

## **Holliston Zoning Board of Appeals Meeting Minutes of July 24, 2019**

**Present:** Chairman John Love, Jay Peabody, Mark Bush and Associate Member, Elizabeth Dembitzer.

**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 Ms. Dembitzer, the minutes of June 19, 2019 were approved as written.

### **21 Pearl Street – Special Permit Compliance**

Correspondence from Building Inspector, Chris Canney (dated July 23, 2019) was discussed with property owners Meghan Hammer and Brian Cheever, as well as their as-built plot plan prepared by Marquedant & Associates, Inc., (dated June 13, 2019). An Occupancy Permit has not been obtained for the reconstructed house and it was noted that construction is not in compliance with several conditions of the Special Permit (April 2018). Members expressed concern about their ability to grant any relief administratively. The couple noted that a closing is scheduled and relief may be critical to receiving an occupancy permit. By consensus of the members, the couple was directed to re-apply for the relief needed for compliance. A note will be sent to the Building Inspector noting that members have no issue with the relief and remedy, they are willing to waive the application fee and have no problem with his issuance of a temporary occupancy permit if application is made within the next meeting cycle.

### **Dimensional Variance Public Hearing**

#### **Kenneth G. Fisher, Jr. – 181 Ashland Street**

The Chairman opened the public hearing at 7:43 p.m. and waived reading the hearing notice into the record as no one was present other than the Petitioner. Kenneth Fisher, Jr. (applicant) was present to discuss his petition to add a farmers porch and 1.5 car garage addition (master bedroom on second floor) to the existing home within the minimum front and side yard setbacks. He noted that the existing 900 s.f. dwelling is cramped for their growing family. They are unable to move within the community and would prefer to expand the dwelling in place. The proposed relief was discussed in detail with a note of the existing non-conforming status of the lot and dwelling unit. A new septic system has been installed, limiting locations for expansion and ledge was encountered during its construction.

The existing front step location will remain as the closest point to the street.

Mr. Fisher of 199 Ashland Street spoke in favor of the petition.

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

### **Continued Dimensional Variance Public Hearing**

#### **Dione Krieger – 15 Anna Place (Lot 5)**

The Chairman re-opened the public hearing at 7:55 p.m. Dione Krieger (applicant) was present to discuss his petition to increase the height of the single family home roof to 40 feet (regulated height is 35 feet). He noted that the elevation changes from 374' to 368' and the front elevation

Approved: August 28, 2019

**Holliston Zoning Board of Appeals  
Meeting Minutes of July 24, 2019**

can be kept at the 35' maximum height. The rear elevation is problematic because of the averaging per the definition that would result in approximately 38'

The Chairman opened the hearing to the audience. Speaking against the petition again was Blake Lukis of 305 Underwood Street. He reiterated his concern for the third floor living space and noted that the area of the dwelling is driven by economics not physical necessity.

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

**Continued Dimensional Variance Public Hearing**

**Dione Krieger – 17 Anna Place (Lot 6)**

The Chairman re-opened the public hearing at 7:58 p.m. Dione Krieger (applicant) was present to discuss his petition to increase the height of the single family home roof to 40 feet (regulated height is 35 feet). He noted that compliance can be achieved and the requested relief is no longer required. On a motion by Mr. Peabody, seconded by Mr. Bush, the request to withdraw the petition without prejudice was accepted.

**II. DELIBERATION:**

**Dimensional Variance – 181 Ashland Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Sections IV-B and I-C (3.2) 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 owing to circumstances relating to topography of land and structure on the non-conforming, narrow lot. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the by-law.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Sections IV-B, Schedule of Intensity Regulations and I-C (3.2) Pre-Existing, Non-Conforming Uses, Structures and Lots for property described and located at 181 Ashland Street was as follows on a motion by Mr. Bush, seconded by Mr. Peabody:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 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.

Approved: August 28, 2019

**Holliston Zoning Board of Appeals  
Meeting Minutes of July 24, 2019**

2. The construction shall be substantially in compliance with the plan of record entitled "Proposed Additions Plan of Land in Holliston, MA" prepared by Colonial Engineering, Inc. dated May 24, 2019. Construction shall be no closer than 29' on the front lot line and 13.6' on the side.

**Dimensional Variance – 15 Anna Place (Lot 5)**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section IV-B 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 owing to circumstances relating to soil condition (ledge) and topography. The front elevation of the dwelling is in compliance with the maximum height requirement but the average does not. The average Building Height is documented as 38'4".

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-B, Schedule of Intensity Regulations, for property described and located at 15 Anna Place was as follows on a motion by Mr. Bush, seconded by Mr. Peabody:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 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 shall be substantially in compliance with the record drawing entitled "Proposed Front Elevation (Lot 5)" prepared by Luis Waldren (not dated).
3. Vegetative screening shall be provided to mitigate visual intrusion for the neighbor to the southwest.

**Adjournment:** The meeting adjourned at 9:01 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for August 28, 2019.

Respectfully submitted,

Karen Sherman  
Town Planner

Approved: August 28, 2019