

**Holliston Zoning Board of Appeals  
Meeting Minutes of September 20, 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) of Town Hall.

**Approval of Minutes:** On a motion by Mr. Liberis, seconded by Mr. Love with all in favor, the members approved the minutes of July 19, 2017 and August 16, 2017 as drafted. Messrs. Bush and Peabody abstained from voting on the August 16<sup>th</sup> minutes as they were not present.

**I. PUBLIC HEARING:**

**Special Permit Public Hearing**

**Zachary Maltzman – 260 Hopping Brook Road**

The Chairman opened the public hearing at 7:05 p.m. and Mr. Liberis read the hearing notice into the record. Correspondence from the Conservation Commission (dated August 29, 2017) was also read and entered into the record. Present for the applicant was James Monaghan, General Manager of S.E. Shires Company. He provided a background of the company that employs 25 craftsmen manufacturing custom high-end trumpets and trombones. He estimates 2 or 3 weekly appointments for one-on-one consultations with professional sales staff in a designated 700 s.f. showroom/quality control area. Retail operations would occur during daytime hours and manufacturing occurs between 6 a.m. and 6 p.m. The parking lot was developed in 2009 for the former occupant ScannerMaster and is adequate for the planned employees and retail use.

The Chairman opened the hearing to the audience. Peter Conant spoke in favor of the application, noting that Shires is an awesome company and should be welcomed with open arms to Holliston.

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

**Special Permit Public Hearing**

**Hanging Vine Properties, LLC – 263 South Street**

The Chairman opened the public hearing at 7:15 p.m. and Mr. Liberis read the hearing notice into the record. Correspondence from the Conservation Commission (dated August 29, 2017) was also read and entered into the record. Walter Branson, Trustee of Hanging Vine Properties was present to discuss his proposal to preserve the excess property on this large parcel located on the Milford town line. The existing multi-family dwelling (5 units) was purchased from Lista Corporation is pre-existing non-conforming and he would propose to keep approximately 4 acres on the parcel with the dwelling and the remainder preserved. The property has existing trails and directly abuts the Upper Charles Trail and includes Map 1, Block 2, Lot 13 and Block 1, Lot 48.

Brian Ream of 215 South Street asked about the proposed division and potential for public access and parking as well as tree maintenance. No one in the audience spoke for or against the proposal.

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On a motion by Mr. Liberis, seconded by Mr. Bush, the public hearing was closed. On a motion by Mr. Love, seconded by Peabody, the application fee was waived.

**Administrative Appeal Public Hearing**

**Holliston Residential Realty, LLC – 8 & 12 Indian Circle**

The Chairman opened the public hearing at 7:30 p.m. and noted receipt of correspondence dated September 18<sup>th</sup> from Atty. Brian Falk requesting a continuance to the next ZBA hearing.

On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was continued until October 18<sup>th</sup>'s regular meeting.

**Use Variance Public Hearing**

**Susan and Scott Mogren – 62 Ashland Street**

The Chairman opened the public hearing at 7:30 p.m. and Mr. Liberis read the hearing notice into the record. Correspondence from the Conservation Commission (dated August 29, 2017) was also read and entered into the record. Mr. and Mrs. Mogren were present to discuss their petition to create a second dwelling unit on the parcel. They noted that the size restriction and other constraints of the Accessory Family Dwelling Unit provisions of the by-law do not easily fit the proposed second floor dwelling unit (approximately 800 s.f. over a 24x30 attached two-car garage). Additionally, the internal flow of the dwelling does not lend itself to adding the second floor unit directly to the home. At the moment, occupancy of the new unit by a family member is planned but the unit could also serve as a rental to meet community needs. They estimated the original dwelling on the lot dated back to early 1900 but was substantially reconstructed. The original foundation and exterior walls are partially remaining.

Alteration and conversion provisions of the by-law at Section III(A)(3) were discussed in detail, with members noting that a potential finding could be made that no variance would be required to accommodate the proposed use.

No one from the audience spoke in favor or against the proposal.

On a motion by Mr. Bush, seconded by Mr. Liberis, the members made a finding that the proposed use is permitted by-right by the provisions of Section III(A)(3) and there is no need for the Use Variance as requested given the unique circumstances. A letter of finding will be transmitted to the Inspector of Building and Town Clerk. Atty. Haverty clarified that there would be an associated appeal period.

**Continued Comprehensive Permit Public Hearing**

**Peter Conant, Own A Home MA – 245 Washington Street**

The Chairman re-opened the public hearing at 7:55 p.m. Present were Peter Conant and Ona Jonaityte from Own a Home MA along with Construction Manager Scott Heavner. Also present was Atty. Paul Haverty of Blatman, Bobrowski and Haverty on behalf of the Board.

Mr. Conant reviewed the process to date, noting the additional permitting required for the project, including filing a Notice of Intent, Board of Health approval of the septic design, water line connection permit and driveway curb cut permit from the DPW. Mr. Peabody asked about

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documenting the LLC issue. Atty. Haverty provided some draft language and worked through proposed Sections I Procedural History, II Jurisdictional Findings, III Factual Findings, and IV Conditions of a draft Comprehensive Permit Findings and Decision. Mr. Conant and Ms. Sherman agreed to provide Atty. Haverty with some additional information before the next meeting.

On a motion by Mr. Liberis, seconded by Mr. Love, the public hearing for the project was closed. A deliberation session was scheduled for October 18<sup>th</sup>.

**II. DELIBERATIONS:**

**Special Permit – 260 Hopping Brook Road**  
**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner's representative. In accordance with the provisions of Section III-D(5) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed retail use, in relation to the site and the adjacent uses, shall have no significant adverse effects to the neighborhood or the Town.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-D(5) for property described and located at 260 Hopping Brook Road was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Mr. 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 two (2) years 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. Retail sales shall be allowed by appointment only.

**Special Permit – 263 South Street**  
**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Applicant. In accordance with the provisions of Section I-C(2) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed change in the non-conforming use is not substantially more detrimental than the existing non-conforming use to the neighborhood. Sufficient evidence of substantial hardship (financial and otherwise) has been demonstrated in

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the application and the relief requested may be granted without nullifying or substantially derogating from the intent and purpose of the by-law.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Sections I-C (2) for property described and located at 263 South Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Mr. 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 two (2) years 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. Continuation of the non-conforming use on a lot of substantially smaller size than current is hereby permitted under the following conditions:
  - a. An Approval Not Required Subdivision Plan is approved by the Planning Board and recorded at the Registry of Deeds reserving a lot with a minimum of 80,000 s.f. for the first residential unit, 10,000 s.f. for the second unit with 5,000 s.f. for every additional unit with a second parcel labeled not to be considered a building lot. No further subdivision of the locus is authorized.
  - b. The excess land is the subject of a recorded instrument resulting in permanently protected open space.

**Adjournment:** The meeting adjourned at 9:20 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman  
Town Planner

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