

Present: Chairman Dellicker, Chris Flanagan, John Love and Associate Member Michelle Zeamer

General Business:

Special Permit and Use Variance Public Hearing – Giselle Ferrelli, 1133 Washington Street

Chairman Dellicker opened the public hearing at 7:15 p.m. Attorney Peter Barbieri was present on behalf of the Applicant, Giselle Ferrelli. Attorney Barbieri submitted a letter (dated March 3, 2010) requesting a continuance. On a motion made by Mr. Love and seconded by Mr. Flanagan, the hearing was continued to April 14, 2010 at 7:15 p.m.

Special Permit Public Hearing – Daniel and Lisa Curto, 96 Ann Marie Drive

Chairman Dellicker opened the public hearing at 7:30 p.m. Mr. Love read the petition into the record. Comment letter from the Fire Chief (dated March 2, 2010) was entered into the record.

Mr. and Mrs. Curto were present to discuss their petition. The applicants are proposing to tear down an existing garage, construct a new garage at basement level and expand the existing dwelling over the new garage to the north side of the property line. They are requesting front and side lot line relief. The zoning classification changed from Residential A (R-1) to Agricultural/Residential B (AR-2) changing the setback requirements. The expansion will be within the original footprint of the dwelling.

Given no further questions or comments the hearing was closed at 7:50 p.m. on a motion made by Mr. Flanagan and seconded by Mrs. Zeamer.

Deliberations:

1. Daniel and Lisa Curto – 96 Anne Marie Drive

The Board reviewed the application materials and testimony provided by the petitioners as well as a comment letter from the Fire Chief (dated March 2, 2010). The Board found that the application is consistent with Section I-C(3) of the Zoning By-Laws. The Board made a finding that the proposed construction will not be substantially more detrimental than the existing non-conforming use to the neighborhood. The Board also found that the granting of this special permit is in harmony with the general purpose and intent of the zoning by-law.

Zoning Board Vote:

The Board's vote to approve the petitioner's Special Permit application for relief under Section I-C(3) for property located at 96 Anne Marie Drive was as follows on a motion by Chris Flanagan, seconded by John Love:

Chairman Dellicker	Aye
Mr. Flanagan	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Zoning Board of Appeals
Meeting Minutes of March 3, 2010

Conditions of Approval

- The structure shall be no closer than 35 feet from the front yard lot line.
- The structure shall be no closer than 13 feet from the north side lot line.
- Construction shall be consistent with existing structure.
- Construction shall be consistent with plans submitted (Chemini Designs Architects, Inc, titled “Curto Residence, 96 Anne Marie Drive, Holliston, MA 01746, Foundation Plan and Site Plan”).
- Hard-wired smoke detectors will be installed throughout the dwelling in accordance with the current edition of the Massachusetts State Building Code.
- Carbon monoxide detectors will be installed throughout the dwelling in accordance with the current edition of the Massachusetts State Building Code.

2. John and Kathleen Thomas, 7 Norfolk Lane

The Board reviewed the application materials and testimony provided by the petitioners, as well as their representative, Kristen Wilson of Beals and Thomas, Inc. The Board also received the following correspondence:

- Memorandum from Karen Sherman, Town Planner, dated January 28, 2010
- Memorandum from Patricia Brennan, Conservation Agent, dated February 24, 2010
- Memorandum from Michael Cassidy, Fire Chief dated January 20, 2010
- Correspondence from Jack Pignolo (abutter), dated January 20, 2010
- Supplemental Material from Beals and Thomas, Inc., dated January 20, February 17, and February 25, 2010

The Board made the following findings:

- In the case of all four variances, literal enforcement of the provisions of this by-law would not involve substantial hardship, financial or otherwise, owing to circumstances relating to soil condition, shape or topography.
- The previous variance prohibiting the subdivision of the lot was based on the concern for adverse effects on health and safety due to substandard access.
- Due to the substandard access road, desirable, and permanent relief may not be granted without substantial detriment to the public good, and would nullify or substantially derogate from the intent or purpose of this by-law

Zoning Board Vote

The Board’s vote to approve the petitioner’s three Dimensional Variances for relief under the provisions of Sections IV-A, IV-A.1 and IV-A.2 to allow more than 7 houses on a private way, to create a building lot having less than the minimum requirements and to create a building lot with no frontage on a public way for property and the variance to overrule the previous variance which prohibited the subdivision of the lot located at 7 Norfolk Lane was as follows on a motion by Mr. Love and seconded by Mr. Flanagan:

Chairman Dellicker	Nay
Mr. Flanagan	Nay
Mr. Love	Nay

3. Edward and Gloria Clinton, 49 Norfolk Lane

The Board reviewed the application materials and testimony provided by the petitioners, as well as their representative, Kristen Wilson of Beals and Thomas, Inc. The Board also received the following correspondence:

- Memorandum from Karen Sherman, Town Planner, dated January 28, 2010
- Memorandum from Patricia Brennan, Conservation Agent, dated February 24, 2010
- Memorandum from Michael Cassidy, Fire Chief dated January 20, 2010
- Correspondence from Jack Pignolo (abutter), dated January 20, 2010
- Supplemental Material from Beals and Thomas, Inc., dated January 20, February 17, and February 25, 2010

The Board made the following findings:

- In the case of all three variances, literal enforcement of the provisions of this by-law would not involve substantial hardship, financial or otherwise, owing to circumstances relating to soil condition, shape or topography.
- Due to the substandard access road, desirable and permanent relief may not be granted without substantial detriment to the public good, and would nullify or substantially derogate from the intent or purpose of this by-law.

Zoning Board Vote

The Board's vote to approve the petitioner's three Dimensional Variances for relief under the provisions of Sections IV-A, IV-A.1 and IV-A.2 to allow more than 7 houses on a private way, to create a building lot having less than the minimum requirements and to create a building lot with no frontage on a public way for property located at 49 Norfolk Lane was as follows, on a motion by Mr. Love and seconded by Mr. Flanagan:

Chairman Dellicker	Nay
Mr. Flanagan	Nay
Mr. Love	Nay

On a motion made and duly seconded the meeting adjourned at 8:39 p.m. The next scheduled meeting is April 14, 2010.

Respectfully submitted,

Donna Donovan