

**Holliston Zoning Board of Appeals
Meeting Minutes of January 21, 2015**

Present: Vice Chairman John Love, Brian Liberis and Associate Members Jay Peabody and Mark Bush.

Call to Order: The Vice Chairman called the meeting to order at 7:10 p.m. in Room 014 of the Town Hall.

Approval of Minutes: On a motion by Mr. Liberis, seconded by Mr. Bush with all in favor, the members approved the minutes of December 17, 2014 as drafted.

Use Variance Public Hearing

Mark Heavner, 10 Courtland Pines Drive:

The Chairman opened the public hearing at 7:15 p.m. and waived reading the hearing notice given that only the applicant was present in the audience. Comment letters from the Conservation Agent (dated January 14, 2015), and abutters Bob Girvin (dated January 14, 2015) and Ralph Hines (dated January 16, 2015) were also entered into the record.

Mr. Heavner provided the members with some additional exhibits, including a series of photographs and a detailed driveway alternatives analysis site plan.

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

Special Permit Public Hearing

Martin Garvey Transport, 20 Whitney Street:

The Chairman opened the public hearing at 7:25 p.m. Given a written request from the Applicant's Attorney Peter Barbieri of Fletcher Tilton, the hearing was continued until 7:15 on February 18, 2015 on a motion made and duly seconded with all in favor.

DELIBERATIONS:

Use Variance – 10 Courtland Pines Drive

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Conservation Agent (dated January 14, 2015), Police Department (dated January 21, 2015), Fire Chief (dated January 21, 2015), and abutters Bob Girvin (dated January 14, 2015) and Ralph Hines (dated January 16, 2015).

The applicant presented an alternatives analysis of potential driveway locations indicating that substantial re-grading and mature tree loss would be required to access the parcel from the subdivision street; there is a grade change of 12' from top to bottom and approximately 18 mature pine trees will be removed. The existing topography caused by construction of the subdivision roadway represents a substantial physical and economic hardship to the applicant. An existing cart

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path located approximately 100 feet west of Courtland Pines Drive on Courtland Street is the preferred alternative. That location has excellent sight distances in both easterly and westerly directions.

Zoning Board Vote

The Board's vote to approve the Petitioner's Use Variance application for relief under Section V-H(4)(b) for property described and located at 10 Courtland Pines Drive was as follows on a motion by Mr. Peabody seconded by Mr. Liberis:

| | |
|-------------|-----|
| Mr. Love | Aye |
| Mr. Liberis | Aye |
| Mr. Peabody | 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. The copy of the decision to be filed must contain a certification by the Town Clerk that 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. A single driveway along Courtland Street is approved as shown on application materials and Courtland Street will be the location utilized for public safety purposes (i.e. E-9-1-1).
3. No access from within the subdivision is permitted; prior access from Courtland Pines Drive depicted on approved plans is hereby extinguished.

Adjournment: The meeting adjourned at 7:45 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for February 18, 2015.

Respectfully submitted,

Karen Sherman
Town Planner