

**Holliston Zoning Board of Appeals
Meeting Minutes of August 19, 2015**

Present: Chairman Henry Dellicker, John Love, Brian Liberis, and Associate Members Mark Bush and Jay Peabody.

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, the members approved the minutes of July 15, 2015 as amended through discussion.

I. PUBLIC HEARINGS:

Dimensional Variance Public Hearing

William Rodenhiser – 205 and 213 Central Street

The Chairman opened the public hearing at 7:30 p.m. and Mr. Liberis read the hearing notice into the record. A comment letter from the Board of Health (dated August 17, 2015) was also entered into the record.

Petitioners William and Jen Rodenhiser and Rebecca Weissman were present along with Atty. Peter Barbieri of Fletcher Tilton PC to discuss the petitions for dimensional variances for the two properties, including proposed use of an easement for installation of an in-ground pool. Atty. Barbieri provided some background on the parcels, noting recent upgrades to the 4-unit structure, including septic system replacement, wall construction and installation of granite curbing. He reviewed his narrative detailing the requested relief and reasoning behind the requests and provided a series of marked up plot plans of each of the eight requested areas requiring relief (i.e. bulkhead, attached building addition, detached pool mechanicals and cabana, and in-ground swimming pool). It was clarified that only the proposed pool involves property at 205 Central Street in the 689 s.f. easement (document provided in the application).

The Chairman asked for a clarification of the proposed bulkhead construction. Mr. Rodenhiser replied that it would be standard concrete construction. A proposed building elevation of the pool pavilion (16' x 20' x 14') was submitted. Mr. Rodenhiser added that neither the pavilion nor the L-shaped building addition had been designed because of the costs associated and the relief required. Atty. Barbieri provided a worksheet on the proposed Coverage Calculation for 213 Central Street. Mr. Peabody asked Atty. Barbieri if he was aware of other cases involving construction in easements. Mr. Love asked for additional rationale for the pool variance. Atty. Barbieri added that there is limited space on the lot because of the septic location, parking lot location, and a 10' separation to the dwelling.

The Chairman opened the hearing to the audience. Asking questions were Rebecca Weissman of 205 Central Street, Paul Ward of 204 Central Street, Joshua Sandford of 196 Central Street, Sharon Green, Trustee of 221 Green Street, Dave Swinimer of 21 Franklin Street, Steve and Susan MacDonald of 39 Franklin Street, Bill Tobin of 181 Central Street, and Barbara Barker of 28 Franklin Street. Inquiries were made of work within the right-of-way, curb cuts, signage removal, sidewalk completion, drainage and sight lines onto the public way, work hours, length of project, and storage of heavy equipment on the #213 site. Mr. Tobin, the MacDonalds and

Holliston Zoning Board of Appeals Meeting Minutes of August 19, 2015

Ms. Barker spoke against the proposal, expressing concerns about the proposed massing along Central Street, aesthetics, and potential nuisance issues. All noted that the Ms. Weissman, Mr. Ward, Mr. Sandford, and Ms. Green spoke in favor of the petition. Ms. Weissman stated she feels her interests are protected by the terms of the easement.

On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed. Note: At the end of the meeting during deliberations, Mr. Peabody made a motion to re-open the public hearing and request an additional position statement on hardship from Atty. Barbieri. Mr. Liberis seconded with all in favor.

Continued Special Permit Public Hearing

Stephen Rogers – 56 Paul Road

The Chairman re-opened the public hearing at 9:00 p.m. Mr. Love made a motion, seconded by Mr. Liberis, to combine discussion under the continued hearing and the newly advertised two-family dwelling relief as well as waive the reading of the hearing notice for the second hearing as no one was in the audience with an interest in the petition. All were in favor.

Mr. Rogers was present along with Ed Clinton, AIA of Clinton Designs to discuss his petition for relief under the provisions of Section III-A #14 to reconstruct an existing garage into a 1-bedroom handicapped accessible two-story second dwelling unit to be located within 14' of the side lot line. After some discussion of the proposed 22'8" x 40'2" addition with a 7' porch off the rear per design plans and elevations prepared by Mr. Clinton (undated), members were in agreement that relief to within 11' of the lot line would be in order to accommodate overhangs.

The Chairman opened the hearing to the audience. No one was present to speak in favor or against the petition. On a motion by Mr. Love, seconded by Mr. Liberis, the public hearing was closed.

Continued Use Variance Public Hearing

BWC Charles River, LLC – 397 Hollis Street

The Chairman re-opened the public hearing at 10:50 p.m. and noted receipt of a request to withdraw without prejudice from John DeVillars of Blue Wave Capital Charles River, LLC dated August 18, 2015. Mr. Peabody made a motion to accept the request for withdrawal. Mr. Liberis seconded with all in favor.

II. DELIBERATIONS:

A. 56 Paul Road Special Permit

Project Description

The Petitioner is seeking Special Permits under the provisions of Section I-C(3)(b), Pre-Existing Non-Conforming Uses, Structures and Lots and Section III-A #14, for construction of a two-story addition and seconded dwelling unit in the minimum side yard setback. The locus is 56 Paul Road in the R-1 zoning district.

Holliston Zoning Board of Appeals

Meeting Minutes of August 19, 2015

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner and his architect, Ed Clinton, AIA of Clinton Designs. Relief under the provisions of Section III-A #14 to reconstruct an existing garage into a 1-bedroom handicapped accessible two-story second dwelling unit to be located within 11ø of the side lot line was clarified with the Inspector of Buildings. The proposed addition is 22ø8ö x 40ø2ö with a 7ø porch off the rear per design plans and elevations prepared by Mr. Clinton (undated).

In accordance with the provisions of Section I-C, Section III-A and VI-E(5), the Board finds the following:

1. The proposed addition does not increase the non-conforming nature of the structure,
2. There is no material change in the exterior appearance of the existing single family dwelling except according to the terms of this Special Permit, and
3. The addition and creation of a second dwelling unit will not be substantially more detrimental to the single family neighborhood than the existing non-conforming structure and lot.

Zoning Board Vote

The Boardø vote to approve the Petitionerø Special Permit application for relief under Section I-C(3)(b) and Section III-A #14, for construction of a two-family and two-story addition to be located in the minimum side yard setback for property described and located at 56 Paul Road was as follows on a motion by Mr. Liberis, seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	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 2 years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. 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. Proposed construction shall encroach no closer than 11ø to the side property line (encroaching 9ø into the required side yard setback).
3. Elevations and construction materials shall be consistent with the existing dwelling and the design plans prepared by Ed Clinton, AIA of Clinton Designs (undated).
4. No occupancy of the second dwelling unit shall take place without an occupancy permit issued by the Inspector of buildings. Occupancy the dwelling units shall be restricted to family members related by first degree of kinship, marriage or adoption to the owner of the premises or a direct caregiver to an occupant.

**Holliston Zoning Board of Appeals
Meeting Minutes of August 19, 2015**

Dimensional Variance – 205 & 213 Central Street

Members discussed the 8 requests for relief, beginning with the proposed bulkhead proposed to be no closer than 8øto Franklin Street. Members had questions about the proposed addition and integration of the existing portico but they are inclined to grant this portion of the request as well as the bulkhead. By poll, members are not inclined to grant relief for the two pool-related structures in the Central Street front yard setback and 0 side lot.

After considerable discussion of the dimensional variance criteria of MGL, c. 40A, s. 10 and the circumstances presented, Mr. Peabody made a motion to re-open the public hearing and request an additional position statement on hardship specifically with regard to the proposed pool on both parcels from Atty. Barbieri. Mr. Liberis seconded with all in favor.

Adjournment: The meeting adjourned at 10:57 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for September 16, 2015.

Respectfully submitted,

Karen Sherman
Town Planner