

Holliston Zoning Board of Appeals Meeting Minutes of April 28, 2021

Call to Order: The Chairman called the meeting to order at 7:00 p.m. via Zoom. He read the following statement into the record: Pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law M.G.L. c. 30A paragraph 20, as well as the Select Board's Emergency Order dated March 16, 2020, the Zoning Board of Appeals will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted on the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting. At this time, a roll call attendance vote will be taken:

Chairman John Love - Present
Jay Peabody - Present
Mark Bush- Absent
Elizabeth Dembitzer, Associate – Present

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the minutes of March 17, 2021 were approved as amended through discussion on a unanimous roll call vote (Note: A copy of the by-law amendment text is attached to the minutes).

PUBLIC HEARINGS:

Dimensional Variance

Kevin and Ashleigh McShane – 37 Roy Avenue

The Chairman opened the public hearing at 7:05 p.m. Atty. Peter Barbieri of Fletcher Tilton was present for the applicant to discuss construction of second floor, front porch and deck additions within the required minimum front and side yard setbacks on this non-conforming parcel in the AR-2 zoning district. He reviewed the application narrative and record plans entitled "Existing Conditions, #37 Roy Avenue, Holliston, Massachusetts" and "Site Plan, #37 Roy Avenue, Holliston, Massachusetts" dated April 7, 2021 and prepared by Grady Consulting, LCC. The dwelling is currently a single story and the planned expansion is for a full second story with added deck and porch as denoted on plans prepared by Rodenhiser Builders. Atty. Barbieri provided detail on the numerous encroachments into the setbacks and their relative areas as well as the existing non-conforming conditions on the lot. It was noted that the proposed expansion is limited by the existing placement of the dwelling on the lot as well as the septic and driveway locations.

Correspondence in favor of the addition was received from Tricia and Bill Clark of 59 Carl Road (dated April 21, 2021).

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

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call vote.

Approved: June 30, 2021

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Dimensional Variance

Justin and Jessica Tucker – 10 Pine Oak Street

The Chairman opened the public hearing at 7:22 p.m. Applicants Justin and Jessica Tucker were present to discuss a proposed addition/alteration to the existing one-story two-family dwelling. A second floor and garage are planned within the required minimum front and side yard setbacks on the non-conforming lot. It was noted that more than half of the existing dwelling is outside of the zoning setbacks. Also, the Building Commissioner's application notes indicate that the dwelling is an undocumented two-family. The couple verified that their intent is for a single-family use. The plan of record entitled "Certified Plot Plan Showing Proposed House" dated March 30, 2021 and prepared by Horgan Surveying was discussed in detail as well as proposed elevations (undated). It was noted that the Town of Holliston Pinecrest Golf Course is a direct abutter. Mr. Tucker confirmed that a new septic system is likely required but no design has been completed to date.

The Chairman opened the hearing to the audience. Nathan and Anna Fedor of 6 Pine Oak Street were present. They asked about the proposed driveway location on the west side of the lot in order to access the planned side-loaded garage. The existing well and water easement location were noted. Mr. Tucker noted that there is approximately 28 feet of frontage to relocate the driveway. The couple spoke in favor of the application.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call.

Dimensional Variance

Chris Crump – 2122 Washington Street

The Chairman opened the public hearing at 7:38 p.m. Applicant Chris Crump of CWC Design was present to discuss proposed construction of a 740 s.f. master suite addition within the required minimum front yard setback. He noted that the area of the addition is currently occupied nearly entirely by an older, detached garage. The current dwelling is 1.5 stories. The lot is a corner lot and the proposed encroachment is located entirely within the front yard setback on South Street. The proposed encroachment is located no closer to South Street than the existing detached garage – 25'. The record plan entitled "Proposed Plot Plan, 2122 Washington Street, Holliston, Mass.", dated March 30, 2021, and prepared by Applewood Survey, Co., LLC was discussed in detail as were the building plans prepared by CWC Design. Mr. Crump described the proposed interconnection of the new space to the existing dwelling layout and planned renovations. He noted that there are no planned changes to the driveway access on South Street.

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

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call.

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Dimensional Variance

Nicholas and Jessica Faillace – 64 Morton Street

The Chairman opened the public hearing at 7:52 p.m. Nicholas and Jessica Faillace, owners/applicants were present to discuss construction of an attached garage and addition within the required minimum side yard setback. Mrs. Faillace noted that the existing deck was constructed by the previous owner and it also requires relief. The record plans entitled “Proposed Addition Plan, 64 Morton Street, Holliston, MA” (dated March 31, 2021) and “Existing Conditions Plan, 64 Morton Street, Holliston, Massachusetts” (dated February 20, 2020), prepared by GLM Engineering Consultants, Inc. were discussed in detail as were plans entitled “Architectural Designs” prepared by CJC Architectural Design (dated March 22, 2021). It was noted that the proposed addition will not encroach into the front yard setback and the entire façade of the split-level dwelling will be sided for uniformity. The placement of the existing dwelling and mounded septic system location on the lot limit the area of expansion.

Correspondence in favor of the addition was received from Conor and Erica Plunkett of 56 Morton Street (dated March 22, 2021).

The Chairman opened the hearing to the audience. Tom Lamont of 87 Morton Street spoke in favor the petition.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call.

DELIBERATIONS:

Dimensional Variance – 37 Roy Avenue

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. The applicant has presented satisfactory evidence of unique physical conditions including location of an existing un-related drainage easement, placement of the septic system and high groundwater conditions to justify proposed encroachments into the required front and side yard setbacks on this non-conforming 25,974 s.f. lot. The proposed second story addition and other improvements to the single-family dwelling represent a substantial investment in the neighborhood in keeping with surrounding properties.

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Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C(3.2) for property described and located at 37 Roy Avenue was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	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 and Section VI-D 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. Relief is hereby granted for encroachment into the required front and side yard setbacks per the record plan entitled "Site Plan, #37 Roy Avenue, Holliston, Massachusetts" dated April 7, 2021 and prepared by Grady Consulting, LCC. The front entry and porch shall be as denoted on the record plan with the porch step being no closer than 22 feet to the street. Encroachments noted for the fireplace, steps and deck into the side yard setback shall be substantially as denoted on the plan of record, with the new setback to the fireplace wall being the closest to the property line at 27 feet.

Dimensional Variance – 10 Pine Oak Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. The location of the existing dwelling and need for septic reconstruction uniquely limit expansion and alteration of the single-family dwelling. The existing dwelling is currently non-conforming with regard to all dimensional aspects of the AR-2 zoning district. The lot contains a unique well and water line easement as well,

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C(3.2) for property described and located at 10 Pine Oak Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

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

Conditions of Approval

Approved: June 30, 2021

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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 and Section VI-D 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. Relief is granted for encroachment into the front yard setback to within 18 feet of Pine Oak Street and into the required side yard setbacks to within 6 feet of the property line on the east side and 28 feet of the lot line on the western side substantially per the plan of record entitled "Certified Plot Plan Showing Proposed House" dated March 30, 2021 prepared by Horgan Surveying.
3. Construction of the proposed garage, addition, and renovations shall be substantially in compliance with the proposed elevations submitted with the application materials (undated).
4. Should the driveway access be relocated, a permit shall be obtained from the Highway Department per the Town's Regulations for Driveway Openings.

Dimensional Variance – 2122 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. The proposed master suite addition and interconnection to the existing dwelling unit encroaches into the front yard setback to a distance equal to the existing detached garage that is proposed to be demolished. The scale of the addition is not substantially larger than the existing garage structure. The applicant has demonstrated that the physical conditions including lot shape and placement of the existing dwelling on this unique corner lot present a substantial hardship to the owner.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C(3.2) for property described and located at 2122 Washington Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	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 and Section VI-D 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.

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2. Relief is granted for encroachment into the South Street front yard setback to within 24.5 feet as denoted on the record plot plans entitled “Proposed Plot Plan, 2122 Washington Street, Holliston, Mass.”, dated March 30, 2021, and prepared by Applewood Survey, Co., LLC.
3. Construction shall be substantially in compliance with building plans prepared by CWC Design dated February 22, 2021 entitled “The Mayo Residence: Design Set”.

Dimensional Variance – 64 Morton Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. This pre-existing non-conforming lot consisting of 18,000 s.f. exists in a neighborhood consisting of several hundred homes approved and constructed under the Subdivision Control Law prior to the creation of the existing Residential zoning district. The proposed garage and existing non-compliant deck encroach into the western side yard setback. Placement of the proposed garage is limited because of the septic system location and the placement of the existing structure on the lot.

Zoning Board Vote

The Board’s vote to approve the Petitioner’s Dimensional Variance application for relief under Section I-C(3.2) for property described and located at 64 Morton Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	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 and Section VI-D 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. Relief is granted for encroachment into the western side yard setback to within 10 feet of the property line, substantially per the proposed addition depicted on the record plot plan entitled “Proposed Addition Plan, 64 Morton Street, Holliston, MA” (dated March 31, 2021) prepared by GLM Engineering Consultants, Inc. This includes relief for the existing deck, noted by the Building Commissioner as non-compliant.
3. Construction shall be substantially in compliance with the floor and roof plans and elevations depicted on Sheets A1.00, A1.01, A1.02, and A4.01 entitled “64 Morton” prepared by CJC Architectural Design (dated March 22, 2021).

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Adjournment: The meeting adjourned at 8:35 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for June 16, 2021.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: June 30, 2021