

**Holliston Zoning Board of Appeals
Meeting Minutes of July 12, 2017**

Present: Chairman Henry Dellicker, John Love (arrived at 8:00 p.m.), Brian Liberis and Associate Member Jay Peabody. Associate Member Mark Bush was absent.

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

I. PUBLIC HEARINGS:

Dimensional Variance Public Hearing

Gilberto Cunha – 243 Oak Street

The Chairman opened the public hearing at 7:10 p.m. and Mr. Liberis read the hearing notice into the record. Correspondence from the Building Inspector (dated May 23, 2017), Conservation Commission (dated June 20, 2017), Board of Health (dated July 5, 2017), Town Planner (dated July 6, 2017), Kate Longueil of 290 Underwood Street (dated June 15, 2017), and Paul Rennert of 205 Underwood Street (dated July 10, 2017) were also read and entered into the record.

Present with the applicant was Atty. Peter Barbieri of Fletcher Tilton, PC. He reviewed the application materials including supplemental narrative and site plan prepared by Applewood Survey, LLC dated April 16, 2017. He gave an overview of existing conditions, including wetland locations, existing home placement and lot shape. The proposal before the Board is to create a second lot with 56ø of frontage and 200ø common drive off Oak Street. He presented an alternative conceptual OSRD subdivision of 3 lots noting reduced lot areas and frontage and 50% open space per the by-law provisions and indicated that his client is not interested in pursuing the subdivision or greater density than what is proposed in the application. He indicated that the cost of developing the subdivision was also not attractive.

The Chairman opened the meeting to the audience for questions. The following individuals spoke: Tatiana Glazanova of 232 Underwood Street asked about the potential for future subdivision. Dan and Amanda Lacey of 268 Underwood Street noted that the wetlands are extensive and expansion of the driveway could have impacts on the wetlands. Bob Shore of 10 Cassandra Lane asked how long the current owner has owned the parcel. There was some confusion on the applicant's reply, but application information provided indicates January 2003. He also asked about facts and legal arguments detailing non-financial hardships associated with the application. The Chairman indicated that unique physical hardships per the by-law standard will be weighed in the Board's deliberations.

The Chairman asked for those in favor of the proposal to speak. Kevin Norton of 215 Underwood Street indicated that the 9-lot common drive on Underwood Street is precedent for the granting of this application and spoke for Mr. Cunha's character. Paul Saulnier, PE of Civilized Solutions located on Church Street spoke in favor of the proposed application's density and noted his role in the potential development of the site.

The Chairman asked for those against the proposal to speak. John Kanovich of 245 Oak Street indicated that he is a newcomer to the neighborhood and has concerns about additional lot creation in the area. Bob Shore of 10 Cassandra Lane submitted a letter from several neighbors for the record. Issues noted include a reference to required lot width and non-

Approved: July 19, 2017

Holliston Zoning Board of Appeals Meeting Minutes of July 12, 2017

compliance, notation that no perc testing has been provided, a reference to legal and maintenance issues associated with common driveways, and the opinion that the amount of frontage available is not in compliance and the relief requested is not de minimus. The correspondence is signed by Sandy and Mike Adams of 2 Cassandra Lane, Ann and Ryland Hanstad of 8 Cassandra Lane, John Drohan and Hayley Marshall of 4 Cassandra Lane and Kathy Shore of 10 Cassandra Lane. Bob Shore also spoke against the petition.

Atty. Barbieri was asked about his hardship arguments. He reviewed the frontage issues, wetland locations and the density proposed. Mr. Peabody ask for a summary of the permitting process, noting concern for additional permitting and the MGL c. 41, s. 81-P standards. Ms. Sherman noted that the physical standard for common driveway construction is the same as a rural residential lane roadway.

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

Use Variance Public Hearing Frank and Iris Sobchak – 815 Highland Street

The Chairman opened the public hearing at 7:59 p.m. and Mr. Liberis read the hearing notice into the record along with comment letters from the Board of Health (dated July 5, 2017), Town Planner (dated July 6, 2017) and Paul Frederick of 7 Prentice Street (dated July 10, 2017).

The applicants were present to discuss their petition. The ex-military couple has 4 children and a full-time live-in nanny and would like to provide in-law space as well for a total of 6 bedrooms. The alternate would be to purchase a second home. The existing garage is proposed to be re-designed so that an additional first floor bedroom can be provided. The in-law suite is above the existing garage. It was noted that an additional attached garage was once proposed but is not being pursued.

After some detailed discussion, additional information was requested on the layout, especially with regard to dimensions. Discussion of the limitations of the provisions of Section V-G(A) and the requested relief followed.

The Chairman opened the meeting to the audience for questions and comments. Paul and Kristen Frederick of 7 Prentice Street discussed their concerns for restricting the use for the future and noted their concern for the dwelling being converted to a multi-family.

On a motion by Mr. Love, seconded by Mr. Peabody, the public hearing was continued to July 19, 2017 at 7:00 p.m. for resolution of outstanding issues with the proposed layout and questions for the Building Inspector regarding his interpretation of the by-law and potential building code issues.

Approved: July 19, 2017

**Holliston Zoning Board of Appeals
Meeting Minutes of July 12, 2017**

II. DELIBERATIONS:

Dimensional Variance – 243 Oak Street

Findings of Fact

The Board reviewed the application materials, supplemental exhibits and testimony provided by Atty. Barbieri on behalf of the applicant, town agents and parties of interest. In accordance with the provisions of Sections VI-D of the Town of Holliston Zoning By-Laws, the Board finds the following: Grant of relief requested would derogate from the intent and purpose of the by-law and may be detrimental to the public good. The requested relief under Section IV-B is not de minimus in nature as 56øfeet of frontage is proposed and 120øis required. By-right provisions exist within the by-law which provide an alternative permitting approach. No substantial hardship, financial or otherwise, has been satisfactorily demonstrated in the application materials or testimony provided.

Zoning Board Vote

The Boardø vote to deny the Petitionerø Dimensional Variance application for relief under Sections I-E and IV-B for property described and located at 243 Oak Street was as follows on a motion by Mr. Peabody, seconded by Mr. Liberis :

Mr. Dellicker	Aye
Mr. Love	Abstained
Mr. Liberis	Aye
Mr. Peabody	Aye

Adjournment: The meeting adjourned at 9:15 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: July 19, 2017