

**Holliston Zoning Board of Appeals
Meeting Minutes April 3, 2024**

CALL TO ORDER:

The Chairman called the meeting to order at 7:10 p.m. via Zoom and read the following statement into the record: Pursuant to the Governor's action on March 29, 2023 relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, the Zoning Board of Appeals will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted to the Town's webpage within 24 hours in accordance with keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting. At this time, a roll call attendance vote will be taken:

Present:

Chairman Jay Peabody - Present
Vice Chair - Elizabeth Dembitzer - Present
Associate Member John Love - Present
Vladimir Nechev - Absent

GENERAL BUSINESS:

Approval of Minutes:

On a motion by Mr. Love, seconded by Ms. Dembitzer, the minutes of March 27, 2024 were approved as written on a roll call vote.

CONTINUED PUBLIC HEARING:

Variance

AJR Construction, Inc. – 14 Fiske Pond Road

The Chairman re-opened the public hearing at 7:13 p.m. Joseph Losanno, PE of DGT Associates was present to discuss the Variance application for relief under Section I-E Definitions (Lot Frontage) to access the property from other than the legal frontage.

Mr. Losanno presented the application and shared the plan of record entitled "Residential Site Plan, 15 Fiske Pond Road, Holliston, MA 01746" prepared by DGT Associates (dated January 15, 2024 with April 1, 2024 revisions).

The Chairman opened the hearing to the audience. Speaking in favor the petition and noting that he had submitted correspondence for the record (dated March 15, 2024) was Mark Dershwitz of #12 Fiske Pond Road and owner of the adjacent Lot 13.

On a motion by Mr. Love, seconded by Ms. Dembitzer, the public hearing was closed on a unanimous roll call vote.

Approved: April 24, 2024

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DELIBERATIONS:

Variance – 14 Fiske Pond Road

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-E Definitions (Lot Frontage) and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The Applicant has presented evidence demonstrating unique circumstances related to the history and design features of the Fiske Pond Road Definitive Subdivision development. The subdivision was designed with multiple private access easements located off the Fiske Pond Road loop. All lots except this locus have legal frontage on Fiske Pond Road. The definition of Lot Frontage changed in 1995 to require physical and legal access from frontage. The project engineer presented topographic plans, site distance calculations and photos depicting the Fiske Street frontage. The members agree that the planned access easement provides a more practical and safe access option for the lot and maintains the planned uniformity of the subdivision. Literal enforcement of the provisions of the by-law would involve substantial hardship to the Petitioner. 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 Variance application for relief under Section I-E for property described and located at 14 Fiske Pond Road was as follows on a motion by Ms. Dembitzer, seconded by Mr. Love:

Mr. Peabody	Aye
Ms. Dembitzer	Aye
Mr. Love	Aye

Conditions of Approval

1. This 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 and Section VI-D of the Holliston Zoning By-Laws. 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 driveway shall be located as shown on the record plan entitled "Residential Site Plan, 15 Fiske Pond Road, Holliston, MA 01746" prepared by DGT Associates (dated January 15, 2024 with April 1, 2024 revisions).
3. The Applicant shall use best efforts to protect the two mature trees noted on the record plans in the area of the proposed driveway.

ADJOURNMENT: The meeting adjourned at 7:43 p.m. on a motion made by Ms. Dembitzer, seconded by Mr. Love with all in favor on a roll call vote. Members congratulated and thanked Mr. Love for his many years of valuable service to the Town as former Chairman and long-term member of the Board. The next meeting was scheduled for Wednesday, April 24, 2024 and will be held remotely.

Approved: April 24, 2024

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Respectfully submitted,

Karen Sherman, Town Planner

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