

Holliston Zoning Board of Appeals Meeting Minutes of July 19, 2017

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

Call to Order: The Chairman called the meeting to order at 7:05 p.m. in the Selectmen's Meeting Room (#105), 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 June 21, 2017 as drafted. On a motion by Mr. Liberis, seconded by Mr. Peabody, the minutes of July 12, 2017 were approved as drafted. Mr. Love and Mr. Bush abstained as they were not present.

I. PUBLIC HEARING:

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

The Chairman re-opened the public hearing at 7:00 p.m. A comment letter received from Paul Frederick of 7 Prentice Street (dated July 18, 2017) was read and entered into the record as were comments from the Building Inspector (dated July 18, 2017).

Mrs. Sobchak submitted a sketch prepared for the 737 s.f. upstairs unit currently occupied by her nanny. She indicated that her preference is to permit the two units, both with full kitchens. If she had to express a preference, she would remove the kitchen from the proposed 580 s.f. first floor unit.

No one was in the audience to speak for or against the proposal.

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

Continued Comprehensive Permit Public Hearing Peter Conant, Own A Home MA – 245 Washington Street

The Chairman re-opened the public hearing at 8:15 p.m. Present were Peter Conant and Ona Jonaityte from Own a Home MA, Construction Manager Scott Heavner, Francisco Lovera, PE of McMahon Associates, and Brian Carr from Stamski and McNary, Inc. Also present were Atty. Paul Haverty of Blatman, Bobrowski and Haverty and Wayne Perry, PE of Stantec on behalf of the Board.

Comment letters received from Peter Conant (dated July 5, 2017), McMahon Associates Traffic Assessment (dated July 7, 2017), Conservation Commission (dated July 12, 2017), Stantec Consulting Services, Inc., (dated July 17, 2017) and revised plans entitled "Village on the Green, Site Plan, Washington Street, Holliston, MA, prepared by Stamski and McNary, Inc., 1000 Main Street, Acton, MA, 01720" (dated June 30, 2017) were read and entered into the record.

Mr. Conant introduced Mr. Lovera who reviewed the traffic assessment methodology and conclusions. Mr. Love asked about the seasonality of late June traffic measurements. Mr. Lovera

Approved: September 20, 2017

Holliston Zoning Board of Appeals Meeting Minutes of July 19, 2017

noted that he had observed the traffic volumes and patterns in this evening's peak hour and is confident that the overall impact of the proposed density will be negligible. He also indicated that driver courtesy will allow for additional gaps for drivers in addition to the traffic signal cycles. Stantec comments H, I and J were discussed in some detail. Mr. Lovera noted that an advanced warning sign (i.e. intersection ahead ⅈTö) could be added to Washington Street. Mr. Love inquired about the need for a crosswalk to Woodland Street. Mr. Lovera noted that there is an exclusive pedestrian phase associated with the Woodland Street traffic signal and the existing sidewalk leads directly to the intersection. Mr. Conant noted that the School Dept. indicated that they would prefer not to enter the site and school buses will stop on Washington Street. Atty. Haverty recommended a bus shelter on the driveway. Atty. Haverty also asked about the sight distance measurements. The recommended AASHTO-compliant sight triangle on the subject parcel will be added to the site plans.

Bill Doonan of 4 Quail Run asked if additional traffic study could occur based on seasonality and commented on the assessment of sidewalks and shoulder west of the site noted in the traffic assessment.. Wayne Perry, PE of Stantec suggested that seasonality should be factored in as should accident data. Mike Marien of 43 Copper Lane asked if discarding accident data from nearby intersections was acceptable. Mr. Lovera noted that the data was discounted because of the minimal volumes associated with proposed project.

Mr. Conant provided some draft condominium documents (Rules and Regulations) for review. He noted that issues such as owner occupancy, noise and protection of the wetland buffer will be addressed. Sharon Stahl of 25 High Street asked about the mechanics of the proposed conservation restriction. Atty. Haverty recommended that the open space be delineated clearly on a plan and execution of the conservation restriction should be tied to construction (either building permit or occupancy permit). Mr. Doonan suggested that public access to the open space might be valuable.

Mr. Perry reviewed his memorandum in detail, including his opinion regarding requested waivers. Mr. Carr indicated that he would prepare a response in short order and asked about the level of detail expected.

On a motion by Mr. Peabody, seconded by Mr. Love, the public hearing was continued to Wednesday, August 16th.

II. DELIBERATIONS:

Use Variance – 815 Highland Street **Findings of Fact**

The Board reviewed the application materials, supplemental exhibits and testimony provided by the petitioners and parties of interest. In accordance with the provisions of Sections VI-D and V-G(A)(2)(a&b) of the Town of Holliston Zoning By-Laws, the Board finds the following: The proposal to provide multiple living quarters as Accessory Family Dwelling Units (AFDU) may be partially accomplished without substantially derogating from the intent and purpose of the by-laws. The existing second floor accessory unit may be permitted in accordance with the

Approved: September 20, 2017

**Holliston Zoning Board of Appeals
Meeting Minutes of July 19, 2017**

provisions of V-G(A) as conditioned below and substantial hardship, financial and otherwise, has been adequately demonstrated by the petitioners. The proposed renovation of the first floor garage **without** a kitchen (i.e. of equipment for eating) as noted in Section I-E Definition Dwelling Unit) is a viable alternative to the request for a second AFDU and is preferred by the members.

Zoning Board Vote

The Board's vote to partially approve the Petitioner's Use Variance application for relief under Section V-G for property described and located at 815 Highland Street was as follows on a motion by Mr. Liberis, seconded by Mr. Peabody:

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

Conditions of Approval

1. This Use Variance is not valid until recorded and indexed at the S. Middlesex Country Registry of Deed in accordance with the provisions of 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 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 area and location of the permitted Accessory Family Dwelling Unit is limited to the existing second floor unit (garage). The unit as represented exceeds the restriction of Section V-G(A)(5) regarding area. As represented by the sketch provided for the record, the unit is approximately 737 s.f.
3. Occupancy of the Accessory Family Dwelling Unit is restricted per provisions of Section V-G(A)(2)(a). Additionally, a paid caregiver may occupy the one-bedroom unit. The unit cannot be rented as an additional dwelling unit.
4. Adequate provisions shall be made to upgrade the septic system in accordance with the requirements of the Board of Health (dated July 5, 2017).

Adjournment: The meeting adjourned at 9:05 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: September 20, 2017