilton PC
161 Worcester Road, Suite 501
Framingham, MA 01701
Direct Phone: 508-532-3517
Email: pbarbieri@fletchertilton.com

HOLLISTON BOARD OF HEALTH
OPERATIONS INFORMATION QUESTIONNAIRE

IMPORTANT

COMPLETION OF THIS FORM IS REQUIRED FOR ALL SUBMITTALS AND REQUESTS TO THE BOARD OF HEALTH FOR PROJECT EVALUATION OF ALL INDUSTRIAL OR COMMERCIAL PROPOSALS, AND FOR ALL OTHERS EXCEPT FOR ONE AND TWO FAMILY DWELLINGS. THE BOARD OF HEALTH RELIES ON THE COMPLETE SUBMITTAL OF THIS INFORMATION IN ORDER TO MAKE FINDINGS AS TO PROJECT ACCEPTABILITY FOR EITHER A BOARD OF HEALTH PERMIT OR FOR EVALUATION OR RECOMMENDATION OR RECOMMENDATION TO OTHER BOARDS SUCH AS THE ZONING BOARD OF APPEALS OR THE PLANNING BOARD. FAILURE BY THE APPLICANT TO PROVIDE ALL THE INFORMATION REQUESTED IN THIS QUESTIONNAIRE SHALL RESULT IN AN ADVERSE FINDING OR RECOMMENDATION BY THE BOARD OF HEALTH. SUPPORTING DOCUMENTATION FOR THE DATA SHALL BE ATTACHED TO THE COMPLETED QUESTIONNAIRE.

RESPONSIBLE PARTY -

A SINGLE PARTY OF RESPONSIBILITY must be designated for the proposed project. All applications for permits of the Board of Health will be expected to be submitted by this responsible party, usually the owner of the building or facility, and not from individual tenants. All limitations and conditions with regards to any wastewater or atmospheric discharge shall be the responsibility of the "RESPONSIBLE PARTY", who shall see that all tenants operate within the limitations and conditions of the permits issued. While the Board of Health reserves the right to take whatever appropriate action might be necessary against an individual tenant, the Board will hold the "RESPONSIBLE PARTY" as the entity of primary responsibility.

PLEASE PRINT OR TYPE

Date: Dec 29, 2017

Project Location: 18-24 Water St

Project Description: Commercial Kitchen 1700 sf

Applicant's Name: 18-24 Water St. Realty Tr PHONE # 508-429-8666

Applicant's Address: C/O Colantoni Inc 16 Everett St 1104

Applicant's Signature: Erin Colantoni Meyer

Owner's Name: 18-24 Water St. Realty Tr PHONE # 508-429-8666

Owner's Address: Colantoni, 16 Everett St 1104

Owner's Signature: Erin Colantoni

What is the building GROSS FLOOR AREA 42,005 ± Square Feet Estimate

How many EMPLOYEES will occupy the building (all shifts)

1st shift 2 2nd shift — 3rd shift —

Will there be any process operations? Process operations refer to any manufacturing or other similar work procedures such as: painting, servicing vehicles, making semi-conductors, filling chemical containers, photographic developing, printing, x-rays, washing or rinsing of metal, glass, crystals, plastic, or other products, woodworking. If you are still not sure if your operation is not a process operation, describe it anyway so it can be evaluated.

YES _____ NO X

If YES, provide a complete description with a flow diagram and attach it to this questionnaire

1,700 SF Formerly occupied for office
+ Show Room for contractor with 2
employees now to be
Commercial kitchen with
2 employees

**HOLLISTON BOARD OF HEALTH
OPERATIONS INFORMATION QUESTIONNAIRE**

EXISTING WASTEWATER FACILITIES –

Is there an existing wastewater disposal system? YES ✓ NO

If NO - it will be necessary to obtain a Disposal Works Construction Permit from the Board of Health. Inquire at the office for details.

If YES - Provide a plan of the existing facility. Investigate it and provide the following information.

What is the total wastewater disposal system design capacity? 1080 Gallons per day (GPD)
For Mixed Use Buildings: Unit 1 GPD; Unit 2 GPD,
Unit 3 GPD; Unit 4 GPD; Unit 5 GPD
Use a separate sheet if there are more than 5 tenant units within a building.

When was the septic tank last pumped?
Is the water level in the septic tank above the outlet invert? YES NO
Does it overflow either periodically or always?

PROPOSED WASTEWATER DISCHARGE –

What is the expected quantity of: SANITARY WASTEWATER 1080 GPD
COOLING WASTEWATER GPD
PROCESS WASTEWATER GPD

If Process Wastewater is proposed:

What is the amount of: RINSE WATER? GPD
BATCH DUMPS? GPD
OTHER discharges? GPD

What is the method of disposal

Will there be any FLOOR DRAINS? YES NO ✓

If YES – What will flow into the floor drain?

Will there be any PAINT or LACQUER SPRAY PAINTING? YES NO ✓

If YES – is the spray painting approved by DEP? YES NO

Will there be any ATMOSPHERIC DISCHARGE other than fossil fuel for heating purpose?

YES NO ✓

If YES – Attach a complete description to this questionnaire.

If YES - Has the discharge been approved by DEP?

Attach documentation of DEP approval.

Will the proposed facility USE, STORE, MANUFACTURE, OR DISCHARGE any materials, compounds, or chemicals which are on the Massachusetts Substance List? YES NO ✓

If YES - Attach a complete list which includes the following information:

TYPES, MATERIAL SAFETY DATA SHEETS, QUANTITIES, METHOD OF STORAGE AND LOCATION. (Show location on a sketch plan of the proposed Facility – draw to scale if possible)