

**Holliston Zoning Board of Appeals  
Meeting Minutes of October 21, 2015**

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

**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. Love, seconded by Mr. Bush, the members approved the minutes of September 16, 2015 as amended.

**I. PUBLIC HEARINGS:**

**Special Permit Public Hearing**

**Guaranteed Builders & Developers, Inc.(GBI) - 1159 Highland Street**

The Chairman opened the public hearing at 7:10 p.m. and waived the reading of the public hearing notice as no one was in the audience with an interest in the petition. Karen Keegan of GBI was present to discuss the petition. She provided a rendering and elevations of the proposed house (See plans prepared by Professional Building Systems, Inc., dated July 7, 2015.) as well as a clarification of the existing and proposed setbacks. The proposed 2-story replacement dwelling is well within the existing footprint but has additional floor area (approx.1900 s.f.). The request was modified to 18øform either side lot line to accommodate any overhangs. Some discussion of the language of Sections I-C(2) and I-C(3) followed.

The Chairman opened the hearing to the audience. No one was present to speak in favor or against the petition. On a motion by Mr. Love, seconded by Mr. Peabody, the public hearing was closed.

**Special Permit Public Hearing**

**Matthew Berg – 86 Christopher Road**

The Chairman opened the public hearing at 7:22 p.m. and waived the reading of the public hearing notice as no one was in the audience with an interest in the petition. Mr. Berg was present to discuss his petition. He presented elevations and layout plans entitled "Berg Renovations" prepared by Creative Designs by Scott Rapoza, dated 10/20/15. It was noted that the proposed construction would be 7øcloser to the street and 16øcloser to the side lot line than the existing dwelling. Wetland resources were identified and Mr. Berg indicated that he had made an application with the Conservation Commission for the proposal and the public hearing is scheduled for November 3rd. He added that the existing roof will need to be replaced to match the new construction and the new construction will be on a slab.

The Chairman opened the hearing to the audience. No one was present to speak in favor or against the petition. On a motion by Mr. Love, seconded by Mr. Peabody, the public hearing was closed.

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**Special Permit Public Hearing**

**Steve's Automotive, Inc.– 86 Washington Street, Unit #5**

The Chairman opened the public hearing at 7:35 p.m. The Chairman waived the reading of the public hearing notice as no one was in the audience with an interest in the petition. Steve Franchitto of Steve's Automotive, Inc. (currently located at 1286 Washington Street) was present to discuss his petition. He indicated that he would be purchasing the unit, dependent upon receipt of this Special Permit. The unit has recently been vacated by a similar use. He noted proposed hours of operation and the nature of his 11-year-old business.

The Chairman opened the hearing to the audience. No one was present to speak in favor or against the petition. On a motion by Mr. Love, seconded by Mr. Bush, the public hearing was closed.

**II. DELIBERATIONS:**

**Special Permit – 1159 Highland Street**

**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 reconstruction does not increase the non-conforming nature of the 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 new structure 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, to demolish and rebuild a single family structure destroyed by fire for property described and located at 1159 Highland Street was as follows on a motion by Mr. Peabody, seconded by Mr. Love:

Chairman Dellicker

Mr. Love

Mr. Peabody

Mr. Bush

**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 2 years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. 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 12' into the required side yard setback or within 18' of either side lot line.

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3. Elevations and construction materials shall be consistent with the plans submitted prepared by Professional Building Systems, Inc., dated July 7, 2015.

**Special Permit – 86 Christopher Road**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section I-C(3) and VI-E(5), the Board finds the following:

1. The proposed addition does not increase the non-conforming nature of the altered structure except according to the terms of this Special Permit,
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 an addition onto the existing home within the required minimum side yard setback for property described and located at 86 Christopher Road was as follows on a motion by Mr. Love, seconded by Mr. Bush:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Bush	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 30' into the required side yard setback or within 10' of the southwest side lot line.
3. Elevations and construction materials shall be consistent with the existing dwelling and the plan of record entitled "Berg Renovations" prepared by Creative Designs by Scott Rapoza, dated 10/20/15.

**Special Permit – 86 Washington Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III-A(#34) and VI-E(5), the Board finds the following:

The use is in an appropriate location and does not significantly alter the character of the neighborhood and 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.

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**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A(#34) for property described and located at 86 Washington Street was as follows on a motion by Mr. Love, seconded by Mr. Bush:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Bush	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 2 years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. 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. No auto body, soldering or welding shop is hereby permitted.
3. Hours of operation are restricted to Monday ó Friday 8:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 4:00 p.m., with no hours on Sunday.

**Dimensional Variance – 205&213 Central Street**

Members reviewed a letter from Atty. Peter Barbieri dated October 21, 2015 explaining that he would be submitting two Special Permit requests to alter the non-conforming lots in order to eliminate the proposed easement, a request to extend the time for which the Board needs to act on the dimensional variance petitions to November 27<sup>th</sup>, and notice of withdrawal of the variance petition for the property owned by Ms. Weissman. Mr. Peabody made a motion to accept Atty. Barbieri's request for extension of the 100-day action period. Mr. Love seconded with all in favor. Special Counsel Mark Bobrowski provided a written opinion as requests (dated October 16<sup>th</sup>). Further deliberation will occur at the November 18<sup>th</sup> meeting.

**Adjournment:** The meeting adjourned at 8:15 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for November 18, 2015.

Respectfully submitted,

Karen Sherman  
Town Planner