



TOWN OF HOLDEN

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ZONING BOARD OF APPEALS PUBLIC HEARING, June 21, 2018

Michael & Jean Conway

Case No. V-1807

The Zoning Board of Appeals held a public hearing on Thursday, June 21, 2018 at 8:20 p.m. in the Holden Senior Center on the Petition of Michael and Jean Conway for a VARIANCE for property located at 18 Avery Heights Dr. for relief from area requirements and for property located at 79 Avery Rd. for relief from area requirements to build a single family home.

Members in attendance: R. Spakauskas, S. Annunziata, J. Deignan, R. Fraser, F. Lonardo, R. Butler (1st Alternate), and David George (2nd Alternate)
Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, Michael and Jean Conway – 18 Avery Heights Dr. and Atty. Stephanie Goodwin – 28 Salem Rd

R. Spakauskas reviewed the procedures for the hearing and the secretary read the application and the findings of fact. The secretary continued with the reading of a memo received from the Planning Board, dated June 20, 2018, stating that they believe the property owners negated the buildability of the property when title was placed in common ownership and also have a concern with frontage for the parcel along Avery Rd. The Planning Board recommended against approval of the variance because the lots do not conform to the current zoning regulations.

R. Spakauskas then invited the petitioner to address the board. Atty. Goodwin began with a review of the two (2) properties noting that the 2 lots abut each other, however, were purchased by the Conway's at separate times. The petitioners are asking for relief on the lot located on Avery Rd in order to build their retirement home. Atty. Goodwin stated there is currently an existing house on Avery Rd and building another house on that street would not only benefit the neighborhood but would also lend to a safer environment.

F. Lonardo stated this area is a very well populated neighborhood and he believes safety is not an issue. J. Deignan asked if water and sewer is available on Avery Rd., which the Conway's confirmed water and sewer is on the property. R. Fraser asked if Avery Rd. is a private or public way and wants more information on the status of this street. D. Lindberg stated the Town cares for the road up until the water tower. There were no further comments or questions.

R. Fraser made a motion for a continuance on this case in order to get more details on the status of Avery Rd as either a public or private way. S. Annunziata seconded. The Board unanimously voted 5-0 to continue the hearing until August 2, 2018.

The public hearing was closed at 8:35 p.m.

ZONING BOARD OF APPEALS
CONTINUED PUBLIC HEARING, August 2, 2018

Michael & Jean Conway

Case No. V-1807

The Zoning Board of Appeals held a Continued public hearing on Thursday, August 2, 2018 at 7:00 p.m. in the Holden Senior Center on the Petition of Michael and Jean Conway for a VARIANCE for property located at 18 Avery Heights Dr. for relief from area requirements and for property located at 79 Avery Rd. for relief from area requirements to build a single family home.

Members in attendance: R. Spakauskas, S. Annunziata, R. Fraser, F. Lonardo, R. Butler (1st Alternate), and David George (2nd Alternate)

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, Michael and Jean Conway – 18 Avery Heights Dr. and Atty. Stephanie Goodwin – 28 Salem Rd, Sydney Gusha & Cathy Gusha – 140 Twinbrooke Dr., Lynne Medailleu & Luis Hamburger – 80 Avery Rd

R. Spakauskas reviewed the procedures for the hearing and then invited the petitioner to address the board. Atty. Goodwin briefly reviewed the case and also stated that Avery Road is a private way but is publically maintained and hopes that the board would consider granting the variance.

D. Lindberg stated that a portion of Avery Rd. is private but because of the location of the manhole, the street is maintained by the town. He also stated a home is allowed to be built on either a public or private way. D. Lindberg continued to state he completed research on the merger of lots and back to back lots that have two (2) separate addresses are exempt from merger. F. Lonardo asked to see case law on this topic before a decision can be made and recommended this meeting be continued. Atty. Goodwin stated the petitioners would be open to a continuance.

R. Spakauskas opened the meeting up for public comment. L. Medailleu, of 80 Avery Rd., stated she is in support of the Conway's construction of a new home and thinks it will be good for the neighborhood. There were no further comments or questions.

S. Annunziata made a motion for a continuance until September 20, 2018. R. Butler seconded. The Board unanimously voted 5-0 to continue the hearing until September 20, 2018.

The public hearing was closed at 7:35 p.m.

Ronald E. Spakauskas, Chairman

ZONING BOARD OF APPEALS
CONTINUED PUBLIC HEARING, September 20, 2018

Michael & Jean Conway

Case No. V-1807

The Zoning Board of Appeals held a Continued public hearing on Thursday, September 20, 2018 at 7:08 p.m. in the Holden Senior Center on the Petition of Michael and Jean Conway for a VARIANCE for property located at 18 Avery Heights Dr. for relief from area requirements and for property located at 79 Avery Rd. for relief from area requirements to build a single family home.

Members in attendance: R. Spakauskas, S. Annunziata, R. Fraser, F. Lonardo, J. Deignan, R. Butler (1st Alternate), and David George (2nd Alternate)

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, Michael and Jean Conway – 18 Avery Heights Dr., Atty. Stephanie Goodwin – 28 Salem Rd, Sydney Gusha Atchue – 140 Twinbrooke Dr., Peter Staiti – 20 Morgan Circle, Anthony Bizzarro – 15 Morgan Circle, and Lawrence and Patricia Popple – 139 Twinbrooke Dr.

R. Spakauskas reviewed the procedures for the hearing and then invited the petitioner to address the board. Atty. Goodwin briefly reviewed the details of this continued hearing and stated that the Conway's have paid taxes for years on the vacant lot which does include public utility access and has adequate frontage to become a buildable lot. Atty. Goodwin respectfully asked the board to approve this variance, as in the past, they have granted variances on four (4) other hearings very similar to this case. She asked why this case would be any different from those other granted cases. She added that this is not just a legal argument, it's a financial hardship for the Conway family. Atty. Goodwin asked the board to consider granting this variance as the petitioners have a potential buyer for their current home at 18 Avery Heights Dr. and the lot at 79 Avery Rd would be used to build their retirement home.

The Board members had no comments or questions at this time.

R. Spakauskas then opened the hearing up to the public for comment. P. Staiti of 20 Morgan Circle stated that his property backs up to 79 Avery Rd. and has no objection to building a new home. There were no further comments or questions.

R. Fraser made a motion to vote and J. Deignan seconded that motion. The Board voted as follows:

The Board voted 3-2 to DENY the Variance as follows: Members R. Fraser, J. Deignan, and R. Spakauskas voted in favor and members F. Lonardo, and S. Annunziata voted no/against based on not meeting the requirements under Findings of Fact Question #1 relating to the soil, conditions, shape, or topography especially affect the land or structure in question, but do not affect generally the zoning district in which the land or structure(s) are located.

The public hearing was closed at 7:26 p.m.

Ronald E. Spakauskas, Chairman