

**Holliston Zoning Board of Appeals
Meeting Minutes December 20, 2023**

CALL TO ORDER:

The Vice Chair called the meeting to order at 7:04 p.m. via Zoom and read the following statement into the record: Pursuant to the Governor's action on March 29, 2023 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:

Present:

Elizabeth Dembitzer – Present
Vladimir Nechev – Present
Associate Member John Love – Present
Chairman Jay Peabody – “Absent”

GENERAL BUSINESS:

Approval of Minutes:

On a motion by Mr. Love, seconded by Mr. Nechev, the minutes of November 15, 2023 were approved as written on a unanimous roll call vote.

FY 2025 BUDGET REVIEW

On a motion by Mr. Love, seconded by Mr. Nechev, members approved the proposed budget as drafted.

CONTINUED PUBLIC HEARING:

Use Variance

William Newell – 851 Washington Street

The Vice Chair re-opened the public hearing and acknowledged correspondence dated November 29, 2023 from applicant/owner William Newell requesting to withdraw his application.

On a motion by Mr. Love, seconded by Mr. Nechev, the request to allow the application withdrawal without prejudice was approved on a unanimous roll call vote.

PUBLIC HEARINGS:

Dimensional Variance and Special Permit

Greg A. and Karin E. McEwen – 3 Norfolk Lane

The Vice Chair opened the public hearing and waived reading the hearing notices into the record. She agreed to hear both petitions in a combined format. Atty. Peter Barbieri of Fletcher Tilton was present along with Greg McEwen to discuss the Dimensional Variance and Special Permit applications for relief under Sections IV-A(11) and I-C(3.5.1)(3). Atty. Barbieri clarified that

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the application for the Dimensional Variance is to reconstruct an existing dwelling within 200' of Lake Winthrop and the Special Permit is for expansion of the gross floor area more than the allowed 25%. He noted that the lot was created by Special Permit from the Zoning Board of Appeals in 1972 (See Book 12349, Page 517).

The plan of record is entitled "Proposed Site Plan, 3 Norfolk Lane, Holliston, Massachusetts" prepared by GLM Engineering Consultants, Inc. (dated November 30, 2023). In addition, "Proposed Sewage Disposal System" also prepared by GLM Engineering Consultants, Inc. (dated August 8, 2023) was provided for discussion and clarification. Atty. Barbieri confirmed that the proposed 2,280 s.f. 2-story dwelling will be located further from Lake Winthrop and the existing detached garage will remain. The proposed setbacks were confirmed.

The Chairman opened the hearing to the audience. No one asked questions or spoke in favor or against the petition.

On a motion by Mr. Love, seconded by Mr. Nechev, the public hearings were closed on a unanimous roll call vote.

Special Permit

Sean Vaglica – 1490 Washington Street

The Vice Chair opened the public hearing and waived reading the hearing notice into the record. The applicant was present to discuss the Special Permit application for relief under Sections III(D)(2) and III(E)(4) to conduct an auto detailing business with minor repairs within a 1,000 s.f. portion of Building C, located to the rear of the locus. The existing tenant in the building is Hoop Labs, a business previously permitted by the ZBA by Special Permit and Use Variance.

Mr. Vaglica confirmed that his services would include cleaning, reconditioning and protection as well as sub-contracted window tinting, remote starters, dent removal, rim repair and windshield replacement. No auto repair or painting will occur and a floor drain and holding tank will serve the unit. There is a shared dumpster available on site.

The plan of record is entitled "1490 Washington Street, Site As-Built Plan of Land in Holliston, Massachusetts" prepared by Colonial Engineering, Inc. (dated February 23, 2021). In addition, "Floor Plan Building C", prepared by Chemini Design Architects, LLC (dated February 26, 2021) was provided for discussion and clarification.

The Chairman opened the hearing to the audience. Bob Shore of 10 Cassandra Lane spoke in favor of the petition.

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

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Special Permit

Holliston Brewing Company, LLC – 747 Washington Street

The Vice Chair opened the public hearing at 7:37 p.m. and waived reading the hearing notice into the record. Present for the applicant was Brian Goodman of 86 Church Street to discuss the Special Permit application for relief under Sections III(D)(16) and III(D)(9). The application is to supplement their plan for use of a portion of the first floor of the existing building for a taproom and wine bar with seasonal outdoor beverage service, live entertainment, food trucks and outdoor seating, as well as pop up retail markets. Mr. Goodman noted that he has been part of the business known as Rushford & Sons in Upton for the past three years and has modeled this proposal on that existing business. That facility will produce the beer to be served at this locus. The business would be subject to local and state licensure of the taproom and wine bar.

Also present was owner, John Drohan, Jr. of Downtown 747 Washington Street, LLC. Mr. Drohan clarified that the multi-tenant building currently houses his financial planning business as well as a therapist, and the Community Health Network on the second floor as well as some additional office space on the first floor. The planned tap room and wine bar would occupy former retail space.

The plan of record is entitled “Plot Plan, 747 Washington Street, Holliston, Mass” prepared by Applewood Survey, Co., LLC (dated November 3, 2023).

The Vice Chair noted receipt of the following documents into the record:

- Letter of support from Dennis and Kathleen Lee Prefontaine, 72 Maple Street (dated 12/19/23)
- Correspondence from Scott Moles, Health Director (dated 12/20/23)

The Vice Chair opened the hearing to the audience. The following individuals asked questions about the petition: Reverend Bonnie Steinroder and Bob Shore of the First Congregational Church of Holliston located at 723 Washington Street and 24 Hollis Street, Judy doCurren, Executive Director of the Community Children’s Center located at 725 Washington Street, John Nichols of 761 Washington Street and Purely You Aesthetic Boutique located at 755 Washington Street, Mark Bunker of 53 Green Street, and W. David Thorn of 20 Hollis Street. Also, offering testimony in favor of the application was Scott Moran of Paradise Barbeque and Josh Mann of 75 Wilkins Road. Questions centered around the issues of off-site parking, use of porta potties, food trucks with generators, noise from live entertainment, “attractive nuisance” trespassing on private properties located between and nearby public parking and the facility, privacy fencing, security fencing, intersection safety, hours of operation, and public smoking.

On a motion by Mr. Love, seconded by Mr. Nechev, the public hearing was continued to January 10, 2024 at 7:00 p.m. on a unanimous roll call vote.

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DELIBERATIONS:

Dimensional Variance – 3 Norfolk Lane

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections IV-A(11) and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The 200 foot high water line of the Lake encompasses the entire lot. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. Literal enforcement of the By-Law would result in substantial financial hardship to the applicant due to the unique location of the lot in proximity to Lake Winthrop (the Lake) and the circumstances around the creation of the lot by Special Permit in 1972, prior to adoption of Section IV-A(11) in 1977. The proposed dwelling location eliminates the existing non-conforming side setback. The house has been located further away from the Lake, outside of the 100-year floodplain and the 50' wetland buffer. The proposed impervious area is being increased by only 200 s.f.

Zoning Board Vote

The Board's vote to approve the Petitioners' Dimensional Variance application for relief under Section IV-A(11) for property described and located at 3 Norfolk Lane was as follows on a motion by Mr. Love, seconded by Mr. Nechev:

Ms. Dembitzer	Aye
Mr. Nechev	Aye
Mr. Love	Aye

Conditions of Approval

1. This Dimensional Variance 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 one (1) year unless exercised per MGL, c. 40A, s. 10 and Section VI-D 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 compliance with the "Proposed Conditions" noted on the record plan entitled "Proposed Site Plan, 3 Norfolk Lane, Holliston, Massachusetts" prepared by GLM Engineering Consultants, Inc. (dated 11/30/2023).

Special Permit – 3 Norfolk Lane

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and Section I-C(3.5.1)(3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. Voluntary demolition of the very modest existing structure is proposed. The proposed increase in footprint and change in footprint location results in a more conforming structure with substantially more gross floor area. The Board finds that the

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continued use of the lot for a single-family dwelling is consistent with the zoning district and the neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioners' Special Permit application for relief under Section VI-E and Section I-C(3.5.1)(3) for property described and located at 3 Norfolk Lane was as follows on a motion by Mr. Love, seconded by Mr. Nechev:

Ms. Dembitzer	Aye
Mr. Nechev	Aye
Mr. Love	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 compliance with the "Proposed Conditions" noted on the record plan entitled "Proposed Site Plan, 3 Norfolk Lane, Holliston, Massachusetts" prepared by GLM Engineering Consultants, Inc. (dated 11/30/2023).
3. Final design of the dwelling elevations and material details shall be approved by the ZBA prior to issuance of a building permit.

Special Permit – 1490 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and Sections III(D)(2) and III(E)(4) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed general service/ automotive business is in harmony with the general purpose and intent of the by-law. In order to further the objectives of the by-law, the Board feels compelled to limit the automotive "repair garage, auto body, soldering or welding shop" components of the use. The multi-tenant building has been constructed in accordance with the dimensional requirements of the by-law, and does not significantly alter the character of the neighboring properties. Adequate and appropriate facilities shall be provided for the proper operation of the proposed use and the proposed use shall not create any significant emission of noise, dust, fumes, or noxious gases.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section VI-E and Sections III(D)(2) and III(E)(4) for property described and located at 1490 Washington Street was as follows on a motion by Mr. Love, seconded by Ms. Dembitzer:

Ms. Dembitzer	Aye
Mr. Nechev	Aye
Mr. Love	Aye

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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. The business shall be limited to the space shown on the record plan entitled “Floor Plan Building C”, prepared by Chemini Design Architects, LLC (dated February 26, 2021). All business services shall be conducted within the building.
3. No auto engine repair, auto body, soldering or welding is authorized. Services are limited to cleaning, reconditioning and protection as well as sub-contracted window tinting, remote starters, dent removal, rim repair and windshield replacement.
4. Customer services are by appointment only and parking shall be limited to spaces designated for the unit on the approved site plan.

ADJOURNMENT: The meeting adjourned at 9:15 p.m. on a motion made by Mr. Love, seconded by Mr. Nechev with all in favor on a roll call vote. The next meeting was scheduled for Wednesday, January 10, 2024 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

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