



TOWN OF HOLLISTON  
ZONING BOARD OF APPEALS  
TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

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

*Building Information:*

*Agent Name:*

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:

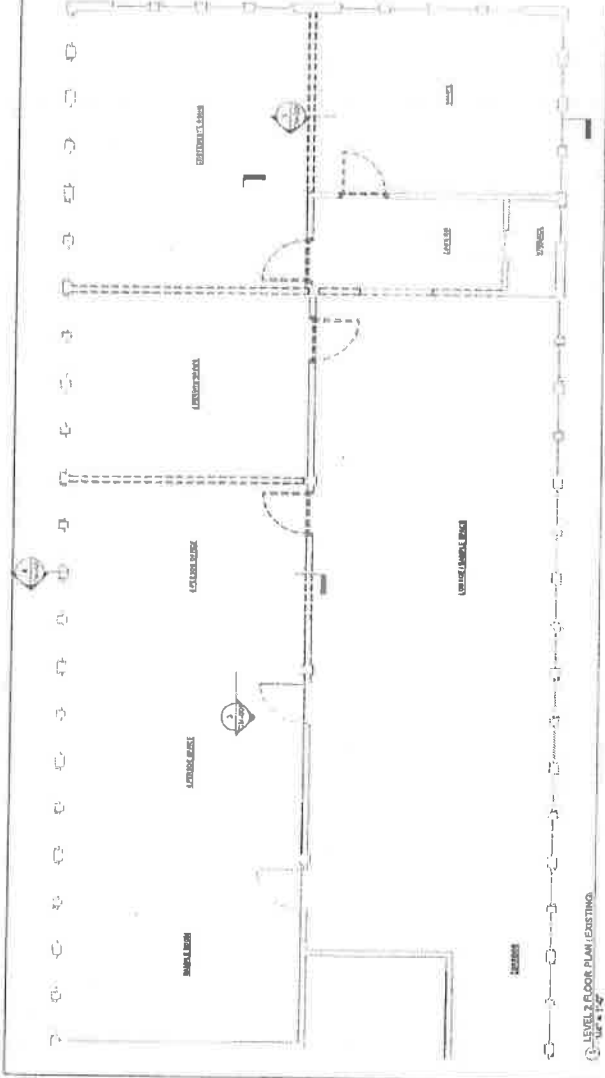
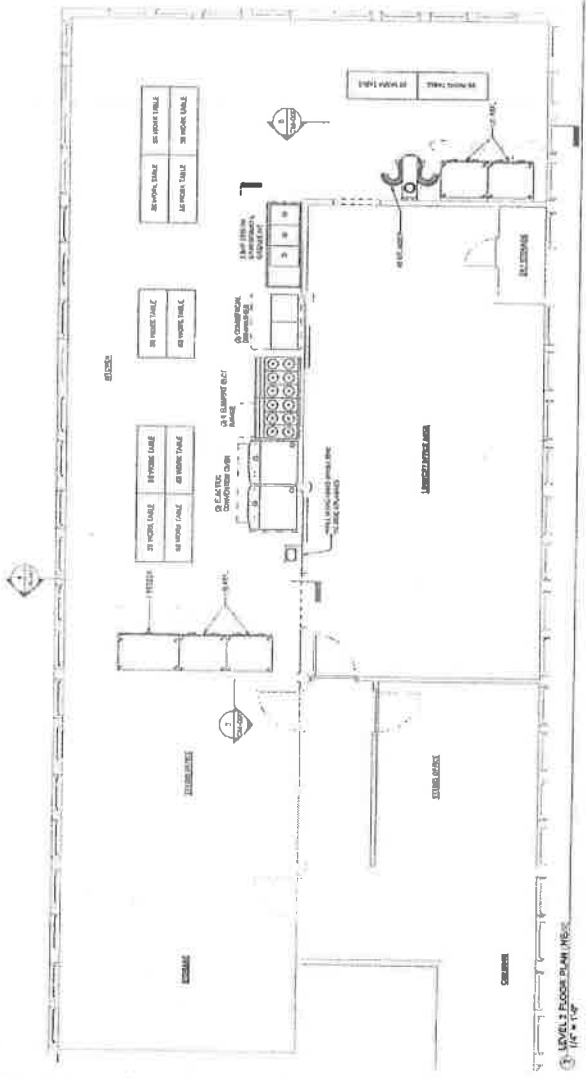
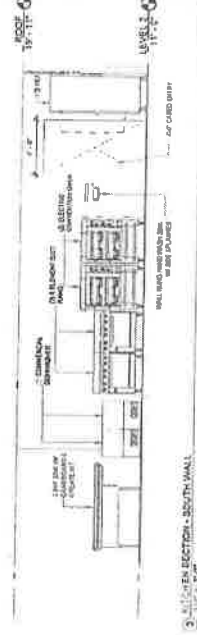
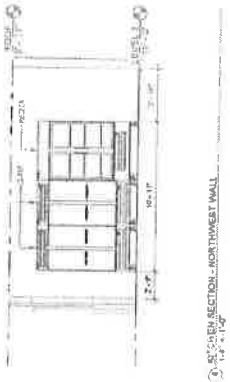
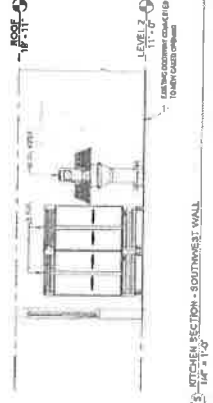
Operations of a commercial kitchen are similar to other industrial uses which are allowed.

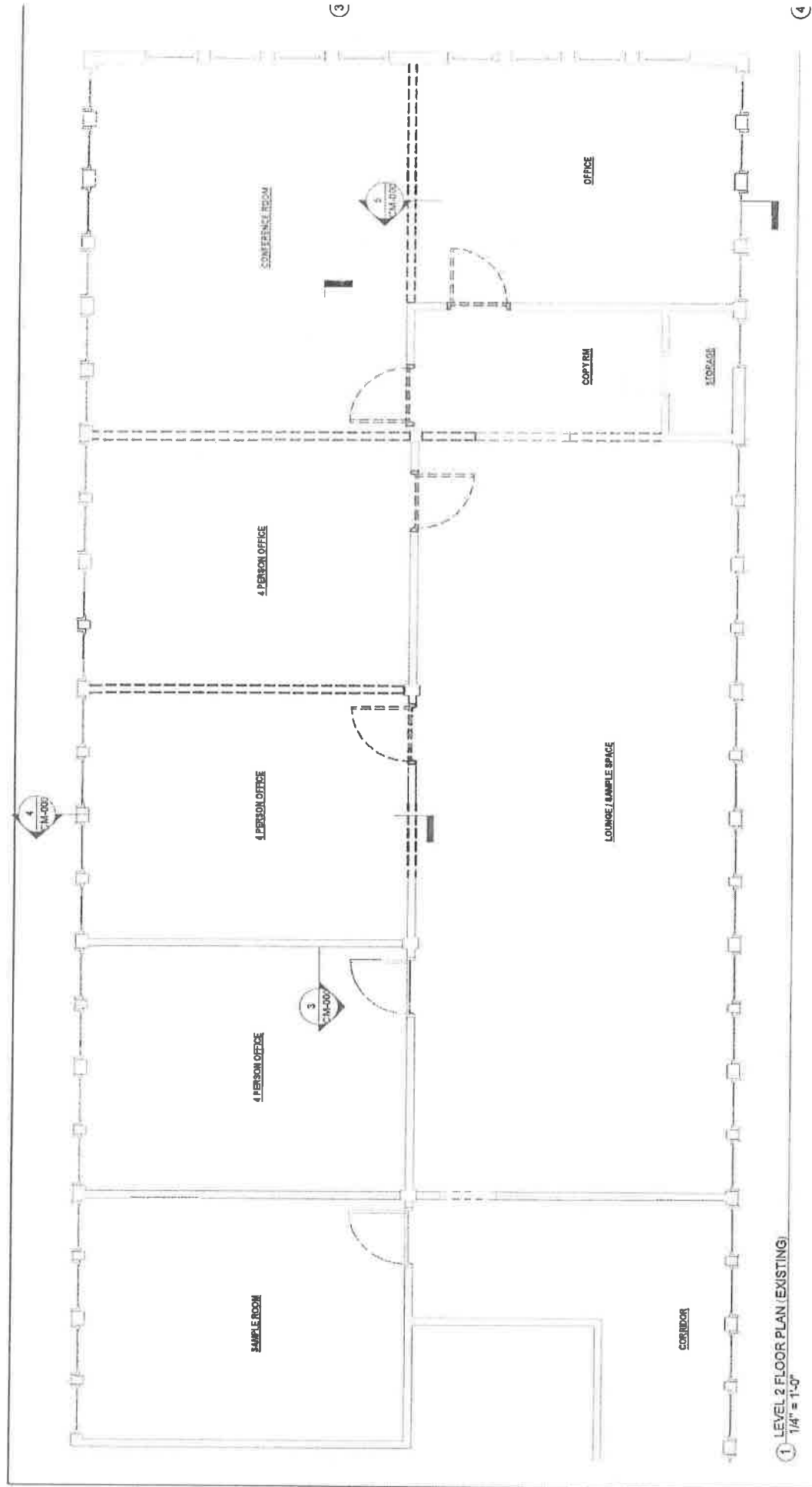
d. Will the proposed use include the storage or process of any hazardous substance?

Yes \_\_\_\_\_ (Please attach additional information.) No   X



REV.	DATE	DESCRIPTION
1	10/1/10	ISSUED FOR PERMIT
2	10/1/10	ISSUED FOR PERMIT
3	10/1/10	ISSUED FOR PERMIT
4	10/1/10	ISSUED FOR PERMIT
5	10/1/10	ISSUED FOR PERMIT
6	10/1/10	ISSUED FOR PERMIT
7	10/1/10	ISSUED FOR PERMIT
8	10/1/10	ISSUED FOR PERMIT
9	10/1/10	ISSUED FOR PERMIT
10	10/1/10	ISSUED FOR PERMIT





**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 the 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,



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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, 2022

Project Location: 18-24 Water St

Project Description: Commercial Kitchen 1700 sq/

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

Applicant's Address: C/O Colantonio Inc 16 Everett St 1704

Applicant's Signature: Frank Colantonio Mayor

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

Owner's Address: Colantonio, 16 Everett St 1704

Owner's Signature: Frank Colantonio

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

How many EMPLOYEES will occupy the building (all shifts) no chance

1<sup>st</sup> shift 2 2<sup>nd</sup> shift — 3<sup>rd</sup> 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

## EXISTING WASTEWATER FACILITIES –

## PROPOSED WASTEWATER DISCHARGE –

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)