

Holliston Zoning Board of Appeals Meeting Minutes of May 18, 2022

Call to Order: The Chairman called the meeting to order at 7:10 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- Present
Elizabeth Dembitzer, Associate – Absent

Approval of Minutes:

On a motion by Mr. Peabody, seconded by Mr. Love, the minutes of March 2, 2022 were approved as written on a 2:0:1 roll call vote (Mr. Bush abstained).

PUBLIC HEARINGS:

Dimensional Variance

Alexander and Rachel Crawford – 41 Bradford Jay Road

The Chairman opened the public hearing and waived reading the hearing notice into the record. Atty. Peter Barbieri of Fletcher Tilton was present to discuss the Dimensional Variance application for construction of a garage with a second floor addition within the required minimum front and side yard setbacks as well as relief for an existing non-compliant deck within the required side yard setback (noted as an unpermitted accessory structure by the Building Inspector). He noted that the house was constructed in 1962 and is non-conforming with regard to area and frontage. The proposed 2-story addition includes a garage with living space over. The area of the garage is primarily existing driveway. It extends into the required front yard setback in front of the existing dwelling and to the rear and side, extends toward the existing detached deck.

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

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

Use Variance

Benjamin and Kimberly DeFusco – 31 Union Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Ben DeFusco was present to discuss the Use Variance application to allow residential use at 31 Union Street in the Village Center Commercial zoning district. He noted that all of the structures within that block of Union Street between Central and Exchange are residential. He stated that

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his plan is to convert the existing two-story studio space into a three-bedroom dwelling unit per recent Board of Health approval as the site is limited by a tight tank due to the proximity of the Winthrop Canal.

The Chairman opened the hearing to the audience. Kathy & Bobby Skerry of 25 Union Street spoke in favor of the petition, noting that retail has posed some issues for the neighborhood for their tenure. Some discussion followed about the transferability of a Use Variance and the more permanent solution of a zone change.

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

Special Permit

Warrior Auto Glass – 229 Lowland Street, Bldg. #3

The Chairman opened the public hearing and waived reading the hearing notice into the record. Jason Duguay was present to discuss the Special Permit application to operate his existing auto glass repair shop. He noted that the unit (Building 3) was previously occupied by Authentic Auto Body and that simply by its function, the use is less intense. Work occurs indoors with the exception of servicing an oversized vehicle. The loudest tool utilized is a shop vac. Proposed hours of operation are 7-5 Monday thru Friday and 8-2 on weekends by appointment. Parking is available for drop off and pick up. There are currently 2-3 employees and mobile fleet vehicles. There is a delivery rack located outside the shop door.

The Chairman opened the hearing to the audience. Cherie and Pat Hafford of 242 Lowland Street expressed their opposition for weekend hours and noted that the advertised hours are 8 – 5 during the week. They also suggested that issue of a renewable permit might be wise in this case.

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

Special Permit and Dimensional Variance

Nicole E. Rossi and Evelyn M. Perry – 52 Front Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. Nicole Rossi was present to discuss the Special Permit and Dimensional Variance applications for construction of an addition and garage over 50% of the existing gross floor area and within the required minimum front and side yard setbacks. Ms. Rossi noted that the entire block had not been previously surveyed and this exercise had resulted in the a need for a land swap with the adjacent property because of driveway encroachment (69 s.f. and 3.52' of frontage) and the non-conforming lot frontage would decrease to 56.48'. Because the survey was in progress at the time of filing, the architects had also developed several scenarios for the planned addition. She noted that with regard to the side yard setback and massing, the addition would primarily occupy the area of the existing detached garage and driveway. The closest point to the side yard setback would be 5'. She shared the architectural renderings prepared by Chemini Design Architects (dated April 19, 2022) as well as the "gross floor area" calculations provided. The total existing house is 1170 s.f. and the proposed is 2,893 s.f. (.46 FAR).

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

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

DELIBERATIONS:

Dimensional Variance – 41 Bradford Jay 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 due to the placement of the dwelling on the lot, internal layout, the septic system location and the non-conforming nature of the property (frontage and area).

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 41 Bradford Jay Road was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	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. Construction shall be in compliance with the plan of record entitled "Plot Plan #41 Bradford Jay Road Holliston, Massachusetts" prepared by Grady Consulting, LLC (dated March 21, 2022 and revised March 22, 2022). The proposed 2-story addition shall be no closer than 19' to the front and 9.5' to the northerly side lot line. In addition, the existing deck shall be considered an accessory structure and is permitted in place at 0.3' from the northerly side lot line.
3. Construction shall be in substantial compliance with the architectural plan set of record entitled "An Addition to: 41 Bradford Jay Road Holliston, MA 01746" prepared by Rodenhiser Builders (dated 10/24/2021).

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Use Variance – 31 Union Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III-A(1), Single-Family Detached Dwellings 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. The proposal for residential use is in character with the surrounding properties on this portion of Union Street and presents a less intense use than commercial uses allowed by right in this zoning district.

Zoning Board Vote

The Board's vote to approve the Petitioners' Use Variance application for relief under Section III-A(1) for property described and located at 31 Union Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	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 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.

Special Permit – 229 Lowland Street, Bldg. #3

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III-E(4), Motor Vehicles Uses and VI-E(5), Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The Board as Special Permit Granting Authority has considered the proposed auto glass installation 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 regulations, restrictions and criteria of sub-section VI-E(5) and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-E(4) for property described and located at 229 Lowland Street, Bldg. #3 was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye

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Mr. Bush

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. The approximate 2000 s.f. use is limited to auto glass installation, tangential moulding repair around glass and ADAS camera calibrations with no other automotive-related activities.
3. Hours of operation are limited as follows: 7 a.m. to 5 p.m. Monday – Friday and 8 a.m. – 2 p.m. weekends (by appointment only).
4. Best efforts shall be made to minimize noise sources, including maximizing interior work and limiting outdoor storage to the 9 s.f. delivery racks noted.

Special Permit – 52 Front Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.2 and 3.3.1), Pre-Existing, Non-Conforming Structures and Lots and VI-E(5), Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: 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 regulations, restrictions and criteria of sub-section VI-E(5) and as conditioned below.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Sections I-C(3.2 and 3.3.1) for property described and located at 52 Front Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love Aye

Mr. Peabody Aye

Mr. Bush 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. This Special Permit is contingent upon recording of a companion Dimensional Variance issued concurrently by this board.
2. Construction shall be in substantial compliance with the plan of record entitled "Proposed Plot Plan 52 Front Street" prepared by Terrance Ryan, PLS of Applewood Survey (dated

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April 29, 2022). Proposed construction shall not be any closer to the front or left side setbacks than the existing dwelling. The proposed addition shall be no closer to the n/f Bregnard lot line than 5' at its closest point.

3. Construction shall be in substantial compliance with architectural plans of record entitled "Residential Addition Rossi-Perry Residence 52 Front Street Holliston, MA 01746" prepared by Chemini Design Architects (dated April 19, 2022). Materials shall be consistent throughout the construction and shall be in keeping with the neighborhood.

Dimensional Variance – 52 Front Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3.2 and 3.3.1), Pre-Existing, Non-Conforming 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 due to the existing non-conformities in the Residential zoning district (lot area, frontage, as well as front and side yard setbacks), location of the existing septic system, and location of the existing driveway and detached garage.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Sections I-C(3.2 and 3.3.1) for property described and located at 52 Front Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	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. Construction shall be in substantial compliance with the plan of record entitled "Proposed Plot Plan 52 Front Street" prepared by Terrance Ryan, PLS of Applewood Survey (dated April 29, 2022). Proposed construction shall not be any closer to the front or left side setbacks than the existing dwelling. The proposed addition shall be no closer to the n/f Bregnard lot line than 5' at its closest point.
3. The parcel swap shall be in substantial compliance with the additional plan of record entitled "Parcel Swap Sketch 52 – 58 Front Street" prepared by Terrance Ryan, PLS of Applewood Survey (dated April 29, 2022) indicating a reduction of 3.52 feet of frontage for the locus.
4. Construction shall be in substantial compliance with architectural plans of record entitled "Residential Addition Rossi-Perry Residence 52 Front Street Holliston, MA 01746" prepared

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by Chemini Design Architects (dated April 19, 2022). Materials shall be consistent throughout the construction and shall be in keeping with the neighborhood.

Adjournment: The meeting adjourned at 9:11 p.m. on a motion made by Mr. Peabody, seconded by Mr. Bush with all in favor on a roll call vote. The next meeting was scheduled for June 15, 2022.

Respectfully submitted,

Karen Sherman
Town Planner

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