

**Holliston Zoning Board of Appeals
Meeting Minutes of June 25, 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 7:30 p.m. in Room 014 of the Town Hall.

I. DELIBERATIONS:

**Special Permit Public Hearing
Jason Stanley – 47 Cold Spring Road**

1. 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 an attached garage in the required minimum side yard setback. The locus is 47 Cold Spring Road in the R-1 zoning district. The Inspector of Buildings has determined that the lot is non-conforming.

Findings of Fact

The Board reviewed the application materials (including undated elevations) and testimony provided by the Petitioner, as well as a comment letter from the Conservation Agent (dated June 10, 2015). In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following: 1. The proposed addition does 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.

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 47 Cold Spring Road was as follows on a motion by Mr. Liberis, 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. Proposed construction shall encroach no further than within 12' of the side lot line and shall be substantially in compliance with the elevations submitted.

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3. Special Conditions appended to Determination of Applicability #D-53 regarding erosion control, ñno-mowö strip, stockpiling, project access and use of proposed garage are hereby incorporated as well.

**Special Permit Public Hearing
Greg Pellegrino – 20 Whitney Street**

2. Project Description

The Petitioner is seeking a Special Permit under Section III-A Schedule of Use Regulations (27&34) for auto repair and sale of parts and accessories. The locus is 20 Whitney Street in the Industrial zoning district. Owner is Junction Street, LLC.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner, as well as a comment letter from the Conservation Agent (dated June 10, 2015). In accordance with the provisions of Section III-A and VI-E(5), the Board finds the following:

The proposed use complies with the dimensional requirements of the by-law, is in an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and other uses allowed by-right in the district and is designed to be compatible with the character and scale of neighboring properties.

Zoning Board Vote

The Boardø vote to approve the Petitionerø Special Permit application for relief under Section III-A for property described and located at 20 Whitney Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

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. Hours of operation are limited to 7 a.m. to 11:00 p.m. Monday through Saturday.
3. Ten (10) exterior parking spaces are assigned to Unit 1 per approved site plans.
4. Conditions in Perpetuity for Certificate of Compliance 185-653 regarding fertilizers, drainage system, snow removal and storage and underground storage tanks are hereby incorporated as well.

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Special Permit Public Hearing

Classic Motors, LLC dba Green Monster Motor Cars – 86 Washington Street

3. Project Description

The Petitioner is seeking a Special Permit under Section III-A (27c&31) salesroom for motor vehicles with repairs and storage of cars and outdoor retail sales. The locus is units 1 and 7 of 86 Washington Street in the Industrial zoning district. Owner is Bristol Development, LLC.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner and Atty. Peter Barbieri, as well as a comment letter from the Conservation Agent (dated June 10, 2015). The application was revised to include use #27c upon clarification of the proposal.

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

The proposed use complies with the dimensional requirements of the by-law, is in an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and other uses allowed by-right in the district and is designed to be compatible with the character and scale of neighboring properties.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A for property described and located at 86 Washington Street 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. Hours of operation are limited to 8:30 a.m. to 6:00 p.m. Monday through Sunday.
3. Exterior parking spaces are assigned to Unit 1 per referenced plans recorded as Plan No. 207 of 2013 prepared by Peter J. Karb, Architect and dated April 3, 2013.
4. Conditions in Perpetuity for Certificate of Compliance 185-652 regarding fertilizers, drainage system, snow removal and storage and underground storage tanks are hereby incorporated as well.

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Special Permit Public Hearing

Peter and Alice Feldman – 28 Sweet Grass Lane

4. 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 two-story garage and master suite addition to an existing single family home within the minimum side-yard setback. The locus is 28 Sweet Grass Lane in the R-1 zoning district. The Inspector of Buildings has determined that the lot area is non-conforming as well as the existing front and side yard setbacks.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. 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.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A for property described and located at 28 Sweet Grass Lane was as follows on a motion by Mr. Love, 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. Construction materials shall be consistent with the existing dwelling.
3. Proposed construction shall encroach no further than within 10 feet of the side lot line and shall substantially comply with submitted plans entitled "Plot Plan of Land in Holliston" prepared by Schofield Brothers (June 1962).

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

5. Project Description

The Petitioner is seeking Dimensional Variances from provisions of Section IV-B Schedule of Intensity Regulations to construct a 3-bedroom single family home on a parcel that does not meet the current lot area or lot depth requirements. The locus is 94 Brook Street in the AR-2 zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the petitioner's counsel as well as comment letters from the Fire Chief (dated March 4, 2015) and Conservation Agent (dated March 11, 2015). The plan of record ("Site Development & Facilities Plan in Holliston, MA" dated January 24, 2012 and revised through December 20, 2012 prepared by Guerriere & Halnon, Inc.) depicts a proposed 3-bedroom dwelling on the 32,442 s.f. lot with approximately 125 feet of lot depth from Mayflower Landing. The minimum lot area requirement is 40,000 s.f and the lot depth required is 200 feet.

In accordance with the provisions of Section VI-D(3) of the Holliston Zoning By-Laws, the Board finds that literal enforcement of the provisions of the by-law would involve substantial economic hardship to the petitioner owing to circumstances relating to soil condition and shape. The lot had a house on it for over 50 years until it was demolished in 1995. The lot as modified meets current frontage requirements, but does not meet the current lot area and lot depth requirements. The lot became a corner lot with the creation of Mayflower Landing (private way) in the adjacent subdivision known as "Highlands at Holliston" and is subject to the provisions of Section IV-A(3) General Requirements, requiring front yard dimensions from both street lines. Wetlands exist within substantial portions of the property and a Superceding Order of Conditions has been issued by the Massachusetts Department of Environmental Protection (Order of Conditions 185-722) pursuant to MGL c. 131, s. 40.

The Board also finds that allowing the requested variances will create no substantial detriment to the public good as the proposed re-use of the property for a single-family dwelling is compatible with abutting properties and the surrounding neighborhood.

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 94 Brook Street was as follows on a motion by Mr. Peabody seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye
Mr. Peabody	Aye

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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. 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 shall be substantially in compliance with the plan of record (öSite Development & Facilities Plan in Holliston, MAö dated January 24, 2012 and revised through December 20, 2012 prepared by Guerriere & Halnon, Inc.).

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

Atty. Roelofs provided a written request for extension. On a motion by Mr. Peabody, seconded by Mr. Love, the request for extension to act until August 31st was approved unanimously.

Adjournment: The meeting adjourned at 8:35 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman
Town Planner