

Holliston Zoning Board of Appeals Meeting Minutes of August 11, 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 - Present
Mark Bush- Absent
Elizabeth Dembitzer, Associate – Present

Approval of Minutes:

On a motion by Ms. Dembitzer, seconded by Mr. Love, the minutes of June 30, 2021 and July 8, 2021 were approved as written. Mr. Peabody abstained as he was not present at either of those meetings.

Approval of House Plans – Wendell Phillips, 115 Fairview Street

Mr. Phillips was present to review the house plans associated with a Dimensional Variance approved on June 30, 2021. He clarified that the proposed construction was 4,077 s.f. and approximately 33 feet high. On a motion by Ms. Dembitzer, seconded by Mr. Love, the plans were accepted into the file and approved. Mr. Peabody abstained.

PUBLIC HEARINGS:

Dimensional Variance

Xinyuan Yu – 64 Marked Tree Road

The Chairman opened the public hearing at 7:10 p.m. Owner/applicant, Xinyuan Yu was present to discuss construction of a garage within the required side yard setback. Mr. Yu reviewed the proposed placement of a 22' x 30' attached 2-car garage. The plot plan prepared by Applewood Survey (dated May 18, 2021) indicates that the structure would be located within the northerly side lot line at 10' off the property line at the front corner (closest point) and 17' at the rear. Mr. Yu reviewed the hardship criteria, noting that the lot is trapezoidal and the placement and layout of the existing structure and driveway are driving the proposal. He also noted that the septic location to the rear is a limiting factor and the house was built under prior zoning when the side yard setback requirement was 10'.

The Chairman opened the hearing to the audience. Expressing concerns about the application was Joseph Arujo of Marked Tree Road. He noted that he had spoken to Mr. Ryan at Applewood Survey and had concerns about the project's feasibility based on the method used to produce the plot plan. He also noted that both yards were seasonally wet and he has concerns for untreated runoff from the proposed garage impacting his property. He suggested scaling back the construction to a 1-car scenario.

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

Dimensional Variance

JM Construction Inc. – 43 Bogastow Brook Road

The Chairman opened the public hearing after the 7:10 p.m. posted time. Jeff McLinden of JM Construction was present along with owner, Deborah Kris to discuss the construction of a mudroom/office within the required 30' minimum side yard setback. Members reviewed both the plot plan and architectural drawings provided. It was noted for the record that the plot plan had been revised on August 15th to reflect stair placement, altering the request to construction no closer than 24' to the east side line. Mr. McLinden noted that the addition is limited by a 2-car garage under the dwelling on the right, as well as wetlands to the rear and septic system components.

Correspondence received from Alison Lima of 59 Bogastow Brook Road dated July 30, 2021 noting no objection to the proposal was read into the record by Ms. Dembitzer.

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.

DELIBERATIONS:

Dimensional Variance – 64 Marked Tree Road

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 placement of the existing dwelling on the undersized parcel. The existing driveway and septic system location limit placement elsewhere.

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 64 Marked Tree Road was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

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

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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. Proposed construction shall be no closer than 10' and 17' (front and rear corners respectively) as denoted on the record plan prepared by Applewood Survey (dated May 18, 2021).
3. Final design plans shall be provided to the Board for review and approval prior to issuance of a building permit. Design shall be in keeping with the existing construction and surrounding dwellings.
4. Verification of the structure in relation to the side lot line shall be verified prior to construction; the side line shall be located and demarcated in the field to the satisfaction of the Building Commissioner.
5. The structure shall be equipped with gutters and downspouts that infiltrate rainwater so as to not cause flooding to the abutter or an alternate design that achieves the same. The proposed mitigation shall be approved by the Planning Board per the criteria established in the Town's Stormwater and Land Disturbance By-Law and Regulations.

Dimensional Variance – 43 Bogastow Brook Road

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 placement of the septic system and existing dwelling, including the 2-car garage under on the right side and existing driveway.

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 43 Bogastow Brook Road 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)

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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 no closer than 24' to the easterly side line as depicted on the record plan prepared by O'Driscoll Land Surveying (dated April 21, 2021 with revisions through August 15, 2021).
3. Construction shall be substantially in compliance with the plans entitled "Addition and Renovations Kris Residence" prepared by Niche Architecture for JM Construction (dated June 16, 2021).

Adjournment: The meeting adjourned at 7:59 p.m. on a motion made and duly seconded with all in favor on a roll call vote. The next meeting was scheduled for September 29, 2021.

Respectfully submitted,

Karen Sherman
Town Planner

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