

Holliston Zoning Board of Appeals Meeting Minutes of March 2, 2020

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

Call to Order: The Chairman called the meeting to order at 7:17 p.m. in the Lower Level Conference Room (#014) of Town Hall.

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of January 27, 2020 were approved as amended.

DELIBERATIONS

Dimensional Variance – 16 Pearl Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the applicant, her legal counsel Atty. Waldstein, Holliston's Inspector of Buildings Christopher Canney, and parties of interest. Members referenced plans entitled "Plot Plan of Land" (dated October 23, 2018) and "Proposed House Plan" (dated November 30, 2018) by GLM Engineering Consultants, Inc., "Certified Plot Plan in Holliston, MA (dated September 10, 2019) by J.D. Marquedant & Associates, and "Septic System Construction" (dated July 30, 2018) by CIVILized Solutions. They reviewed the record, findings and conditions of the Special Permit and Dimensional Variance decisions dated September 19, 2018 (see Book 1531, Page 83 Cert #268360) as well as the Building Departments file. Mr. Canney indicated that he had requested "a plot plan showing the proposed location of the new building in accordance with 780 CMR 51 R 107.2" in correspondence dated October 25, 2018 and that he had issued a demolition permit on October 25, 2018 and building permit on January 9, 2019. Additionally, comments from Scott Moles, Health Director (dated January 6, 2020) were entered into the record.

In accordance with the provisions of Section I-C(3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds generally that the applicant did not provide sufficient evidence to meet its burden that the hardship was unique; was not willful and self-created; and was related to soil condition, shape, or topography of such land or structures, especially affecting such land and structures but not generally affecting the zoning district in which it is located. Unique conditions simply do not exist with respect to topography, soil conditions or the shape of the lot. Additionally, in that the variance was necessitated by the applicant's own decision to move the building location, any alleged hardship is self-created. Finally, the Board finds that the applicant has other possible remedies that would allow the construction of a complying building, including: acquisition of property from an abutter or re-sizing and re-orientation of the dwelling. Additionally, the Board found that petition would substantially derogate from the intent and purpose of the by-law.

Zoning Board Vote

The Board's vote to deny the Petitioner's Dimensional Variance application for relief under Section I-C(3.2) for property described and located at 16 Pearl Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Approved: March 30, 2020

**Holliston Zoning Board of Appeals
Meeting Minutes of March 2, 2020**

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

Special Permit – 1091 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(A)(2) Residential Uses, IV-C(3) Modifications and Exceptions and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use is in harmony with the general purpose and intent of the by-law. The Board as Special Permit Granting Authority has considered the proposed use in relation to the site, as well as the adjacent uses and structures, and finds that there are no significant adverse effects to the neighborhood or the Town, considering the criteria of sub-section VI-E(5).

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Sections III (A)(2) and IV-C(3) for property described and located at 1091 Washington Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 three (3) years unless exercised per MGL, c. 40A, s. 9 and Section VI-E(6) of the Holliston Zoning By-Laws. 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 style shall be substantially consistent with renderings provided for the file prepared by HPA Design, Inc. (dated 9/14/2016) and per the location depicted on the plan of record prepared by GLM Engineering Consultants (dated 12/30/19).

Adjournment: The meeting adjourned at 8:25 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for March 30, 2020.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: March 30, 2020