

**Holliston Zoning Board of Appeals  
Meeting Minutes of January 20, 2016**

**Present:** Chairman Henry Dellicker, Brian Liberis and 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.

**FY17 Budget:** The Chairman noted preparation of the FY17 budget. Several typos were corrected and the amount adjusted to meet the Finance Committee guideline of \$10,850. All were in agreement.

**Dimensional Variance Public Hearing  
Matthew and Amy Varrell, 35 Arch Street**

The Chairman opened the public hearing at 7:10 p.m. and waived reading of the hearing notice. Matt Varrell was present to discuss his petition for a dimensional variance under Section IV-B for relief to allow continued use of a previously constructed deck which connects a 34'x14' accessory building (labeled shed on the record plan) to the main house in the minimum side yard setback. The shed/barn is located 12' from the side lot line at the closest point. He provided a series of photos of the construction and stated that there have been no complaints from neighbors.

The Chairman opened the hearing to the audience. A comment letter from Claire R. Tremblay and Anthony V. Pepe of 47 Arch Street (dated January 18, 2016) was entered into the record. Rebecca Donham of 43 Arch Street and Linda Simpkins of 42 Arch Street both spoke in favor of the petition.

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

**DELIBERATION:**

**Dimensional Variance – 35 Arch Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner as well as a support letter from Claire R. Tremblay and Anthony V. Pepe of 47 Arch Street (dated January 18, 2016). Rebecca Donham of 43 Arch Street and Linda Simpkins of 42 Arch Street both spoke in favor of the petition and touted the valuable aesthetic of the construction.

In accordance with the provisions of Section VI-D(3), the Board finds that literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the Petitioner owing to circumstances related to the placement of the deck on the parcel and connection of an accessory structure to the principal dwelling, causing the barn to be considered part of the principal structure for the purposes of interpreting the applicability of the minimum side yard setback of 20 feet per Section IV-B. The Board finds that the desired 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.

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**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 35 Arch Street was as follows on a motion by Mr. Bush, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Brian Liberis	Aye
Mark 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. 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. If the rights authorized by this variance are not exercised within one year of the date of grant, they shall lapse and may be re-established only after notice and a new hearing.
2. No other structure may replace the existing deck as denoted on the plan of record without further relief from the Board. Relief for the overall structure is hereby granted for the existing deck and building labeled "shed", located 12 feet from the side lot line at its closest point.

**Adjournment:** The meeting adjourned at 7:25 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for February 17, 2016.

Respectfully submitted,

Karen Sherman  
Town Planner