

Holliston Zoning Board of Appeals Meeting Minutes of June 30, 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 June 16, 2021 Act relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, 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 to the Town's webpage within 24 hours in accordance with 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 - Absent
Mark Bush- Present
Elizabeth Dembitzer, Associate – Present

Approval of Minutes:

On a motion by Mr. Bush, seconded by Ms. Dembitzer, the minutes of April 28, 2021 were approved as written with the vote as follows: Mr. Love – aye, Ms. Dembitzer – aye and Mr. Bush – abstain. On a motion by Mr. Bush, seconded by Ms. Dembitzer, the minutes of June 16, 2021 were approved as written with the vote as follows: Mr. Love – aye, Mr. Bush – aye, and Ms. Dembitzer – abstain.

Variance Extension Request – 36 Cranberry Lane

No action was taken per written direction of Town Counsel Atty. Brian Winner.

PUBLIC HEARINGS:

Continued Dimensional Variance Wendell Phillips – 115 Fairview Street

The Chairman re-opened the public hearing at 7:09 p.m. Owner and applicant, Wendell Phillips of Phillips Land Holdings, Inc. was present to discuss construction of a single-family detached dwelling within the required minimum front and side yard setbacks. Mr. Phillips reviewed his application materials and clarified that the proposed dwelling will be approximately 4,000 s.f. with the foundation dimension of approximately 53' x 42'. He clarified that he had supplemented his filing after consultation with the Health Agent regarding location of the foundation in proximity to the leachfield pipes. The foundation slid approximately 4.5 feet into the required side yard setback as a result.

The Chairman opened the hearing to the audience. Asking questions and offering no objections were Brian Saxton of 105 Fairview and Tom Ellis of 129 Fairview. Mr. Saxton noted that his dwelling is approximately 3,100 s.f. Mr. Ellis asked about the existing leach fields, proposed driveway, and retaining wall. Mr. Phillips indicated that he is not responsible for the existing 6 leachfields but will be making repairs to the existing retaining wall. The driveway will be located to the far right side of the lot.

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

**Continued Administrative Appeal
Meaghan Hammer, Tr., JMH Trust – 16 Pearl Street**

The Chairman re-opened the public hearing at 7:40 p.m. Applicant/owners Meaghan Hammer and Brian Cheever were present along with Neil Bingham, Esq. and Joe Marquedant, PLS to discuss the Building Inspector's denial of the issuance of an occupancy permit for the single family home. Atty. Bingham reviewed the application materials. Mr. Cheever added some commentary on the sequence of events and interactions with the prior Building Inspector. Mr. Marquedant did the same.

Also present were Building Commissioner Mark Kaferlein and Town Counsel Atty. Brian Winner. Mr. Kaferlein noted that he had reviewed the record, compared the plans and concluded that a variance is required.

Members asked for the administrative file(s) for the address. After some discussion, members agreed to continue the hearing. On a motion by Ms. Dembitzer, seconded by Mr. Bush, the hearing was continued to 7:00 p.m. on July 6, 2021 on a unanimous roll call vote.

**Continued Dimensional Variance
Stephen and Jennifer Buchner – 27 Dean Road**

The Chairman re-opened the public hearing at 8:50 p.m. Applicant/owner Jennifer Buchner was present to discuss the construction of an addition and deck within the required minimum front and side yard setbacks. She gave an overview of the proposal, noting the unique size and shape of the parcel and the placement of the structure. Proposed building plans were reviewed.

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

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

DELIBERATIONS:

**Dimensional Variance – 115 Fairview Street
Findings of Fact**

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections IV-B, Schedule of Intensity Regulations 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 demonstrated that literal enforcement of the provisions of this by-law would involve substantial hardship, owing to circumstances related to the unique physical characteristics of the lot including wetlands, multiple septic leach fields in easements, and ledge locations. It was noted that this lot is part of the cluster subdivision known as Miller Hill Estates and it is larger than adjacent lots.

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Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-B for property described and located at 115 Fairview Street was as follows on a motion by Mr. Bush, seconded by Ms. Dembitzer:

Mr. Love	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 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 minimum setback reductions to 30' front yard and 15.8' side yard (northeast side) as depicted on the plan of record prepared by Andrews Surveying & Engineering entitled "Zoning Board of Appeals Plan of 0 Fairview Street Holliston, MA for Phillips Luxury Homes" dated May 10, 2021.
3. Prior to issuance of a building permit, the applicant shall provide the Board with building plans and elevations of the proposed +/- 4000 s.f. dwelling for review and approval to ensure the construction will be consistent with the neighborhood with regard to architectural style and materials palette.

Dimensional Variance – 27 Dean Road

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 demonstrated that literal enforcement of the provisions of this by-law would involve substantial hardship, owing to circumstances related to the unique physical characteristics of the lot including shape and building envelope of the undersized lot (14,830 s.f.), placement of the existing structure on the lot within the front yard setback and septic system location.

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 27 Dean Road was as follows on a motion by Mr. Bush, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Bush	Aye

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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 the proposed deck and addition per the record plan entitled "Proposed Addition Plan 27 Dean Road" prepared by GLM Engineering Consultants, Inc., dated March 17, 2021. The proposed master bedroom addition shall be no closer than 25.2' to Dean Road and the proposed deck shall be no closer than 26.5' to the southerly side lot line.
3. Construction shall be substantially in compliance with the building plans and elevations submitted as prepared by Tricia Kendall Architectural Design dated March 16, 2021.

Adjournment: The meeting adjourned at 9:27 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for July 6, 2021.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: **August 11, 2021**