

**Holliston Zoning Board of Appeals
Meeting Minutes March 8, 2023**

CALL TO ORDER:

The Chairman called the meeting to order at 7:00 p.m. via Zoom and 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 Ms. Dembitzer, seconded by Mr. Peabody, the minutes of February 8, 2023 were approved as amended on a unanimous roll call vote.

PUBLIC HEARINGS:

Special Permit

Hopping Brook Development LLC – 58A Hopping Brook Road

The Chairman opened the public hearing and waived reading the hearing notice into the record. Joyce Hastings, PLS from GLM Engineering Consultants, Inc was present to discuss proposed construction of a 12,040 sf Warehouse facility as re-defined in the May 2022 zoning by-law amendments (See Section I-E Definitions) on a site previously the subject of Planning Board Site Plan Review approval for a General Industrial building. Referring to the record plan (dated January 19, 2015 with revisions through August 15, 2022), she pointed out the existing 60' x 120' foundation currently being removed from the site under a foundation-only building permit. She noted that permitting for the proposed building has been completed with the Conservation Commission as part of the building is within the 100' buffer zone.

Ms. Hastings added that the planned building user is a granite distributor with 3-4 employees and a single fleet vehicle. No processing of granite materials is proposed and proposed hours of operation are 7:00 a.m. to 6:00 p.m. A building elevation of the proposed one-story construction was provided.

The Chairman opened the hearing to the audience. Suzanne Adelman of 46 South Street added to her written correspondence (dated March 5, 2023) with regard to construction noise impacts, noting recent Saturday activity jackhammering the existing foundation. She asked that the board consider restricting construction work on Saturdays.

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

Special Permit

Ferraz Realty LLC – 31 Arch Street

The Chairman opened the public hearings and read the hearing notices into the record. Atty. Robert Knapik was present along with Luke Lavallee and Renata Ferraz of Ferra Realty, LLC to discuss the special permit application. Atty. Knapik noted that the applicant was issued a building permit to remodel the existing structure which included demolition of the roof and second floor knee walls. When the Building Inspector went out to the property for an inspection, he discovered the structure had been taken down to the existing foundation because the dwelling was not structurally sound. A stop work order was issued citing section I-C (3.5.1)(3).

Atty. Knapik noted that the proposed renovation-turned-reconstruction includes an additional 352 s.f. on the second floor (See record plans prepared by RB Designs). He added that this change does not increase the non-conforming nature of the structure, just the gross floor area.

The Chairman opened the hearing to the audience. Speaking in favor of the petition were Cindy Burrough of 35 Arch Street and Rebecca Donham of 43 Arch Street. Ms. Burrough noted a tangential driveway easement issue that Atty. Knapik agreed to look into further.

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

Special Permit

Horizon Construction Company - 150 Kuniholm Drive

The Chairman opened the public hearings and read the hearing notices into the record. George Drayton Cann from Horizon Construction Company was present to discuss the application. Horizon Construction leased the 3,500 s.f. space to serve as a warehouse to receive and stage commercial kitchen equipment and palletize miscellaneous construction materials to support general carpentry services for restaurant clients. Mr. Cann added that there is no planned outdoor storage or fleet storage and employee presence is limited to receiving materials and staging jobs. Proposed hours of operation are 8 a.m. – 4 p.m. Monday – Friday. He added that dumpsters are utilized on an as-needed basis and no permanent dumpster location is proposed.

The Chairman opened the hearing to the audience. No one spoke in favor or against the proposal.

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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DELIBERATIONS:

Special Permit – 58A Hopping Brook Drive

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and III-G(1) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board as a Special Permit Granting Authority finds that there would be no significant adverse effects to the neighborhood or the Town for the proposed 12,040 s.f. warehouse use, considering the by-law restrictions on outdoor storage, adherence to the criteria of sub-section VI-E and III-G(1) and as conditioned below. The proposed construction per the record plan entitled “Proposed Commercial Building 58 Hopping Brook Road, Holliston, Massachusetts” prepared by GLM Engineering Consultants, Inc. (dated March 15, 2015 with revisions through August 15, 2022) has also been the subject of Planning Board and Conservation Commission permitting resulting in Site Plan Review and an Order of Conditions decisions that control the building placement, stormwater management, parking and site amenities.

Zoning Board Vote

The Board’s vote to approve the Petitioner’s Special Permit application for relief under Section VI-E and III-G(1) for property described and located at 58 A Hopping Brook Drive was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Ms. Dembitzer	Aye
Mr. Peabody	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 (including deliveries) are limited to 7 a.m. to 7 p.m. Monday – Friday with no overnight fleet storage.

Special Permit – 31 Arch Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and I-C(3.5.1)(3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, to demolish and reconstruct a pre-existing non-conforming dwelling with an additional 352 sf., the Board as a Special Permit Granting Authority 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 and I-C(3.5.1)(3) and as conditioned below.

Zoning Board Vote

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The Board's vote to approve the Petitioner's Special Permit application for relief under Section VI-E and I-C(3.5.1)(3) for property described and located at 31 Arch Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Peabody:

Mr. Love	Aye
Ms. Dembitzer	Aye
Mr. Peabody	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. Construction shall be in substantial compliance with the plan of record entitled "31 Arch Street, Holliston, MA Propose Addition and Interior Modifications" prepared by RB Designs".

Special Permit – 150 Kuniholm Drive

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and III(D)(7) of the Town of Holliston Zoning By-Laws and MGL c. 40A, General Services Establishment for occupancy of approximately 3,500 sf within the existing multi-tenant industrial building, the Board as a Special Permit Granting Authority finds that there would be no significant adverse effects to the neighborhood or the Town, considering the by-law restrictions with regard to outdoor storage, adherence to the criteria of sub-section VI-E and III(D)(7), and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section VI-E and III(D)(7) for property described and located at 150 Kuniholm Drive was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Ms. Dembitzer	Aye
Mr. Peabody	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.

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2. Hours of operation are limited to 7 a.m. to 7 p.m. Monday – Friday with no overnight fleet storage.

ADJOURNMENT: The meeting adjourned at 8:25 p.m. on a motion made by Ms. Dembitzer, seconded by Mr. Peabody with all in favor on a roll call vote. The next meeting was scheduled for April 12, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

Approved: April 12, 2023