

**Holliston Zoning Board of Appeals
Meeting Minutes of August 15, 2018**

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

Call to Order: The Chairman called the meeting to order at 8:00 p.m. in the Selectmen's Meeting Room (#105) of Town Hall.

**Dimensional Variance Public Hearing
Michael Derochea – 5 Jarr Brook Road**

The Chairman opened the public hearing at 8:05 p.m. and he waived the reading of the hearing notice into the record as the applicants were the only members of the audience. Michael and Sara Derochea were present to discuss building a deck in the minimum side yard setback (an increase in the existing front yard setback non-conformity). The Chairman noted that the home construction on this non-conforming was permitted under the prior non-conforming section of the by-law but this proposal requires a variance under the current by-law provisions. The Derocheas noted an interior door will access the proposed deck and the stairs will be off the rear, parallel to the existing bulkhead. The deck will be no closer to the neighbor than the existing dwelling. It was noted that the entire yard is fenced and that no one will see the proposed addition from either street. The lack of alternative locations on the lot were discussed.

The Chairman opened the hearing to the audience. No one was present to ask questions or comment on the petition.

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

II. DELIBERATIONS:

**Dimensional Variance – 5 Jarr Brook Road
Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Section I-C (3.2) and VI-D(3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the provisions of the by-law would involve substantial hardship to the Petitioners owing to circumstances related to the shape of the lot and the placement of the existing single-family structure on the lot. The east side of the dwelling is the least impactful area available for the modest addition to the structure. There is no detriment to the public good as the structure is consistent with the neighborhood. Desired relief may be granted without nullifying or substantially derogating from the intent and purpose of the by-law.

**Holliston Zoning Board of Appeals
Meeting Minutes of August 15, 2018**

Zoning Board Vote

The Board's vote to approve the Petitioners Dimensional Variance application for relief under Section I-C (3.2), Pre-Existing, Non-Conforming Uses, Structures and Lots for property described and located at 5 Jarr Brook Road was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Dellicker	Aye
Mr. Peabody	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. The proposed deck structure shall be no closer than 20' to the north lot line and the stairs shall not extend into the side setback any closer to the lot line than the bulkhead.
3. Building materials and final design shall be consistent with the existing structure.

Adjournment: The next meeting was set for September 19, 2018. The meeting adjourned at 8:25 p.m. on a motion made and duly seconded with all in favor.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: September 19, 2018