

Holliston Zoning Board of Appeals
Meeting Minutes of November 19, 2014

Present: Chairman Henry Dellicker, John Love, Brian Liberis and Associate Member Jay R. Peabody. Associate Member Mark Bush was absent.

Call to Order: The Chairman called the meeting to order at 7:10 p.m. in Room 014 of the Town Hall.

Approval of Minutes: On a motion by Mr. Love, seconded by Mr. Liberis with all in favor, the members approved the minutes of October 29, 2014 as drafted.

Special Permit Public Hearing –
Emily and Gregg Donoghue, 100 Arch St.

The Chairman opened the public hearing at 7:12 p.m. and Mr. Liberis read the hearing notice into the record. Comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014) and Conservation Agent (dated November 6, 2014) were also entered into the record.

Bill Bernard, Applicant and Contractor was present along with Owner Greg Donoghue. Mr. Bernard described the existing and proposed conditions and construction. Design plans prepared by Cotuit Bay Designs dated August 27, 2014 were entered into the record. Side yard setback relief is requested as a result of the proposal and zoning changes implemented by the Town.

No one in the audience asked questions or spoke against the petition. Speaking in favor of the petition was Ellen Healy of 99 Arch Street.

On a motion by Mr. Liberis, seconded by Mr. Love, the public hearing was closed.

Special Permit Public Hearing –
Michelle Savino (Salone de Bella), 416 Washington St.

The Chairman opened the public hearing at 7:15 p.m. and Mr. Liberis read the hearing notice into the record. Comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014) and Conservation Agent (dated November 6, 2014) were entered into the record.

Ms. Savino was present to discuss her petition for signage. She clarified that the location was behind Bertucci's in the same complex. She shared a series of photos of the site, noting the lack of visibility from Washington Street and the need for a roof top sign. She provided a sketch of a sign prepared by a potential vendor but indicated that it may not be the final design. Members clarified the language of the by-law with regard to rooftop signs (See Section V-B(C)(2)). Ms. Savino clarified that her normal hours of operation were until 9 p.m. on Tuesdays and Thursdays. When asked if she would be amenable to limiting the hours the sign is lit, she agreed.

Mr. Love made a motion to close the public hearing. Mr. Liberis seconded with all in favor.

Special Permit Public Hearing –

22 Exchange Realty Trust (Joyce Hastings, Tr.), 24 Exchange Street

The Chairman opened the public hearing at 7:25 p.m. and Mr. Liberis read the hearing notice into the record. Comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014) and Conservation Agent (dated November 6, 2014) were entered into the record.

Rob Truax of GLM Engineering was present to discuss the petition for re-use of 24 Exchange Street, formerly retail and studio space at the rear of the site. He provided an updated site plan with revisions dated October 8th, indicating parking layout and site circulation. He indicated that the proposed yoga studio would be 24ø x 24ø with additional office space and introduced his potential tenant, Melanie Harrington. Proposed hours of operation are daily 6 a.m. to 8 p.m.

Speaking in favor of the petition was Carl Damigella of 448 Underwood Street. No one was present to speak against the petition.

Mr. Liberis made a motion to close the public hearing. Mr. Love seconded with all in favor.

Special Permit and Dimensional Variance Public Hearing –

Michael and Jennifer Cote, 18 Donna Road

The Chairman opened the public hearing at 7:45 p.m. and Mr. Liberis read the hearing notice into the record. Comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014) and Conservation Agent (dated November 6, 2014) were entered into the record.

Mike Cote was present provided an overview of his proposal to improve an existing porch by partially enclosing it and wrapping it around the existing structure. He provided a description of the existing layout of the structure, indicating that this proposal works best with the existing dwelling. A discussion of hardship followed as well as clarification of the relief required under both Sections I-C (Special Permit) and IV-B (Dimensional Variance). Mr. Cote indicated that the lot was narrow and the house had been placed on the lot to avoid ledge. The Chairman added that this area is known as oKnob Hillö.

Correspondence supporting the petition was received from abutters at 22 Donna Road. No one was present to speak for or against the petition.

Mr. Liberis made a motion to close the public hearing. Mr. Love seconded with all in favor.

**Continued Special Permit Public Hearing –
Verizon Wireless, Pope Road**

The Chairman re-opened the public hearing at 7:55 p.m. Comment letters from the Fire Chief (dated October 15, 2014) and Conservation Agent (dated October 8, 2014) were entered into the record.

Attys. Christopher Swiniarski and Victor Manougian of McClane, Graf, Raulerson & Middleton P.A. of Manchester, NH were present for the Applicant Verizon Wireless of Westborough. Also present for the applicant were consultants Jeff Barbadora of Woburn, Andrew Pearshall of Verizon, and Derek Creasen of Hudson Design Group in North Andover.

Atty. Swiniarski gave an overview of the proposed twelve panel array of antennas on a freestanding 150' monopole. He noted that the application is being made after an evaluation of existing coverage and a goal of optimizing service in the area. He reviewed the proposed site plans and applications materials, noting the RF Report dated September 12, 2014 and photographic renderings and viewshed mapping of the proposed site prepared by Caron & Associates Design dated August 9, 2014.

Asking questions and raising concerns about the proposal were: Kristen Heller of 125 Hemlock Drive, Don deCastro of 150 Hemlock Drive, Shana Anandjiwala of Kingsbury Drive, Elliot Wheelwright of 64 Hemlock Drive, 51 Kingsbury Drive, Aaron Schachter of 98 Hemlock Drive, and Nancy Barron of 133 Hemlock Drive.

Mr. Love made a motion to continue the public hearing until Wednesday, December 17th at 7:00 p.m. Mr. Liberis seconded with all in favor.

DELIBERATIONS:

Special Permit – 100 Arch Street
Findings of Fact

The Board reviewed the application materials and testimony provided by the Owner and his representative, Bill Bernard, as well as comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014) and Conservation Agent (dated November 6, 2014). Additionally, abutter Ellen Healy of 99 Arch Street spoke in favor of the petition. In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following: 1. The proposed addition does not increase the non-conforming nature of the altered or reconstructed structure, 2. There is no material change in the exterior appearance of the dwelling except according to the terms of this Special Permit and 3. The addition will not be substantially more detrimental to the neighborhood than the existing non-conforming lot.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3) for property described and located at 100 Arch Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Construction shall encroach no further than 7' into the required side yard setback or within 13' of the eastern side lot line.
3. Elevations and construction materials shall substantially comply with submitted plans entitled "New Addition For: Donoghue Residence, 100 Arch Street, Holliston, MA" prepared by Cotuit Bay Design, LLC, dated August 27, 2014.
4. Smoke and carbon monoxide detectors throughout the house shall be brought into compliance with the Board of Fire Prevention Regulations and MA Building code in effect at the time the building permit is issued.

Special Permit – 416 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014) and Conservation Agent (dated November 6, 2014). In accordance with the provisions of Section V-B(2) and VI-E(5), the Board finds that the proposed roof sign is within an appropriate location and will not significantly alter the character of the neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section V-B(2) for property described and located at 416 Washington Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

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Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. In accordance with Section V-B(B) General Regulations, the illumination of the sign shall be shaded, shielded, directed and maintained at sufficiently low intensity and brightness that shall not affect the safe vision of vehicle operators. Red and green lights shall not be used for illumination. In addition, no internal lighting shall be allowed.
3. The sign shall only be illuminated during normal business hours and in any event, no later than 9:00 p.m.

Special Permit Public Hearing –

22 Exchange Realty Trust (Joyce Hastings, Tr.), 24 Exchange Street

Findings of Fact

The Board reviewed the application materials and testimony provided by Robert Truax of 22 Exchange Realty Trust and GLM Engineering as well as comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014) and Conservation Agent (dated November 6, 2014). In accordance with the provisions of Section III-A(38), the Board finds that the proposed Yoga Studio complies with the dimensional requirements of the by-law, is in an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and other uses allowed by-right in the district and is designed to be compatible with the character and the scale of neighboring properties. Additionally the Board finds that adequate and appropriate facilities shall be provided for the proper operation of the proposed use, including provisions for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and properties.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A (38) for property described and located at 24 Exchange Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker	Aye
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Mr. Love Aye

Mr. Liberis 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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Hours of operation of the studio are limited to 6:00 a.m. to 8:00 p.m. seven (7) days per week.
3. Life safety devices shall be installed to alert occupants of an emergency.

Special Permit and Dimensional Variance – 18 Donna Road

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Fire Chief (dated November 10, 2014), Police Dept. (dated November 4, 2014), Board of Health (dated November 4, 2014), Conservation Agent (dated November 6, 2014, and abutters Jim and Jan Pronko of 22 Donna Road (dated October 12, 2014).

In accordance with the provisions of Section I-C (3)(b), the Board finds the following: 1. There is no material change in the exterior appearance of the dwelling except according to the terms of this Special Permit and 2. The addition will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and lot.

In accordance with the provisions of Section VI-D(3), the Board finds that the Petitioner has demonstrated that the unique soil conditions of the lot (i.e. ledge) limited the placement of the structure and the septic system on the parcel and that de minimis relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the By-Law.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit/Dimensional Variance application for relief under Sections I-C(3)(b) and IV-B for property described and located at 18 Donna Road was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker Aye

Mr. Love Aye

Mr. Liberis Aye

Conditions of Approval

1. This Special Permit and 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. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed

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since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

2. Construction shall be no closer than 8 feet to the side lot line as indicated on the application materials provided.
3. Construction materials and final design of the additions shall be consistent the existing construction.

Adjournment: The meeting adjourned at 10:15 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for December 17, 2014.

Respectfully submitted,

Karen Sherman
Town Planner