

**Holliston Zoning Board of Appeals
Meeting Minutes of September 19, 2018**

Present: Chairman Henry Dellicker, Jay Peabody and Associate Member Mark Bush. Vice Chairman John Love was 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. Bush, seconded by Mr. Peabody, the minutes of August 15, 2018 were approved as drafted.

Special Permit Public Hearing

Robert E. Collier – 888 Washington Street

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was postponed until after the 7:20 hearing. No one was present for the applicants.

The Chairman opened the public hearing at 8:20 p.m. and Mr. Peabody read the hearing notice into the record. Mr. Peabody made a motion to continue the public hearing until the October meeting. Mr. Bush seconded with all in favor.

Special Permit and Dimensional Variance Public Hearing

Meaghan Hammer – 16 Pearl Street

Chairman opened the public hearing at 7:20 p.m. and waived reading of the hearing notice into the record. Comment letters from Howard Stone of 969 Washington Street (dated September 6, 2018), Pat Hafford of 242 Lowland Street (dated September 6, 2018) and Scott Moles, Health Agent (dated September 19, 2018) were entered into the record. Meaghan Hammer and Brian Cheever of JMH Trust were present to discuss demolishing and rebuilding the existing house. They purchased the house for renovation. Contractors have evaluated the foundation and determined it to be in poor condition, so it will need to be replaced. They added that the existing historic home is extremely small and the proposal is to replace the dwelling with a colonial-style structure (preliminary elevations and renderings were shown but not provided for the record).

Through discussion and review of supplemental plans, it was clarified that the existing foundation setback is approximately 9' to the foundation. The actual building setback is 10' less. The proposed garage will be side-loaded and the second floor above it will be the master bedroom. The nearest dwellings are approximately 60' on one side and 25' to the other. The septic is proposed for three bedrooms by deed restriction and is located in the right side of the lot. It will be raised because of the high water table. It was agreed that lot lines should be established in the field and the corners marked with permanent monuments. It was also suggested that the Fire Department might be interested in training in the existing dwelling.

The Chairman opened the hearing to the audience. Questions were raised by Jack Deloge of 949 Washington Street and Howard Stone of 969 Washington Street. Mr. Stone reviewed his request for a fence along the side and rear line. He indicated that he had granted permission for some tree removal but the tree cutter had overstepped and removed several additional trees. He indicated that he had spoken with Mr. Cheever and he had agreed to a rear line fence. Mr. Cheever confirmed the discussion.

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No one else spoke on favor or against the petition.

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

II. DELIBERATIONS:

Special Permit – 16 Pearl Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner including the supplemental record plans prepared by Civilized Solutions entitled "Septic System Construction 16 Pearl Street" dated July 30, 2018 with revisions through September 19, 2018. In accordance with the provisions of Sections I-C(3.1)(1) and (3.5.1)(3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed demolition and reconstruction of this single-family dwelling and increase in the gross floor area by more than 50% may be accomplished without being substantially more detrimental than the existing nonconforming structure to the neighborhood as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Sections I-C (3.1)(1) and (3.5.1)(3) Pre-Existing, Non-Conforming Uses, Structures and Lots for property described and located at 16 Pearl Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Dellicker	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) year unless exercised per MGL, c. 40A, s. 9. 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 appeal has been filed or if such appeal been filed, that it has been dismissed or denied.
2. Prior to demolition, the lot shall be surveyed and lot corners shall be marked with permanent monuments.
3. Per the record plan (prepared by Civilized Solutions entitled "Septic System Construction 16 Pearl Street" dated July 30, 2018 and revised through September 19, 2018), the new dwelling shall be limited to three bedrooms and shall not encroach into the required side yard setback any further than the existing dwelling. The dwelling shall be no closer than 8' to the southwesterly lot line and no closer than 6' to the front lot line along Pearl Street. The building envelope shall in no way increase the conformity dimensionally, just volumetrically.

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4. Final building plans and elevations shall be substantially in compliance with the materials reviewed at the public hearing with regard to building placement, design and construction materials.
5. Fencing or dense vegetative screening shall be installed on the rear lot prior to issuance of an Occupancy Permit in accordance with the abutter at 969 Washington Street.

Dimensional Variance – 16 Pearl Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Sections I-C(3.2) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desired relief may be granted without substantial detrimental to the public good, and without nullifying or substantially derogating from the intent or purpose of the by-law. Literal enforcement of the provisions of this by-law with regard to the minimum front and side yard setbacks would involve substantial hardship to the Petitioner owing to unique circumstances related to the lot shape and structure's placement on the lot in addition to the limited septic system construction options given the high groundwater conditions.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Sections I-C(3.2) Pre-Existing, Non-Conforming Uses, Structures and Lots for property described and located at 16 Pearl Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Dellicker	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 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 an appeal has been filed, that it has been dismissed or denied.
2. Prior to demolition, the lot shall be surveyed and lot corners shall be marked with permanent monuments.
3. Per the record plan (prepared by Civilized Solutions entitled "Septic System Construction 16 Pearl Street" dated July 30, 2018 and revised through September 19, 2018), the new dwelling shall be limited to three bedrooms and shall not encroach into the required side yard setback any further than the existing dwelling. The dwelling shall be no closer than 8' to the southwesterly lot line and no closer than 6' to the front lot line along Pearl Street. The building envelope shall in no way increase the conformity dimensionally, just volumetrically.

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4. Final building plans and elevations shall be substantially in compliance with the materials reviewed at the public hearing with regard to building placement, design and construction materials.
5. Fencing or dense vegetative screening shall be installed on the rear lot prior to issuance of an Occupancy Permit in accordance with the abutter at 969 Washington Street.

Adjournment: The next meeting was set for October 17, 2018. The meeting adjourned at 8:25 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: January 16, 2019