

Holliston Zoning Board of Appeals
Meeting Minutes of November 14, 2018

Present: Chairman Henry Dellicker, John Love and Jay Peabody. Alternate Mark Bush was absent. Also present was Town Counsel Jay Talerman of Talerman, Costa and Mead.

Call to Order: The Chairman called the meeting to order at 7:15 p.m. in the Selectmen's Meeting Room (#105) of Town Hall.

Continued Public Hearing and Comprehensive Permit Extension
Green View Realty, LLC – 708 Prentice Street and 95 Marshall Street

The Chairman re-opened the public hearing at 7:15 p.m. Present on behalf of Greenview Realty, LLC was Atty. Robert Fasanella of Rubin & Rudman. He reported that over \$46,000 in taxes had been paid on the 52.32 acre parcel since the prior session. That was confirmed by Ms. Sherman and Atty. Talerman.

A letter from Robert Berger, LSP, of Capital Environmental, LLC (dated November 7, 2018) was entered into the record. Atty. Fasanella noted that the Capital Environmental letter provides no new information on the site but recent groundwater testing has occurred in the past several weeks and the levels of contamination are receding. The Chairman asked what other progress has been made towards development of the site. Atty. Fasanella reiterated that solicitation of development partners was ongoing.

Atty. Talerman noted that there is a lot of work to do in permitting the project, that is, other required permits. He stated that the Board can grant a shorter timeframe than requested. Some discussion of the DHCD and Housing Appeals Committee regulations and the standards for consideration of substantial changes followed. Atty. Tim Twardowski of Robinson & Cole was present along with his clients, Jason and Marissa Santos of 183 Marshall Street. He asked the members to address the standards of review but the discussion was held to the extension request only and not any material changes in the facts or sites. Atty. Talerman added that reasonable, timely requests are generally viewed favorably by the Housing Appeals Committee.

Mr. Peabody noted that he is interested in understanding the current issues and concerns surrounding any proposed development of the site but is inclined to limit the period to one year and look for milestones within that timeframe (e.g. development agreements, additional permitting, changes in contamination monitoring and/or clean-up, potential permit modifications). Atty. Talerman suggested that a one-year extension could be granted with reporting at the 6 month and one year marks with the evaluation at the one year mark allowing for an additional extension of one year if a finding of substantial progress is made.

On a motion by Mr. Dellicker, seconded by Mr. Love, the members unanimously granted the extension as suggested by counsel. Atty. Talerman agreed to draft a document for the Chairman's signature.

Dimensional Variance Public Hearing
RCVA, LLC – 289 Hollis Street

The Chairman opened the public hearing at 8:35 p.m. and waived reading the hearing notice into the record as there were no abutters present. Chetak Patel of RCVA, LLC (Owner) and Ted Gowdy (Project Manager), were present to discuss the petition. Mr. Gowdy described the locus

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and the physical condition of the lot, noting that the existing house is to be demolished and a new septic system is to be constructed. Based on ledge encountered, there are limited locations for both the septic and the proposed house footprint. He added that the Conservation Commission has reviewed and permitted the development of this lot (3,000 s.f. colonial). Extensive wetlands on the east side of the lot were noted. The lot was cut off from the remainder of the property by Form A and the abutting property is the recently approved 2-lot open space residential dwelling development known as Liberty Estates. It was noted that the roadway in the subdivision causes this locus to become a corner lot and the preference is to access the lot from the frontage along the new roadway. It was noted that the frontage created is not compliant with Sections I-E and IV-A.

No one spoke in favor or against the petition.

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

II. DELIBERATION:

Dimensional Variance – 289 Hollis Street
Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Sections I-E and IV-B of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Liberty Lane as approved by the Planning Board under a definitive subdivision, will provide sufficient access to the parcel. Literal enforcement of the provisions of the by-law would involve substantial hardship owing to unique physical hardships of the lot, namely extensive ledge and wetlands. The proposed access limits the number of curb cuts on Hollis Street and is in harmony with the open space residential dwelling development regulations in Section V-H of the by-laws.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Sections I-E Definition of Lot Frontage and IV-B Schedule of Intensity Regulations for property described and located at 289 Hollis 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 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.

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2. This Dimensional Variance is contingent upon recording and commencing construction on the definitive subdivision known as "Liberty Estates".

Adjournment: The meeting adjourned at 9:35 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman
Town Planner

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