

**Holliston Zoning Board of Appeals
Meeting Minutes of August 17, 2016**

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

Call to Order: The Chairman called the meeting to order at 7:00 p.m. in Room 014 of the Town Hall.

Approval of Minutes: On a motion by Mr. Bush, seconded by Mr. Peabody with all in favor, the members approved the minutes of June 15, 2016 as drafted.

I. PUBLIC HEARINGS:

Dimensional Variance Public Hearing

Nancy and David Dubin – 1070 Washington Street

The Chairman opened the public hearing at 7:10 p.m. Mr. Liberis read the public hearing notice into the record. Mrs. Dubin was present to discuss her petition for relief for an accessory structure as well as freestanding sign(s).

A. Accessory Structure

With regard to the accessory structure, Mrs. Dubin noted that the pool house has been expanded from a 10ø x 10ø shed over time and was constructed without a building permit. She estimates that the distance from the sidewall to the center of the stone wall is approximately 9 feet and will seek clarification of the actual construction date. Mr. Peabody suggested that she withdraw the application without prejudice and re-file with additional information on the structure's exact location and the relief required. Further discussion led to the suggestion that the issue be continued so that re-advertising could be avoided.

Aaron Hutchins, Esq. was present representing 16, 24, and 20 Raleigh Road residents (Stephen Raisman, John Murgo, David and Louise Schroder respectively) to formally object to the dimensional variance request based on the historical use of the property characterized as "build first and request permission later" which have impacted the neighborhood's quality of life. He provided an aerial photograph of the locus and noted a manure composting structure of particular concern. He noted that the pool structure is 24ø x 12ø and appears to be more of a venue than a retreat for the homeowner. He suggested that the site needs to be evaluated for multiple principal structures. It was suggested that if neighbors have formal complaints, they should file with the Inspector of Buildings, Health Agent, and Conservation Agent. Atty. Hutchins asked if the members were in the habit of performing site visits, what their interactions were with other boards and commissions, and the weight given to any actions by those Town agencies. The Chairman responded that site visits are generally conducted on an as-needed basis by individual members and all applications are shared with other town departments, boards and commissions (9 in total). Mr. Peabody added that ZBA decisions respect requests and actions of other boards to a reasonable degree.

Mrs. Dubin responded that the pool house is very small scale and that the investments in the farm have been done in a calculated manner, including the "state of the art" composting facility and drainage improvements which were funded through state and federal grants with assistance from

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the Middlesex Conservation District. She noted that all farm buildings have received proper building permits.

On a motion by Mr. Peabody, seconded by Mr. Liberis, the public hearing (regarding the pool house only) was continued to October 19th at 7:10 p.m. by unanimous vote.

B. Exterior Sign(s)

The primary freestanding ladder sign was calculated to be 19 s.f. and seven (7) square feet of relief for the permanent banners under the as-of-right business logo (12 s.f.) is being requested. The second sign, a seasonal and special event banner between two posts in place and unpermitted is 15 s.f. The third banner sign advertising compost will be removed. The previous dimensional variance granted in June 2010 was discussed. It was not recorded and expired, creating a zoning violation.

No one was present to ask questions or comment on this portion of the proposal.

Mr. Peabody made a motion to close this portion of the public hearing. Mr. Liberis seconded with all in favor.

**Dimensional Variance Public Hearing
Julie and Brady Krass – 85 High Street**

The Chairman opened the public hearing at 8:20 p.m. and the reading of the hearing notice was waived as no one was present in the audience but the applicants. Julie and Brady Krass were present to discuss their petition and provided a photo of the existing 22ø x 30ø garage which is not salvageable. The proposed 24ø x 36ø 2-bay structure is proposed to be located overlapping the existing footprint but the entrance is rotated. The Chairman asked for clarification of the property line. Mr. Peabody suggested a requirement to have an instrument survey of the southern lot line.

Karen Prior of 79 High Street was present to speak in support of the petition.

On a motion by Mr. Bush, seconded by Mr. Peabody, the public hearing was closed.

II. DELIBERATIONS:

**Dimensional Variance – 1070 Washington Street
Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section V-B Exterior Signs, the Board finds the following: The Board finds that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning by-laws. In accordance with Section VI-D, the Board found that denial of the request would result in substantial hardship to the petitioner. Due to the shape of the lot, signs placed on any of the permitted accessory buildings would not be visible from the street. The Board also found that because the signs are located beside a heavily travelled road near a hazardous intersection, clear signage needs to be in place so as to not slow down or create additional hazards to traffic. Seven

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(7) square feet of relief is being granted for placards below the existing compliant principal sign. An additional 15 s.f. seasonal banner is being granted at its present location.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section V-B, for property described and located at 1070 Washington Street was as follows on a motion by Mr. Peabody, seconded by Mr. Liberis:

Chairman Dellicker	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. 11 and shall lapse in one (1) year 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. Relief is granted for two freestanding signs and is limited as follows: 1. Placard signs totaling seven (7) square feet are allowed to be placed under the existing business logo sign and 2. The freestanding fifteen (15) square foot banner is allowed to be utilized seasonally.
3. All signs allowed under this variance require a building permit.

Dimensional Variance – 85 High Street

Findings of Facts

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Section VI-D, the Board finds the following: Relief may be granted to construct a detached 2-car garage compatible in construction to the house without substantial detriment to the public good, and without nullifying or substantially derogating from the intent and purpose of the by-law. Literal enforcement of the provisions of the by-law would involve substantial hardship to the petitioners owing to circumstances related to the placement of existing dwelling, accessory structures and septic system on the non-conforming lot.

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 85 High Street was as follows on a motion by Mr. Peabody, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Liberis	Aye
Mr. Peabody	Aye
Mr. Bush	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 and shall lapse in one (1) year unless exercised per MGL, c. 40A, s. 10. 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. Relief is granted for the accessory structure as proposed on the plan of record (septic as-built) prepared by GLM Engineering Consultants, Inc. The southerly side lot line shall be identified in the field by a licensed surveyor to the satisfaction of the Inspector of Buildings to ensure that no portion of the structure will encroach on the abutting parcel.
3. Construction shall be substantially in compliance with the submitted drawings by Sheds Unlimited (dated July 14, 2016) with regard to elevation and architectural features.

Adjournment: The meeting adjourned at 9:00 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for October 19, 2016.

Respectfully submitted,

Karen Sherman
Town Planner