



TOWN OF HOLDEN

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ZONING BOARD OF APPEALS PUBLIC HEARING, October 17, 2019

John Gardner

Case No. SP-1906

The Zoning Board of Appeals held a public hearing on Thursday, October 17, 2019 at 7:00 p.m. in the Holden Senior Center on the Petition of John Gardner for a SPECIAL PERMIT for property located at 275 Princeton Street to correct dimensional deficiencies.

Members in attendance: R. Spakauskas, S. Annunziata, J. Deignan, R. Fraser, B. Meljac (2nd Alternate), and D. George (1st Alternate)

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, J. Gardner – 101 Ragged Hill Rd, Hubbardston.

R. Spakauskas reviewed the procedures for the hearing and R. Fraser made a motion to waive the reading of the application and findings of fact. R. Spakauskas then invited the petitioner to address the board.

J. Gardner stated that since the adoption of the bylaw amendment that was passed through Town Meeting in May 2019, he is requesting the Board consider granting this Special Permit for relief of lot area.

D. George confirmed with D. Lindberg that the amended bylaw conforms to the conditions approved by the Attorney General. There were no further comments or questions from the Board and R. Spakauskas provided the petitioner with a review of the appeal period.

R. Fraser made a motion to vote and S. Annunziata seconded. The Board voted unanimously to APPROVE the SPECIAL PERMIT by a vote of 5-0 with the following conditions:

1. The applicant has proven this application meets the Zoning Warrant Article #28 from the May 20, 2019 Annual Town Meeting as follows:

Section IX. F. Any increase in area, frontage, or setback requirements; shall apply to any lot in a residential zoning district except to the extent that either the provisions of M.G.L. c. 40A Subsection 6 apply or the following provisions, provide otherwise. Any increase in area, frontage or setback requirements prescribed by the Town's zoning bylaw shall not apply to any lot in a residential district if all the following requirements are met and the Zoning Board of Appeals grants a special permit therefore after finding that it is not substantially more detrimental to the neighborhood than the existing nonconforming structure, use or lot.

1. At the time of recording or endorsement, the lot (a) conformed to the requirements in effect at the time of recording or endorsement, but did not conform to the increased requirements, and (b) had at least five thousand square feet of area, and (c) had at least fifty feet of frontage.
2. The size or shape of the lot has not changed since the lot was created unless such change complied with present Town requirements for frontage, area and setbacks.
3. Either (a) the lot was not held in common ownership at any time after May 15, 2000, with adjoining lot or lots that had continuous frontage with the lot in question, or (b) if the lot was held in common ownership at any time after May 15, 2000, with adjoining lot or lots that had continuous frontage with the lot in question, such lot had on it a single family or two-family dwelling.

The public hearing was closed at 7:07 p.m.

Ronald E. Spakauskas, Chairman