

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

Absent: Chris Flanagan

General Business:

Highland Meadows Ch. 40B – Notice of Project Change (NPC)

Atty. Brian Levey of Beveridge and & Diamond, PC and Gary Ruping of Ruping Builders were present to request clarification that they are not responsible for the payment of any Water Connection Fee or System Development Charge to the Holliston Water Department in connection with the metering of individual condominium units. Water Commissioner Robert Weiss was also present. Atty. Levey referred to a letter he submitted to the Zoning Board of Appeals on May 6, 2010 explaining their interpretation of the waivers granted in the comprehensive permit. The letter is on file in the Town Clerk's records.

After some discussion, the Board found that the NPC is an insubstantial change and subject to the following conditions:

- Highland Meadows shall pay the reasonable costs, if any, for inspection and/or installation based on the actual cost of services rendered.
- The Water Department shall provide Highland Meadows with a written invoice explaining said costs in detail.

Special Permit Public Hearing- John Grimes, 80 Morton Street

Chairman Dellicker opened the public hearing at 8:10 p.m. Mr. Love read the petition into the record. Comment letters from the Fire Chief (dated May 19, 2010) and Acting Police Chief (dated May 4, 2010) were entered into the record.

Mr. Grimes was present to discuss his petition. He explained to the Board that he is proposing to construct a single car garage to the west side of his dwelling. Mr. Grimes stated that he is seeking a special permit because the proposed addition does not meet the current side yard setbacks. When asked if the garage could be constructed underneath the dwelling, Mr. Grimes responded that that was not an option because of an easement. Mr. Grimes also stated that the extension will be within the original setbacks of the dwelling. Mr. Grimes explained that he was in the process of purchasing the property and intended to use it as rental property.

Chairman Dellicker opened the hearing to questions and comments from the audience. James and Claire Cormier of 72 Morton Street stated that although they were not opposed to the proposed addition, they were concern that it being rental property the site would not be properly cared for. Mr. Grimes stated that he has been a landlord for many years and has never had any complaints or problems.

Given no further questions or comments the hearing was closed at 8:20 p.m. on a motion made by Mrs. Zeamer and seconded by Mr. Love.

Special Permit Public Hearing – Extreme Sports Medicine, 53 Jeffrey Avenue

Chairman Dellicker opened the public hearing at 8:24 p.m. The reading of the application was waived. Comment letters from the Fire Chief (dated May 19, 2010) and Acting Police Chief (dated May 4, 2010) were entered into the record.

Richard Blyne, Owner of Extreme Sports Medicine (Athletic Based Training) was present to discuss his petition. Mr. Blyne stated that they currently occupy two units in the building as a sports facility and are looking to expand into a third unit. The third unit is approximately 4,700 square feet of floor area. When asked about means of egress Mr. Blyne stated that the main entrance to the facility will be through unit one and that each unit had an emergency exit in the rear of the building. Mr. Blyne added that although they are not used, the front doors and garage doors are always open.

Given no further questions or comments the hearing was closed on a motion made and duly seconded.

Deliberations

1. Grimes Special Permit – 80 Morton Street

The Board reviewed the application materials and testimony provided by the petitioners as well as comment letters from the Fire Chief (dated May 19, 2010) and Acting Police Chief (dated May 4, 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 80 Morton Street was as follows on a motion by Mrs. Zeamer, seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

- The structure shall be no closer than 10.5 feet to the west side lot line.
- Construction shall be consistent throughout the new and existing structure.
- Construction shall consist of a single roof line.

2. Extreme Sports Medicine Special Permit – 53 Jeffrey Avenue

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Fire Chief (dated May 19, 2010) and Acting Police Chief (dated May 4, 2010). The Board found that this is a recreational use in an industrial park and is in harmony with the general purpose and intent of the zoning by-laws.

Zoning Board of Appeals
Meeting Minutes of May 19, 2010

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit Application for relief under Section III.A, Use 38 for property described and located at 53 Jeffrey Avenue was as follows on a motion by Mr. Love, seconded by Mrs. Zeamer:

Chairman Dellicker	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

1. Any renovations will be subjected to the approval of the Building Inspector and Fire Chief.
2. There shall be no outside recreational use.
3. The Special Permit is issued to the Petitioner only and cannot be assigned or transferred without the approval of the Board.
4. Existing life safety equipment in the recreational use area shall be protected against damage and unintentional activation.
5. Hours of operation shall be 8:00 a.m. to 9:00 p.m., 7 days per week.
6. The facility is not opened to the public and its use shall be by appointment only.
7. The use is limited to indoor recreational activities and training, with occupancy for up to 35 people.
8. All trainees will drive to or be dropped off and picked up at the facility.
9. Access will be through the north east entrance of the initial 3000' unit.
10. Facilitation and operation of a juice bar shall be for the use of clients only and in accordance with Board of Health requirements.
11. The main entrance shall be through unit 1. The secondary exterior doors shall be used as emergency exits only.

On a motion made and duly seconded the meeting adjourned at 9:25 p.m. The next scheduled meeting is June 23, 2010 at 7:00 p.m.

Respectfully submitted,

Donna Donovan