

**Holliston Zoning Board of Appeals**  
**Meeting Minutes of December 16, 2015**

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

**Call to Order:** The Chairman called the meeting to order at 7:08 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 November 18, 2015 as written.

**I. PUBLIC HEARINGS:**

**Special Permit Public Hearing**

**Upton Capital Group, LLC – 6 Pine Oak Street**

The Chairman opened the public hearing at 7:10 p.m. and waived the reading of the public hearing notice as no parties of interest were in the audience. Ed and Amy Boulter of Upton Capital were present to discuss their petition to convert the existing 2-family structure to a 2-story single-family with an attached one-car garage. Some clarification of the existing and proposed front and side yard setbacks was provided given that the plot plan provided was not accurate with regard to the closest points of development. Building elevations were reviewed. An easement was identified on the east side of the property that is not impacted by the proposal. It was noted that a new septic system had been designed and approved.

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.

**Dimensional Variance Public Hearing**

**William Rodenhiser – 213 Central Street**

The Chairman opened the public hearing at 7:30 p.m. Mr. Liberis read the hearing notice into the record. Present with the applicant was Atty. Peter Barbieri of Fletcher Tilton PC. Atty. Barbieri reviewed the proposed land swap (updated plot plan dated October 31<sup>st</sup>) and the impact on the requested dimensional variances. He summarized the remaining requests as follows: 1. Bulkhead at 8.3øto Franklin Street, 2. Proposed addition at 29.1øto Franklin Street, and 3. Proposed in-ground pool at 0 feet to the side lot line (adjacent to #205 Central).

The Chairman opened the hearing to the audience. Speaking in favor of the petition was Elissa Sanford of 196 Central Street. On a motion by Mr. Love, seconded by Mr. Peabody, the public hearing was closed.

**Use Variance Public Hearing**

**William Bernard– 453 Hanlon Road (Clover Lane)**

The Chairman opened the public hearing at 7:40 p.m. The Chairman waived the reading of the hearing notice given that only the Applicant was present. Mr. Liberis read a letter of support from William Johnson of 463 Hanlon Road into the record.

**Holliston Zoning Board of Appeals  
Meeting Minutes of December 16, 2015**

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

**II. DELIBERATIONS:**

**Special Permit – 6 Pine Oak 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(3)(a&b) and Section VI-E(5), the Board finds the following:

1. The proposed reconstruction does increase the non-conforming nature of the structure with regard to both front and side yard setbacks but complies with zoning in place at the time of construction,
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, for reconstruction, second story addition, and one car garage addition, for property described and located at 6 Pine Oak 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 dwelling will be constructed no closer than 17' to the western side lot line (garage), 13' to the eastern side lot line (dwelling) and 30' to the street line as shown on the plan of record.
3. Construction shall be in substantial compliance with the plans entitled "Additions for Carey Residence, 6 Pine Oak Street, Holliston, MA" prepared by Golemme Mitchell Architects, LLC (dated October 29, 2015).

**Dimensional Variance – 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 IV-B and V-A, the Board finds the following:

The Board reviewed the application materials and testimony provided as well as an opinion from Special Town Counsel Mark Bobrowski dated October 16, 2015. Multiple parties of interest spoke

Approved: April 20, 2016

**Holliston Zoning Board of Appeals  
Meeting Minutes of December 16, 2015**

both in favor and against the petition at the August and September hearing sessions. The plan of record prepared by Grady Consulting, LLC was revised through October 31, 2015 to reflect a reconfiguration of the subject lot approved by Special Permit on November 18, 2015 under a separate filing. Correspondence from the Board of Health dated August 17, 2015 was entered into the record.

In accordance with Section VI-D(3), the Board finds that literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances related to shape of the lot and the placement of the historic multi-family structure on the corner lot comprised of 20,319 s.f. with 212 feet of frontage on Franklin Street. The dwelling is located approximately 18 feet from Franklin Street, 34 feet from Central Street, and 35 feet from the northwestern side lot line abutting #205 Central Street. The lot and multi-family use are both legally non-conforming but the proposed improvements encroach into the required front and side yard setbacks to the extent that they require variances. Addition of the proposed improvements will increase the lot coverage but will not result in an exceedance of the 30% maximum coverage of buildings, structures and accessory buildings allowed under Section IV-B.

Alternative locations for the proposed bulkhead, addition and accessory pool structure are severely limited due to the location of the sprawling residential structure, required resident parking, and newly constructed mounded septic system. As represented, the bulkhead will provide additional exterior access to the basement for the first floor unit and the addition will improve the layout and value of the structure. The applicant also represented that addition will be consistent with the historic architectural features of the existing building. The members noted that the owner of #205 Central Street, the closest and most directly impacted abutter, testified in favor of both the original and modified application. Appropriate screening for the abutter as well as the general public has been proposed.

**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 213 Central Street was as follows on a motion by Mr. Liberis, seconded by Mr. Bush:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye
Mr. Peabody	Aye
Mr. Bush	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. 10. If the rights authorized by this variance are not exercised within one year of the date of grant, the permit shall lapse. 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 per the Special Permit granted by the Board on November 18, 2015. The bulkhead shall be constructed no closer than 8.3 feet to Franklin Street and shall encroach no further than 21.7 feet into the required minimum front yard setback. The addition shall be located no closer than 27 feet to

Approved: April 20, 2016

**Holliston Zoning Board of Appeals**  
**Meeting Minutes of December 16, 2015**

Franklin Street and shall encroach no further than 3 feet into the required minimum front yard setback. The proposed pool, walkway and appurtenant equipment shall be allowed to be located as shown on the plan to within 0 feet of the side lot line and to within 30 feet of Central Street.

3. The proposed 6-foot solid vinyl fence or opaque natural screening shall be located at least 20 feet from Central Street in order to minimize sight line impacts from the Franklin Street and Central Street intersection.

**Use Variance – 453 Hanlon Road (Clover Lane)**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. The Board finds the following: The provisions of Section V-H(4)(B) state that "Lots within an OSRD shall not have physical access on a street other than a street created by an OSRD." The Board in this case, does not equate physical access and street numbering. Clearly the building lot in question has physical access on the subdivision street as shown on the approved subdivision plan. The street has been constructed as a driveway per waivers granted by the Planning Board in their Definitive OSRD decision. Given that the Applicant has nearly infinite options to name the street, the use of 453 Hanlon Road, which is sequentially in order along Hanlon Road and maximizes response times for public safety officials, makes sense. However, we find that no relief is required under the by-law provisions stated.

**Zoning Board Vote**

The Board's vote to on the finding noted above 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
Mr. Bush	Aye

**Adjournment:** The meeting adjourned at 9:30 p.m. on a motion made and duly seconded with all in favor. Members were given zoning by-law revision materials for a workshop planned for December 21<sup>st</sup> with Atty. Bobrowski and the Planning Board The next regular meeting was scheduled for January 20<sup>th</sup>.

Respectfully submitted,  
Karen Sherman, Town Planner