Present:  John Trefethen, Chair
Stuart Siegel, Member
Brian Forestal, Member
Nathan Band, Associate Member
Also present:  Emma Snellings, Assistant Town Planner

Call the Meeting to Order

Mr. Trefethen called the meeting to order at 7:00 PM.

Mr. Trefethen welcomed Nathan Band, the newest associate member of the Board.

Election of Officers

Mr. Forestal motioned, and Mr. Siegel seconded, to elect Mr. Trefethen as chair. This passed 4-0-0. Mr. Siegel motioned, and Mr. Trefethen seconded, to elect Mr. Forestal as clerk. This passed 4-0-0.

Public Hearing – 244 Prospect Special Permit

Mr. Trefethen read the legal notice for the 244 Prospect Special Permit public hearing. Mr. Trefethen stated that the meeting is being broadcast live by WACA and asked if anyone else is recording the meeting. Pam Mimms stated that she is recording the meeting.

Applicant Kristin and Michael Grimes, 244 Prospect Street, presented their application. Ms. Grimes would like to add an accessory family dwelling unit onto their house in order to house her parents. Mr. Trefethen clarified that there is a two family house currently on the property, the plan is to build the accessory family unit to the rear of the existing home. It will be a one story building with an unfinished basement. Mr. Trefethen explained that one of the things the Board will determine is whether or not the proposed structure fits with the setback requirements of the RA district. Mr. Trefethen questioned whether the frontage of the lot met the requirements. The lot frontage is 100 feet, and the RA district requires 150 feet. The applicant clarified that their lot’s street frontage is located in Holliston. The board discussed the non-conforming frontage, and because the proposed project does not change the nonconformity, the applicant does not need a variance. Mr. Forestal asked about the letter of denial, Ms. Snellings confirmed that there is a denial letter and will add a printed copy to the application’s file. Mr. Trefethen confirmed that the setbacks had been met.

Mr. Trefethen referenced section 7.6, the accessory family dwelling unit bylaw. Mr. Trefethen asked about the provisions made for sewage and waste generated by the residents of the accessory unit. Ms. Grimes confirmed that the house is on town water and sewer. Mr. Trefethen asked about ingress and egress of each unit. Ms. Grimes confirmed that the unit’s entrance is on the right side into the living room, and a back door exits the kitchen to the deck. There is also a door that connects the two units. Mr. Trefethen addressed the area limitations of accessory units. The applicant stated that the accessory unit is under 800 square feet, thus meeting the size limitation requirement. Mr. Trefethen asked if the
proposal has adequate parking. Mr. Grimes explained that they have a driveway that fits six cars and they currently have two cars. Mr. Trefethen asked where the driveway is on the site plan, and Mr. Grimes answered that it comes up the center of the property and goes around to the right of the house. Mr. Grimes showed the Board a photo of the driveway. Mr. Siegel asked if there are special access provisions made for those entrances. Ms. Grimes replied that they will have a walkway to the entrances, no ramps are currently needed.

Mr. Trefethen asked for public comment. No comments were received by the planning office prior to the hearing.

Reginald Mimms, 15 Raymond Way, shared concerns about a culvert or stream that runs between his property and the applicant’s property, and whether the installation of a basement will worsen water issues in his basement. Mr. Mimms also shared concerns about an underground garage that was in the area and has collapsed and grown over. Mr. Trefethen asked about the stream between the properties. Mr. Mimms shared that it is present for a few months a year. Mr. Trefethen asked which property the stream is on. Mr. Mimms believes it is on the Grimes’ property. Mr. Siegel asked Mr. Mimms to mark the stream on the site plan. Mr. Trefethen clarified that where Mr. Mimms drew the stream, it runs on the side of the Grimes property. Mr. Trefethen asked about the topography of the area. Mr. Mimms explained that both his and the applicant’s house is on flat land and at the bottom of a hill. Mr. Trefethen asked if Mr. Mimms’ primary concern was that the proposed addition might increase the flooding of his property. Mr. Mimms agreed, and added that he was concerned about the disturbance of ground and the effects on the water table and vernal pools. Mr. Forestal asked whether the stream was on the Grimes’ or the adjacent property. Mr. Mimms replied that the stream may be on the adjacent property.

Mr. Trefethen asked the applicants if the stream is on the Grimes’ or the adjacent property. Ms. Grimes stated that the wet area is on their neighbor’s property, and asked how a stream is defined. Mr. Trefethen asked if the Grimes get water in their basement, Ms. Grimes replied that they have a sump pump in their basement. Mr. Siegel asked if the builder had addressed any water concerns. Ms. Grimes replied that the builder suggested a French drain in the basement based on the fact that the sump pump already exists.

Mr. Trefethen asked the Grimes about the underground garage. Ms. Grimes replied that she does not know of any garage. Mr. Grimes replied that there is a cleared area, and that there is a culvert that directs water flow that is in front of their property. Mr. Forestal asked Mr. Mimms where the garage was, Mr. Mimms replied that it was straight back about 100 feet from the house at 242 Prospect.

Pam Mimms, 20 Raymond Way, raised a number of concerns. One concern is the water systems in the area and how the systems will be affected by the proposed addition. Ms. Mimms asked that a wetland expert be consulted. Another concern was the completeness of the application. Ms. Mimms was concerned that the site plans and letter of denial were not posted on the town’s website, and that the application had some questions that were not completed. Ms. Mimms was also concerned that the abutters list was not accurate. Mr. Trefethen stated that the abutters list was obtained from the Assessor’s office as is required. Mr. Siegel asked about the location of the garage. Ms. Mimms was not sure where the garage was located. Mr. Trefethen stated that the garage does not seem to be near the proposed project. Ms. Mimms replied that the location of the garage is important because of possible hazardous materials in the garage. Ms. Mimms stated the garage is on either 242 or 244 Prospect, and she believes it is on 244. Ms. Mimms reviewed Zoning Board of Appeals from June 11, 2019, when a different special permit application was heard for an accessory dwelling unit, which was located in the
existing house’s basement. Ms. Mimms was concerned that the size of the addition for the current application was incorrectly considered because the size of the existing house was not considered. The Board clarified that because the addition is less than 800 square feet, the area of the house is not considered.

Ms. Grimes stated that if the application is incomplete, that she will complete it. Ms. and Mr. Grimes have no knowledge of an underground garage. Mr. Grimes stated that there was not a structure there when they purchased the house in 2003. Ms. Grimes shared that there is a vernal pool across Raymond Way, but not near their house. Mr. Trefethen asked if they are in a floodplain zone, and the applicants replied that they are not. The applicant stated that their builder confirmed online that they are not in a floodplain zone, and they do not carry flood insurance. Mr. Trefethen asked if they had received any notification that their property is in a wetland, and the applicants replied no. Mr. Trefethen clarified that if the special permit is granted, the applicants still need to get a permit from the Building Commissioner. Ms. Snellings added that a review by the Conservation Agent will be triggered after any special permit is granted.

Ms. Mimms asked for the site plan to be emailed to her, and for time to review the completed application. She was given a site plan by Ms. Snellings.

The Board clarified to the applicants which areas of the application needed to be completed. The Board continued the hearing until December 10. Mr. Forestal motioned, and Mr. Band seconded, to continue the hearing until December 10 at 7PM, which passed 4-0-0.

Other Business:

1. Approval of Minutes
The Board approved the June 25, 2019 minutes, 3-0-1.
The Board approved the July 9, 2019 minutes as amended, 3-0-1.

2. Staff Updates and Administrative Matters.
Mr. Trefethen shared that a person has expressed interest in becoming an associate member. This person was not able to come to the meeting, and Mr. Trefethen will notify him of the December meeting. Mr. Siegel asked if Rob Dibenedetto is still an associate member, Mr. Trefethen confirmed that he is still an associate member.

The meeting was adjourned at 8:22PM.

Documents Presented
1) Agenda for ZBA on November 12, 2019.
2) 244 Prospect Special Permit Application
3) 244 Prospect Site Plan
4) Draft minutes for the July 9, 2019 Zoning Board of Appeals Meeting.
5) Draft minutes for the June 25, 2019 Zoning Board of Appeals Meeting.