

**Holliston Zoning Board of Appeals
Meeting Minutes of December 20, 2017**

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

Call to Order: The Chairman called the meeting to order at 7:00 p.m. in the Selectmen's Meeting Room (#105) of Town Hall.

Approval of Minutes: On a motion by Mr. Love, seconded by Mr. Peabody with all in favor, the members approved the minutes of November 15, 2017 as drafted.

I. PUBLIC HEARING:

Special Permit Public Hearing

Daniel and Margaret Ellis – 23 David Street

The Chairman opened the public hearing at 7:10 p.m. and Mr. Love read the hearing notice into the record along with comment letters from the Conservation Commission (dated December 13, 2017) and Carl Tracy and Deborah Schreiber of 31 David Street (dated December 19, 2017). The applicants were present to discuss their application to add a 2-car attached garage to the existing non-conforming structure. They presented a rough graphic of the proposal, noting that a single story addition with a low pitched roof is proposed and it will be located on an existing impervious/paved area. Construction materials and style (shingles, etc.) will match existing construction. Some clarification of the relief into the side yard setback requested was discussed.

The Chairman opened the floor to the audience for questions. Carl Tracy of 31 David Street asked how the massing could be judged in terms of shadowing and how any additional or more intense runoff would be managed. Mr. Ellis noted that the existing gutter and proposed roof could be piped to dry well(s) on the parcel. Mr. Tracy also asked about any proposed re-grading and the need for survey of the side lot line given the close proximity of the construction.

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

Use Variance Public Hearing

Susan and Scott Mogren – 62 Ashland Street

The Chairman opened the public hearing at 7:35 p.m. and waived reading the hearing notice into the record as no parties in interest were present. It was noted that this request is being heard again at the request of the applicants as the Board's previous vote did not grant the relief requested.

Members reviewed the supplemental application materials and assessed the unique conditions of the property, both physical and financial hardships. The existing detached garage circa 1901 is in poor repair. The attached 2-story addition would continue the style of the existing windows and clapboard siding.

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

Approved: April 25, 2018

**Holliston Zoning Board of Appeals
Meeting Minutes of December 20, 2017**

II. DELIBERATIONS:

Special Permit – 23 David Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Sections I-C(3.3.1) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use, in relation to the site and the adjacent uses, shall have no significant adverse effects to the neighborhood or the Town as conditioned.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C, Pre-Existing, Non-Conforming Uses, Structures and Lots for property described and located at 23 David Street was as follows on a motion by Mr. Peabody, seconded by Mr. Love:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Peabody	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. No part of the proposed single-story attached two-car garage shall not be any closer than 10' to the northern side lot line abutting house #31. The addition's height shall generally be in accordance with the diagrammatic provided, that is, single-story with low-pitched roof.
3. The applicant shall take sufficient mitigation measures to divert roof runoff from the northern neighbor. Any fine grading associated with the construction shall also alleviate adverse overland runoff impacts to the abutter at #31.
4. Construction materials and style shall be consistent with the existing structure.

Use Variance – 62 Ashland Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Sections VI-D(3) and III(A)(2) of the Town of Holliston Zoning By-Laws and MGL c. 40A, s. 10, the Board finds the following: The proposed variance for construction of a second dwelling unit to be located over an attached two-car garage will create no substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the bylaw. The relief will alleviate a substantial hardship for the applicants as the existing historic detached garage is in significant disrepair. Because of the internal layout of the single-family dwelling and the size of the two-car garage, construction of an accessory family dwelling unit is not desirable. The proposed attached dwelling unit and garage will be designed to match the existing single-family construction and will provide unrestricted use of the planned

Approved: April 25, 2018

**Holliston Zoning Board of Appeals
Meeting Minutes of December 20, 2017**

one bedroom second dwelling unit, meeting a local housing need. The 3.25 acre lot has a number of circumstances unique to it, ranging from its location, to its size and shape. The proposed use complies with the dimensional requirements of the by-law, is an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and is designed to be compatible with the character and scale of neighboring properties.

Zoning Board Vote

On a motion by Mr. Peabody, seconded by Mr. Love, the Board agreed, with conditions, to approve the variance relief under Sections VI-D(3) and III(A)(2) for property described and located at 62 Ashland Street:

Mr. Dellicker	Aye
Mr. Love	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. If the rights authorized by this variance are not exercised within one year of the date of grant, such rights shall lapse unless an extension is granted.
2. The proposed garage addition and second dwelling unit are to be attached to the principal dwelling. The second dwelling unit shall be limited to the second floor over the garage as represented in the rendering provided and it shall comply with all applicable codes as a second dwelling unit, not an accessory unit.
3. Materials and construction shall be consistent with the existing dwelling and its single-family character.

Adjournment: The next meeting was set for February 7, 2018. The meeting adjourned at 8:35 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: April 25, 2018