

Present: Chairman Henry Dellicker, John Love, and Associate Members Brian Liberis and Jay R. Peabody.

Call to Order: The Chairman called the meeting to order at 7:15 p.m. in Room 014 of the Town Hall.

Use Variance Public Hearing – Erin Dumas, 20 Prospect St.

The Chairman opened the public hearing at 7:15 p.m. and Mr. Liberis read the hearing notice into the record. Comment letters from Melissa Ford of 905 Washington Street (dated October 7, 2014), Fire Chief (dated October 15, 2014), and Conservation Agent (dated October 8, 2014) were also entered into the record.

Ms. Dumas was present to discuss her request to establish a 25'x 16' home occupation office on the second floor of a two-story detached one-car garage at the locus along with her contractor, Mark Hughes. Elevations and floor plans prepared by Brian Judge, AIA were presented for the record. Ms. Dumas added that there will be heat and air conditioning but no plumbing in the structure.

The Chairman asked members to review the Zoning By-Laws at Section III-A (#21 Customary home occupation) as well as the definition of "Premises" (Section I-E Definitions). He noted that he had discussed the facts of this petition with the Inspector of Buildings and they had concurred that the "built in" dimensional regulations within the use table (Section III-A) posed a particular challenge in this case because the use is clearly allowed, the area of the proposed home office complies, but the percentage of the structure does not. All were in agreement that both uses #20 and #21 need some refinement.

No one in the audience asked questions or spoke for or against the petition.

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

Special Permit Public Hearing – Matthew & Ann Marie Ringie, 286 Washington St.

The Chairman opened the public hearing at 7:25 p.m. and Mr. Liberis read the hearing notice into the record. Comment letters from the Fire Chief (dated October 15, 2014), and Conservation Agent (dated October 8, 2014) were entered into the record. Also received was an e-mail from abutter Kenny Hyde of 280 Washington Street (dated September 29, 2014).

Mark Rovani was present for the petitioners. He provided some photographs of the existing conditions, noting that this parcel is a corner lot with frontage on both Washington and Woodland Streets with non-conforming front yard setbacks. He pointed out the existing porch and deck to the right side and rear of the dwelling along Woodland Street and noted that the addition is being proposed because of space needs. A one-story addition is planned in the area of the porch and deck and will extend an additional 7'8" along the Woodland Street side of the parcel to the existing driveway. The rear of the proposed addition will be on pier footings as it is

in close proximity to the septic system. He added that the shed roof will drain toward Woodland Street, approximately 27ø away.

Raising concerns about local stormwater and wetlands was Kenny Hyde of 280 Washington Street. He suggested a dry well be installed.

Mr. Liberis made a motion to close the public hearing. Mr. Love seconded with all in favor.

Special Permit Public Hearing – Ralph & Nancy Stover, 91 Exchange Street

The Chairman opened the public hearing at 7:45 p.m. and Mr. Liberis read the hearing notice into the record. Comment letters from the Fire Chief (dated October 15, 2014) and Conservation Agent (dated October 8, 2014) were entered into the record.

Mr. Stover was present to discuss his plans for a 9ø x 13ø enclosed porch/mudroom on a non-conforming lot in the Industrial zoning district at the corner of Exchange and Water Streets. He presented drawings entitled "Existing and Proposed Partial First Floor Plans" prepared by Chemini Design Architects dated October 14, 2014. He noted that the dwelling was "village colonial" placed very close to the street and adjacent to the Water Street Mill and his goal was to update the structure while matching the proposed construction with regard to siding and roofing (see Left Side Elevation). The addition will replace a seasonal porch adjacent to the existing driveway on Water Street.

No one was present to speak for or against the petition.

Mr. Liberis made a motion to close the public hearing. Mr. Love seconded with all in favor.

Continued Dimensional Variance Public Hearing – Brian & Kerry Corbett, 0 Bullard Lane

The Chairman re-opened the public hearing at 8:05 p.m. An additional comment letter from Atty. Gerald Moody for Thomas Roche of 270 Exchange Street (dated October 2, 2014) was entered into the record.

Present with the applicants were Attys. Scott Carmen and David Jacowitz from Shaevel & Krems, LP. They provided the members with a 12-page handout entitled "Public Hearing and Application for Variance" dated October 15, 2014, correspondence dated October 15, 2014 in response to Atty. Moody's letter of October 2, 2014, correspondence from Shelley Rainen of Rainen Law Office, P.C. dated October 13, 2014, and an Affidavit of Frank H. Strange, III dated October 13, 2014. Atty. Jacowitz provided a summary of prior evidence entered into the record regarding the parcel's dimensions and the requested relief. He stated that the applicant was willing to install a landscape buffer to minimize impact of headlights. He provided an outline of the facts with regard to the Hayhurst case [Land Court No. 262031 (2007)] and discussed the lack of case law with regard to the Supreme Judicial Court standard of "something more" with regard to self-imposed hardship. He concluded that this petition qualifies as "coming out of the rule."

Mr. Peabody asked for clarification of the title work completed by Rainen Law Office. Reference was made to the recorded plans presented and the locus and inconsistency with historic deeds.

The Chairman asked if there were any questions and comments from the audience, cautioning them that the comments should relate to the dimensional relief requested. Attorney Gerald Moody was present and reviewed his correspondence of October 2nd, noting that Mr. Strange had made a conscious effort not to traditionally subdivide the parcel(s) even though there was a shortage of frontage and cut off two by-right "Approval Not Required" frontage lots instead. He added that the relief requested was not de minimus.

Jack Hathaway, President of Bullard Memorial Farm Association, Tom and Donna Roche of 78 Bullard Lane, Millis, Evan Hall of 83 Bullard Lane, Millis, and Paul Coutinho of 80 Bullard Lane, Millis asked questions regarding the transfer of the lot, zoning relief requested, and hardship standard. Mr. Hathaway provided the members with some photographs of the locus and noted the proximity of the caretaker's cottage at Bullard Memorial Farm in Holliston (approximately 60' from the lot line) as well as the stone wall that separates the two parcels. Atty. Jacowitz stated that the applicant is willing to agree to a condition that prevents any alteration of the stone wall. Some discussion of the need for relief from By-Law provisions regarding "Lot Width" under Section IV-A(6) occurred with Atty. Jackowicz concluding that the frontage relief requested would include lot width as it is defined. He stated that he had discussed this issue with the Inspector of Buildings in completing the application form.

Messrs. Roche and Coutinho stated that it had been represented to them by realtors that this adjacent lot was not buildable. Mr. Coutinho noted the blind spot in the roadway given its proximity to the intersection and stated again that traffic regularly ignores the stop sign. Atty. Jackowicz gave some concluding remarks and stated that the abutter's concerns heard tonight were unsubstantiated. It was noted that the lot is currently taxed as a Department of Revenue Division of Local Services Class Code 132 "Undevelopable Land". There were some brief comments on the propositions of merger and self-imposed hardship.

Mr. Love made a motion to close the public hearing. Mr. Liberis seconded with all in favor. Members scheduled a deliberation session for October 29th at 7:00 p.m.

Special Permit Public Hearing – Verizon Wireless, Pope Road

The Chairman opened the public hearing at 7:45 p.m. A request for continuance from Attorney Victor Manougian dated October 7, 2014 was entered into the record. On a motion by Mr. Peabody, seconded by Mr. Liberis, the public hearing was continued until November 19th at 7:35 p.m.

DELIBERATIONS:

Use Variance – 20 Prospect Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from abutter Melissa Ford of 905 Washington Street (dated October 7, 2014), Fire Chief (dated October 15, 2014), and Conservation Agent (dated October 8, 2014). The Board finds that the proposed use is allowed within the Residential zoning district yet, as defined, is limited in area within the proposed accessory structure. The Petitioner has demonstrated that the existing dwelling cannot accommodate the home office and that the proposed accessory structure is allowed by-right.

Zoning Board Vote

The Board's vote to approve the Petitioner's Use Variance application for relief under Section IV-D (3) and III-A(21) for property described and located at 20 Prospect Street was as follows on a motion by Mr. Liberis seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. The area of the proposed second floor home office is to be no greater than 50% of the gross area of the proposed accessory structure as indicated on the floor plan and elevations prepared by Brian Judge, AIA dated October 12, 2014. The area of the office is not to exceed 400 s.f.

Special Permit – 286 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner's Representative as well as comment letters from abutter Kenny Hyde (dated September 29, 2014), the Fire Chief (dated October 15, 2014), and Conservation Agent (dated October 8, 2014). In accordance with the provisions of Section I-C(3), the Board finds that the proposed addition will not increase the non-conforming nature of the altered structure and that there will be no material change in the exterior appearance of the dwelling except according to the terms of this Special Permit and that the addition will not be substantially more detrimental than the existing non-conforming use and lot to the neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3) for property described and located at 286 Washington Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. The one-story addition shall encroach into the minimum front yard no more than 14' (i.e. no closer than 26' to the property line at Woodland Street) and shall be consistent with existing construction with regard to architectural style, materials and finishes.
3. Roof runoff from the addition shall not be discharged to the rear of the property and shall either be infiltrated on site or directed to the municipal drainage system (with permission) on the Woodland St. side of the property.

Special Permit – 91 Exchange Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Fire Chief (dated October 15, 2014) and Conservation Agent (dated October 8, 2014). In accordance with the provisions of Section I-C(3) and VI-E (5), the Board finds that the proposed porch/mudroom addition does not significantly increase the non-conforming nature of the altered structure and that there will be no material change in the exterior appearance of the dwelling except according to the terms of this Special Permit and that the addition will not substantially be more detrimental than the existing non-conforming use, lot and structure to the neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3) for property described and located at 91 Exchange Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	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. The copy of the decision to be

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filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

2. The porch/mudroom addition shall encroach into the minimum front yard no more than 25ø(i.e. no closer than 5øto the property line at Water Street) and shall be consistent with existing construction as indicated on the floor plan and elevation shown on the plan entitled "Proposed Addition for the Stover Residence, 91 Exchange Street" prepared by Chemini Design Architects, Inc., dated October 14, 2014.

Adjournment: The meeting adjourned at 9:53 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for November 19, 2014.

Respectfully submitted,

Karen Sherman
Town Planner