

Holliston Zoning Board of Appeals Meeting Minutes of April 17, 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. Peabody, seconded by Mr. Love, the minutes of March 27, 2019 were approved as written.

Dimensional Variance Public Hearing

Walter McClennen – 420 and 432 Fiske 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 present other than the Petitioners and their representative. Walter and Carol McClennen (applicants) and Joyce Hastings of GLM Engineering Consultants, Inc., were present to discuss the petition to divide the lot containing two existing houses. Ms. Hastings reviewed the history of the lot, noting that it was part of a larger subdivision in 1974 and had received a Use Variance in 1976 for rental of the cottage (#420). She noted that the deficiency in frontage is 100' in total (split between the two proposed lots); the plan prepared for the application, entitled "Sketch of Land 432 Fiske Street" (dated March 27, 2019), depicts Lot 1 as a 40,252 s.f. lot with 110.4 feet of frontage and Lot 2 as a 72,489 s.f. lot with 149.6 feet of frontage.

The Chairman asked if the Use Variance granted in November 2018 has been recorded. Mr. McClennen stated that it was. Additional questions were asked about the use of the barn (vehicle and other storage) and the driveway encroachment onto the adjacent lot on the westerly side of Lot 1 owned by the Town of Holliston Conservation Commission. Ms. Hastings noted that proposed Lot 1 is also within the Conservation Commission's regulatory jurisdiction given the proximity of Bogastow Brook and there is likely MA Natural Heritage Program jurisdiction as well. It was verified that there are currently two independent septic systems.

No one spoke in favor or against the petition.

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

II. DELIBERATION:

Dimensional Variance – 420 and 432 Fiske Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Sections IV-A (6) and IV-B of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Both Lots 1 and 2 as configured on the plan of record have unique and separate services and single-family dwellings that currently exist on a single parcel of 2.58 acres within the AR-B zoning district. The dwellings are part of the former Eastern Nurseries property and have been in existence prior to the enactment of the Zoning By-Law. Relief under Section IV-B is limited to Lot Frontage for both proposed lots and

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Lot Width for Lot 2. Literal enforcement of the provisions of the by-law involve substantial financial hardship to the Petitioners as they have limited options with regard to sale and division of the parcel. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent and purpose of this by-law.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Sections IV-A (6), Lot Width and IV-B, Schedule of Intensity Regulations for property described and located at 420 and 432 Fiske 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. Relative to Lot 1, relief is granted to allow 110.4' of continuous Lot Frontage and Lot Width of 121.16' as depicted on the plan of record entitled "Sketch of Land 432 Fiske Street" prepared by GLM Engineering Consultants, Inc. (dated March 27, 2019).
3. Relative to Lot 2, relief is granted to allow 149.6' of Lot Frontage as depicted on the plan of record entitled "Sketch of Land 432 Fiske Street" prepared by GLM Engineering Consultants, Inc. (dated March 27, 2019).
4. These proposed lots are subject to approval under the Subdivision Control Law.

Adjournment: The meeting adjourned at 8:05 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for May 15, 2019.

Respectfully submitted,

Karen Sherman
Town Planner

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