

## **Holliston Zoning Board of Appeals Meeting Minutes of April 25, 2018**

**Present:** Chairman Henry Dellicker, Vice Chairman John Love, and Associate Member Mark Bush. Jay Peabody was absent.

**Call to Order:** The Chairman called the meeting to order at 7:00 p.m. in the Selectmen's Meeting Room (#105) of Town Hall.

**Approval of Minutes:** On a motion by Mr. Love, seconded by Mr. Dellicker with all in favor, the members approved the minutes of December 20, 2017.

### **Dimensional Variance Public Hearing**

#### **Tom Timko, Copper Beech Design – 303 Lowland Street**

The Chairman opened the public hearing at 7:10 p.m. and Mr. Bush read the hearing notice into the record. Tom Timko of Copper Beech Design of Weston, MA was present along with Chris and Janet Fiedler to discuss their petition. The existing house is non-conforming with regard to the front yard setback and is located on a corner lot at the intersection of Lowland and Fiske Streets. The proposed addition is dictated by the existing structure's location on the triangular-shaped lot, the septic system location, and the 20' wide driveway easement. The addition is a master bedroom, bath and activity room of one-story living. There is no additional bedroom being added, just a reconfiguration of internal living space.

The Plot Plan prepared by C&G Survey Company of Scituate, MA dated 11-16-2017 was discussed as well as the elevation and room layouts prepared by Copper Beech Design dated 11-18-2017.

The Chairman opened the hearing to the audience. No one asked questions regarding the petition. Jaqueline Fiedler spoke in favor of the petition.

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

### **Special Permit Public Hearing**

#### **The Happy Retriever, Inc. – 200 Summer Street**

The Chairman opened the public hearing at 7:25 p.m. and Mr. Love read the hearing notice into the record, as well as comment letters from the Conservation Agent (dated February 28, 2018) and Rodney Poling, DVM of Holliston Animal Hospital (dated March 10, 2018). Dorothy Turcotte, Applicant was present to discuss her petition to move her existing business located at 1562, 1564 and 1574 Washington Street (Village Plaza) to 200 Summer Street. She gave 45 Pope Road, Holliston as her residence. She noted that the proposed facility will allow her to grow her existing training program and the retail aspect of the business will be very limited and an access door will be added from the parking area. A fenced agility/training area will be constructed with a 6' chainlink fence at the rear of the building. She estimated that the area is roughly 50' x 100'. All of the side parking area is available to this use.

It was noted that the other user in the building is a car storage facility, also the subject of a Special Permit granted by the Zoning Board. Group classes are held in the evening hours (10 dogs max.) and individual training days (and half days) are offered during the day. Proposed

Approved: June 20, 2018

**Holliston Zoning Board of Appeals  
Meeting Minutes of April 25, 2018**

hours of operation are Monday ó Friday 7:00 a.m. to 10:00 p.m. and 8:00 a.m. to 6:00 p.m. on Saturday.

The Chairman opened the hearing to the audience. In addition to his written comments, Dr. Poling asked if the applicant was operating a kennel at 45 Pope Road. Paul Saulnier of 23 Church St. was present as a board member of the Upper Charles Land Trust. He noted the immediate location of their trailhead on Summer Street and noted that any outdoor facility may detract from the experience of individuals at Weenakeening Woods. Ms. Sherman offered the Special Permit decision for the proposed dog daycare facility at 55 Whitney Street as an example of controls imposed on a like use.

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

**Special Permit Public Hearing  
Seth Ellis – 21 Pearl Street**

The Chairman opened the public hearing at 8:07 p.m. and Mr. Love read the hearing notice into the record. Mr. Ellis was present to discuss his petition to reconstruct a single family dwelling at the location. The historic structure was being renovated and was a complete loss due to a fire. The non-conforming structure was demolished because of safety issues. The prior structure was non-conforming with regard to front and side yard setbacks. A two-car garage is being added, resulting in a larger structure overall. He noted that the septic system for a four bedroom structure has been approved by the Board of Health. The Plot Plan of Land for 21 Pearl Street prepared by GLM Engineering dated April 12, 2018 was discussed with regard to the front and southeasterly side yard setback. The proposed elevation denotes a village colonial style with the attached 2-car garage.

The Chairman opened the hearing to the audience. Natalie Kent of 44 Pearl Street expressed several concerns, including the size of the garage. Mr. Ellis noted that a 16ø garage door is being proposed with extra length for storage as there is limited area for placement of a shed. She also expressed a concern for business and rental space in the very dense residential area. Mr. Ellis noted that this property is an investment and his goal is to sell it outright, with preference for a young family. He noted that new construction will require many sub-contractors in addition to the work he and his partner do. Ms. Kent also expressed concerns about past practices by this company.

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

**II. DELIBERATIONS:**

**Dimensional Variance – 303 Lowland Street  
Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Sections IV-B and I-C (3.2) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the provisions of this by-law with regard to front yard setback and expansion of an existing non-conformity would involve substantial hardship, financial or otherwise, to the petitioner owing to

Approved: June 20, 2018

**Holliston Zoning Board of Appeals  
Meeting Minutes of April 25, 2018**

circumstances relating to the unique and irregular shape of the corner lot and the placement of the existing single-family structure on the lot. 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.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-B, Minimum Front Yard Setback and I-C (3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots for property described and located at 303 Lowland Street was as follows on a motion by Mr. Love, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. 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 and shall lapse in one (1) year unless exercised per MGL, c. 40A, s. 10. The copy of the decision to be filed must contain a certification by 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 appeal has been filed, that it has been dismissed or denied.
2. Proposed construction shall be no closer to the Lowland Street property line than the existing dwelling or 32.9' substantially in compliance with the record plan entitled "Plot Plan for 303 Lowland Street" prepared by C&G Survey Company dated November 16, 2017.
3. Materials shall be consistent throughout the front elevation and in substantial compliance with the application materials prepared by Copper Beech Designs dated November 18, 2017.

**Special Permit – 200 Summer Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section VI-E(5) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use, in relation to the site and the adjacent uses, shall have no significant adverse effects to the neighborhood or the Town. Adequate and appropriate facilities shall be provided for the proper operation of the proposed use.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III(D)(5) & (21), Retail Sales and Kennels, for property described and located at 200 Summer Street was as follows on a motion by Mr. Love, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Bush	Aye

Approved: June 20, 2018

**Holliston Zoning Board of Appeals  
Meeting Minutes of April 25, 2018**

**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 two (2) years unless exercised per MGL, c. 40A, s. 10. The copy of the decision to be filed must contain a certification by 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 appeal has been filed, that it has been dismissed or denied.
2. Business hours of operation (i.e. open to the public) are limited to 7:00 a.m. to 10:00 p.m. Monday ó Friday and 8:00 a.m. to 6:00 p.m. on Saturday. There shall be no overnight boarding. All non-security lighting shall be extinguished promptly upon closure.
3. As indicated in the application materials, activities shall be limited to a maximum 50 dogs for day training, bump up days and group classes at peak capacity.
4. An area designated on the east side yard of the building will be used for an exterior exercise area. It shall not extend beyond the northern edge of the building in order to provide screening from adjacent sites and the street. Use of the outdoor exercise area is prohibited after dark.
5. No animals will be left outside unattended.
6. Retail sales shall be limited to pet supplies directly related to the training facility.
7. As indicated in the application materials, the proposed area of the building to be occupied is in the northeast corner of the building and is represented as approximately 12,000 s.f.
8. This permit is issued to the Applicant and is not transferable or assignable.

**Special Permit – 21 Pearl 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 (3.5.1 Reconstruction After Catastrophe or Demolition) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed reconstruction of a single family home lost due to catastrophic fire is located other than on the original footprint. The change in footprint and living area are modest as represented and shall not be more detrimental than the existing nonconforming structure to the neighborhood.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3.5.1), Pre-Existing, Non-Conforming Uses, Structures and Lots, for property described and located at 21 Pearl Street was as follows on a motion by Mr. Love, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Bush	Aye

**Conditions of Approval**

Approved: June 20, 2018

**Holliston Zoning Board of Appeals  
Meeting Minutes of April 25, 2018**

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 two (2) years unless exercised per MGL, c. 40A, s. 10. The copy of the decision to be filed must contain a certification by 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 appeal has been filed, that it has been dismissed or denied.
2. The new 2-story 4-bedroom single-family dwelling shall be constructed substantially in the footprint of the prior dwelling with 95 s.f. of additional area (190 s.f. of additional living area) as shown on the record plan entitled "Plot Plan of Land, 21 Pearl Street, Holliston, MA" prepared by GLM Engineering Consultants, Inc. of Holliston dated March 28, 2018 and revised April 12, 2018.
3. The structure shall be no closer than 12.5' to the front lot line and no closer than 10' to the southeastern side lot line (rear right corner of the dwelling).
4. The construction, represented as a village colonial by the Petitioner, shall be substantially in compliance with the undated drawing entitled "Proposed Elevation: 21 Pearl Street" provided in the application materials.

**Adjournment:** The next meeting was set for May 16, 2018. The meeting adjourned at 9:35 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman  
Town Planner

Approved: June 20, 2018