

**Holliston Zoning Board of Appeals
Meeting Minutes of September 16, 2015**

Present: Chairman Henry Dellicker, Brian Liberis, and Associate Members Mark Bush. John Love and Jay Peabody were 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. Bush, seconded by Mr. Liberis, the members approved the minutes of August 19, 2015 as written.

I. PUBLIC HEARINGS:

Special Permit Public Hearing

Phebe Waterfield – 137 Hollis Street

The Chairman opened the public hearing at 7:20 p.m. and waived the reading of the hearing notice. Bob Currie, AIA was present with his clients Phebe Waterfield and David Barnett to discuss their proposal to construct an accessory family dwelling unit addition to their existing home. They clarified that the house pre-dates zoning and was constructed circa 1835. The members reviewed proposed elevations and layout of the approximately 528 s.f. addition (RCDC Architects, dated 1/29/15).

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. Liberis, seconded by Mr. Bush, the public hearing was closed.

Special Permit Public Hearing

Diana and William Harrington – 120 Goulding Street

The Chairman opened the public hearing at 7:30 p.m. The Chairman waived the reading of the public hearing notice as no one was in the audience with an interest in the petition. Diana Harrington was present to discuss her petition to re-establish use of a second dwelling unit on the 18-acre property formerly known as the Marslin Institute. She clarified that there would be no external changes or additions to the 2-story structure, simply repairs and proposed occupancy for a family member. She noted use of the attached greenhouse as her husband's art studio. Access to the dwelling will be over a common driveway shared by the principle dwelling on the property as well as several adjacent properties.

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. Liberis, seconded by Mr. Bush, the public hearing was closed.

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Special Permit Public Hearing

Melanie Fell – 566 Concord Street

The Chairman opened the public hearing at 7:40 p.m. The Chairman waived the reading of the public hearing notice as no one was in the audience with an interest in the petition. Melanie and Darren Fell were present to discuss their proposed petition to convert their one-story ranch to a 2-story dormered cape. Mrs. Fell provided an updated plot plan prepared by GLM Engineering Consultants, Inc., dated May 13, 2015 and elevations and layouts prepared by Architectural Design Group, dated May 19, 2015. Existing and proposed setbacks were clarified.

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. Bush, seconded by Mr. Liberis, the public hearing was closed.

Special Permit Public Hearing

Dennis Colwell – 118 Ashland Street

The Chairman opened the public hearing at 7:50 p.m. The Chairman waived the reading of the public hearing notice as no one was in the audience with an interest in the petition. Comment letters from the Board of Health (dated September 2, 2015) and Fire Chief (dated September 9, 2015) were entered into the record by Mr. Liberis.

Mr. Colwell was present with Mr. Hanzi to discuss the proposed 2-story duplex to be constructed in place of the existing one-story dwelling. The existing dwelling encroaches into the required side yard setback, is within 9.5' at its closest point to the lot line, and is non-conforming. The proposed construction complies with all minimum setbacks. The orientation of the units requires relocation of the existing driveway. Each unit is proposed to have 3 bedrooms and a 2-car garage. Mr. Colwell prepared elevations and layouts dated 8/24/15 and confirmed that the Maximum % of Coverage, Buildings & Structures, Accessory Buildings under Section IV-B Schedule of Intensity Regulations is met. The plot plan was provided by Applewood Survey dated 6/9/15.

The Chairman opened the hearing to the audience. The following individuals spoke in favor of the proposal while raising concerns about site grading and the potential for sheet runoff impacting their yards: Shirley Stallings Clute of 92 Maple Street, Susan Rand of 106 Maple Street, and Matt Cirillo of 154 Maple Street. Mr. Colwell clarified that construction should be completed by May. On a motion by Mr. Liberis, seconded by Mr. Bush, the public hearing was closed.

Continued Dimensional Variance Public Hearing

William Rodenhiser – 205&213 Central Street

The Chairman re-opened the public hearing at 8:05 p.m. The chairman clarified that at the end of the last meeting, the Board voted to re-open the hearing to request additional information from the applicant, especially with regard to the hardship associated with the proposed pool. He noted receipt of a follow-up letter from Attorney Peter Barbieri (dated September 9, 2015) as well as revised plans from Grady Consulting, LLC (dated 9/12/15 and 9/15/15) and entered them into

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the record. Atty. Barbieri clarified that the second Grady drawing denotes an added rear staircase. He also pointed out the proposed second floor deck located 14.8ø to the property line. He reiterated the points made in his letter and clarified the amended variance requests.

Mr. Liberis stated that he was still unclear about the hardship on the #205 parcel. Atty. Barbieri restated his position that the easement has been granted for a specific purpose. He stated that the proposed in-ground pool is not like a structure in that it is not obtrusive. The Chairman asked about the proposed shape and size of the pool and the alternatives considered.

The Chairman opened the hearing to the audience. Speaking in favor of the petition was owner Rebecca Weismann of 205 Central Street, Melanie Fell of 566 Concord Street, and Edo Tieze of 197 Central Street. Ms. Weisman stated that the property shape is unique and that the area of the easement (characterized as a bump out) is not in active use by her. Atty. Barbieri added that the easement represents 689 s.f. of the 18,076 s.f. lot (3%). Raising issues and speaking against the petition were Steve and Susan MacDonald of 39 Franklin Street, Jose Rodriguez and Judy DeWitt of 182 Central Street, and Bill Tobin of 181 Central Street. Objections included over-use of the lot(s), safety concerns on busy downtown streets, and choice of location for the pool. Several people questioned whether a pool is a necessity. Mr. Rodenhiser stated that he is very sensitive to the architecture of the dwelling and the neighborhood and that he feels he is being flexible by modifying the application to eliminate the pool structures (i.e. cabana and equipment shelter).

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

II. DELIBERATIONS:

Special Permit – 137 Hollis Street

Findings of Fact

The Board reviewed the application materials (including proposed elevations prepared by RCDC Architects, dated September 13, 2015) and testimony provided by the Petitioner. In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following: **1.** The proposed addition does increase the non-conforming nature of the altered 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 will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3)(b) for property described and located at 137 Hollis Street was as follows on a motion by Mr. Bush, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Bush	Aye

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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 further than within 18.6ø of the front lot line and shall be substantially in compliance with the elevations submitted.
3. All provisions of Section V-G(A) Accessory Family Dwelling Unit shall be complied with to the satisfaction of the Inspector of Buildings.

Special Permit – 120 Goulding Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following: **1.** The proposed renovation and active use of the existing accessory structure does 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 use will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and use.

Zoning Board Vote

The Boardø vote to approve the Petitionerø Special Permit application for relief under Section I-C (3)(b) for property described and located at 120 Goulding Street was as follows on a motion by Mr. Bush, seconded by Mr. Liberis:

Chairman Dellicker	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. Renovation of the structure shall result in no further encroachment into the side lot line and it shall remain substantially the same in general appearance.
3. Occupancy shall be limited to family and non-paying guests, as represented.

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Special Permit – 566 Concord Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following: **1.** The proposed addition does 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 will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and 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 566 Concord Street was as follows on a motion by Mr. Liberis, seconded by Mr. Bush:

Chairman Dellicker	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 further than within 17' of the side lot line and 37' to the front lot line and shall be substantially in compliance with the elevations submitted denoting blending of the existing siding, windows and trim with the proposed addition (i.e. ranch to dormered cape).

Special Permit – 118 Ashland Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner, as well as comment letters from the Board of Health (dated September 2, 2015) and Fire Chief (dated September 9, 2015). In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following: **1.** The proposed two-family dwelling does not increase the non-conforming nature of the use and 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 use and structure will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and use.

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Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3)(b) for property described and located at 118 Ashland Street was as follows on a motion by Mr. Liberis, seconded by Mr. Bush:

Chairman Dellicker	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 be substantially in compliance with the elevations submitted prepared by Dennis Colwell Architects, Inc. of Norton, MA dated August 24, 2015.
3. The applicant shall coordinate assignment of street numbers and placement of appropriate signage denoting each unit with the Fire Chief.
4. Efforts should be made to eliminate sheet runoff from the demolition, site grading and septic system onto abutting properties both during and after construction.

Dimensional Variance – 205&213 Central Street

Members reviewed the documents and testimony presented in the three hearing sessions. Ms. Sherman was directed to provide the application materials to Special Counsel Mark Bobrowski for his written opinion. Further deliberation will occur as soon as the opinion is received.

Adjournment: The meeting adjourned at 9:50 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for October 21, 2015.

Respectfully submitted,

Karen Sherman
Town Planner