

**Holliston Zoning Board of Appeals
Meeting Minutes of October 26, 2022**

OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS
2022 NOV 5 PM 11:19

CALL TO ORDER: The Chairman called the meeting to order at 7:05 p.m. via Zoom and indicated that the Vice Chairman would be running the meeting. 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
Vice Chairman Jay Peabody - Present
Elizabeth Dembitzer - Present

APPROVAL OF MINUTES:

On a motion by Ms. Dembitzer, seconded by Mr. Love, the minutes of September 21, 2022 were approved as written on a unanimous roll call vote.

PUBLIC HEARINGS:

Special Permit

Michelle Mehigan – 76 Regal Street

The Vice Chairman noted receipt of a written request for withdrawal by the Applicant.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the Board allowed the Applicant to withdraw without prejudice on a unanimous roll call vote.

Special Permit

Pelin Akan and Christopher Jackson – 10 Fiske Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicant/Owner Pelin Akan was present with Dan Jackson to discuss the Special Permit application for a second floor addition increasing the original gross floor area of the single family dwelling more than 50%. Plans entitled, "Plot Plan, 10 Fiske Street, Holliston, MA" (dated September 22, 2022) and prepared by Applewood Survey, Co., LLC were submitted and reviewed. Ms. Akan shared building elevations and noted that the existing attic would be converted to living space through the addition of dormers. There is no proposed physical change in the overall building height and no change in the footprint. It was confirmed that materials would be consistent with the existing construction.

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. Love, the public hearing was closed on a unanimous roll call vote.

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Special Permit

Ryan and Elizabeth O'Leary – 458 Chamberlain Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicants/Owners, Ryan and Elizabeth O'Leary were represented by Steve O'Leary of O'Leary Builders to discuss the Special Permit application for an addition increasing the original gross floor area of the existing single-family structure more than 50%. He noted that the proposed addition to the 2-story colonial dwelling will comply with current setback requirements. The proposal is for a 2-story family room, breezeway and 2-car garage addition. The proposal is for 1,600 s.f. of additional gross floor area. Plans entitled, "Proposed Addition To: The O'Leary Residence, 458 Chamberlain Street, Holliston, MA" prepared by HPA Design, Inc. (dated August 3, 2022) were submitted.

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. Love, the public hearing was closed on a unanimous roll call vote.

Special Permit

RC Cabinets, LLC – 56 Lowland Street

The Chairman opened the public hearing and read the hearing notice into the record. Peter Barbieri, Esq. of Fletcher Titton, was present to discuss the Special Permit application to use approximately 19,000 sq.ft. of the building for assembly and manufacturing of kitchen decor. The owner is 56 Lowland Street Legacy, LLC. Atty. Barbieri indicated that the applicant has 15 employees and is proposing hours of operation of 7 a.m. to 5 p.m. Dave MacIssac of RC Cabinets indicated that the firm is currently located in Dedham and the other operational Special Permit conditions issued to 56 Lowland Street Legacy, LLC in June 2022 for the other tenant space within the building are acceptable. He also indicated that a panel saw is the largest and loudest piece of equipment utilized. Ear protection is not required. Paint, lacquer, and glues will be stored as well as plywood.

The Chairman opened the hearing to the audience. Karen Apuzzo-Langton of 100 Woodland Street asked about the shipping methods utilized. Mr. MacIsaac indicated that deliveries are principally by large truck and shipping is via UPS, FedEx or common carrier. The Applicant is amenable to dumpster pickups during work hours.

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

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Special Permit

Melissa Meadow– 100 Jeffrey Avenue

The Chairman opened the public hearing and read the hearing notice into the record. Applicant, Melissa Meadow, was present to discuss the Special Permit application for reconfiguration of existing office and storage space for Upton Tea Imports. She noted that Upton Tea has been located at the facility for 12 years and operates a specialty tea wholesale and retail business. Interior changes repurposing office to warehouse are proposed. The Owner is 188 Lawrence Street, LLC et al. Plans entitled “Existing and New Floor Plans” dated September 14, 2022, prepared by Dana Vaiciulionis Architect, LLC were submitted and reviewed. Ms. Meadow indicated that the logistics of shipping will not change. The proposed changes will increase their efficiency, eliminating some double handling of products.

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. Love, the public hearing was closed on a unanimous roll call vote.

Dimensional Variance

Charles Maley –Lot 234 Lake Shore Drive

The Chairman opened the public hearing and read the hearing notice into the record. Applicant/Owner, Charles Maley, was present to discuss the Dimensional Variance application for construction of a single-family dwelling with a maximum of 1200 s.f. of living area within a 30’ x 30’ proposed building envelope on a non-conforming lot with less than required minimum lot dimensions and setbacks. Plans entitled “Plan showing proposed structure, Lot #234, Holliston, MA, Middlesex County” dated July 20, 2022 and “Certified Plot Plan, Lot #234 and 240, Holliston, MA, Middlesex County, both prepared by D. O’Brien, Land Surveying were submitted. Mr. Maley gave an overview of the 1930 Lake Shore subdivision, noting that the locus was the subject of a title search indicating that it had status as a separate building lot upon adoption of zoning in 1953 and through each subsequent transfer. He noted that it is comprised of two merged lots from the 1930 plan. The septic design has not been undertaken but the system would be located to the rear of the dwelling on this lot, not on the other property owned by Mr. Maley. Mr. Maley indicated that the proposal conforms to 1953 zoning as much as possible. Examples of similar size homes with living space above a garage on slab were shown as well as pictures of existing dwellings within the neighborhood.

The Chairman opened the hearing to the audience. Asking questions about the petition were Peter Chambers of 97 Lake Shore Drive, Ed Chambers on behalf of Alan Chambers, owner of an adjacent lot, and Christine Knight of 93 Lake Shore Drive.

Correspondence against the project was received from Linda Neal, 89 Lakeshore Drive (dated October 24, 2022) and was read into the record by Ms. Dembitzer.

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

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Dimensional Variance

Elizabeth and Stephen Newlands – 40 Spring Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicants/Owners, Elizabeth and Stephen Newlands, were present to discuss the Dimensional Variance application for replacement of a shed. Plans entitled “Shed Location Plan of Land in Holliston, Massachusetts” dated June 6, 2022 prepared by Dunn-McKenzie, Inc. were submitted and reviewed. Mrs. Newlands noted that an existing shed encroaches on the abutters and this was discovered as a result of their property survey. The proposal is to replace the structure with an upgraded board and batten-sided structure. Mrs. Newlands indicated that the size of the corner lot and the existing patio are factors in locating the shed.

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. Love, the public hearing was closed on a unanimous roll call vote.

Use Variance

Parker Snyder – 1380 Washington Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicant/Owner, Parker Snyder, was present to discuss the Use Variance application for conversion of an existing accessory structure to an Accessory Family Dwelling Unit. Plans entitled “Plan of Land in Holliston, MA” dated July 28, 2020, prepared by Colonial Engineering, Inc. were submitted and reviewed. Mr. Snyder presented a picture of the detached barn. He indicated that it was currently finished and heated and no exterior changes were proposed. He expressed concern for maintaining the historic structure and being able to provide temporary living space for family and guests.

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

Correspondence from the following abutters in favor of the project was received and summarized by Ms. Dembitzer: Brendan Malvey of 1345 Washington Street (dated October 19, 2022), Paul Pierozzi of 1390 Washington Street (dated October 23, 2022), and Chris and Sue Donovan of 20 Washington Path (dated October 23, 2022).

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

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Special Permit

Mikaela Fair d/b/a Mindful Recovery Holliston, Inc. – 859 Washington Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicant, Mikaela Fair was present to discuss the Special Permit application to change from one non-conforming use to another non-conforming use. The property owner is Edmond Massabni.

Ms. Fair provided a Powerpoint presentation of her proposal, including a client traffic comparison between Mindful Recovery and Holliston Dental. She suggested that clients could be directed to public parking through appointment reminder emails as well as their website.

The Chairman opened the hearing to the audience for questions. The following individuals spoke: Phil and Donna Donovan of 865 Washington Street, Leslie Rich of 37 Quincy Place, Jon Nichols of 855 Washington Street, and Carol Kosicki of 970 Washington Street.

It was noted that the proposed Friday, Saturday and Sunday traffic would be new to the location.

Correspondence was received from Carol Kosicki of 970 Washington Street (dated October 19, 2022) and Leslie Rich of 37 Quincy Place (dated October 19, 2022) and was summarized for the record by Ms. Dembitzer. Speaking in favor of the application were Donna Donovan of 865 Washington Street and Parker Snyder of 1380 Washington Street. Ms. Sherman indicated that she had corresponded with the Police Chief about the abutter's concerns for pursuing "No Parking" signs in the general area given safety and nuisance concerns and was awaiting a reply.

On a motion by Ms. Dembitzer, seconded by Mr. Love, the public hearing was continued until November 2nd on a unanimous roll call vote.

DELIBERATIONS:

Special Permit – 10 Fiske Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C(3)(3.3), Non-Conforming Single and Two-Family Structures 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 addition increasing the original gross floor area of the structure by more than 50%. The proposal would add a second floor to the dwelling comprised of a bedroom and bathroom. The Board finds that there would be 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 I-C(3)(3.3) for property described and located at 10 Fiske Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Love:

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Mr. Love	Aye
Mr. Peabody	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. Final architectural plans shall be consistent with renderings shown during the meeting at the discretion of the Building Commissioner (See plans entitled "Housing" prepared by Yagmar Baran, Architect, dated October 2022).
3. Expansion of the second floor shall be limited to the existing building footprint per the record plans entitled "Plot Plan 10 Fiske Street, Holliston, MA" prepared by Applewood Survey Co. LLC (dated September 22, 2022).

Special Permit – 458 Chamberlain Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C(3)(3.3) Non-Conforming Single and Two-Family Structures 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 addition increasing the original gross floor area of the structure by more than 50% 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. The proposed addition of 1,653 s.f. of gross floor area for a family room and two-car garage nearly doubles the area of the dwelling. The record plans indicate that the proposed addition will meet the current required minimum setbacks on the non-conforming lot and will not intensify any existing dimensional non-conformity.

Zoning Board Vote

The Board's vote to approve the Petitioners' Special Permit application for relief under Section I-C(3)(3.3) for property described and located at 458 Chamberlain Street was as follows on a motion by Mr. Love, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	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)

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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 proposed addition shall be substantially in compliance with the architectural plan of record entitled "Proposed Addition To: The O'Leary Residence, 458 Chamberlain Street, Holliston, MA" prepared by HPA Design, Inc. (dated August 3, 2022) and the plot plan entitled "Septic As-built & final Grading Plan, 458 Chamberlain Street, Holliston, MA" prepared by GLM .

Special Permit – 100 Jeffrey Avenue

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section III(G)(3), General Industrial Uses 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 storage/warehouse use over 15,000 s.f. within the existing 21,293 s.f. tenant space 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)(3) for property described and located at 100 Jeffrey Avenue was as follows on a motion by Ms. Dembitzer, seconded by Mr. Love:

Mr. Love	Aye
Mr. Peabody	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 storage/warehouse component of the use shall be no greater than the 17,895 s.f. represented on the record plan entitled "Upton Tea Imports, 100 Jeffrey Avenue, Holliston, MA: Existing and New Floor Plans" prepared by Dana Vaiciulionis Architect, LLC (dated September 14, 2022).

ADJOURNMENT: The meeting adjourned at 9:55 p.m. on a motion made by Mr. Love, seconded by Ms. Dembitzer with all in favor on a roll call vote. The next meeting was scheduled for November 2, 2022 and will be held remotely.

Respectfully submitted,
Karen Sherman, Town Planner



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