

Holliston Zoning Board of Appeals Meeting Minutes of June 15, 2022

Call to Order: The Chairman called the meeting to order at 7:10 p.m. via Zoom. He read the following statement into the record: Pursuant to the Governor's June 16, 2021 Act 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.

Chairman John Love - Present
Jay Peabody - Absent
Mark Bush- Present
Elizabeth Dembitzer, Associate – Present

Approval of Minutes:

On a motion by Mr. Love, seconded by Mr. Bush, the minutes of May 18, 2022 were approved as written on a roll call vote. Ms. Dembitzer abstained.

Final Plan Approval – Geoffrey Park

Members received the following documents in compliance with the Comprehensive Permit:

- Jessica Malcolm, Mass Housing (dated January 14, 2022).
- Iqbal Ali of Crescent Builders, Inc. (dated May 26, 2022) regarding sequence of construction along with
- Plans entitled “Site Development Plan of Land, Geoffrey Park, A 40B Comprehensive Permit Project, Holliston, Massachusetts” prepared by GLM Engineering Consultants, Inc.

On a motion by Mr. Love, seconded by Mr. Bush, the members voted 2-0-1 on a roll call vote to acknowledge receipt of documents sufficient to constitute Final Plan approval by the Board as identified by the Comprehensive Permit Findings and Decision of February 5, 2021. The Board voted to empower the Building Inspector and Town Planner to act on its behalf to administer the implementation of the project, including management of administrative level changes, the construction process, required physical inspections, and issuance of building permits. Ms. Dembitzer abstained.

PUBLIC HEARINGS:

Dimensional Variance

Gregory McEwen – 1 Norfolk Lane

The Chairman opened the public hearing and waived reading the hearing notice into the record. The applicant/owner was present to discuss the Dimensional Variance application to enlarge an existing deck within the required minimum side yard setback. Mr. McEwen noted that he had purchased the property in 2021 and has undertaken some updates to the structure. The planned side deck and door improvements will provide safer access and better flow to the existing walkway and deck. It was clarified that the proposed rear deck reconstruction facing Lake Winthrop meets required setbacks. The plan of record entitled “Plot Plan of Land 1 Norfolk Lane

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Holliston, MA” (dated March 24, 2022, revised May 3, 2022) prepared by GLM Engineering Consultants, Inc indicates that the proposed closest point of the 7’ x 11’ deck is 22.9’ to the easterly side lot line. Architectural record plans entitled “Deck Renovation” were prepared by The Weise Co.(dated April 27. 2022). A prior Dimensional Variance from 2005 for the same side entry was noted.

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

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

Dimensional Variance

Patrick Keefe – 364 Underwood Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. The applicant/owner was present to discuss the Dimensional Variance application to build a two-story addition within the required minimum side yard setback. He noted that the existing footprint is 968 s.f. with a proposed addition of 427 s.f. (garage under). The proposed addition will create a new non-conformity in the side yard setback. The odd shape of the lot was noted as was the placement of the structure and pool on the lot. Mr. Keefe noted that he has spoken to several contractors and is confident that the proposed placement of the garage is the most functional. The proposed back right corner of the garage (westerly side yard setback) is denoted at 14.5’ from the property line at the closest point on the plan of record prepared by GLM Engineering Consultants, Inc. entitled “Proposed Garage Plan 364 Underwood Street Holliston, MA” (dated May 9, 2022). The existing dwelling is non-conforming with regards to the front and easterly side yard setbacks as well as lot area and frontage within the Residential zoning district.

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

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

Special Permit

56 Lowland Street Legacy LLC – 56 Lowland Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Attorney Peter Barbieri from Fletcher Tilton was present with his clients Anthony Rich and Adam Benson of 56 Lowland Street Legacy, LLC to discuss the Special Permit application for a 24,225 s.f. warehouse tenant. Mr. Benson was also identified as the President of Health Care Tech (HCT), the proposed tenant. Atty. Barbieri provided an overview of the building’s history as a rail-accessed industrial building, noting a prior Dimensional Variance and a series of Special Permits for users over time. He noted that no exterior changes are proposed to the building with the exception of a lighting update.

He and Mr. Benson described HCT as having 15 employees with proposed operating hours of Monday thru Friday 8:00 a.m. to 5:00 p.m. Monday – Friday (No holidays). The firm is a

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wholesaler of dry medical supplies, described as consumable and single-use products shipped to acute care facilities as well as long-term care and home care users. Typical trucking operations were characterized as UPS/Fed Ex deliveries and pick-ups with UPS Freight utilized for larger loads. An estimated 8-16 trips per day were described, typically 2 morning and 2-4 afternoon, with 1-2 trailer trucks. No overnight truck storage is planned. The record GLM Engineering site plan notes a capacity of 93 parking spaces. Mr. Benson noted that the firm was founded in Holliston in 1989 and is returning to its roots with a vested interest in this building and the community.

The Chairman noted receipt of a written exchange between Mr. Rich and the Holliston Trails Committee Chairman Robert Weidknecht after a site visit. Mr. Weidknecht of 40 Hemlock Drive was present and spoke about the written comments, buffering the trail and the Regal Street neighborhood and the need to trim the pines overhanging the building as well as concerns about snow storage and drainage. He noted several suggested conditions of approval in the correspondence.

Correspondence from the following individuals was entered into the record: Elizabeth Moody, 37 Regal Street (dated June 13, 2022), Karen Langton, 100 Woodland Street (dated June 13, 2022) and Carol Bailey, 17 Lowland Street (dated June 13, 2022).

The Chairman opened the hearing to the audience. The following individuals asked questions and expressed concerns about the proposal: Larry Bowles of 61 Regal Street, Ellen Trolland of 101 Marilyn Street, Keefe and Carol Bailey of 17 Lowland Street, and Karen Apuzzo Langton of 100 Woodland Street. Concerns about truck routing and the Woodland Street Heavy Commercial Vehicle Exclusion were expressed as were concerns for exterior lighting glare, control of grounds maintenance and trash pick-up arose. Abutters requested a building contact and Mr. Benson obliged, noting that he will be present at the facility daily. Suggested mitigation for traffic included site signage limiting right hand turns out of the site, as well as website and loading dock information on truck routes for vendors and drivers.

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

DELIBERATIONS:

Dimensional Variance – 1 Norfolk Lane

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: 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. The applicant has demonstrated that literal enforcement of the provisions of this by-law would involve substantial hardship due to the placement of the dwelling on the unique lakeside lot located on a private way.

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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 1 Norfolk Lane was as follows on a motion by Ms. Dembitzer, seconded by Mr. Bush:

Mr. Love	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. Construction shall be substantially in compliance with the plan of record entitled "Plot Plan of Land 1 Norfolk Lane Holliston, MA" (dated March 24, 2022, revised May 3, 2022) prepared by GLM Engineering Consultants, Inc. The proposed closest point of the 7' x 11' deck is 22.9' to the easterly side lot line.
3. Construction shall also be substantially compliant with the architectural record plans entitled "Deck Renovation" prepared by The Weise Co.(dated April 27. 2022).

Dimensional Variance – 364 Underwood Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.2), Pre-Existing, Non-Conforming Structures and Lots and VI-D(3) Variances 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. The applicant has demonstrated that literal enforcement of the provisions of this by-law would involve substantial hardship due to the unique shape of the non-conforming lot and the modest dwelling's placement on the lot as well as the physical constraints imposed by the existing pool.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Sections I-C(3.2) for property described and located at 364 Underwood Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Bush:

Mr. Love	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

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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 substantially in compliance with the plan of record prepared by GLM Engineering Consultants, Inc. entitled “Proposed Garage Plan 364 Underwood Street Holliston, MA” (dated May 9, 2022). The proposed back right corner of the garage (westerly side yard setback) is to be no closer than 14.5’ to the property line at the closest point.
3. Building materials and architectural style of the proposed addition are to be consistent with the existing single-family dwelling.

Special Permit – 56 Lowland Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III-G(1), Warehouse and VI-E(5), Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The Board as Special Permit Granting Authority has considered the proposed warehouse 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-G(1) for property described and located at 56 Lowland Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Bush:

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. This Special Permit is issued to the Owner and identified tenant, HCT, as described in the public hearing and is not transferable or assignable.
3. Hours of operation are limited to 8:00 a.m. – 5:00 p.m. Monday – Friday. Exterior property maintenance and trash removal shall be limited to those hours as well, with the exception of snow plowing.
4. Exterior lighting shall be designed solely for safety and security purposes, shall meet International Dark Sky compliant fixture standards and shall be shielded from abutting properties. No lighting shall be installed on the western façade of the structure (Upper Charles Trail).

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5. The Owner shall coordinate with the Holliston Trails Committee for approval of any access to the Upper Charles Trail for tree and building maintenance, waste material removal and landscaping improvements within the trail property.
6. Snow plowing operations shall be directed away from the Upper Charles Trail toward the eastern sections of the paved lot. No snow shall be disposed of on Town property.
7. No outdoor storage of materials or equipment is authorized under this permit.
8. To improve safety at the adjacent Upper Charles Trail crossing and to mitigate impacts to abutting residential properties, the Owner has agreed to the following traffic mitigation measures:
 - a. Installation and maintenance of site signage prohibiting right turns out of the site towards Regal and Woodland Streets (identifying the Town's Heavy Commercial Vehicle Exclusion on Woodland Street)
 - b. Best efforts to educate drivers and vendors to the identified traffic route through Lowland Industrial Park from Lowland to Jeffrey to Whitney to Washington Street shall be made through posted and instructional information.
 - c. Identification as Mr. Benson as the principal point of contact for the community and abutters with regard to compliance.

Adjournment: The Chairman thanked Mr. Bush for his many years of valued service on the Board. Ms. Dembitzer agreed to take on the role of Board member. The meeting adjourned at 9:08 p.m. on a motion made by Mr. Bush, seconded by Ms. Dembitzer with all in favor on a roll call vote. The next meeting was scheduled for July 13, 2022.

Respectfully submitted,

Karen Sherman
Town Planner

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