



# TOWN OF HOLDEN

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## ZONING BOARD OF APPEALS PUBLIC HEARING, November 19, 2020

**Earl Massey, Riley, LLC**

**Case No. V-2010**

The Zoning Board of Appeals held a public hearing on Thursday, November 19, 2020 at 7:17 p.m. in the Holden Senior Center on the Petition of Earl Massey for a VARIANCE for property located at Map 90 / Parcel 32 located between 148 and 160 General Hobbs Rd for relief of lot frontage and lot width for the purpose of constructing a common driveway to access two lots.

Members in attendance: R. Spakauskas, S. Annunziata, J. Deignan, R. Fraser, B. Meljac, and D. George

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, J & K Russo – 132 General Hobbs Rd, B & H Parry – 148 General Hobbs Rd, B Regele – 175 General Hobbs Rd, D. Setterlund – 160 General Hobbs Rd, W. Pinkes – 168 General Hobbs Rd

R. Spakauskas opened the meeting, reviewed the procedures for the hearing. The secretary continued with a reading of the application and findings of fact. The 2 letters received from the Fire Department and Department of Public Works were also read aloud.

The Holden Fire Department letter, dated November 5, 2020, stated the driveway must meet the following public safety conditions if the variance is approved. They are:

1. The drive way must have adequate height and width to accommodate our apparatus including all turning radiuses. The driveway must also have the proper road bed strength to accommodate the weight of our heaviest apparatus.
2. Owners must maintain growth along the driveway so that it is constantly passable by emergency apparatus and damage will not result from overgrowth.
3. Ensure that there is sufficient space for turnaround of Fire Department apparatus either at the driveway termination or at a point along the driveway.
4. A sign with house numbers must be placed at the split in the common driveway to identify each dwelling address per Town of Holden Bylaw.

The Department of Public Works letter, dated November 10, 2020, stated that additional information is required including but not limited to location of driveway, grading, length, and material. The applicant shall comply with the Town's updated Stormwater Management Bylaw.

R. Spakauskas then asked the petitioner to address the board. M. Ruffo of 427 Lake Ave stated they are asking for the Board's permission to grant a variance of lot width and frontage for a common

driveway on this parcel of land in order to enter the two lots at the top of the hill with one house on each lot. They will build the common driveway to the expectations of the Fire Department and the Department of Public Works.

R. Spakauskas asked if this will remain a private drive and the petitioner confirmed it will be a private driveway. D. George asked if this land could be used for a subdivision and the petitioner stated a seven home subdivision is an option which they did consider but was a more expensive approach and decided against it.

R. Spakauskas opened the hearing up for public comment. R. Spakauskas also added that this land used to be a sand pit and the topography of the parcel starts with approximately 200 ft of flat land and then proceeds up a hill.

K. Russo of 132 General Hobbs Rd stated she is concerned with digging on the property and how this may affect the land. The petitioner confirmed that the catch basins will be placed in order to go away from the existing houses.

B. Parry of 148 General Hobbs Rd lives next to this parcel of land and has concerns with the topography and believes there's very little room to work which may impact his property.

J. Russo of 132 General Hobbs Rd asked how long this project would take and has concerns with heavy vehicles and the safety of neighborhood children. He asked if they could consider constructing a road from the other side of the property. The petitioner stated that a road from the other side of the property was not an option and the project of the common driveway would take approximately four months.

B. Regele of 175 General Hobbs Rd stated if what is being proposed is a common driveway for 2 single family house lots, will the applicant be bound to this plan if approved? No one is opposed to development, the homeowners just want clarity.

D. Lindberg stated that more department reviews/studies will be completed. DPW, Conservation Commission and Planning Board will all have to approve the proposed development.

D. Setterlund is very concerned with this proposed driveway as his home sits directly in front of the driveway and the car lights will directly enter his windows and become disruptive and a nuisance.

D. George, board member, stated he believes exceptional relief is sought here. R. Fraser stated the petitioner is planning to build two houses instead of a seven home subdivision and believes this proposal is a win.

The board had no further comments or questions. R. Fraser made a motion to vote and S. Annunziata seconded. The Board voted to DENY the VARIANCE by a vote of 3-1-1 as follows: Members R. Spakauskas, J. Deignan, and R. Fraser voted in favor, D. George voted no/against and one abstention vote by S. Annunziata.

The public hearing was closed at 8:49 p.m.

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Ronald E. Spakauskas, Chairman