

## **Holliston Zoning Board of Appeals Meeting Minutes of March 27, 2019**

**Present:** Chairman Henry Dellicker, Vice Chairman John Love, Jay Peabody and Associate Member, Mark Bush .

**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. Love, seconded by Mr. Peabody, the minutes of January 16, 2019 were approved as written. On a motion by Mr. Love, seconded by Mr. Peabody, the minutes of February 27, 2019 were approved as drafted (Mr. Dellicker abstained).

### **Use Variance Public Hearing**

#### **Rolf Briggs/Tree Specialist – 140 Washington Street**

The Chairman opened the public hearing at 7:10 p.m. and waived reading the hearing notice into the record as no one was in the audience except for the applicant and his representative. Joyce Hastings of GLM Engineering Consultants, Inc., was present to discuss the petition to amend the existing Use Variance Decision (February 2008 which replaced the original July 2000 version). The request is to formally increase the intensity of use on the mixed use property with the addition of a newly constructed barn/commercial garage building (approx. 3,500 s.f.) and proposed tractor shed (approx.. 1,000 s.f.). She noted that construction occurred and it does not match the plan on file. A temporary occupancy permit was granted for this enclosed commercial garage/barn and they have been directed to amend the Use Variance by the Building Inspector. The plan of record entitled "Final Site As-Built Plan, 140 Washington Street, Holliston, MA" dated February 22, 2019 was included in the record with a note that the proposed tractor shed location may change and be located closer to the existing detached garage.

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

### **Special Permit Public Hearing**

#### **Donna Kramer – 607 Prentice Street**

The Chairman opened the public hearing at 7:25 p.m. and waived the reading of the hearing notice into the record as no one was in the audience but for the applicant's representative. Correspondence from Ryan Clapp, Conservation Agent (dated 3/11/19) was entered into the record. Joyce Hastings of GLM Engineering Consultants, Inc., was present to discuss the petition to install utilities and to construct a driveway across a section of flood plain (Zone A) to access a single family dwelling to be constructed at the rear of the now vacant property. She noted that the Zone A did not have an established flood elevation, but FEMA has now issued a Letter of Map Amendment as a result of their submittal and engineering study. The proposed driveway would require fill of 694.1 cubic feet of floodplain with an average depth of 6.5' and an equal compensation area has been provided abutting the wetland to the north of the proposed driveway. Additionally, a pipe has been designed under the driveway to equalize the water levels during storm events. Work within the Conservation Commission's jurisdiction has been permitted under an Order of Conditions (March 2019). The plan of record was prepared by GLM Engineering Consultants, Inc., with revisions dated through February 20, 2019 and is entitled "Proposed Sewage Disposal System #607 (Lot B) Prentice Street, Holliston, MA".

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The Chairman opened the meeting to the audience. No one spoke in favor or against the petition.

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

**Special Permit Public Hearing  
Joyce Hastings – 65 Lakeshore Drive**

The Chairman opened the public hearing at 7:40 p.m. and waived reading the hearing notice into the record. Correspondence from Ryan Clapp, Conservation Agent (dated 3/11/19) was entered into the record. Joyce Hastings (applicant) was present to discuss her petition to amend existing Special Permit of April 2016 (Condition #2). She noted that her home was constructed on a non-conforming lot under the prior non-conforming provisions of the by-law and as noted in the application materials, the roofline of the garage has changed significantly (picture provided), the whole house was shifted 20' and a landing with stairs was constructed on the south side of the house, bringing that side yard setback to 10'.

No one spoke in favor or against the petition.

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

**Special Permit Public Hearing  
The Happy Retriever, Inc., (Dorothy Turcotte) – 200 Summer Street**

The Chairman opened the public hearing at 7:50 p.m. and Mr. Love read the hearing notice into the record. Correspondence received from Rodney W. Poling, DVM and Anne Byers, Manager, Holliston Meadows (dated 3/6/19) was noted for the record. Dorothy Turcotte (applicant) was present to discuss her petition to modify the existing Special Permit to allow for overnight boarding. She noted that the business opened in its new location in August 2018 and their landlord has now agreed to the kennel aspect. Proposed changes will occur in level of staffing and the local kennel license granted by the Town Clerk is for 10 plus dogs. She added that The Commonwealth has issued a Kennel Inspection Report through the local Animal Control Officer for over 25 dogs over 6 months old (dated 3/27/19). Mrs. Turcotte added that boarding will be limited to training clients. There are no outside runs proposed. Sunday hours are proposed for limited pick-ups (8 a.m. to 6 p.m.).

The Chairman opened the meeting to the audience. Paul Saulnier of 29 Church St, representing the Upper Charles Land Trust (aka Weenakeening Woods) noted that the business has been a good neighbor to date and he spoke in favor. He asked about building ventilation and storage of waste. Mrs. Turcotte noted that the building has air conditioning. Waste is bagged and stored in dumpsters and is picked up once a month.

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

**Dimensional Variance Public Hearing  
Alexander Chek & Jocelyn Winzer – 76 Norland Street**

The Chairman opened the public hearing at 8:10 p.m. and read the hearing notice into the record. Alexander Chek was present to discuss his petition to build an addition and a deck in the front

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and side yard minimum setbacks. The closest points are 26.9ø to the front property line and 8.4ø to the eastern side. The house will remain a clapboard sided single story three-bedroom single family.

No one spoke in favor or against the petition.

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

**II. DELIBERATION:**

**Use Variance – 140 Washington Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Sections III and IV of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the provisions of the by-law would involve substantial hardship to the Petitioner. The continued, expanded mixed use at the site is in keeping with the intent of both prior Use Variances granted by this Board.

**Zoning Board Vote**

The Boardø vote to approve the Petitionerø Use Variance application for relief under Sections III Use Regulations and IV Intensity Regulations for property described and located at 140 Washington Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye

**Conditions of Approval**

1. This Use 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. Condition #6 is modified to allow for the two detached barn structures per the new record plan prepared by GLM Engineering Design consultants, Inc., (dated February 20, 2019). The structures are approximately 3,510 s.f. (garage) and 1,000 s.f. (tractor shed).

**Special Permit – 607 Prentice Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section V-J, (B)(1) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: By virtue of the mitigation measures provided (i.e. compensatory storage and equalizing pipe under the driveway), the standard of ðall utilities

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are located and constructed so as to minimize or eliminate flood damageö will be met by the proposal.

**Zoning Board Vote**

The Boardö vote to approve the Petitionerö Special Permit application for relief under Section V-J (B)(1), Flood Plain District Regulations, for property described and located at 607 Prentice Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Love	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 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. Construction of utilities and driveway shall strictly adhere to the plan of record (Sheet 2 of 2) prepared by GLM Engineering Consultants, Inc. (dated 2/4/2019).

**Special Permit – 65 Lakeshore Drive**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section I-C of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The changes made to the site during construction on the southerly side of the dwelling (kitchen landing with stairs) as well as the change to the orientation of the garage roof line (i.e. 90 degrees) are in keeping with the intent of the 2016 Special Permit and are no more detrimental to the neighborhood than the prior non-conformity.

**Zoning Board Vote**

The Boardö vote to approve the Petitionerö Special Permit application for relief under Section I-C, Pre-existing, Non-Conforming Uses, Structures and Lots, for property described and located at 65 Lakeshore Drive was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Love	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

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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 no appeal has been filed or if such an appeal has been filed, that it has been dismissed or denied.

2. The original decision is hereby modified to include the "Final Plot Plan" prepared by GLM Engineering Design consultants, Inc. (dated February 22, 2019) as well as the application materials noting the alteration to the garage roofline.

**Special Permit – 200 Summer Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III (D)(21) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Prior operating conditions and the restriction on kennel use may be altered without detriment to the public good and without nullifying the intent of the by-laws. The use is also subject to rigorous licensing and inspection by other authorities.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III (D)(21) Kennels, for property described and located at 200 Summer Street was as follows on a motion by Mr. Love, seconded by Mr. Peabody:

Mr. Dellicker	Aye
Mr. Love	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 no appeal has been filed or if such an appeal has been filed, that it has been dismissed or denied
2. Condition 2 is hereby modified to include Sunday hours of operation from 8 a.m. to 6:00 p.m. and overnight boarding ancillary to training clients.
3. Any required local and state licenses shall be put on record with the Inspector of Buildings prior to commencement of the modified use and any required change of occupancy.

**Dimensional Variance – 76 Norland 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 (3.2) and IV-B of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The unique physical limitations of this lot including the septic placement as well as the placement of the structure on the non-

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conforming lot represent ample hardship for the Petitioner to expand the dwelling in keeping with the one-story character of the neighborhood. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose the by-law.

**Zoning Board Vote**

The Board votes to approve the Petitioner's Dimensional Variance application for relief under Sections I-C (3.2) and IV-B Schedule of Intensity Regulations for property described and located at 76 Norland Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Love	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. Per the record plan entitled "Certified Plot Plan located at 76 Norland Street" prepared by Continental Land Survey, LLC (dated February 25, 2019), the proposed improvements may be no closer than 8.4' on easterly side lot line and no closer than 24.9' on the front lot line.
3. Construction shall be substantially in keeping with the existing clapboard sided, single-story, 3 bedroom dwelling.

**Adjournment:** The meeting adjourned at 9:05 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for April 17, 2019.

Respectfully submitted,

Karen Sherman  
Town Planner

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