

**Holliston Zoning Board of Appeals
Meeting Minutes August 23, 2023**

CALL TO ORDER: The Chairman called the meeting to order at 7:10 p.m. via Zoom and read the following statement into the record: Pursuant to the Governor's action on March 29, 2023 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.

PRESENT:

Chairman Jay Peabody - Present
Elizabeth Dembitzer – Present
Vladimir Nechev – Absent
John Love (Associate) – Present

GENERAL BUSINESS:

1. APPROVAL OF MINUTES:

On a motion by Ms. Dembitzer, seconded by Mr. Love, the minutes of June 28, 2023 were approved as written on a unanimous roll call vote.

2. COMPREHENSIVE PERMIT COVENANT ENDORSEMENT – GEOFFREY PARK

After some discussion, Ms. Dembitzer made a motion to enable the Chairman to endorse the Covenant for the c. 40B project known as “Geoffrey Park” as reviewed and approved by Town Counsel. Mr. Love seconded with all in favor.

PUBLIC HEARINGS:

Dimensional Variance

John Gagnon – 94 Norfolk Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Applicant/Owner John Gagnon was present to discuss the Dimensional Variance application for relief under Section IV-C(3) Modifications and Exceptions, to convert a pre-existing, non-conforming, single family dwelling into a two-family with less than the required minimum lot area. Ms. Dembitzer disclosed under G.L. c. 268A, s. 239(b)(3) that she had received an abutter notice as she is a resident of 45 Franklin Street (Map 8.F, Block 6, Lot 22). She noted that she had no personal affiliation with the Applicant and could perform her duties in a fair and objective manner. The Chairman asked the Applicant if he had any objection to Ms. Dembitzer sitting on the petition. Mr. Gagnon indicated that he had no objection.

The plan of record entitled “Plot Plan of Land 94 Norfolk Street Holliston, MA 01746” prepared by GLM Engineering Consultants, Inc. (dated June 26, 2023) indicates that the lot is comprised of 23,000 s.f. in the Residential zoning district. The minimum area required is 30,000 for the single family with an added 10,000 s.f. for the second unit. The existing dwelling is non-conforming with regard to front yard setback. The Applicant indicated that the structure pre-

Approved: September 18, 2023

**Holliston Zoning Board of Appeals
Meeting Minutes August 23, 2023**

dates the enactment of zoning and there will be no change to the existing footprint. It also is located directly by his existing residence at 110 Norfolk Street. The application also includes a drawing of the first and second floor layouts entitled “Proposed unit separation”, indicating that the proposed 2-bedroom main unit will have 1,184 s.f. of living area and unit 2 will have 494 s.f. and a single bedroom.

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

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

**Dimensional Variance and Special Permit
Ashley and Joshua Bouchard – 44 Marilyn Street**

The Chairman opened the public hearing and read the hearing notices into the record. He agreed to hearing both petitions in a combined format. Atty. Stephen Kenney was present to discuss the Dimensional Variance and Special Permit applications for relief under Section I-C (3.2) and (3.3) Non-Conforming Structures for construction of two additions to the pre-existing, non-conforming single-family structure, creating new non-conformities in both side yard setbacks and increasing the gross floor area by more than 50%.

Atty. Kenny provided a detailed overview of the application, noting that the lot is non-conforming with regard to area and frontage and the proposed addition will increase the non-conforming nature of both the southerly and northerly side yard setbacks to 11.3’ and 16.2’ respectively. He referred to the record plans entitled “Plot Plan of Map 9, Lot 7” prepared by Levesque Geomatics Inc. (dated May 26, 2023) and “Renovations and Additions to the Bouchard Residence, 44 Marilyn Street, Holliston, MA 01746” prepared by Chemini Design Architects (dated June 19, 2023). It was clarified that the existing dwelling is a split-level with a 1,140 s.f. footprint. The proposed additions will be utilized as a first-floor master bedroom suite with garage bay and storage/workshop below and a +/-352 s.f. great room with unfinished basement below. Fifty percent of the first floor area would be 575 s.f. and 927 s.f. of additional gross floor area is proposed.

The Chairman noted receipt of the following documents into the record:

- Correspondence from Scott Moles, Health Director (dated 8/15/23)
- Letters of support from Estelle Pugh-Hynds, 36 Marilyn Street (dated 8/15/23), Gene Varley, 43 Marilyn Street (dated 8/15/23), Robert and Jean Sniffin, 52 Marilyn Street (dated 8/15/23), Robert and Terry Smith, 60 Marilyn Street (dated 8/15/23), Natalina Nunes de Silva, 28 Marilyn Street (dated 8/16/23) and William and Cathy Glover, 272 Lowland Street (dated 8/15/23).

The Chairman opened the hearing to the audience. Speaking in favor of the petition was Patrick Hafford of 242 Lowland Street.

Approved: September 18, 2023

**Holliston Zoning Board of Appeals
Meeting Minutes August 23, 2023**

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

DELIBERATIONS:

Dimensional Variance – 94 Norfolk Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section IV-C(3) 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. Literal enforcement of the By-Law would result in substantial hardship to the applicant given the modest proposal for a three-bedroom, 2-family dwelling on the non-conforming 23,000 s.f. lot. Proposed alteration and conversion of the existing single-family dwelling is in keeping with the character of the neighborhood and the non-conforming lot can support the proposed intensity of the use. The Board of Health Agent has confirmed that the site can support a four-bedroom septic system. In accordance with the parameters of the residential use identified at Section III(A)(3) of the Zoning By-Laws, the Applicant will provide adequate off-street parking for the two units and will not change the exterior design of the structure. It was confirmed that the dwelling existed prior to the effective date of the Zoning By-Law (1953).

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-C(3) for property described and located at 94 Norfolk Street was as follows on a motion by Mr. Love seconded by Ms. Dembitzer:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Love	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 in substantial compliance with the plans of record entitled "Plot Plan of Land 94 Norfolk Street Holliston, MA 01746" prepared by GLM Engineering Consultants, Inc. (dated June 26, 2023) and "Proposed unit separation" in that no exterior additions are planned and there will be no increase in the non-conforming nature of the dwelling. The living area of the proposed units are 1,184 s.f. and 494 s.f. respectively.

Approved: September 18, 2023

**Holliston Zoning Board of Appeals
Meeting Minutes August 23, 2023**

Dimensional Variance – 44 Marilyn Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C(3.2) 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. Literal enforcement of the By-Law would result in substantial hardship to the applicant due to the placement of the existing dwelling outside of the current building envelope on the non-conforming lot. The dwelling was conforming at the time of enactment of the Zoning By-Laws and changes in the Schedule of Intensity have rendered it legally non-conforming. Alteration of the dwelling is in keeping with the neighborhood. The proposed addition to the south side of the dwelling continues the existing line of the dwelling, yet the angle of the lot line intensifies the non-conformity by reducing the distance to the lot line from 17.5' to 11.3'. That side of the dwelling is partially screened by an existing stockade fence. On the northerly side line, the proposed addition follows the line of the existing driveway and the new setback is proposed to be 16.2'.

Zoning Board Vote

The Board's vote to approve the Petitioners' Dimensional Variance application for relief under Section I-C(3.2) and (3.3) for property described and located at 44 Marilyn Street was as follows on a motion by Mr. Love, seconded by Ms. Dembitzer:

Mr. Peabody	Aye
Mr. Dembitzer	Aye
Mr. Love	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 in substantial compliance with the record plans entitled "Plot Plan of Map 9, Lot 7" prepared by Levesque Geomatics Inc. (dated May 26, 2023) with regard to the structure's dimensions and proposed southern and northerly side yard setbacks.
3. Construction shall be substantially in compliance with the design plans submitted for the record entitled "Renovations and Additions to the Bouchard Residence, 44 Marilyn Street, Holliston, MA 01746" prepared by Chemini Design Architects (dated June 19, 2023) with regard to function, design and building materials.

Approved: September 18, 2023

**Holliston Zoning Board of Appeals
Meeting Minutes August 23, 2023**

Special Permit – 44 Marilyn Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section VI-E and Section I-C(3.3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The addition of over 50% gross floor area to the existing non-conforming dwelling would not create significant adverse effects to the neighborhood or the Town, considering the other By-Law intensity regulations and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioners' Special Permit application for relief under Section VI-E and I-C(3.3) for property described and located at 44 Marilyn Street was as follows on a motion by Mr. Love, seconded by Ms. Dembitzer:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Love	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. Construction shall be substantially in compliance with the proposed floor plans represented on Sheet A1.0 of the design plans submitted for the record entitled "Renovations and Additions to the Bouchard Residence, 44 Marilyn Street, Holliston, MA 01746" prepared by Chemini Design Architects (dated June 19, 2023).

ADJOURNMENT: The meeting adjourned at 8:27 p.m. on a motion made by Ms. Dembitzer, seconded by Mr. Love with all in favor on a roll call vote. The next meeting was scheduled for Monday, September 18, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

Approved: September 18, 2023