

**Holliston Zoning Board of Appeals
Meeting Minutes October 18, 2023**

CALL TO ORDER: The Chairman called the meeting to order at 7:04 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 – Present (left the meeting at approximately 7:50 p.m.)
Associate Member John Love – Present

GENERAL BUSINESS:

Approval of Minutes:

On a motion by Ms. Dembitzer, seconded by Mr. Love, the minutes of September 18, 2023 were approved as written on a unanimous roll call vote.

PUBLIC HEARINGS:

Special Permit

Shannon Arnold – 167 Central Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Peter Barbieri, Esq., was present for the applicant to discuss the Special Permit application for relief under Section I-C (3.3) to reconstruct, renovate and expand the 3-bedroom dwelling. He noted that the lot is also non-conforming. The addition is more than 50% of the original gross floor area. He clarified that the new construction would maintain the existing side yard setback and not create any new non-conformity.

The plan of record is entitled “Proposed Addition Plan, 167 Central Street, Holliston, MA” prepared by GLM Engineering Consultants, Inc. (dated July 26, 2023 and revised August 17, 2023 and September 5, 2023). In addition, building elevations and first and second floor plans prepared by Matz Collaborative Architects were provided for discussion and clarification.

The Chairman opened the hearing to the audience. Asking questions and speaking in favor of the petition were Judy DeWitt of 182 Central Street, Ann Tobin of 181 Central Street and Mark Kaplan of 72 Norfolk Street.

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

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Special Permit

John and Sarah Spurway – 134 Winthrop Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Mr. Love disclosed that he had received notice as an abutter but has no personal relationship with the applicants and cannot see the dwelling from his property. Sarah Spurway (applicant/owner) was present to discuss the Special Permit application for relief under Section I-C (3.3) to add 972 sq. ft. to an existing non-conforming structure. Mrs. Spurway clarified that the dwelling will remain 3-bedroom with room reconfiguration. The existing deck was constructed with a building permit, but has rendered the structure non-conforming over time per c. 40A, s. 7 because of its' 19.3' side yard setback.

The plan of record is entitled "Proposed Deck Plan, 134 Winthrop Street, Holliston, MA" prepared by GLM Engineering Consultants, Inc. (dated May 13, 2020). In addition, building elevations and second floor plans prepared by Thomson Architects were provided for discussion and clarification.

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

Jose de Andrade – 1014 Highland Street

The Chairman opened the public hearing and read the hearing notice into the record. Applicant/owner, Jose de Andrade was present to discuss the Dimensional Variance application for relief under Section IV-B and VI-D(3) to construct a new single-family dwelling with less than the required minimum rear yard setback to accommodate a front entrance landing. The project has a current building permit (BP23-360) and the foundation location was verified by an as-built plan. Members noted the limited building envelope and existing foundation placement caused by the extensive wetlands and an existing drainage easement. Mr. de Andrade noted the constraints placed on development by the Order of Conditions.

Building elevations and first and second floor plans prepared by ACB and Dante Montuori, PE (dated March 31, 2019) were provided for discussion and clarification, as well as, Helical Pile Design prepared by Exponential Construction Corp. (dated May 10, 2023) and Septic System Construction prepared by CIVILized Solutions (dated December 9, 2015).

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

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Dimensional Variance

Town of Holliston Parks and Recreation Dept. – 30 Green Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Town of Holliston Parks and Recreation Director, Mark Frank, was present along with Don Chemini, AIA of Chemini Design Architects to discuss the Dimensional Variance application for relief under Section I-C (3.1 and 3.2) to expand a non-conforming structure within the required front yard setback.

Building plans entitled “Holliston Parks & Recreation Department Goodwill Park” prepared by Chemini Design Architects et al (dated September 21, 2023) were provided for discussion and clarification. It was clarified that the existing historic stone building will be updated and the attached garage and pavilion will be removed and replaced by an addition. The proposed front yard setback will be 9.2’ at the closest point and the existing is 15.2’. The proposed building will be used for enhanced programming and storage. Because of security concerns for the entire park, building materials and placement have been chosen with care.

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.

DELIBERATIONS:

Special Permit – 167 Central Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C (3.3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed partial demolition and addition to the pre-existing, non-conforming structure is in keeping with the existing architectural qualities of the existing dwelling and will remain a 3-bedroom, single-family home. The proposed 2-story addition has a 682 s.f. footprint and will not encroach any further into the side yard setback than the existing dwelling. The proposed building rehabilitation and addition will be no more detrimental to the neighborhood than the existing non-conforming structure.

Zoning Board Vote

The Board’s vote to approve the Petitioner’s Special Permit application for relief under Section I-C (3.3) for property described and located at 167 Central Street was as follows on a motion by Mr. Love, seconded by Ms. Dembitzer:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Abstain
Mr. Love	Aye

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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 in substantial compliance with the record plans entitled “Proposed Addition Plan, 167 Central Street, Holliston, MA” prepared by GLM Engineering Consultants, Inc. (dated July 26, 2023 revised through September 5, 2023) and “The Arnold Residence (building elevations and first and second floor plans)” prepared by Matz Collaborative Architects (dated June 5, 2023).

Special Permit – 134 Winthrop Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C (3.3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: the proposed addition is in keeping with the neighborhood and does not create any new non-conformities. The proposed addition will be no more detrimental to the neighborhood than the existing non-conforming structure. The existing deck construction has rendered the property non-conforming, but all other dimensional aspects of the lot and construction are compliant.

Zoning Board Vote

The Board’s vote to approve the Petitioners’ Special Permit application for relief under Section I-C (3.3) for property described and located at 134 Winthrop Street was as follows on a motion by Ms. Dembitzer, seconded by Mr. Love:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Abstain
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. The proposed 972 s.f. second floor addition shall be constructed in substantial compliance with the record plans entitled “Spurway Residence (elevations and second floor plans)” prepared by Thomson Architects (dated June 30, 2023).

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Dimensional Variance – 1014 Highland Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section IV-B 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 critical stage of active construction as well as the significant presence of wetlands (DEP file #185-861) and a drainage easement.

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 1014 Highland Street was as follows on a motion by Ms. Dembitzer seconded by Mr. Love:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Nechev	Abstain
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 following record plans entitled Building elevations and first and second floor plans prepared by ACB and Dante Montuori, PE (dated March 31, 2019), and Septic System Construction prepared by CIVILized Solutions (dated December 9, 2015). Construction shall be no closer than 38.5’ to Highland Street.

Dimensional Variance – 30 Green Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Section I-C (3.1 and 3.2) 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 because of the historic nature of the structure, its thoughtful expansion and expressed public safety concerns impacting both design and placement. The proposed building rehabilitation and addition will be no more detrimental to the neighborhood than the existing non-conforming structure.

Approved: November 15, 2023

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Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C (3.1 and 3.2) for property described and located at 30 Green 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 record plans entitled "Holliston Parks & Recreation Department Goodwill Park" prepared by Chemini Design Architects et al (dated September 21, 2023). The front yard setback shall be no less than 9' to Green Street.

ADJOURNMENT: The meeting adjourned at 8:16 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 Wednesday, November 15, 2023 and will be held remotely.

Respectfully submitted,

Karen Sherman, Town Planner

Approved: November 15, 2023