

Holliston Zoning Board of Appeals Meeting Minutes of July 13, 2022

Call to Order: The Chairman called the meeting to order at 7:05 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
Elizabeth Dembitzer - Present

Approval of Minutes:

On a motion by Ms. Dembitzer, seconded by Mr. Love, the minutes of June 15, 2022 were approved as written on a roll call vote. Mr. Peabody abstained as he was not present.

PUBLIC HEARINGS:

Use Variance

Reza and Emerald Jalinous – 147 North Mill Street

The Chairman opened the public hearing and waived reading the hearing notice into the record. The applicant/owner Ms. Jalinous was present to discuss the Use Variance application to allow a new driveway across non-continuous frontage. The Chairman asked Ms. Jalinous whether she would be amenable to a condition limiting further subdivision. She indicated that only a single building lot is planned.

The Chairman opened the hearing to the audience. Jeff and Pamela Pinter-Parsons of 45 Briarcliff Lane and Denise and Phil Landry-Horowitz of 99 North Mill Street asked about future development potential. Correspondence was received from Michelle Tate, 96 North Mill Street (dated June 28, 2022).

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

Dimensional Variance

Michael and Christina Ferguson Marge – 26 Noel Drive

The Chairman opened the public hearing and waived reading the hearing notice into the record. Atty. Peter Barbieri of Fletcher Tilton was present for the applicants/owners to discuss the Dimensional Variance application for an 866 s.f. accessory family dwelling unit. He noted that a large addition is planned and the one-bedroom "in-law" is part of the new construction which is compliant with all dimensional requirements of the zoning district. He described the presence of wetlands as well as a drainage easement and noted that the proposal had gotten approval from both the Conservation Commission and Board of Health.

Approved: August 17, 2022

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The Chairman opened the hearing to the audience. No one asked questions or spoke in favor or against the petition. Correspondence received from Robert Walker, Deputy DPW Director (dated June 30, 2022) was noted for the record and Atty. Barbieri acknowledged that his clients would agree to limiting use of pavers to their property, while the driveway apron within the right-of-way would be paved per DPW specifications.

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

DELIBERATIONS:

Use Variance – 147 North Mill Street

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-E Definitions of Lot Frontage 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 applicants have demonstrated that literal enforcement of the provisions of this by-law would involve substantial hardship due to the presence of wetlands, floodplain and a perennial stream along the legal, continuous frontage on the south eastern portion of the proposed lot. The proposed 25 foot non-contiguous frontage provides upland access to the buildable portion of the lot several hundred feet off North Mill Street.

Zoning Board Vote

The Board's vote to approve the Petitioners' Use Variance application for relief under Section I-E for property described and located at 147 North Mill 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 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.
2. This Use Variance is subject to approval and execution of the subdivision plan creating the proposed lot configuration substantially in compliance with the plan of record entitled "Plan of Property Surveyed for Reza and Emerald Jalinous, 147 North Mill Street, Holliston, Massachusetts" prepared by Jarvis Land Survey dated May 20, 2022.
3. Further subdivision of the locus is prohibited.

Approved: August 17, 2022

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Dimensional Variance – 26 Noel Drive

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections V-G(A)(5) 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 applicants have demonstrated that literal enforcement of the provisions of this by-law would involve substantial hardship due to the unique physical constraints of the lot, namely wetlands and a water line easement. The applicants have chosen to add a self-limiting accessory family dwelling unit which will not alter the appearance of the single-family structure and fits over the proposed garage spatially.

Zoning Board Vote

The Board's vote to approve the Petitioners' Dimensional Variance application for relief under Section V-G(A)(5) for property described and located at 26 Noel Drive 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. The proposed 866 square foot accessory family dwelling unit shall be constructed substantially in compliance with the record plans, notably the plan entitled "Proposed Site Plan 26 Noel Drive, Holliston, MA" prepared by GLM Engineering Consultants, Inc. (dated May 31, 2022) and architectural plans entitled "The Marge Residence" prepared by Matz Collaborative Architects (undated).
3. Proposed driveway improvements are subject to approval by the Holliston DPW Highway Division and the portion of the driveway within the right-of-way will consist of bituminous pavement.

Adjournment: The meeting adjourned at 8 p.m. on a motion made by Mr. Peabody, seconded by Ms. Dembitzer with all in favor on a roll call vote. The next meeting was scheduled for August 17, 2022 and will be held remotely, unless the remote meeting provisions allowed under the Governor's order are not extended beyond July 15th. Additional efforts to fill open alternate slots will be pursued.

Respectfully submitted,

Karen Sherman, Town Planner

Approved: August 17, 2022