



# TOWN OF HOLDEN

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## ZONING BOARD OF APPEALS PUBLIC HEARING, May 18, 2017

**Robert and Megan Case**

**Case No. V-1709**

The Zoning Board of Appeals held a public hearing on Thursday, May 18, 2017 at 8:15 p.m. in the Holden Senior Center on the Petition of Robert & Megan Case for property located at 38 Preservation Lane for a VARIANCE for relief from the rear setback requirements for an in-ground pool.

Members in attendance: R. Spakauskas, J. Deignan, R. Fraser, F. Lonardo and R. Butler (Alternate).

Others in attendance: David Lindberg – Building Commissioner, Atty. Matt, Peloquin – Bennett & Forts, Carol Perkins – Recording Secretary

R. Spakauskas reviewed the procedures for the hearing and the secretary read a memo from the Department of Conservation and Recreation (DCR) stating that the petitioners have been notified of encroachment on DCR land and have ignored all requests to cease maintaining Commonwealth land as part of their back yard. In the letter, DCR has asked the Board that if the variance is granted, to condition this request requiring the petitioners to cure the encroachment prior to construction of the pool.

R. Spakauskas continued by stating that Board member, R. Fraser, is recusing himself from the discussion and vote as he is an abutter of this property. R. Spakauskas asked the petitioners if they would like to move forward with the hearing and receive a vote from the remaining four (4) board members. The petitioners agreed to proceed with the hearing.

R. Spakauskas then invited the petitioner and/or their attorney to address the board. Atty. Matt Peloquin stated the property owned by Robert and Megan Case is subject to a drainage easement and has slanted rear and side boundary lines which greatly limits the location of the proposed pool. The petitioners are requesting a 12 ft. variance for relief from the rear yard setback requirement according to the plans attached to the application.

Robert Case stated that the swing set on DCR land has been sold and will be removed imminently. He also stated he will have his property professionally surveyed, marking the exact distances from the pool to the lot lines and will be installing a fence around the pool.

D. Lindberg stated he received a call from an abutter who stated the neighborhood association rules state that pools are not allowed in their neighborhood. M. Case stated that this rule refers to above ground pools; in-ground swimming pools are allowed under the association rules.

The board members had no other further questions or comments. R. Spakauskas thanked everyone and provided a review of the appeal period.

F. Lonardo made a motion to vote and R. Butler seconded. The Board unanimously voted 4-0 with the following conditions:

1. Submit a certified plot plan when applying for a building permit and a certified “as-built” upon completion
2. Anything that encroaches on Department of Conservation and Recreation (DCCR) property (i.e. any structure, play equipment, or storage building) must be removed prior to start of construction

The public hearing was closed at 8:30 p.m.

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Ronald E. Spakauskas, Chairman