

**Holliston Zoning Board of Appeals
Meeting Minutes of May 18, 2016**

Present: Chairman Henry Dellicker, Brian Liberis, John Love (arrived at 7:30 p.m.) and Associate Members Jay Peabody and Mark Bush.

Call to Order: The Chairman called the meeting to order at 7:10 p.m. in Room 014 of the Town Hall.

I. PUBLIC HEARINGS:

Special Permit Public Hearing

Joana and Joao Almeida – 10 Jarr Brook Road

The Chairman opened the public hearing at 7:10 p.m. Mr. Liberis read the public hearing notice into the record. Mr. and Mrs. Almeida was present to discuss their petition. They provided architectural renderings (elevations and floor plans) prepared by PJK Assoc. of Ashland, MA (dated March 1, 2016) of the proposed second story construction to the existing ranch and garage, noting that bedrooms are being moved. The addition is proposed within the existing footprint. The existing non-conforming deck noted on the plan of record prepared by Applewood Survey will be repaired in place.

No one was present in the audience to ask questions or comment on the proposal.

On a motion by Mr. Bush, seconded by Mr. Peabody, the public hearing was closed.

Special Permit Public Hearing

Jennings Road Management Corp. dba The Herb Chambers Co., - 11 Bartzak Drive

The Chairman opened the public hearing at 7:25 p.m. and Mr. Liberis read the hearing notice into the record. Frank Marinelli, Esq. was present along with Gabe Crocker, PE of CHA Engineering and Mark Regent, AIA. Atty. Marinelli noted that he and members of the Chambers staff and development team had met with staff in early April to discuss the property's history as well as the Chambers proposal. Three collision centers are currently part of the multi-dealership business throughout the Commonwealth. Interior renovations and state-of-the-art equipment are planned to accommodate the proposed collision center and wholesale parts distribution. Other than façade improvements, no other exterior improvements are proposed.

Approximately 200 parking spaces can be accommodated on the site. The existing nearby Ashland facility is roughly half of the proposed size. 10-12 vehicles are expected daily, primarily through dealer concierge service. No changes to the building footprint are proposed. The Board of Health is currently evaluating the septic capacity for the 40-60 employees and customers. A fleet of 10 vans for the wholesale parts component of the operation is proposed. Principal intake and access will be via the existing Bartzak Drive. The parking lot layout will be designated as follows: 60 employee spaces, 17 customer spaces, 3 handicapped spaces and the balance as vehicle parking spaces. A surveillance system will be installed as well as security lighting.

Section III-A(34) was discussed as the use category assigned by the Inspector of Buildings. The existing Braintree collision facility located within an industrial park at Lundquist Drive was used

Holliston Zoning Board of Appeals Meeting Minutes of May 18, 2016

as an example through a series of photos. The Special Permit criteria of Section VI-E(5) were reviewed in detail. Atty. Marinelli also provided an extensive list of New England Industrial Park businesses, noting that the facility would be 100% owner-occupied.

Parts sales will be limited to established customers (i.e. other dealerships and body shops). The maximum size vehicle accessing the site would be an occasional tractor trailer estimated 3x/week. Generally tow trucks or flat beds would be the most common truck traffic, with an occasional car carrier.

The Chairman opened the hearing to the audience. The following individuals spoke: John Parsons and Andrew Sacher of Parsons Commercial Group and Seven October Hill Road, LLC raised concerns about protecting the adjacent building/use (Harvard BioScience) that operates clean rooms and is located in very close proximity to the parking area. Atty. Marinelli indicated that proposed industrial tight tanks should protect the drainage as well as septic systems. He also noted that 60 employee spaces have been designated close to the October Hill Road building. The 10 spaces for their van fleet plus 35 work stations (interior) will limit long-term storage of cars. Mr. Parsons asked if fencing (caged area) for vehicles waiting to be repaired would be considered. Diane McDermott, Esq. of 60 Johnson Drive asked for clarification of Mr. Parsons' concerns with regard to screening. Atty. Marinelli noted that he expects that there will be an open dialogue with abutters and he showed pictures of the Ashland facility and the existing chain-link fencing located there.

On a motion by Mr. Liberis, seconded by Mr. Bush, the public hearing was closed.

Use Variance Public Hearing

Giselle Labelle Inglesi, Tr. of Papillion Realty Trust – 1133&1135 Washington Street

The Chairman opened the public hearing at 8:00 p.m. and Mr. Liberis read the hearing notice into the record. Giselle and Vincent Ferelli were present to discuss the petition. Some previous uses were noted, including the former Wild Side Florist, operated by the owner. She noted the previous Use Variance granted by the Zoning Board of Appeals in November 2010 is limiting with regard to both rental and sale of the mixed use property. The existing commercial building is 2,200 s.f. with 14 parking spaces. The existing septic capacity is 770 gallons per day. Retail demand on septic for 1000 s.f. is 50 gallons per day. No physical alteration of the premises is proposed.

Mr. Peabody asked for clarification of the previous permitting and expressed concerns about the generality of the request, especially with regard to the level of scrutiny for each individual use and unique set of facts. Conditions #1 and #2 of the Use Variance currently limit the uses with the parameters of Section III-A.

An e-mail from Peter Stebbins of 1090 Washington Street expressing concerns about the proposal was entered into the record.

**Holliston Zoning Board of Appeals
Meeting Minutes of May 18, 2016**

Members were in agreement that the fee should be returned and the application could be withdrawn without prejudice. Mrs. Ferrelli requested the withdrawal. Mr. Peabody made a motion to allow the withdrawal with waiver of fee. Mr. Love seconded with all in favor.

II. DELIBERATIONS:

Special Permit – 10 Jarr Brook Road

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section I-C(3) and VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed addition. As indicated on the "Proposed Plot Plan, 10 Jar Brook Road" prepared by Applewood Survey dated March 22, 2016, the proposed construction will be located atop the existing footprint; the existing front and rear yard non-conformities will remain unchanged.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C for property described and located at 10 Jarr Brook Road was as follows on a motion by Mr. Peabody, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Liberis	Aye
Mr. Peabody	Aye
Mr. Bush	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 two (2) years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. The copy of the decision to be filed must contain a certification by 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 appeal has been filed, that it has been dismissed or denied.
2. Construction shall be in accordance with the plans entitled "Additions and Alterations, 10 Jarr Brook Road, Holliston, MA", prepared by Peter J. Karb, Architect dated March 1, 2016.

Special Permit – 11 Bartzak Drive

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner, including the site plan entitled "Conceptual Parking Lot Striping Plan" prepared by Gabriel Crocker, PE of CHA Companies dated May 10, 2016. In accordance with the provisions of Section III-A(34) and VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed use. The commercial/industrial building is

Holliston Zoning Board of Appeals Meeting Minutes of May 18, 2016

existing and is an appropriate location within a planned industrial park. The site provides appropriate facilities for proper operation of the proposed uses. Interior renovations and state-of-the-art equipment are planned to accommodate the proposed collision center and wholesale parts distribution. Other than façade improvements, no other exterior improvements are proposed. Approximately 200 parking spaces can be accommodated on the site and only 10-12 vehicles are expected daily, primarily through dealer concierge service. The Board of Health is currently evaluating the septic capacity for the 40-60 employees and customers. A fleet of 10 vans for the wholesale parts component of the operation is proposed. Principal intake and access will be via the existing Bartzak Drive entrance and driveway. The parking lot layout will be designated as follows: 60 employee spaces, 17 customer spaces, 3 handicapped spaces and the balance as vehicle parking spaces. A surveillance system will be installed as well as security lighting.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A for property described and located at 11 Bartzak Drive was as follows on a motion by Mr. Peabody, seconded by Mr. Love: Chairman Dellicker, Mr. Liberis, Mr. Love, Mr. Peabody, and Mr. Bush & Aye, none opposed, and no abstentions.

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 two (2) years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. The copy of the decision to be filed must contain a certification by 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 appeal has been filed, that it has been dismissed or denied.
2. Hours of operation are limited to 7:00 a.m. to 6:00 p.m. Mon & Fri and 7:00 a.m. to 5:00 p.m. Saturday. The facility shall not operate on Sundays.
3. The facility will strictly adhere to all local, state and federal laws with regard to environmental issues such as wastewater and stormwater management, atmospheric discharges and odor, use and storage of hazardous materials.

Use Variance – 415 Concord Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as a comment letter from the Fire Chief (dated 4/20/2016). In accordance with the provisions of Section III-A(28), (31) and VI-D(3), the Board finds the following: Literal enforcement of the provisions of the by-law would involve substantial hardship to the petitioner. The 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 with the limitations of time as noted in the conditions of approval.

Zoning Board Vote

The Board's vote to approve the Petitioner's Use Variance application for relief under Section III-A for property described and located at 415 Concord Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

**Holliston Zoning Board of Appeals
Meeting Minutes of May 18, 2016**

Chairman Dellicker	Aye
Mr. Liberis	Aye
Mr. Love	Aye

Conditions of Approval

1. This Use 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. The copy of the decision to be filed must contain a certification by 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 appeal has been filed, that it has been dismissed or denied.
2. The permit is effective for the use of a sales trailer and model unit(s) as represented by the applicant.
3. The permit is effective for one year from the effective date of this permit with options to renew in accordance with provisions of MGL, c. 40A, s. 10.
4. Sales office hours are limited to 9:00 a.m. to 6:00 p.m. seven days per week.

Adjournment: The meeting adjourned at 8:55 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for June 15, 2016.

Respectfully submitted,

Karen Sherman
Town Planner