

Holliston Zoning Board of Appeals Meeting Minutes of August 26, 2020

Call to Order: The Chairman called the meeting to order at 7:00 p.m. via Zoom. He read the following statement into the record: Pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law M.G.L. c. 30A paragraph 20, as well as the Select Board's Emergency Order dated March 16, 2020, 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 on the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of 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
Mark Bush- Present
Elizabeth Dembitzer, Associate - Present

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of July 15 and July 22, 2020 were approved as written on a roll call vote.

General Business:

1. Village on the Green, 245 Washington Street – Comprehensive Permit Extension Request

The Chairman noted receipt of correspondence dated July 15, 2020 from Mr. Conant of Own a Home MA and Village on the Green, LLC. Peter Conant was present to discuss extending his Comprehensive Permit for six months, noting delays because of issues securing ownership and COVID-related delays. He noted that he had recently received an extension of the Order of Conditions for the project from the Conservation Commission and expected approximately 4 to 6 months of site work. On a motion by Mr. Bush, seconded by Mr. Peabody, the extension request was approved for 6 months from the expiration date of the original Comprehensive Permit.

Public Hearings:

1. Continued Special Permit Public Hearing Atty. William Harvey, 799 Washington Street

The Chairman re-opened the public hearing at 7:16 p.m. Present for the owner was Atty. George Richards who noted that he has recently been retained by the owner at the suggestion of Atty. Harvey. He noted that he had reviewed the application and the comment letters received on the proposed project and would like to poll the members about informational requests going forward. After some discussion of traffic impacts, site circulation and building/canopy facade, Atty. Richards requested a continuance (See correspondence from Atty. George Richards dated August 24, 2020.). On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was continued until September 23, 2020 at 7:00 p.m. on a unanimous roll call vote.

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**2. Dimensional Variance Public Hearing
Diana Harrington – 120 and 120A Goulding Street**

The Chairman opened the public hearing at 7:32 p.m. and waived reading the hearing notice. Correspondence was received from Health Director, Scott Moles (dated August 17, 2020) and entered into the record. Joyce Hastings, PLS of GLM Engineering Consultants, Inc., was present to discuss allowing the property with two single family dwellings on it to be subdivided with insufficient front and side yard setbacks for one of the dwellings. She noted that the parcel had been previously divided in 1994 and that a common driveway and access easement provided access to these two dwellings as well as 3 others. A prior ZBA Special Permit (2015) had conditionally re-established the second dwelling on the parcel. Ms. Hastings noted that the Harrington's would like to be able to sell the dwellings separately and are willing to condition no further subdivision of the 17-acre parcel. It was clarified that Planning Board Definitive Subdivision approval would also be required. The physical attributes that the parcel and dwellings were reviewed, including shape of the lot and placement of the existing dwellings on the lot.

The Chairman opened the hearing to the audience. Mark Jeye of 110 Goulding Street inquired about the septic system status and encouraged the Board to restrict any further division. Some discussion about increasing the size of Lot 2 to accommodate its own septic followed.

On a motion by Mr. Bush, seconded by Ms. Dembitzer, the public hearing was closed. The roll call vote in favor was unanimous.

**3. Special Permit Public Hearing
Herbert Brockert, Jr. – 175 Lowland Street**

The Chairman opened the public hearing at 7:55 p.m. and waived reading the hearing notice. Correspondence was received from the Health Director, Scott Moles (dated August 12, 2020). Herbert Brockert, Jr., was present to discuss continued parking of trucks and equipment along with outdoor storage of construction materials and earthen products at 175 Lowland Street. Joining the members for discussion was Building Inspector Christopher Canney.

Mr. Brockert reviewed his application materials, including a series of aerial photographs of the site. He noted that he acquired the site approximately 35 years ago as a non-buildable lot. A Special Permit to fill wetlands and store trucks was issued to Independent Bituminous by the ZBA in 1978. Prior complaints from 1994 and 2012 were noted. He indicated that there are currently 4 tenants renting portions of the site in addition to his own equipment and materials, including Tuttle Excavating, Tree Specialists, Titan Construction and Rice Brothers Landscaping. He suggested that hours of operation from 7:00 a.m. to 6:00 p.m. are followed.

The Chairman opened the hearing to the audience. The following individuals spoke: Michael Brumber (owner of American Recycled Materials at 157 Lowland Street), Audrea Szabatura of 31 Noel Drive, Pat and Cherie Hafford of 142 Lowland Street, and Mark Dellicker of 305 Washington Street. Issues of zoning enforcement, compliance with noise restrictions associated with the Tree Specialist processing, transferability of the permit, storage of compost tea/spray rigs and stormwater management were raised.

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On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was closed. The roll call vote in favor was unanimous.

4. Special Permit and Use Variance Public Hearings

The Hoops Lab - 1490 Washington Street

The Chairman opened the public hearings at 8:50 p.m. and waived reading the hearing notices. Correspondence was received from the Health Director, Scott Moles (dated August 17, 2020). Present with the owner Tony Graceffa was Duane Powell of The Hoops Lab and Atty. Robert Burr to discuss conducting year-round indoor youth basketball training within warehouse #2 on the site, located 20 feet from the Residential district. Atty. Burr presented the application materials, noting that primarily 1-on-1 training for up to 5 would be offered by Mr. Powell. He shared his screen and demonstrated the location in relation to the two closest homes on Summer Street (#45 and #57). He noted that the warehouse building has overhead steel doors and they would remain closed for operations. Additionally, the facility would be air conditioned. Mr. Powell clarified that the maximum building occupancy would be 5 and 1 trainer. Dedicated parking was reviewed based on the approved site plan. Proposed hours of operation would be 3 – 8:30 p.m. weekdays and 9 a.m. to 8 p.m. on weekends with operations from 9 a.m. to 8:30 p.m. during school vacations. No outdoor activity is being requested.

The Chairman opened the hearing to the audience. The following individuals spoke: Sue Franco of 45 Summer Street and Michael Curley of 1467 Washington Street. Also speaking in favor of the petition was Dr. Wig of Sigma, an investor in the business. Some discussion of by-interpretation under the Commercial use categories of the by-law (Section III-D).

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

5. Special Permit Public Hearing

Cellco Partnership d/b/a Verizon Wireless – 725 Washington Street

The Chairman opened the public hearing at 9:30 p.m. and waived reading the hearing notice. Carl Gehring of Gehring & Associates, LLC was present along with Greg Richard of Verizon Wireless Real Estate, Don Haes, Certified Health Physicist (RF Emissions) and Keith Vellante, Radio Frequency (RF) Engineer, to discuss allowing radio equipment outside on-grade on a concrete pad with associated antennas on-site (in steeple). He clarified that the antennae installation will be a by-right co-location within the steeple and the T-Mobile is already there.

Mr. Gehring reviewed the application materials, including the site plan clarifying the placement of the radio equipment (existing storage shed). The pad will be fenced (12' x 24') and the equipment shed itself will be 4' x 8'. No radio frequency energy will be emitted from the equipment shed and no generator will be required. The fencing will be PVC privacy fence.

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

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was closed. The roll call vote in favor was unanimous.

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Deliberations:

1. Dimensional Variance – 120 and 120A Goulding Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections IV-B, Schedule of Intensity Regulations and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the by-law would result in substantial hardship to the applicant owing to circumstances related to the shape of the lot and placement of the existing dwellings. 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. Further permitting through the Planning Board under the Subdivision Control Law Definitive Subdivision process will be required to finalize the lot configurations.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-B for property described and located at 120 and 120A Goulding Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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. Approval shall be in compliance with the plan of record (GLM Engineering Consultants, Inc., dated May 27, 2020) with regard to the front and side yard setbacks. Relief is quantified as 12.4' for the front yard setback and 5.2' for the side yard setback to the existing dwelling on #120A.
3. No further subdivision of the parcel is allowed and uses shall be limited to single-family detached dwellings and their allowed accessory uses.
4. This division is subject to further approval by the Planning Board and it is understood that the lot area may vary from the record plan to accommodate either access via a newly created roadway or septic system replacement. The area of Lot 2 as shown on the record plan (30,669 s.f.) is the minimum area acceptable to the Board.

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Given the lateness of the hour, members were in agreement that additional deliberation will occur on 175 Lowland Street, 1490 Washington Street and 725 Washington Street petitions at the next session.

Adjournment: The meeting adjourned at 10:35 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for September 2, 2020.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: September 2, 2020