

Holliston Zoning Board of Appeals Meeting Minutes of June 19, 2019

Present: Chairman John Love, Jay Peabody, Mark Bush and Associate Member, Elizabeth Dembitzer.

Call to Order: Mr. Love called the meeting to order at 7:05 p.m. in the Selectmen's Meeting Room (#105) of Town Hall.

Reorganization:

Chairman ó Mr. Peabody nominated Mr. Love. There were no other nominations. The vote in favor was unanimous.

Vice Chairman ó Mr. Bush nominated Mr. Peabody. There were no other nominations. The vote in favor was unanimous.

Clerk ó Mr. Peabody nominated Mr. Bush. There were no other nominations. The vote in favor was unanimous.

Approval of Minutes:

On a motion by Mr. Bush, seconded by Mr. Peabody, the minutes of April 17, 2019 were approved as written. Mrs. Dembitzer abstained.

Special Permit Public Hearing

Ray and Teresa Costello – 41 Westfield Drive

The Chairman opened the public hearing at 7:10 p.m. and waived reading the hearing notice into the record as no one present objected. Ray Costello (applicant) was present to discuss the petition to add additional living space and a storage room (approx.. 20ø x 40ø) to the existing single family home within the front and side yard setbacks. The 18,800 s.f. lot is located at the corner of Dixon Circle and Westfield Drive and is subject to the provisions of Section IV-A(3) with regard to two front yard setbacks. The proposed addition maintains the existing line of the dwelling from Dixon Circle but encroaches into the defined building envelope by 5ø. Mr. Costello presented a draft proposed floor plan for the record but no building elevations. He also noted that the septic system (located in the rear of the dwelling) also needs to be replaced, limiting the location and scale of improvements further.

The Chairman opened the hearing to the audience. No one spoke in favor or against the petition.

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

Dimensional Variance Public Hearing

Brian Rossini – 171 Ashland Street

The Chairman opened the public hearing at 7:23 p.m. and waived reading the hearing notice into the record as no one objected. Brian Rossini (applicant) was present to discuss his petition to add a second story, breezeway and garage addition to the existing home described as a bungalow/ranch. He provided an elevation prepared by JG Architecture dated October 2017 and clarified that the two second floor areas over the house and garage respectively will not be connected (i.e. they do not span the breezeway). The space over the garage will be utilized for storage.

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The Chairman opened the hearing to the audience. Ken Fisher of 181 Ashland Street spoke in favor of the petition.

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

**Dimensional Variance Public Hearing
Dione Krieger – 15 Anna Place (Lot 5)**

The Chairman opened the public hearing at 7:33 p.m. and waived reading the hearing notice into the record. Dione Krieger (applicant) was present along with Alexandre Pereira (owner) to discuss his petition to increase the height of the single family home roof to 40 feet (regulated height is 35 feet). He noted that significant re-grading to achieve the allowed maximum height or a loss in planned square footage of the dwelling (approximately 5,000 s.f.) are the alternatives to the requested relief. He added that the lot preparation required a significant amount of blasting. The third floor will be habitable space. The height of the structure from the front door is 39ø in one scenario presented and 35ø in the other (Note: New elevations were provided for the file dated 2/15/15 prepared by L. Waldron of Excel Design/Build.) The recent by-law changes to the definition of building height were reviewed as were the septic locations.

The Chairman opened the hearing to the audience. Blake Lukis of 305 Underwood Street spoke against the petition and entered a letter into the record (undated). He questioned the proposed massing of the structure (approximately 2,000 s.f. larger than the surrounding homes) and noted that the hardship is purely financial, especially since the lots are undeveloped within a new subdivision. Mr. Pereira clarified that the adjacent home is approximately 4,000 s.f. (MLS listing). Mr. Lukis asked for further fact-finding. Mr. Peabody agreed that the application should be supplemented with additional detail that could be helpful to the members. Information on existing conditions with regard to topography and soil conditions was requested. Mr. Lukis noted that the site is disturbed and the foundations have been dug. Members expressed an interest in visiting the site. A site visit was scheduled for Wednesday, June 26th at 7:30 a.m.

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was continued to July 24, 2019 at 7:20 p.m.

**Dimensional Variance Public Hearing
Dione Krieger – 17 Anna Place (Lot 6)**

The Chairman opened the public hearing at 8:22 p.m. and waived reading the hearing notice into the record. Dione Krieger (applicant) was present to discuss his petition to increase the height of the single family home roof to 40 feet (regulated height is 35 feet).

Mr. Lukis entered the same correspondence into the record.

On a motion by Mr. Peabody, seconded by Mr. Bush, the public hearing was continued until July 24th at 7:30 p.m.

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Dimensional Variance Public Hearing

Aloisia & Ryan Fernandes – 88 Travis Road

The Chairman opened the public hearing at 8:24 p.m. and waived reading the hearing notice into the record. Correspondence received from Ryan Clapp, Conservation Agent (dated June 4, 2019) was entered into the record. Aloisia and Ryan Fernandes (applicants/owners) were present along with Mike Taylor of Taylor Renovation (contractor) to discuss the petition to construct a screened in porch within the minimum side yard setback. Mr. Taylor noted that there would be no disturbance for the excavation (Techno helical posts will be utilized.) and that the Conservation Commission had issued approval for the proposal on June 11th.

A letter in support from Robert and Anne Young of 94 Travis Road was entered into the record.

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

II. DELIBERATION:

Special Permit – 41 Westfield Drive

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Sections I-C (3.1) and IV-A (3) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: In accordance with the provisions of Sections VI-D and VI-E(5), the proposed alterations will not be substantially more detrimental to the neighborhood than the existing non-conforming structure on a non-conforming lot. The existing non-conforming front yard setback is being continued along Dixon Circle; it is not increasing. The plan of record prepared by GLM dated May 7, 2019 denotes the setback as 35ø

Zoning Board Vote

The Boardø vote to approve the PetitionersøSpecial Permit application for relief under Sections I-C (3.1) Pre-Existing, Non-Conforming Uses, Structures and Lots and IV-A (3) Corner Lot for property described and located at 41 Westfield Drive was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 two (2) year unless exercised per MGL, c. 40A, s. 9. The copy of the decision to be filed must contain a certification 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.

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2. Plans and specifications for the addition shall be in keeping with the existing conditions and the addition shall comply with the plan of record noted above.

Dimensional Variance – 171 Ashland Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section VI-D 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, financial or otherwise, to the Petitioner owing to unique circumstances relating to the topography of the lot and structure. The existing house location on the long narrow lot limits the expansion. Desirable 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. The structure will be expanded to include an area currently occupied by an accessory garage.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section IV-B, Schedule of Intensity Regulations, for property described and located at 171 Ashland Street was as follows on a motion by Mr. Bush, seconded by Mr. Peabody:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 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. Proposed construction on the north side of the lot shall be no closer than 14' to the side lot line and no closer than 19' to the side lot line on the southeasterly side, substantially in compliance with the plan of record prepared by Applewood Survey, LLC dated May 8, 2019.
3. Construction shall be substantially in compliance with architectural plans prepared by JG Architecture dated October 2017.

Dimensional Variance – 88 Travis Road

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Section VI-D 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, financial or otherwise, to the Petitioner owing to unique circumstances relating to the soil conditions related to wetlands proximity as well as the existing location of the septic system in close proximity to the dwelling.

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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, Schedule of Intensity Regulations, for property described and located at 88 Travis Road was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 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. The addition shall be substantially in compliance with the plan of record prepared by JD Marquedant & Associates, Inc. dated May 23, 2019, no closer than 10' from the southwesterly lot line.

Adjournment: The meeting adjourned at 9:15 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for July 24, 2019.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: July 24, 2019