

**Holliston Zoning Board of Appeals
Meeting Minutes of May 20, 2015**

Present: Chairman Henry Dellicker, Vice Chairman John Love, Brian Liberis and Associate Members Jay Peabody and Mark Bush.

Call to Order: The Chairman called the meeting to order at 7:10 p.m. in Room 014 of the Town Hall.

Approval of Minutes: On a motion by Mr. Peabody, seconded by Mr. Liberis, the members approved the minutes of April 15, 2015 as drafted with the vote as follows: 3-0-1 (Mr. Love was absent on 4/15 and abstained.).

I. PUBLIC HEARINGS:

**Use Variance Continued Public Hearing
BWC Charles River, LLC – 397 Hollis Street**

The Chairman opened the public hearing at 7:10 p.m. The applicant has requested a continuance until June 17, 2015 (See letter from Joyce Hastings, PLS of GLM Engineering Consultants, Inc. dated May 18, 2015). Mr. Liberis made a motion to honor the request for a continuance on the condition that no further extensions be granted. Mr. Peabody seconded with all in favor.

**Special Permit Public Hearing
Christopher and Kerry Baker – 298 Fiske Street**

The Chairman opened the public hearing at 7:15 p.m. Given that there was no one other than Mr. Baker and Attorney John Burke present with an interest in the application, the Chairman waived the reading of the hearing notice. A comment letter from the Fire Chief (dated May 20, 2015) was entered into the record.

Atty. Burke provided a detailed handout dated May 20, 2015 depicting both the current and proposed conditions (sun room and farmers porch additions) as well as summarizing the requested relief (encroachment into required minimum front yard setback of 40'). The handout also included a statement of no objections from abutters at 286 and 306 Fiske Street and 15 Northway Street. The proposal is shown on a plan prepared by Sullivan Surveying Company, LLC dated March 26, 2015.

On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed.

**Special Permit Public Hearing
James Read – 45 Pleasant Street**

The Chairman opened the public hearing at 7:30 p.m. Given that there was no one other than the applicant and Christopher Bailow, AIA present with an interest in the application, the Chairman waived the reading of the hearing notice. A comment letter from the Fire Chief (dated May 20, 2015) was entered into the record.

**Holliston Zoning Board of Appeals
Meeting Minutes of May 20, 2015**

Mr. Bailow provided a summary of the proposed addition encroaching into the front and side yard setbacks as detailed on a certified plot plan prepared by Continental Land Survey dated March 25, 2015 and elevations prepared by Mr. Bailow.

On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed.

**Special Permit Public Hearing
Inge Daniels – 394 Gorwin Drive**

The Chairman opened the public hearing at 7:40 p.m. Given that there was no one other than Ms. Daniels and Chris Comis present with an interest in the application, the Chairman waived the reading of the hearing notice. Comment letters from the Fire Chief (dated May 20, 2015) and Board of Health (dated May 11, 2015) were also entered into the record.

Ms. Daniels provided a summary of the proposed deck addition encroaching into the side yard setback as detailed on a certified plot plan prepared by GLM Engineering Consultants, Inc. dated April 23, 2015. Some discussion of the Board of Health Agent's comments followed regarding footing or sonotube locations in relation to the septic tank.

On a motion by Mr. Liberis, seconded by Mr. Love, the public hearing was closed.

**Continued Administrative Appeal Public Hearing
Holliston Residential Realty, LLC – 94 Brook Street**

The Chairman re-opened the public hearing at 7:50 p.m. Comment letters from the Fire Chief (dated March 4, 2015), Conservation Agent (dated March 11, 2015), Jeffrey Roelofs (dated March 17 and March 14, 2015), and Robert J. and Cynthia L. Foster of 89 Brook Street (dated February 25, 2015) were also entered into the record.

Present for the applicant was Atty. Jeffrey Roelofs. Present for Building Inspector Peter Tartakoff was Atty. Mark Bobrowski. Atty. Roelofs reviewed materials in a document entitled "Exhibits in Support of Administrative Appeal and Variance Application, Holliston Residential Realty, LLC, 94 Brook Street, Holliston, MA" dated January 26, 2015 (especially tabs 9 and 10 which are Mr. Tartakoff's interpretation dated December 29, 2014 and supporting opinion of counsel dated December 29, 2014 and Atty. Roelofs' formal request for determination dated November 21, 2014 respectively). He also presented a scenario of Lots A, B, and C with regard to the interpretation of both MGL c. 40A, s. 6 and Holliston Zoning By-Laws, Sections I-C and IV-A. Inconsistencies between the local by-law and general law were touched upon by both attorneys.

The Chairman opened the hearing to the audience. Robert Foster of 89 Brook Street and Fred Chapman of 102 Brook Street were present but did not have questions.

Atty. Bobrowski was asked to provide a supplement opinion addressing Atty. Roelofs' position on the applicability of Section IV-A of the local by-law. Additional information on the

**Holliston Zoning Board of Appeals
Meeting Minutes of May 20, 2015**

legislative history of both Section I-C and IV-A was requested and will be culled from the Town Clerk and Planning Board records and provided to both attorneys.

Atty. Roeloffs requested a continuance and assented to an extension of time to act. Mr. Love made a motion to continue the public hearing until June 17th. Mr. Liberis seconded with all in favor.

**Dimensional Variance Continued Public Hearing
Holliston Residential Realty, LLC – 94 Brook Street**

The Chairman re-opened the public hearing at 8:45 p.m. Atty. Roeloffs requested a continuance and assented to an extension of time to act. Mr. Love made a motion to continue the public hearing until June 17th. Mr. Liberis seconded with all in favor.

II. DELIBERATIONS:

Special Permit – 298 Fiske Street

Project Description

The Petitioner is seeking a Special Permit under the provisions of Section I-C(3) Pre-Existing, Non-Conforming Uses, Structures and Lots for construction of a 245 s.f. farmer's porch with landing on the front of the existing dwelling and 158 s.f. sunroom with stairs on the rear of the existing dwelling. Both additions are proposed in a required front yard setback as the locus is a corner lot and is subject to the provisions of Section IV-A(3). The lot and structure are both non-conforming as the lot's area is less than the required 40,000 s.f. and the front yard setback is less than the required 40' (Northway Street).

Findings of Fact

The Board reviewed the application materials and testimony provided by the Attorney John Burke and Christopher Baker (Petitioner) as well as comment letter from the Fire Chief (dated May 20, 2015). Attorney Burke supplemented the application with a detailed project description, summary of relief requested and photographs of the existing conditions. Letters from abutters at 286 and 306 Fiske Street and 15 Northway Street indicating no objections to the proposal were also entered into the record.

In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following:

1. The proposed additions do not increase the non-conforming nature of the altered structure,
2. There is no material change in the exterior appearance of the existing single family dwelling except according to the terms of this Special Permit and
3. The addition will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and lot.

Holliston Zoning Board of Appeals Meeting Minutes of May 20, 2015

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C(3) for property described and located at 298 Fiske Street was as follows on a motion by Mr. Peabody, seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye
Mr. Peabody	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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Construction of the porch shall encroach no further than 10' into the required front yard setback or within 30' of the front lot line (Northway Street) and construction of the sunroom shall encroach no further than 6' into the required front yard setback or within 34' of the front lot line (Northway Street).
3. Elevations and construction materials shall substantially comply with submitted plans entitled "Baker Residence, 298 Fiske Street, Holliston Sheets A1 & A6" prepared by Homefolks Design of Natick, MA (undated).

Special Permit – 45 Pleasant Street

Project Description

The Petitioner is seeking a Special Permit under Section I-C(3)(b), Pre-Existing, Non-Conforming Uses, Structures and Lots, for construction of a 308 s.f. addition that encroaches into the minimum required front and side yard setbacks on a non-conforming lot with less than the required minimum lot area. The existing front yard setback is also non-conforming. The locus is 45 Pleasant Street in the R-1 zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Christopher Bailow, AIA and James Read (Petitioner) as well as comment letter from the Fire Chief (dated May 20, 2015). In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following:

1. The proposed addition does not increase the non-conforming nature of the altered structure,
2. There is no material change in the exterior appearance of the existing single family dwelling except according to the terms of this Special Permit, and
3. The addition will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and lot.

Holliston Zoning Board of Appeals Meeting Minutes of May 20, 2015

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C 3(b) for property described and located at 45 Pleasant Street was as follows on a motion by Mr. Liberis, seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Liberis	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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Proposed construction shall encroach no further than 5.5' into the required front yard setback or within 24.5' of the front lot line (Pleasant Street) and shall encroach no further than 7.5' into the required side yard setback or within 12.5' of the side lot line.
3. Elevations and construction materials shall substantially comply with submitted plans entitled "Proposed Elevations" prepared by Bailow Architects of Holliston, MA (undated).

Special Permit – 394 Gorwin Drive

Project Description

The Petitioner is seeking a Special Permit under Section I-C(3), Pre-Existing, Non-Conforming Uses, Structures and Lots, for construction of a deck within the required minimum side yard setback. The locus is 394 Gorwin Drive in the R-1 zoning district. The lot and existing dwelling are both non-conforming.

Findings of Fact

The Board reviewed the application materials and testimony provided by Inge Daniels and Chris Comis (Owner) as well as comment letters from the Board of Health (dated May 11, 2015) and Fire Chief (dated May 20, 2015). A prior Variance for the existing porch from 1977 was noted.

In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following:

1. The proposed addition does not increase the non-conforming nature of the altered structure,
2. There is no material change in the exterior appearance of the existing single family dwelling except according to the terms of this Special Permit and
3. The addition will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and lot.

**Holliston Zoning Board of Appeals
Meeting Minutes of May 20, 2015**

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3) for property described and located at 394 Gorwin Drive was as follows on a motion by Mr. Liberis, seconded by Mr. Peabody:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye
Mr. Peabody	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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Proposed construction shall encroach no further than 10' into the required side yard setback or within 10' of the side lot line.
3. Elevations and construction materials shall substantially comply with submitted plans entitled "Proposed Deck Plan" prepared by GLM engineering consultants, Inc. of Holliston, MA (dated April 23, 2015).
4. The construction is subject to approval by the Board of Health given the proximity of the septic system components.

Adjournment: The meeting adjourned at 9:30 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for June 17, 2015.

Respectfully submitted,

Karen Sherman
Town Planner