



# TOWN OF HOLDEN

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## ZONING BOARD OF APPEALS PUBLIC HEARING, December 13, 2018

**Brian Gabrielli**

**Case No. V-1808**

The Zoning Board of Appeals held a public hearing on Thursday, December 13, 2018 at 7:00 p.m. in the Holden Senior Center on the Petition of Brian Gabrielli for a VARIANCE to modify a previously granted variance in 1978 for property located at 55 Mason Rd to now subdivide property to create a new lot.

Members in attendance: R. Spakauskas, J. Deignan, R. Fraser, F. Lonardo, and David George (2<sup>nd</sup> Alternate)

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, B Gabrielli – 55 Mason Rd, Atty. Flavin – 1078 Main St, B. Leandres – 1554 Wachusett St, Atty. G. Kiritsy – 294 West Boylston St, West Boylston, E. Schaper – 36 Cold Brook Circle, A. & J. Horstman – 81 Mason Rd, M. & S. Gallo – 28 Cold Brook Circle

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 two (2) memos, the first received from the Holden Fire Department, dated November 27, 2018, stating the driveway must have adequate height, width and road bed strength to accommodate all Fire Dept. trucks, pumper/tankers as well as they must maintain growth along driveway so it is constantly passable by emergency apparatus to avoid damage to vehicles. The second memo was received from the Department of Public Works dated December 3, 2018 stating there is no public water or sewer available on Wachusett St within the frontage of parcel 40-10 as the water main ends at the intersection of Mason Rd / Wachusett St.

R. Spakauskas then invited the petitioner to address the board. Atty. Flavin stated the petitioner, B. Gabrielli, requested the Board to consider modifying the previous Variance granted in 1978 to now release Lot 4 to create a new lot combined with Parcel A. Atty. Flavin also submitted to the Board ten (10) letters from abutters in support of the land to be separated.

J. Deignan stated that only a single family home should be allowed on this land if granted. F. Lonardo stated well and septic must be installed on this property. R. Spakauskas stated a letter of opposition was submitted to the Board that evening by Atty. Kiritsy, representing abutters M. & S. Gallo.

R. Spakauskas opened the hearing up for public comment. Atty. Kiritsy stated his clients have issues with this Variance request as the terms of the original Variance decision should not be disturbed. When granted in 1978, the property was limited to one single family house and the land was to be kept in its natural state. Atty. Kiritsy stated the Gallo's purchased their home backing up to vacant land and Parcel

A is a buildable lot, why combine it with Lot 4? He went on to say there is no unique hardship that was presented and believes the integrity of the Board's decision in 1978 should not be disrupted.

J. Horstman, 81 Mason Rd, stated if this variance was granted what would prevent a culdesac to never appear? F. Lonardo replied that the Board can set a condition with the decision stating that only a single family home can be built on this property. E. Schaper, 36 Cold Brook Circle, is not in favor of granting the variance as she believes it will ruin the integrity of the neighborhood.

F. Lonardo asked B. Gabrielli what his intent is in splitting this property. B. Gabrielli stated he wants to sell both lots and move to Seattle to be with family.

Atty. Kiritsy stated that if the Board is considering granting this variance, he asked the Board to consider setting a natural buffer zone from the property lines on Lot 4. R. Fraser and F. Lonardo recommended a 50 ft. natural buffer as a condition so the abutters are protected. Atty. Flavin stated that if the Board considers granting this Variance, the petitioner's intent is to not change the integrity of the neighborhood, is willing to consider a natural buffer and build only one single family home. There were no further comments.

R. Fraser made a motion to close the hearing and F. Lonardo seconded.

R. Spakauskas thanked everyone for attending and stated the hearing has been closed and no further evidence will be heard or accepted. F. Lonardo then made a motion to vote and R. Fraser seconded with the agreement to review the conditions within thirty (30) days of today's hearing.

The Board voted unanimously 5-0 to APPROVE the Variance with the conditions to be reviewed on January 17, 2019.

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

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Ronald E. Spakauskas, Chairman