

**Holliston Zoning Board of Appeals
Meeting Minutes of October 21, 2019**

Present: Chairman John Love, Mark Bush and Associate Member, Elizabeth Dembitzer. Jay Peabody was absent.

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

Approval of Minutes:

On a motion by Mr. Bush, seconded by Ms. Dembitzer, the minutes of August 28, 2019 were approved as written.

Special Permit Public Hearing

Northeast Venture Group & Realty, LLC – 200 Norfolk Street, Lot 2

The Chairman opened the public hearing at 7:10 p.m. and waived reading the hearing notice into the record. Dale MacKinnon, PE of Guerriere & Halnon was present to discuss the petition to construct a two-family dwelling on lot 2 and a second two-family dwelling on Lot 3. He noted that the Planning Board had endorsed the Approval Not Required Subdivision Plan separating the lots. Each lot was provided with ample area and frontage to accommodate a two-family dwelling. Mr. MacKinnon noted that at the request of the Planning Board (See memorandum of October 21, 2019 entered into the record), driveway locations were amended in a drawing revision dated October 11, 2019 which was also entered into the record. Mr. MacKinnon provided a Google Map overview of the locus, noting the existing driveways and tree locations.

The Chairman opened the hearing to the audience. Rocco Beatrice of 156 Mitchell Road asked about screening and potential future development on the remainder of the farm. Northeast Venture Group was represented by realtor Candace Beecher of 26 Rolling Meadow Drive and David Corey, Managing Partner. Ms. Beecher indicated that the sellers are recruiting a farm tenant to revive the agricultural use of the remaining farm property. Mr. Corey added that privacy landscaping is proposed between the proposed construction and the Rock Hill farmhouse and defunct farm stand but no plan has been formulated for the record. He added that the targeted price range for each unit is \$485,000 - \$500,000. The roof of the existing farmhouse will be replaced by the developer.

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

Special Permit Public Hearing

Northeast Venture Group & Realty, LLC – 200 Norfolk Street, Lot 3

The Chairman opened the public hearing at 7:10 p.m and combined the hearing and discussion as noted in the petition above.

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

Approved: November 18, 2019

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Use Variance

James Taralli – 1443 Highland Street

The Chairman opened the public hearing at 7:30 p.m. and waived the hearing notice into the record. Correspondence received from Melissa Wilton of 1425 Highland Street (dated October 17, 2019) and Inspector of Buildings Christopher Canney (dated October 21, 2019) was read into the record. James Taralli was present to discuss his petition for an existing portable sawmill business with outdoor storage of materials and equipment. He noted that he is a woodworker and wood turner, who purchased a portable mill in 2013 in his retirement. He indicated that he previously provided portable milling services to individuals off the lot. The applicant indicated that he no longer carries insurance to provide portable sawing services utilizing the 26' long and 7' wide (Woodmizer model) mill which is now located in the far southwest corner of the lot (previously located approximately 200' to the rear of the dwelling).

He represented that vegetative screening (primarily pines) has been planted in the past few years between the property and the abutters at number 1425. He provided a series of photos of the property, noting the proximity of both the "shop" and the mill itself. He also noted the location of wood storage at the rear of the property (stored for 2-3 years on average) and noted that outdoor operation and sales could be limited to 10 a.m. – 2 p.m. He also represented that sales are not advertised. Within the shop, power and hand tools are utilized. Deliveries are rare as the applicant has his own trailer. The approximate area of outdoor storage is 25' x 100' (on concrete blocks) and is accessed on a second driveway located across from Lake Grove Cemetery.

The Chairman opened the floor to the audience. The following individuals were present: Melissa Wilton of 1425 Highland Street, Valerie and Brian Ogilvie of 3 Partridge Way, and Paul Atwood representing the Upper Charles Conservation, Inc.

Valerie Ogilvie of 3 Partridge Way noted that the operation is not as loud as it has been and as a hobby, the use is not of particular concern. Her husband Brian expressed concern for the noise, noting deliveries are problematic. Melissa Wilton of 1425 Highland Street reiterated her concerns, noting that the new location does create less noise, but is unpredictable. Speaking in favor of the petition was Lisa Doolin of 1465 Highland Street. She noted that she has farm animals and her family has no issues with use of their yard. Mr. Atwood noted that he had discussed the petition with the applicant and has no concerns.

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

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DELIBERATIONS

Special Permit – 200 Norfolk Street, Lot 2

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(A)(2) and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use is in harmony with the general purpose and intent of the by-law. The Board as Special Permit Granting Authority has considered the proposed use in relation to the site, as well as, the adjacent uses and structures and finds that there is no significant adverse effects to the neighborhood or the Town, considering the criteria of Sub-Section VI-E(5). See correspondence dated October 21, 2019 from Planning Board.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III (A)(2), for property described and located at 200 Norfolk Street, Lot 2 was as follows on a motion by Mr. Bush, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Bush	Aye
Ms. Dembitzer	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. The architectural plan of record prepared by HPA Design, Inc.(Plan 4009) shall be the basis for final design. The units shall be staggered/offset as denoted for façade relief in order to better resemble a single-family structure.
3. The driveway center turnaround shall be planted with additional screening (tree).
4. Use amended drawing revision of plan (dated October 11, 2019) for driveway.

Special Permit – 200 Norfolk Street, Lot 3

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III(A)(2), Use Regulations and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use is in harmony with the general purpose and intent of the by-law. The Board as Special Permit Granting Authority has considered the proposed use in relation to the site as well as the adjacent uses and structures and finds that there is no significant adverse effects to the neighborhood or the town, considering the criteria of Sub-Section VI-E(5). See correspondence dated October 21, 2019 from Planning Board.

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Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III (A)(2), for property described and located at 200 Norfolk Street, Lot 3 was as follows on a motion by Mr. Bush, seconded by Mr. Peabody:

Mr. Love	Aye
Mr. Bush	Aye
Ms. Dembitzer	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. The architectural plan of record prepared by HPA Design, Inc.(Plan 4009) shall be the basis for final design. The units shall be staggered/offset as denoted for façade relief in order to better resemble a single-family structure.
3. The driveway center turnaround shall be planted with additional screening (tree).
4. Use amended drawing revision of plan (dated October 11, 2019) for driveway.

Use Variance – 1443 Highland Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III (D)(9), Outdoor Retail Sales and III (H)(5), Customary Home Occupation of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the Petitioner. Desired 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. Conditions, safeguards and limitation of both time and use are noted below and are in concurrence with the recommendations of the Building Inspector who has addressed numerous nuisance complaints about the use. See correspondence dated October 21, 2019 in which he provided evidence that the subject lot is significantly larger than those surrounding it and that ample vegetative screening exists to mitigate impacts of the modest business.

Zoning Board Vote

The Board's vote to approve the Petitioner's Use Variance application for relief under Section III (D)(9) and III (H)(5) for property described and located at 1443 Highland Street was as follows on a motion by Mr. Bush, seconded by Ms. Dembitzer:

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Mr. Love	Aye
Mr. Bush	Aye
Ms. Dembitzer	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. Hours of operation for the outdoor activities (i.e. wood storage and preparation as well as sawmill operation) are limited to 9 a.m. to 3 p.m. Monday through Friday.
3. Any Outdoor Retail Sales shall be by appointment only and shall be limited to 9 a.m. to 3 p.m. Monday through Friday with the resulting impact to be no more than two (2) additional vehicles at any time.
4. All deliveries shall be via the southernmost driveway and shall also be limited to 9 a.m. to 3 p.m. Monday through Friday. Vehicles shall be limited to USDOT GVR classes 1-7.
5. The area of outdoor storage of materials and equipment (including the mill itself) shall be limited to 3,000 s.f. to be generally limited to the area in the southwest corner of the lot as shown in the application materials.
6. No exterior advertising is authorized for the use.
7. The Owner has been made aware of May 2019 amendments to Zoning By-Laws Section V-N(4) Noise regarding both business operations as outlined above and exempted activities that are tangentially related to the business.

Adjournment: The meeting adjourned at 9:00 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for November 18, 2019.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: November 18, 2019