

TOWN OF HOLLISTON
ZONING BOARD OF APPEALS
TOWN HALL
HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR GRANT OF A SPECIAL PERMIT

Date Filed: November 30, 2021

Applicant's Name: David Selent d/b/a Holliston Auto Village

Applicant's Address: 75 Central Street, Holliston, MA 01746

Applicant's Phone Number: 603-787-6860

Owner's Name: David Selent and Marcia Selent

Owner's Address: 75 Central Street, Holliston Mass . . .

The Owner hereby appoints Peter R. Barbieri 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 Charles and Jane Harper, dated Jan 30, 1984 And recorded in Registry of Deeds, Book _____, Page _____ Or Land Court Certificate of Title No. 170016, registered in District Book 980, Page 66

The land is shown in the Assessor's records as Lot 1 on Map 8F, Block 2 And has an address of or is located at 75 Central Street, Holliston, MA 01746 in the Village Center zoning district.

Under the provisions of Section VI-D (2) to vary the terms of Section I-B and the following, the Applicant hereby petitions the Board of Appeals:

Nature and subject matter of Special Permit:

Special Permit for Sales Room with repair use.

Section of Zoning Bylaw that permits this use by grant of Special Permit:

Section III.E.1

Previous Zoning Information (To be completed by Inspector of Buildings):

Previous zoning is describe in the applicants narrative. This does require a SP under section III.E.1. I do recommend to the board to have the applicant lay out the parking. The Applicant presents the following evidence that supports the grant of the special Permit:

a. The use is in harmony with the general purpose and intent of the bylaw because:

See Attached.

better than they have in the app. It seems to me no matter how they lay it out then they are blocking green spaces. The number of vehicles should be limited as well.

b. The general or specific provisions of a grant of a special permit, as set forth in the zoning bylaw are satisfied because:

See Attached.

WLC
12/7/21

Will the proposed use include the storage or process of any hazardous substances?

Yes X (Please attach additional information.) No

Applicant's Signature: David J. Schmit

Owner's Signature: David J. Schmit
Marcia Schmit

MEMORANDUM IN SUPPORT OF SPECIAL PERMIT

The Property, which is the subject matter of this Application, is known as 75 Central Street. The Property is shown on Assessor's Map 8F, Block 2, as Lot 1. The lot consists of over twelve thousand (12,000) square feet and has over one hundred twenty (120) feet of frontage on Central Street. The lot, therefore, complies with the Dimensional Requirements for lots within the Village Center Business District in which the property is located.

In February of 1984, the Applicant, David Selent, obtained a Special Permit from the Zoning Board of Appeals authorizing the use of the Premises for motor vehicle sales and repairs. A copy of the 1984 Special Permit is attached (the "1984 Special Permit"). For unknown reasons, a copy of the Decision was never recorded in the Middlesex South Registry of Deeds.

Since 1984 Mr. Selent has occupied the Premises for motor vehicle sales and repairs. Attached is a copy of the most recent Used Car License issued to David Selent d/b/a Holliston Auto Village.

In 2004, a Special Permit was granted to Claudio Souza for the operation of an auto repair shop in a portion of the building at 75 Central Street. Mr. Selent continued to use the balance of the building for his motor vehicle sales and repair services. A copy of the 2004 Special Permit, which was recorded in the Middlesex South Registry of Deeds, is attached. The Souza Special Permit included, as did the 1984 Special Permit, that the Permit was non-transferable or assignable.

In April of this year, the Tenant that had been using a portion of the building for auto repairs, which use had not been previously approved as an assignment by the Zoning Board of Appeals, ceased operation at the Property.

At the present time, David Selent seeks to reestablish his full use of the building for motor vehicle repairs and services pursuant to the 1984 Special Permit. The Building Official has concluded that as the 1984 Special Permit was never recorded and as the 2004 Special Permit authorizes the use of a portion of the building by others, that a new Special Permit is required pursuant to Section III. E. 1. (Sales Room for Motor Vehicles with Repair Services and Storage Permitted). The Applicant is agreeable to complying with the conditions of the 1984 Special Permit which limits the hours of operation from 7:00 a.m. to 9:00 p.m., Monday through Saturday, the Permit being non-assignable or transferable, the Permit being subject to such other conditions as is reasonable and appropriate and the Permit satisfying the Board of Health Requirements. The tanks that had been on the Property and discussed in 1984 as part of the 1984 Special Permit process have been removed.

The Applicant has obtained approval from the Board of Health for the installation of a new septic system on the property and is spending considerable sums to refurbish and rehabilitate the property. There will be no change in the square footage of the building. The reestablishment of the full use of the Property by Mr. Selent for auto sales and repair, as previously approved, will not have any detrimental impact. For decades the Property's use for automobile repair services has been convenient for residents in Town who continue to call on the Applicant for automobile services.

, The Findings of the Board in 1984 that “the subject premises have historically been used for similar purposes (auto sales and repairs) without detriment to the neighborhood or Town” continues to be applicable to the Applicant’s use of the Premises as authorized by the 1984 Special Permit, pursuant to which the Applicant has continued to use most of the building.

The continued use of the building for automobile sales and service sales by Mr. Selent is in harmony with the general purpose and intent of the By-Law, which allows such use by Special Permit. Automobile use of the site and adjacent properties provides residents with necessary automobile services. The grant of the Special Permit will allow for the continued use of the Property, as previously approved, and an enhancement of the Property due to the planned improvements.

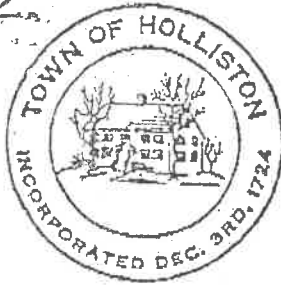
The Applicant respectfully requests that the Zoning Board of Appeals grant the requested Special Permit.

DAVID SELENT

By his Attorney

A handwritten signature in dark ink, appearing to read "Peter 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



75 Central St

TOWN OF HOLLISTON

ZONING BOARD OF APPEALS

TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

February 20, 1984

Re.: Petition of
David J. Selent
75 Central Street

RECEIVED

FEB 23 1984

BOARD OF HEALTH
Holliston, Mass.

Legal Notice

The Holliston Zoning Board of Appeals will hold the following public hearings at the Town Hall on January 18, 1984 at 7:30 David Selent seeking a Special Permit to use premises located at 75 Central St. for motor vehicle sales and repair - zoned Village Commercial.

A Public Hearing of the petition of David Selent, 75 Central Street, was held on Wednesday, January 18, 1984 at 7:30PM, in the Town Hall. Notice of the hearing was sent to all persons required by law and deemed by the Board to be affected by the subject matter of the petition. Notice of the hearing was also published in the Milford Daily News on January 4 and 11, 1984 as required by law.

ATTACHMENTS:

1. Petition
2. Certificate of Title for Charles and Jane Harper
3. Board of Health letter, 1/17/84
4. Fire Department letter, 12/14/83 (to Charles Harper)
5. Sketch of lot showing planned parking spaces.

ALL ATTACHMENTS ARE ON FILE WITH ORIGINALS IN THE TOWN CLERK'S OFFICE

PRESENTATION:

Mr. Selent presented his request for a Special Permit to allow use of the locus for motor vehicle sales and repair. A sketch of the lot was submitted to show the expected layout of display parking of vehicles. Mr. Selent was informed of the written advice from the Board of Health to the ZBA wherein approval is not recommended until a waste water disposal system is either certified as satisfactory or replaced with an adequate facility. Fire Chief Rawson was present and stated the Department's position that the gasoline storage tanks at the locus should not be restored to service until tested and proved satisfactory or replaced.

DECISION:

The Board finds no reason to refuse a Special Permit for the stated use at the locus. The subject premises have been historically used for very similar purposes without detriment to the neighborhood or the Town. However the Board will not ignore and in fact would support satisfactory resolution of the concerns expressed by both the Board of Health and the Fire Department.

page 2

David Selent
75 Central Street

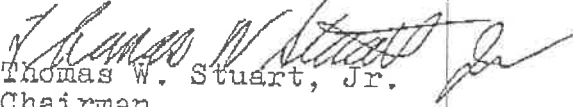

Accordingly, it was unanimously voted by those members sitting, namely Thomas W. Stuart, Jr., Jean Heavner, and John Clancy, to grant the requested Special Permit subject to the following conditions:

1. Hours of operation shall be from 7:00 AM to 9:00 PM, Monday through Saturday.
2. This Special Permit is issued solely to the petitioner and is not transferable or assignable.
3. This Special Permit shall be subject to any additional conditions which this board may find, from time to time, appropriate to the interests of the Town of Holliston.
4. The petitioner will satisfy the requirements of the Board of Health regarding a proper waste water disposal system.
5. The petitioner will satisfy the concerns of the Fire Department regarding the safe condition of the gasoline storage tanks.

HOLLISTON
TOWN CLERK'S OFFICE
RECEIVED

FEB 22 1984

ZONING BOARD OF APPEALS


Thomas W. Stuart, Jr.
ChairmanBY 
TIME 12:30 PM

License Number: 21-09

Fee: \$100.00

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF HOLLISTON
USED CAR DEALERS'S LICENSE - CLASS II

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto


HOLLISTON AUTO VILLAGE (DAVID SELENT)

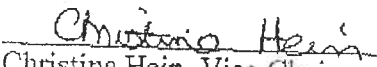
Is hereby licensed to by second-hand motor vehicles at 75 CENTRAL STREET HOLLISTON,
MA 01746


on premises described as follows:

WOOD AND CONCRETE FRAME BUILDING WITH APPROXIMATEY 8,000 SQUARE
FEET OF LAND. ISSUED SUBJECT TO THE ZONING BOARD OF APPEALS DECISION
DATED FEBRUARY 2, 1984 AND RESTRICTIONS AND CONDITIONS DATED MAY 12,
1984.

HOLLISTON SELECT BOARD


John Cronin, Chairman

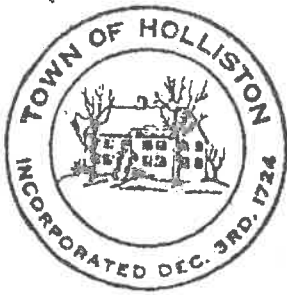

Christina Hein, Vice Chairwoman


Benjamin Spinnell, Clerk

DATE: December 14, 2020

THIS LICENSE EXPIRES JANUARY 1, 2022
THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

SEE ATTACHED EXTRACTS FROM THE GENERAL LAWS, CHAPTER 140



**TOWN OF HOLLISTON
ZONING BOARD OF APPEALS**

Town Hall – 703 Washington Street
Holliston, MA 01746
(508)429-0635

OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS.
04 SEP -8 AM 11:52

SPECIAL PERMIT CERTIFICATE OF ACTION – 75 CENTRAL STREET

Date of Decision: August 25, 2004
Applicant: Claudio Souza
Applicant's Address: 48 Arlington Road, Framingham, MA
Owner: David J. and Marcia L. Selent *DJT*
Subject Property: 75 Central Street
Assessor's Identification: Map 8F Block 2 Lot 10
Zoning District: Commercial (C)

ADMINISTRATIVE RECORD

Hearing notice under the requirements of MGL, c. 40A and the Holliston Zoning By-Laws included the following:

1. Publication of the hearing notice in the Metrowest Daily News on August 10 and 17, 2004,
2. Posting of the hearing notice in the Town Clerk's Office on July 22, 2004, and
3. Notification to parties in interest (including the petitioner) by mail on August 3, 2004.

The petitioner filed an application with the Town Clerk on July 16, 2004. The public hearing was opened and closed on August 25, 2004. The Board deliberated on the matter on August 25, 2004.

Project Description

The petitioner is seeking to operate an auto body shop in a portion of an existing building located at 75 Central Street. The site has been in use as an auto body facility for a number of years. Previously Special Permits were granted to specific operators at the site and were not transferable. The Applicant represented that a towing service will be part of operations and a new spray booth will be installed.



2004 01351858
Bk: 980 Pg: 86 Cert#: 170018
Doc: DECIS 10/08/2004 11:25 AM

*Holl
Unsub Lot
H43 P485*

170016-980-66

Findings of Fact

The Board reviewed the application materials, comment letters and testimony provided by the petitioner. The drawings presented (drawings and plot plan) indicate that the subject premises will be utilized consistently with past uses. The Board found that the application is consistent with Section III-A(34), VI-D and VI-E of the Zoning By-Laws. The Board made a finding that the proposed use will not be substantially detrimental to the neighborhood.

Zoning Board Vote

The Board's vote to approve the petitioner's Special Permit application for relief under Section III-A(34) for property located at ~~419~~⁴¹⁷ Central Street was as follows on a motion by Mr. Flanagan, seconded by Mr. Dellicker:

| | |
|---------------|-----|
| Mr. Shore | Aye |
| Mr. Flanagan | Aye |
| Mr. Dellicker | Aye |

Conditions of Approval

- There will be no use of the municipal parking lot for storage of vehicles.
- All containers of flammable material shall be stored in a listed and approved flameproof cabinet.
- MSDS information for materials used in the business (including waste oils and solvents) shall be forwarded monthly to the Fire Department, with quantities normally on site listed.
- The Spray Booth installed shall be in compliance with the provisions of 780 CMR 419.0.
- Portable fire extinguishers shall be maintained in accordance with the current edition of NFPA 10.
- There will be no piling of debris adjacent to the building unless it is stored in proper containers.
- There will be no storage of wrecks or parts outside of the building.
- Operations shall comply with the provisions of Section V-N Performance Standards of the Holliston Zoning By-Laws, especially with regard to noise and solid waste storage.
- No tow truck storage will be allowed outside of the building.
- No painting will occur outside of the building.
- Hours of operation shall be limited to Monday through Friday 7:00 a.m. to 9:00 p.m. and Saturdays from 7:00 a.m. to 4:00 p.m. with no business on Sundays.
- This permit is not assignable or transferable.

HOLLISTON ZONING BOARD OF APPEALS

BY:



Robert Shore
Vice Chairman

TOWN CLERK'S CERTIFICATION OF NO APPEAL

I hereby certify that 20 days has passed since this decision has been filed and no appeals have been taken in accordance with MGL, c. 40A.

Jacqueline S. Dellicker September 29, 2004
Jacqueline Dellicker, Town Clerk

①

DOCUMENT 01351658

Southern Middlesex LAND COURT
REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

On: Oct 06, 2004 at 11:25A

Document Fee: 75.00
Receipt Total: \$75.00

CERT: 170016 BK: 00980 PG: 66

ELLEN M. LEITAO

NAME

TEL

508-234-8679

STREET ADDRESS

CITY OR TOWN

Untitled Map

Write a description for your map.

Legend

- 75 Central St
- Stock Car Auto Garage
- Wine House

Google Earth

Central St

Stock Car Auto Garage

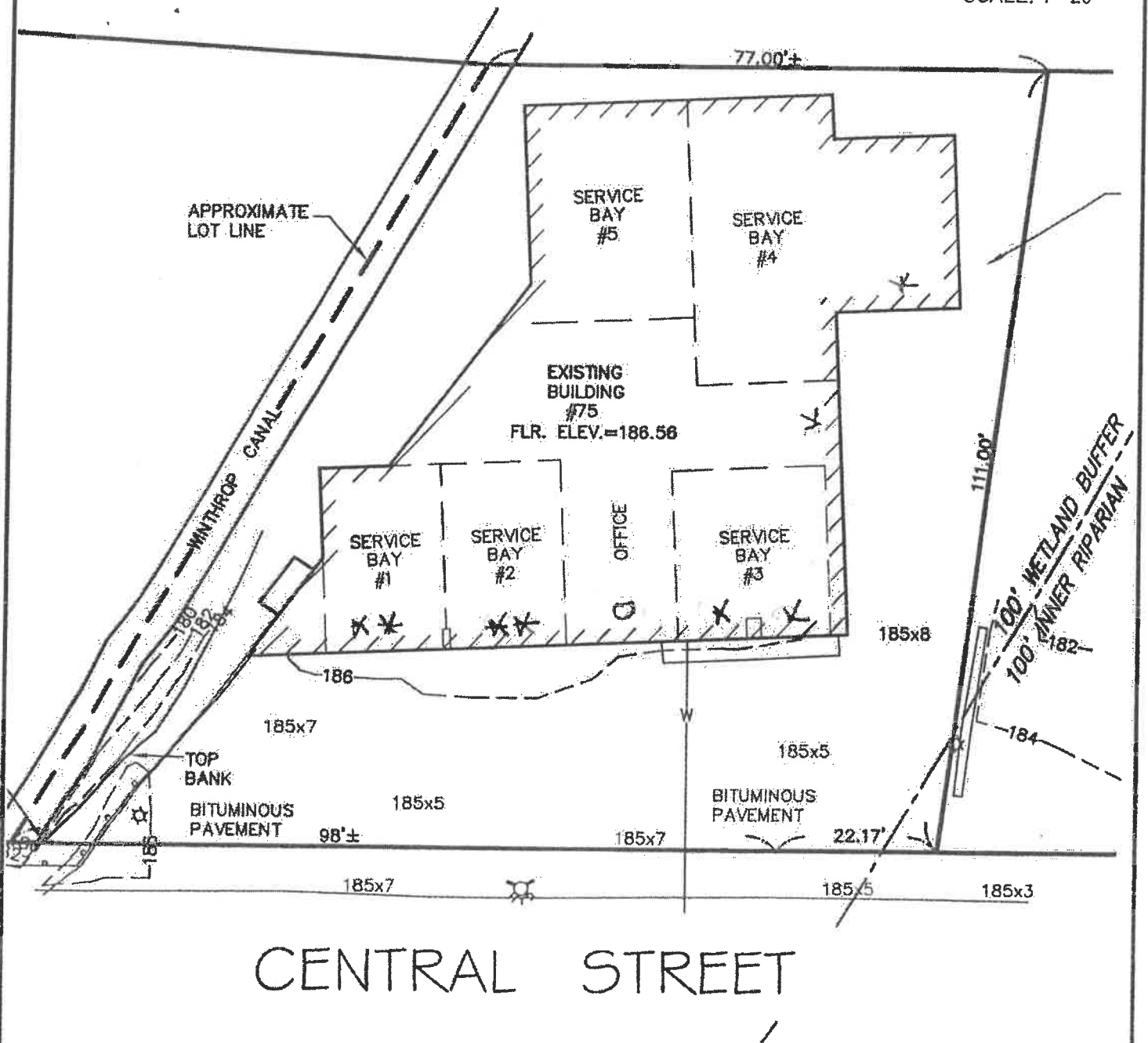
75 Central St

40 ft



PLAN VIEW

SCALE: 1"=20'



X GARAGE DOOR
 X X Double Garage Door
 O OFFICE DOOR

GLM Engineering Consultants, Inc.
 19 EXCHANGE STREET
 HOLLISTON, MA 01746
 P: 508-429-1100
www.GLMengineering.com

PLOT PLAN OF LAND
 "75 CENTRAL STREET"
 HOLLISTON, MA
 NOVEMBER 30, 2021
 PREPARED FOR:
 DAVID SELENT
 75 CENTRAL STREET
 HOLLISTON, MA

655511

Wc. CHARLES L. HARPER and JANE HARPER as Trustees of Charper Realty Trust under a Declaration of Trust dated June 17, 1971 and registered July 10, 1972 being Document No. 499589 filed in the Land Registration Office for the South Registry District of Middlesex County

of 85 Central Street, Holliston, Middlesex County, Massachusetts
in consideration of Eighty Thousand and 00/100 Dollars-----

granted to DAVID J. SELENT and MARCIA L. SELENT, ^{husband and wife,} as joint tenants;

of 419 Central Street, Holliston, MA

~~that certain parcel of land in the County of Middlesex and~~ Holliston with quitclaim covenants, thereon,
said Commonwealth, bounded and described as follows:

Northerly by Central Street, about one hundred twenty-six and 17/100 feet;
Southeasterly by the middle line of a Canal on land now or formerly of Eva Phipps Cook;
Southerly by the middle line of a ditch on land now or formerly of John Feshely; and
Westerly by land now or formerly of Clara L. Weatherbee, one hundred and eleven feet.

All of said boundaries, except the line of the canal and ditch, are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 443, Page 485, with Certificate 69393, (Plan No. 21707A).

So much of the above described land as is included within the limits of the canal and ditch, shown on said plan, is subject to such rights as may exist at the date of original decree (March 13, 1950).

For Grantors' title, see Certificate of Title No. 138264 recorded with the Land Registration Office of the South Middlesex Registry of Deeds in Book 821, Page 114.

Property Address: 75 Central Street, Holliston, Massachusetts

Executed as a sealed instrument this 30th day of January 19 84.

COMMONWEALTH OF MASSACHUSETTS
DEEDS & RECORDS

Charles L. Harper
Charles L. Harper, Trustee

Jane Harper
Jane Harper, Trustee

The Commonwealth of Massachusetts

Middlesex

January 30 1984

Then personally appeared the above named Charles L. Harper and Jane Harper,
Trustees as aforesaid,

and acknowledged the foregoing instrument to be their free act and deed,

Before me,

Melvin S. Warshaw
Melvin S. Warshaw

My commission expires June 10, 19 88

Notary Public
Notary Seal

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: November, 2021

Project Location: 75 Central Street

Project Description: Sales Room with Repairs

Village

Applicant's Name: David Selent d/b/a Holliston Auto/ PHONE # 603-787-6860

Applicant's Address: 75 Central Street, Holliston, MA 01746

Applicant's Signature: David J. Selent

Owner's Name: David and Marcia Selent

PHONE # _____

Owner's Address: 75 Central Street, Holliston, Mass

Owner's Signature: _____

What is the building GROSS FLOOR AREA 4,450 Square Feet

How many EMPLOYEES will occupy the building (all shifts)

1st shift _____ 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.

Auto Repairs

YES

NO

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

**HOLLISTON BOARD OF HEALTH
OPERATIONS INFORMATION QUESTIONNAIRE**

EXISTING WASTEWATER FACILITIES -

Is there an existing wastewater disposal system? YES X 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? 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?

NEW APPROVAL

PROPOSED WASTEWATER DISCHARGE -

What is the expected quantity of: SANITARY WASTEWATER 750 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 X

If YES - What will flow into the floor drain?

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

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 X

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 X 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)

Auto Supplies