

**Holliston Zoning Board of Appeals  
Meeting Minutes of November 18, 2015**

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

**Call to Order:** The Chairman called the meeting to order at 7:05 p.m. in Room 014 of the Town Hall.

**Approval of Minutes:** On a motion by Mr. Love, seconded by Mr. Peabody, the members approved the minutes of October 21, 2015 as written.

**I. PUBLIC HEARINGS:**

**Special Permit Public Hearing**

**Minglewood Development – 51 Winthrop Street**

The Chairman opened the public hearing at 7:10 p.m. Mr. Liberis read the public hearing notice into the record. Dana Ross from GLM Engineering Consultants, Inc. (GLM) was present along with owner Corinne Kelleher to discuss the petition to raze and re-construct an attached garage at 51 Winthrop Street in the Residential zoning district. Existing and proposed conditions were reviewed. The proposed garage will be no closer than 10ø to the property lines and will be further from the property lines than the existing garage. The plan of record was prepared by GLM and is dated September 16, 2015. Elevations prepared by Spurling Thomas Period Design (dated 10/5/15) were provided for review. Construction materials are consistent between the home and the garage. The structure will be enlarged to a two-car structure and is approximately 8ø wider than the existing condition. Driveway materials are currently gravel and no grade changes are proposed.

The Chairman opened the hearing to the public. Leo and Janet Giorgio asked about proposed setbacks for the new structure and proposed grading. No one was present to speak in favor or against the petition. On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed.

**Special Permit Public Hearing**

**William Rodenhiser – 213 Central Street**

The Chairman opened the public hearing at 7:20 p.m. Mr. Present with the applicant was Atty. Peter Barbieri of Fletcher Tilton and owner Rebecca Weissman. Atty. Barbieri gave an overview of the proposal, noting the changes made to the site plan as well as the proposed exchange of property and elimination of the previous easement area (376 s.f.). There will be no net change on the setbacks or lot area. Mr. Peabody asked for clarification of the lotø status and the proposed Approval Not Required Subdivision. Atty. Barbieri stated that this proposal is contingent upon endorsement by the Planning Board and recording of deeds. Mr. Peabody asked if any alteration to the lot area may affect the non-conforming status of the lot. The provisions of Section I-C(4) were reviewed. Atty. Barbieri clarified that the reconfiguration is an equal swap of land, resulting in no changes to frontage or front setback width.

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Atty. Barbieri clarified his prior request to withdraw the variance for #205 Central and requested that the board consider re-opening the public hearing in order for him to submit a revised site plan showing all proposed improvements on #213 Central. After some discussion, the members and Atty. Barbieri were in agreement that the modification would be advertised for consideration.

A letter from Steve and MacDonald of 39 Franklin Street was entered into the record. 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. Peabody, seconded by Mr. Liberis, the public hearing was closed.

**Special Permit Public Hearing  
William Rodenhiser – 205 Central Street**

The Chairman opened the public hearing at 7:35 p.m. and Mr. Liberis read the hearing notice into the record. The same facts were entered into the record by Atty. Barbieri. No one was present to speak in favor or against the petition. On a motion by Mr. Peabody, seconded by Mr. Liberis, the public hearing was closed.

**II. DELIBERATIONS:**

**Special Permit – 51 Winthrop Street  
Findings of Fact**

The Board reviewed the application materials and testimony provided by the applicant's representatives. In accordance with the provisions of Section I-C and VI-E(5) of the Holliston Zoning By-Laws, the Board finds the following:

1. The proposed garage 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 with attached garage except according to the terms of this Special Permit, and
3. The proposed two-car garage construction 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 razing and replacing the existing garage within the required minimum side and rear yard setbacks for property described and located at 51 Winthrop 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

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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. 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 closer than 11.8øto the side lot line or 10øto the rear lot line as depicted on the record plot plan prepared by GLM dated September 16, 2015.
3. Elevations and construction materials shall be consistent with the record drawings prepared by Spurling Thomas Period Design dated October 5, 2015.

**Special Permit – 213 Central 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(4)(a) and Section VI-E(5), the Board finds the following:

1. The lot was created in 1958 (Plan Number 1516 of 1958).
2. The proposed lot alteration does not alter the nature of the non-conforming structure or lot; there is no alteration to frontage, lot area or other provisions of the Schedule of Intensity Regulations.

**Zoning Board Vote**

The Boardø vote to approve the Petitionerø Special Permit application for relief under Section I-C, to modify shape of lot by land swap with neighbor of equal areas for property described and located at 213 Central 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
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. The endorsed Approval Not Required plan prepared by Grady Consulting, LLC (dated October 28, 2015) and respective deeds to be recorded prior to proposed pool improvements.

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**Special Permit – 205 Central 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(4)(b) and Section VI-E(5), the Board finds the following:

1. The lot was created in 1958 (Plan Number 1516 of 1958) and was previously subject to a variance from the Zoning Board of Appeals (Book 11753, Page 428).
2. The proposed lot alteration does not alter the nature of the non-conforming structure; there is no alteration to frontage, lot area or other provisions of the Schedule of Intensity Regulations.

**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.

**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 December 16, 2015.

Respectfully submitted,

Karen Sherman  
Town Planner