

**Holliston Zoning Board of Appeals**  
**Meeting Minutes of January 16, 2019**

**Present:** Chairman Henry Dellicker, John Love, Jay Peabody and Associate Member Mark Bush (arrived at 7:35 p.m.).

**Call to Order:** The Chairman called the meeting to order at 7:17 p.m. in the Selectmen's Meeting Room (#105) of Town Hall.

**Approval of Minutes:**

On a motion by Mr. Bush, seconded by Peabody, the minutes of September 19, 2018 were approved as written (Mr. Love abstained). On a motion by Mr. Love, seconded by Mr. Peabody, the minutes of October 17, 2018 were approved as drafted (Mr. Bush abstained). On a motion by Mr. Love, seconded by Mr. Peabody, the minutes of November 14, 2018 were approved as drafted (Mr. Bush abstained).

**FY 2020 Budget:**

On a motion by Mr. Love, seconded by Mr. Dellicker, the FY20 budget request was approved as prepared.

**Dimensional Variance Public Hearing**

**F&D Central Realty Corp., Inc. – 0 Prentice Street, Lot 5**

The Chairman opened the public hearing at 7:20 p.m. and waived reading the hearing notice into the record as there were no abutters present. Present were Joyce Hastings, PLS and Rob Truax of GLM Engineering Consultants, Inc. for the petitioners, F&D Central Realty Corporation, Inc. Ms. Hastings indicated that the lot was created in 2012 for their previous client Taylor Middlesex County Trust and it has been permitted with Board of Health and Conservation Commission as a building lot. Their client sold the parcel to F&D in 2016 and it was not until they filed for a building permit this Fall that they were notified of this dimensional deficiency and halted site work. It was noted that the lots around this one have been sold and lot lines cannot be adjusted easily because of driveway and house placement. The request is for relief for 31.96% of lot width (Lot width is defined as 80% of the minimum lot frontage measured at the minimum front yard setback line). Ms. Hastings provided the Approval Not Required Subdivision Plan and noted that several of the lots are oversized in the district and have irregular shapes. Mr. Truax added that relief has been granted previously by the ZBA on an adjacent parcel for access.

No one spoke in favor or against the petition.

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

**Use Variance Public Hearing**

**Carol McClennen – 420 Fiske Street**

The Chairman opened the public hearing at 7:35 p.m. and waived the reading of the hearing notice into the record. Mr. and Mrs. McClennen were present to discuss their petition to modify condition #1 of their September 23, 1976 variance that limits rentals of the "cottage" to them and is not transferable or assignable. The couple plans to sell the house and have been advised by a realtor that the current limitation would not be attractive to potential buyers. It was noted that the parcel was part of the former Eastern Nurseries location that was subdivided by Oakridge Construction Company.

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Bill Numbers of 456 Fiske Street spoke in favor of the petition.

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

**II. DELIBERATION:**

**Dimensional Variance – 0 Prentice Street, Lot 5**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section IV-A(6) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The Board recognizes that the Approval Not Required Subdivision Plan was created a number of years ago and lots have sold and been built upon, limiting land swap remedies. The parcel exceeds the minimum area and setback requirements in the AR-B zoning district.

**Zoning Board Vote**

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-A(6) Intensity Regulations for property described and located at 0 Prentice Street (Lot 5) was as follows on a motion by Mr. Peabody, seconded by Mr. Love:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Peabody	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 an appeal has been filed, that it has been dismissed or denied.
2. Relief is granted from the required lot width required as referenced on the record plan prepared by GLM Engineering Consultants, Inc. dated October 30, 2018.

**Use Variance – 420 Fiske Street**

**Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section IV-A(1) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The prior condition is onerous to the sale of the parcel and the condition can be modified readily without changing the intent of the previous relief. Literal enforcement of the provisions of the by-law would involve substantial financial hardship to the Petitioner and 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.

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**Zoning Board Vote**

The Board's vote to approve the Petitioner's Use Variance application for relief under Section IV-A(1) for property described and located at 420 and 432 Fiske Street was as follows on a motion by Mr. Bush, seconded by Mr. Peabody:

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

**Conditions of Approval**

1. This Use 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. Owner(s) shall reside in one of the dwelling units on the parcel and the variance shall run with the property.

**Adjournment:** The meeting adjourned at 8:15 p.m. on a motion made and duly seconded with all in favor. The next meeting was set for February 20, 2019.

Respectfully submitted,

Karen Sherman  
Town Planner

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