

Holliston Zoning Board of Appeals Meeting Minutes of January 13, 2021

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 Mr. Bush, the minutes of December 9, 2020 were approved as corrected on a roll call vote.

Public Hearings:

Continued Special Permit Public Hearing Gill Realty Trust – I, 45 Washington Street

The Chairman re-opened the public hearing at 7:10 p.m. Dan Merriken, PE of Legacy Engineering and owner/applicant Richard Gill of Gill Realty Trust-I were present to discuss the redevelopment work within a Zone A flood plain at the countryside Auto site. Revised record plans entitled "45 Washington Street, Holliston, MA, Site Plan" dated September 8, 2020 and revised December 21, 2020 along with correspondence from Daniel Merrikin, PE of Legacy Engineering (dated December 23, 2020) were presented and discussed. Mr. Merriken noted that he had also provided correspondence addressed to Ryan Clapp, Conservation Agent from peer reviewer David Faist, PE of CMG Environmental, Inc. (dated January 12, 2021) regarding final stormwater management system design.

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

Special Permit Public Hearing Lindsey Boulay, Safe With Us Animal Rescue – 87 Jeffrey Ave.

The Chairman opened the public hearing at 7:15 p.m. Lindsey Boulay, applicant, was present to discuss proposed operations of the non-profit animal rescue which she characterized as one of the few MA Dept. of Agriculture-licensed isolation facilities in the state for dogs and cats. The organization is all-volunteer and foster-based and is currently shelterless. Up to 40 animals will be typically housed at the facility over late week and weekends for adoption pick-up and limited office space will be designated. Space on both floors of the #87 portion of the building has been leased and is securely separated from the remainder of the building by double doors and loading docks. Ten parking spaces have been designated in the lease agreement.

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

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

Special Permit Public Hearing

Authentic Auto Body & Collision, LLC – 7 Jeffrey Ave.

The Chairman opened the public hearing at 7:30 p.m. Atty. Peter Barbieri of Fletcher Tilton PC was present for the applicant to discuss operating an auto body and collision repair shop within the existing 14,000 s.f. industrial building. The company is currently operating at 229 Lowland Street under Special Permits issued by the Zoning Board in December 2016 and August 2017. Proposed hours of operation are 7 a.m. to 7 p.m. Monday through Saturday. All work will occur indoors, with the exception of the sales display area for vehicle sales noted on the record plan (prepared by JD Marquedant & Associates, Inc. dated November 23, 2020). Contrary to the prior Special Permit condition, the Class II license issued by the Select Board allows for storage of unregistered vehicles for sale.

Mr. Bush noted that based on his observations, the rear parking area is in need of repair and striping. Atty. Barbieri agreed that parking designated on the record plan would be delineated as shown. He also noted that the Title V inspection for the site was favorable and the septic capacity limits the number of employees and occupancy; 12 employees are planned.

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

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

Special Permit Public Hearing

Revival Training, LLC – 1556 Washington Street

The Chairman opened the public hearing and waived reading the hearing notice Dana Balejko, applicant, was present to discuss operating a personal training facility offering small group classes within a 1450 s.f. first floor end unit within “Village Plaza”. Proposed hours of operation are 6 a.m. to 8 p.m. Monday through Saturday and 1 – 3 employees are anticipated. Ms. Balejko indicated that there will be no retail component of the business and that the unit occupancy is 14. Members inquired about unit sound insulation and Ms. Balejko noted that there is karate studio above the unit and yoga studio directly adjacent.

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

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

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Dimensional Variance and Special Permit Public Hearings

William Rodenhiser – 213 Central Street

The Chairman opened the public hearings simultaneously at 8:42 p.m. and waived reading the hearing notice. Atty. Peter Barbieri of Fletcher Tilton was present along with owner/applicant Bill Rodenhiser to discuss further alteration of the 4-unit non-conforming structure and creation of new non-conformities in the required front and rear yard setbacks. The record plan entitled “Foundation Certification Plan, Assessors Map 8F, Block 6, Lot 18, #213 Central Street, Holliston, Massachusetts” by Grady Consulting, LLC dated August 8, 2018 and revised December 22, 2020 and January 12, 2021 was discussed in detail as were the plans approved by the Board in 2015 under a previous variance. Atty. Barbieri clarified that the proposed 8.4’ x 5.7’ bulkhead cover in the front yard (11’), rear landing steps (18.1’) and 5.8’ wide front porch overhang extension in the side yard require relief under Section I-C.

Speaking in favor of the applications was Joshua Sanford of 196 Central Street.

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

Continued Comprehensive Permit Public Hearing

Geoffrey Park, Indian Ridge Realty Trust – 0 Indian Ridge Road South

The Chairman re-opened the public hearing at 8:12 p.m. Present for Indian Ridge Realty Trust was Dean Harrison. Sitting with the Board was Atty. Paul Haverty of Blatman, Bobrowski and Haverty, LLC.

Discussion centered around the draft Certificate of Action dated January 13, 2021 and a memorandum of compiled comments prepared by Ms. Sherman.

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was continued to Wednesday, January 20, 2021 at 7 p.m. on an unanimous roll call vote.

Deliberations:

Special Permit – 45 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the applicant. In accordance with the provisions of Sections V-J(3)(C)(2), Flood Plain District Regulations, I-C(3), Pre-Existing, Non-Conforming Uses, Structures and Lots and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: All utilities are located and will be constructed so as to minimize or eliminate flood damage per the plan of record and stormwater best management practices.

Zoning Board Vote

The Board’s vote to approve the Petitioner’s Special Permit application for relief under Sections V-J(3)(C)(2) and I-C(3) for property described and located at 45 Washington Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

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Mr. Love	Aye
Mr. Peabody	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.

Special Permit – 87 Jeffrey Ave.

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III-D (21) 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 are no significant adverse effects to the neighborhood or the Town, considering the regulations, restrictions and criteria of sub-section VI-E(5) and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-D (21) for property described and located at 87 Jeffrey Avenue was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	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. All business activities are to occur indoors in spaces designated in the application materials.
3. A maximum of 40 animals are allowed to be housed at any one time.

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Special Permit – 7 Jeffrey Ave.

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III-E (4), repair garage and auto body 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 are no significant adverse effects to the neighborhood or the Town, considering the regulations, restrictions and criteria of sub-section VI-E(5) and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-E (4) for property described and located at 7 Jeffrey Avenue 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 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 are limited to 7 a.m. to 7 p.m. Monday through Saturday. No deliveries or pick-ups shall occur off hours.
3. All work is to take place inside the building with doors closed.
4. The premises shall be maintained so as to be visually unobtrusive and neat at all times.
5. The rear parking area shall be repaired and striped as indicated on the record plan. Designated handicapped parking shall be revised to comply with the requirements of Massachusetts Architectural Access Board (521 CMR), including provision of a van accessible space.
6. This Special Permit is issued solely to the applicant and is not transferable or assignable.

Special Permit – 1556 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III (D)(7) 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

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uses and structures, and finds that there are no significant adverse effects to the neighborhood or the Town, considering the regulations, restrictions and criteria of sub-section VI-E(5) and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III (D)(7) for property described and located at 1556 Washington 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 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 are limited to 6 a.m. to 8 p.m. Monday through Saturday.

Adjournment: The meeting adjourned at 9:28 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for January 20, 2021.

Respectfully submitted,

Karen Sherman
Town Planner

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