



# TOWN OF HOLDEN

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## ZONING BOARD OF APPEALS PUBLIC HEARING, May 20, 2021

**Earl Massey/Riley LLC**

**Case No. V-2104**

The Zoning Board of Appeals opened a continued public hearing on Thursday, May 20, 2021 at 7:50 p.m. in the Holden Senior Center on the Petition of Earl Massey for a VARIANCE for property located at Map 90 – Parcel 32 General Hobbs Rd for relief of lot frontage for the purpose of constructing a single driveway for one house lot.

Members in attendance: R. Spakauskas, S. Annunziata, R. Fraser, D. George, and F. Lonardo

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, Atty. A. Wells – 1093 Main St, Holden, Atty. R. Bachrach – 490 Shrewsbury St, Worcester, M. Ruffo – Riley LLC, E. Massey – Riley LLC, R & D Ramstrom – Riley LLC

R. Spakauskas opened the meeting and reviewed the procedures for the hearing. Three letters pertaining to this Variance request were received noting the following:

A letter was received from the Holden Fire Department stating the following: The driveway must be able to meet the following public safety conditions if the variance is approved. Verification of the following requirements will be completed prior to issuance of an occupancy permit. For more detailed information please refer to the Holden Fire Department letter dated April 7, 2021.

The Planning Board submitted a letter stating they were aware a request for two single family homes was previously denied by the Zoning Board. The Planning Board voted unanimously that the proposal had no planning significant and construction of a single family home on 9.49 acres was good land use.

The Department of Conservation and Recreation submitted a letter stating the activity planned for this ZBA Variance may not be exempt from the Watershed Protection Act regulations. Please refer to letter dated April 14, 2021 for more information.

R. Spakauskas asked the petitioner to address the Board. E. Massey stated the previous petition was for 2 houses on the lot which was denied by the Board. A new petition was submitted for one house and will need the Board's approval to grant relief of 50 ft. on lot frontage.

D. George asked if it was determined that the application is new evidence and that he can begin a new process. E. Massey stated yes, it has been determined this is a new plan and can proceed in receiving the approvals needed.

Atty. Wells, representing the H. & B. Parry of 148 General Hobbs Rd are direct abutters to the proposed driveway. The Parry's are concerned with the slope of the driveway and the amount of excavated material to be removed. Atty. Wells, the Parry's and the petitioner, E. Massey, met and discussed the concerns and have come to an agreement on certain conditions proposed on a letter dated on May 19, 2021. E. Massey agreed that he will meet these conditions.

D. Lindberg stated that conditions are the Town's responsibility and will take into account the Parry's concerns. Atty. Wells concurred and stated if the conditions are agreed to by the Board, the Parry's will be in favor of this petition.

D. George stated that he received the Planning Board letter just moments ago and is not ready to vote on this Variance and will abstain from voting. He went on to ask the Planning Board for more clarification that this petition was reviewed under the procedures of MGL. F. Lonardo agreed.

The Board recommended the hearing be continued until June 17, 2021 and asked E. Massey to resubmit the plot plan noting the 50 ft. of lot frontage and the petitioner agreed. The Board had no further comments or questions.

F. Lonardo made a motion to vote on the continuance request and S. Annunziata seconded. All in favor 5-0 to continue this hearing until June 17, 2021; UNANIMOUS

The public hearing was closed at 8:20 p.m.

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Ronald E. Spakauskas, Chairman