

**Holliston Zoning Board of Appeals
Meeting Minutes of April 20, 2016**

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

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. Liberis with all in favor, the members approved the minutes of March 16, 2016 as drafted. December 16, 2015 minutes were held for a quorum of members present.

I. PUBLIC HEARINGS:

Continued Special Permit Public Hearing

Sean Vaglica – 1506 Washington Street

The Chairman opened the public hearing at 7:05 p.m. Since the Board found that the Special Permit request is not required given the service nature of the use as represented and the Inspector of Buildings spoke with the applicant and is allowing the use to go forward, the applicant requested to withdraw his petition without prejudice.

On a motion by Mr. Love, seconded by Mr. Liberis, the Board allowed the withdrawal of the petition.

Special Permit Public Hearing

Richard Casavant – 755 Washington Street

The Chairman opened the public hearing at 7:10 p.m. and Mr. Liberis read the hearing notice into the record. Mr. Casavant was present to discuss his plans to renovate the upstairs of the former òHouse at 755ö retail consignment store. He noted that the space has been vacant for over a year and was leased for 2-story retail since 1992. Given recent tree removal shown in photos, ample off-street parking is available for the proposed two-bedroom unit. Both interior and exterior renovations will be required to meet the Building Code for the proposed mixed use.

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

Anthony Seariac – 397 Gorwin Drive

The Chairman opened the public hearing at 7:20 p.m. and Mr. Liberis read the hearing notice into the record. A comment letter from abutter Shelah Drezner of 389 Gorwin Drive (dated April 14, 2016) was also entered into the record. Mr. Seariac was present to discuss his petition and noted that he is a licensed carpenter and will be doing the work himself but has not completed the design. Sketches were provided showing the garage addition with second-story master bedroom suite. Measurement of setbacks was clarified and an additional foot of relief was requested.

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Ms. Dresner of 389 Gorwin asked several questions about the proposed construction schedule, noting that her house is currently for sale and she is concerned about noise disturbance. 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

Charles and Lisa Eppinger – 50 Winter Street

The Chairman opened the public hearing at 7:30 p.m. and waived reading the hearing notice as only the applicants were present to discuss their petition for a mudroom and kitchen expansion. After some discussion of existing and proposed conditions, members reviewed a 1994 Special Permit issued to previous owners.

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

Special Permit Public Hearing

The Happy Retriever (Dorothy Turcotte) – 1556 Washington Street

The Chairman opened the public hearing at 7:40 p.m. and Mr. Liberis read the hearing notice into the record. Ms. Turcotte was present to discuss her petition to expand her current use permitted by the Board by special permit in 2014 into additional space within the same building. She clarified that she would like to extend hours of operation as well as number of dogs given the growing nature of her business.

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

P. Coan Corp. – 205 Lowland Street

The Chairman opened the public hearing at 7:55 p.m. and Mr. Liberis read the hearing notice into the record. Mr. Coan was present to discuss his petition to expand his current heavy construction business to the sale of equipment. Photos of existing conditions and a sketch of a proposed sale area were presented. A proposed private fueling area was noted and Mr. Coan noted it has limited use for himself only and will not interfere with layout of vehicles and equipment for sale (approximately 10 pieces). The use will also require licensure by the Board of Selectmen. Mr. Coan is anticipating that sales will be primarily by appointment.

The Chairman opened the hearing to the audience for questions and concerns. Pat and Cherie Hafford of Lowland Street were present and expressed concerns about outside lighting. Mr. Coan noted that no evening hours are proposed and no changes to existing lighting is proposed. He noted that the site directly across the street is the former Holliston Sand & Gravel and the Hafford's are located several hundred feet to the south. He also noted that there are several other businesses nearby that operate in the evening and early morning, notably New England Emulsions. On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed.

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Use Variance Public Hearing

Pulte Homes of New England – 415 Concord Street

The Chairman opened the public hearing at 8:10 p.m. and Mr. Liberis read the hearing notice into the record. Mark Mastroianni was present from Pulte to discuss the petition for a sales office at the 415 Concord Street site approved for 66 units of Senior Residential under a Special Permit from the Planning Board earlier this year. The proposal is to establish an office within a trailer until a model unit can be constructed to utilize. Because the site is zoned Agricultural-Residential B, a Use Variance is required for sales. Locations were reviewed as was the overall layout. Mr. Mastroianni noted that generally, sales would be a maximum of two individuals at any one time. Proposed hours of operation are 9 a.m. to 6 p.m. 7 days a week. The project is expected to begin in Summer 2016 with construction through 2020.

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

Joyce Hastings – 65 Lake Shore Drive

The Chairman opened the public hearing at 8:25 p.m. and Mr. Liberis read the hearing notice into the record. Ms. Hastings was present to discuss her petition to demolish and reconstruct a single-family dwelling on a lot that pre-dates zoning enactment. She provided conceptual building elevations of the 2-story cape-style home as well as a detailed site plan and noted that the Conservation Commission has issued her an Order of Conditions on 4/19. She noted that the septic location dominates the placement of the structure as does the rear yard floodplain associated with Lake Winthrop.

The Chairman opened the hearing to the public. Tony Isgro of 69 Lake Shore Drive asked several questions about the proposed construction slated to begin in the Summer of 2016. He expressed a concern for a buffer between the two properties. Lynn Fontanella from 57 Lake Shore Drive noted that runoff and sedimentation from the area impacts Lake Winthrop as well as her lot and asked for consideration. It was noted that best management practices during construction have been required by the Conservation Commission. Long-term concerns were expressed. Ms. Hastings noted that proposed roofline orientation changes will alleviate some of the current runoff concerns and she will provide screening as well as long-term measures for site stabilization as soon as possible. On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed.

Special Permit Public Hearing

18-24 Water Street Trust, LLC – 18 Water Street

The Chairman opened the public hearing at 8:40 p.m. and Mr. Liberis read the hearing notice into the record. Mr. Colantonio was present along with his proposed tenant, Amanda DelPrite of Inspire Dance Academy (currently operating in Franklin). Mr. Colantonio noted that he would like to amend several conditions of the previous Special Permit issued by the Board in 2013 to the previous owner to increase the allowed class size to 26 students and allow operations on Saturdays until 6 p.m. It was noted that classes are primarily ballet with students aged 2 to 10, but other styles of dance are available as well for all age groups.

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Erik Maki of 79 Winthrop Street was present to express his concerns about the potential for low-frequency/bass noises that vibrate his nearby home. Mr. Colantonio noted that new flooring would be installed over the existing rubber floor and that he is amenable to a requirement that operation with closed windows and doors is required. Nathaniel Detering of 83 Winthrop Street echoed Mr. Maki's concerns and both noted that Mr. Colantonio's ownership has resulted in many property improvements as well as property management improvements, yet they remain concerned about use of this particular building as it is located closer to the residences than the main mill building at the complex. On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed.

II. DELIBERATIONS:

Special Permit – 755 Washington Street

Project Description

The Petitioner is seeking a Special Permit under Section III-A(17) and V-K(4) to restore the second floor, two-bedroom apartment. The locus is 755 Washington Street in the Village Center Commercial zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III-A(17), V-K(4) and VI-E(5), the Board finds that the proposed re-establishment of the second story apartment use is in harmony with the general purpose and intent of the zoning by-law and specifically, the objectives of the Village Center Commercial District. There will be no significant adverse effects to the neighborhood or the Town from the proposed use as no exterior alterations are proposed and adequate off-street parking is available per the provisions of Section V-C(2).

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A(17) and V-K(4) for property described and located at 755 Washington Street was as follows on a motion by Mr. Dellicker, 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 and shall lapse in two (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 twenty (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. A minimum of two off-street spaces must be designated for the residential use.
3. In accordance with the MA State Building Code and Board of Fire Prevention Regulations, life safety detection and notification equipment shall be installed.
4. Clear signage shall be installed to the Fire Chief's satisfaction so that first responders know where and how to access the residential space.

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Special Permit – 397 Gorwin Drive

Project Description

The Petitioner is seeking a Special Permit under Section I-C(3) to allow construction of an attached 22øx 33ø garage with a second floor master suite partially within the required minimum side yard setback. According to the Inspector of Buildings, both the lot and structure are non-conforming. The locus is 397 Gorwin Drive in the R-1 and AR-1 zoning districts.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as a comment letter from abutter Shelah Drezner of 389 Gorwin Drive (dated April 14, 2016). In accordance with the provisions of Section I-C(3) and VI-E(5), the Board finds that the proposed alteration of use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed use.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C for property described and located at 397 Gorwin Drive was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

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 and shall lapse in two (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 twenty (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 addition shall extend no closer than 12ø to the southeast side lot line.
3. Construction shall be in keeping with the existing dwelling with regard to design and materials (e.g. windows and siding).
4. In accordance with MA State Building Code and the Board of Fire Prevention Regulations, life safety detection equipment shall be provided.

Special Permit – 50 Winter Street

Project Description

The Petitioner is seeking a Special Permit under Section I-C(3) to allow construction of a covered porch, kitchen expansion and mudroom within the required minimum side yard setback. The locus is the subject of previous relief by this board (See Special Permit of 1994) and is located at 50 Winter Street in the AR-2 zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Section I-C(3) and VI-E(5), the Board finds that the use is in

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harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed use.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C for property described and located at 50 Winter Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

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 and shall lapse in two (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 twenty (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 undated plans of record prepared by Grey Dog with regards to design and materials.
3. The addition shall extend no closer than 15' to the southern side lot line as represented on the plot plan of record prepared by GLM Engineering Consultants, Inc., dated May 25, 1994.

Special Permit – 1556 Washington Street

Project Description

The Petitioner is seeking a Special Permit under Section III-A(41) to allow expansion of present kennel uses previously permitted by this board within additional space at the locus, a multi-tenant building. The locus is 1556 Washington Street in the Commercial zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III-A(41) and VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed expanded use.

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 1556 Washington Street was as follows on a motion by Mr. Liberis, seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Liberis	Aye
Mr. Love	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 and shall lapse in two (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 twenty (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. Any kennel activity at the site (i.e. group training, play groups and events) shall be limited to a maximum of 25 dogs.
3. Kennel activities are hereby limited and do not include an overnight boarding or any outside kennels/pens.
4. Kennel hours are limited to 8:00 a.m. to 8:00 p.m. daily. Occasionally the time may be extended to 10:00 p.m. by appointment only.
5. As indicated in application materials and testimony, noise limiting measures shall be put into practice to the extent feasible.
6. Any outdoor activities shall be supervised on a 1:1 person to dog ratio.

Special Permit – 205 Lowland Street

Project Description

The Petitioner is seeking a Special Permit under Section III-A(27c) to allow expansion of existing industrial uses to add outdoor display and sales of cars, trucks and equipment requiring a Class III license from the Board of Selectmen. The locus is 205 Lowland Street in the Industrial zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III-A(27c) and VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the surrounding industrial park, neighborhood or the Town from the proposed use.

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 205 Lowland Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

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 and shall lapse in two (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 twenty (20) days have elapsed since after the

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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 7:00 a.m. to 7:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on weekends.

Special Permit – 65 Lake Shore Drive

Project Description

The Petitioner is seeking a Special Permit under Section I-C(3)(a&b) to demolish the existing house, shed and garage and construct a new single family dwelling and garage in the required minimum front and side yard setbacks. The Inspector of Buildings has determined that both the lot and structure are pre-existing. The locus is 65 Lake Shore Drive in the AR-2 zoning district.

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 VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed use.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C for property described and located at 65 Lake Shore Drive 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 and shall lapse in two (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 twenty (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 be substantially in compliance with the plot plan of record prepared by GLM Engineering Consultants, Inc. dated March 28, 2016. The proposed dwelling shall be located no closer than 13' to the south side lot line and the proposed garage shall be located no closer than 10' to the northern side lot line.
3. Construction shall generally follow the undated record concept plans of a 2-story cape-style dwelling with attached garage.
4. Reasonable efforts shall be made to minimize runoff and sedimentation to adjacent lots during construction as well as post-construction.

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Special Permit – 18 Water Street

Project Description

The Petitioner is seeking a Special Permit under Section I-C(3)(a&b) to demolish the existing house, shed and garage and construct a new single family dwelling and garage in the required minimum front and side yard setbacks. The Inspector of Buildings has determined that both the lot and structure are pre-existing. The locus is 65 Lake Shore Drive in the AR-2 zoning district.

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 VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed use.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C for property described and located at 65 Lake Shore Drive 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 and shall lapse in two (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 twenty (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 be substantially in compliance with the plot plan of record prepared by GLM Engineering Consultants, Inc. dated March 28, 2016. The proposed dwelling shall be located no closer than 13' of the south side lot line and the proposed garage shall be located no closer than 10' to the northern side lot line.
3. Construction shall generally follow the undated record concept plans of a 2-story cape-style dwelling with attached garage.
4. Reasonable efforts shall be made to minimize runoff and sedimentation to adjacent lots during construction as well as post-construction.

Adjournment: The meeting adjourned at 10:05 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for May 18, 2016.

Respectfully submitted,

Karen Sherman
Town Planner