



TOWN OF HOLDEN

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ZONING BOARD OF APPEALS PUBLIC HEARING, June 21, 2018

Lawrence & Patricia Popple

Case No. V-1805

The Zoning Board of Appeals held a public hearing on Thursday, June 21, 2018 at 7:00 p.m. in the Holden Senior Center on the Petition of Lawrence and Patricia Popple for properties located at 139 Twinbrooke Dr and 145 Twinbrooke Dr. to correct dimensional deficiencies.

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, Lawrence & Patricia Popple – 139 Twinbrooke Dr, Atty. Leo McCabe – 26 Maple St, and Cindy Robinson – 695 Salisbury St.

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 were notified of the zone change in 2000 to separate and protect the buildable status of lots. The Planning Board is now recommending against approval of this variance because applicant will now be creating two non-conforming lots. A memo was also received from the Department of Public Works dated May 29, 2018, stating a drainage manhole is located within the frontage of 145 Twinbrooke Dr. and if the manhole continues to lay within this parcel, an easement be added to the plan and recorded with the deed for the purpose of accessing and maintaining the drainage system.

R. Spakauskas then invited the petitioner/attorney to address the board. Atty. McCabe stated he is representing the Popple's and they did not receive a letter from the Town in 2000 notifying them of any zone changes. Atty. McCabe respectfully asked the Board to consider approving their request for relief from frontage and side yard setback requirements at 139 Twinbrooke Dr. and to consider granting relief on area requirements at 145 Twinbrooke Dr. to build a single family home. He stated the empty parcel at 145 Twinbrooke Dr. is connected to public water and sewer.

F. Lonardo stated more detail is required to sufficiently answer Question #1 relating to soil, conditions, shape, and topography under Findings of Fact. S. Annunziata asked how long the Popple's have owned this vacant lot. The Popple's stated they have owned it since 1994 and have paid for the water and sewer connections since then.

A discussion ensued between Board members regarding a meeting with the Planning Board to change the current bylaw regarding lots located in Town such as this. A Zoning Board and Planning Board joint meeting date is to-be-determined. The Popple's then asked why the Town of Holden would make public

water and sewer available on a parcel if it's not a buildable lot. The Popple's continued by stating this request to the Board is not detrimental to the Town and stated they were astonished that the Zoning Board would not consider granting this request. Atty. McCabe recommended to the Board to approve the Popple's request to build a single family home at 145 Twinbrooke Dr. as it is a good plan and would allow this case to move forward to the Planning Board for their approval.

There were no further comments or questions. R. Spakauskas thanked everyone and provided a review of the appeal period.

R. Fraser made a motion to vote and J. Deignan seconded. F. Lonardo recommended the Board vote on the two (2) lots separately. The Board voted as follows:

1. 139 Twinbrooke Dr. (Lot #29)

- a. The Board voted 5-0 to **APPROVE** the relief of 5.9 ft. of side yard setback on corner of home
- b. The Board voted 4-1 to **APPROVE** relief from frontage area requirements. The Board voted as follows: R. Spakauskas, S. Annunziata, R. Fraser, and J. Deignan voted in favor and F. Lonardo voted no/against based on lots were already merged from a zoning standpoint.

2. 145 Twinbrooke Dr. (Lot #28A)

- a. The Board voted 3-2 to **DENY** the relief from area requirements to build a single family home. The Board voted as follows: R. Spakauskas, J. Deignan, and R. Fraser voted in favor and F. Lonardo and S. Annunziata voted no/against based on insufficient information on Findings of Fact regarding soil, conditions, shape or topography and based on lots were already merged from a zoning standpoint.

The public hearing was closed at 8:00 p.m.

Ronald E. Spakauskas, Chairman