

TOWN OF HOLDEN

1196 MAIN STREET
HOLDEN, MASSACHUSETTS 01520

TELEPHONE (508) 210-5540
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ZONING BOARD OF APPEALS PUBLIC HEARING, April 21, 2022

Lars Adams

Case No. SP-2204

The Zoning Board of Appeals held a public hearing on Thursday, April 21, 2022 at 7:00 p.m. in the Holden Senior Center on the Petition of Lars Adams for a SPECIAL PERMIT for property located at 361 Main St to build a 2,688 sq. ft. steel garage addition on a lot with pre-existing, non-conforming building coverage.

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

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, Atty. G. Kiritsky, representing L. Adams, P & R Frykholm – 26 Gail Dr, A & A Holloway – 361A Main St, A. DeCarolus + 1 – 315 Main St, C. Kobel – 395 Main St, S. Lindquist – 78 Kendall Rd, W. Zottoli – 312 Worcester Rd Princeton, D. Dalbec – 4 Oakwood St, L. Hamburger – 80 Avery Rd, N & G Barsamian – 166 Doyle Rd, C. King & E. Sawicki – 29 Hemlock Dr, G. Ward – 26 Naquag St Rutland, L. Adams – 361 Main St, James – 17 Osmond St Worcester, A. Charbbonneau – 36 Wachusett St, B. Bilzerian – 3 Mercury Dr Worcester, R. Lane – 323B Main St, D. Phaneuf – 67 Monadnock Gardner, A. Ricci – 180 Highland St, S & L Charbonneau – 181 Shrewsbury St, G. Coleman – 307 Malden St, J. Ramstrom – 45 Tuckerman Rd Ashburnham, N. Phaneuf – 62 Pleasant St Leominster, A & E Newcomb – 354 Main St, D & A Sweeney – 11 Colonial Rd, P. O’Keefe – Mason Rd, M. Votruba, T. Murphy & J. Choquette Oakham, J. Votruba – Need LLC, J. Blanding – 362 Main St

R. Spakauskas opened the meeting, reviewed the procedures for the hearing and the secretary read the application and findings of fact. Two letters pertaining to this Special Permit were received as follows:

1. Holden Planning Board letter, signed by Pamela Harding, Department of Planning & Development, dated April 15, 2022 (see attached letter)
2. Nathan & Robin Largesse of 369 Main St, dated April 19, 2022 (see attached)

R. Spakauskas then asked the applicant to address the board. Atty. G. Kiritsy, representing L. Adams, stated the applicant has lived in Holden his entire life and supports the neighborhood and wants to assure everyone that in no way does he want to harm or detract from the neighborhood if he is granted this permit to build a garage.

Atty. Kiritsy addressed some points of the Planning Board letter. One concern being this garage might be a detriment to the neighborhood and he stated as noted in the abutter letter read earlier, neighbors are in full support of this plan as well as other abutters present that evening.

Atty. Kiritsy confirmed that the area of the lot is .34 acres and as far as lot coverage, Holden Town Counsel and G. Kiritsy spoke early on and both agreed, this lot is already violating lot coverage, which allows, under

the Zoning Bylaw, to expand an existing, non-conforming lot with a special permit. The covered deck qualifies as part of the building and allows an expansion to an existing, non-conforming lot area under a Special Permit process. The reason they are requesting approval with a Special Permit is to expand the non-conformity of the lot.

The petitioner is required to receive the Board's approval of this Special Permit first then a building permit will be submitted. Water run-off and any drainage issues will be dealt with at the time of the building permit which requires review from town departments before a permit is issued to build the garage

If this special permit is granted, the neighborhood will benefit in many ways as he will be able to clean up the yard by parking his personal vehicle collection inside the garage, the water and utility lines will be improved, driveway will be paved, etc. if this special permit is granted.

L. Adams presented renderings of before and after of what the garage will look like including a fence around the property with shrubs and trees planted. He holds all titles to his fifteen car collection and had these available to show the board that these cars are his personal possessions.

The Board comments and questions followed. J. Deignan asked if the trailers will be relocated and the applicant stated yes, they will be removed or out of sight.

R. Fraser questioned the size of the building and that discussion ensued. He asked if the right of way will be paved and the applicant confirmed re-paving the right of way is part of the project. The question was asked if the applicant plans to live at this address and L. Adams stated that is his plan.

D. George confirmed with the applicant that this is not an expansion of the business and the applicant agreed. He asked how the relief was determined and who determined that zoning relief was needed. The Building Commissioner determined that a Zoning Board approval was required prior to the issuance of a building permit. Atty. Kiritsy and Town Counsel concluded that the Special Permit was needed. The current building coverage before the proposed addition is 20.03% and a Special Permit is allowed if building coverage exceeds 20% of the lot.

S. Annunziata asked if the house is being used for the business and L. Adams stated no, he is only parking his personal trailers on the residential property.

J. Deignan asked about lifts and the applicant stated there will be no lifts and J. Deignan suggested that we could add this as a condition if approved.

R. Spakauskas opened the hearing up to the public for comments. J. Blanding, 362 Main St stated they live directly across the street and noise is a concern currently and wonders how L. Adams will control the level of noise moving forward. L. Adams stated with the proposed garage, the cars will not be moved in and out like they currently are and this will reduce the noise significantly. He stated she is welcome to come talk to him if she has any concerns at all.

A Holloway, 361A Main St stated they have lived behind LA Automotive for 13 years and L. Adams is very nice and supportive neighbor. He is an honest man and her family has no objection to this proposed garage. Her husband, A. Holloway concurred with his wife's thoughts and is not concerned with the character of the neighborhood if this permit is granted.

B. Bilzerian, 3 Mercury Dr Worcester, also stated L. Adams is a wonderful man and has supported the neighborhood and will continue to do so.

F. Lonardo, 325A Main St, (Zoning Board alternate member) is speaking as an abutter as he has lived down the street for 37 years. He believes this request is a Special Permit, not a Variance and is in full support of this request.

N. Barsamian, 166 Doyle Rd, stated he understands why L. Adams wants to protect his investments and believes this garage will be a positive change and will not be a detriment to the neighborhood.

There were no more comments from the public and R. Spakauskas asked the Board for additional comments and questions. D. George asked if the garage will be connected to the house and if there will be entry from the garage into the house. The applicant replied yes it will be attached to the house but it is to be determined if there will be access to the house from the garage. Proposed access into the garage will be from the right of way. A discussion ensued on garage accessibility. The easement will stay firm and will have no impact on the property. Property owners have right to use easement for access to their homes and the board was assured that the use of the easement will not be changed in any way. D. George asked about the size of this accessory structure and Atty. Kiritsy stated the size is not an issue and the garage is considered an accessory use to the residential property. He also discussed the garage will not be an increase to the detriment of the neighborhood because this is a safer option, it will reduce any potential vandalism, it will be cleaner and quieter.

D. George asked D. Lindberg to validate that the current building coverage is at 20.03%. D. Lindberg said there have been some inconsistencies with some of the dimensions that have been presented, but according to Town Counsel, the coverage is over the 20% building coverage and makes this a pre-existing non-conforming lot. D. Lindberg also confirmed that Counsel has represented this hearing correctly requesting a Special Permit for the addition of the garage.

R. Spakauskas confirmed with Atty. Kiritsy that the shop and the residence are two distinct properties and the easement belongs to the commercial shop which will stay firm and have no impact on any property; Atty. Kiritsy agreed.

R. Fraser expressed his concern for not a lot of room for trees and shrubs after the garage is built. Atty. Kiritsy agrees that the building on the lot will exceed 20% by almost double if permit is granted.

J. Deignan asked if the lot would exceed 20% if they deducted the deck and Att. Kiritsky believes it would not comply if the deck was not included.

D. George asked that we collect the picture of the covered deck for the record.

R. Spakauskas asked if this awning will stay and the applicant stated he may put a more permanent one.

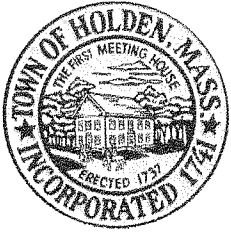
S. Annunziata asked if this Special Permit is granted, will it set a precedent for others and D. Lindberg stated no, the applicant has a right to ask for this special permit as would anyone else that meets the requirements.

R. Fraser stated he has made a list of possible conditions to consider and review. R. Fraser reviewed the list of conditions and the Board added a few to consider. The Board asked that Town Counsel review the conditions before the vote at the next meeting.

The Board had no further questions and J. Deignan made a motion to continue the hearing until May 19, 2022 for vote and to set conditions if needed and D. George seconded. The Board voted 5-0 to continue the hearing.

The public hearing was closed at 9:00 p.m.

Ronald E. Spakauskas, Chairman



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ZONING BOARD OF APPEALS PUBLIC HEARING, April 21, 2022

- New Business/Other Business

1. Beatrice Serewicz & Michael Daughraty of 931 Wachusett St is requesting to amend the plans of their farm stand from operating inside their home to a shed outside of the home. The Board requested this item to be on the May agenda and the applicant attend the meeting for discussion. D. Lindberg will contact the owners.

Ronald E. Spakauskas, Chairman



TOWN OF HOLDEN MASSACHUSETTS

DEPARTMENT OF PLANNING AND DEVELOPMENT

Pamela Harding
Director

April 15, 2022

Zoning Board of Appeals
Ronald Spakauskas, Chair
1196 Main Street
Holden, MA 01520



Re: ZBA Special Permit Application - 361 Main Street
Dear Mr. Spakauskas,

At the April 12, 2022 meeting the Planning Board reviewed a Special Permit application submitted to the Zoning Board of Appeals for property located 361 Main Street requesting expansion of a pre-existing non-conforming lot for a single family home.

The property is located in the R-1 zoning district, Table 3 of the Zoning Bylaw restricts maximum building coverage of a lot in the R-1 zoning district to 20% of the lot area. The Planning Board took a vote of 4-1 that the proposed garage far exceeds requirements of the Zoning Bylaw and would have a substantial impact on the abutting single family uses and does not fit the general purpose and intent of the Holden Zoning Bylaw by greatly exceeding the 20% building coverage.

In addition to the Planning Board recommendation I offer the following comments; because the lot size is preexisting non-conforming, the 20% of maximum building cover applies to the existing lot size. There are inconsistencies with area notations on the plan, the plot plan notes .33 acre and 14,714.67 square feet, which are not equivalent, these discrepancies should be clarified.

If the lot area consists of 14,714.67 square feet, building coverage is limited to 2,942.93 square feet. Decks do not contribute towards maximum building coverage calculations resulting in an actual building coverage of 2,526.93 square feet, which is below the 20% allowed coverage. It was requested Mr. Adam's provide evidence the deck was considered a building, to date no evidence has been received. The proposed construction of the garage creates a new violation of the Zoning Bylaw by exceeding the allowable 20% coverage, resulting in the necessity of a Variance, as confirmed by Town Counsel.

The zone allows for accessory structures but the excessive size of the garage, almost doubles the maximum building coverage allowed. There are multiple reasons for limiting building coverage in a residential zone; the first being it reduces density of development maintaining the suburban character of the R-1 zoning district. In addition to aesthetic reasons, limiting building coverage also reduces

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impervious area and stormwater runoff which impacts abutting property, the applicant has provided no information on runoff impacts.

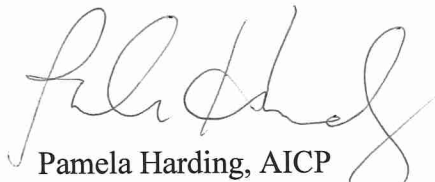
I have attached pictures of a commercial trailer parked on the subject property, labeling on the trailer indicates it is owned by the abutting automotive repair shop, which is also owned by the applicant. This appears to be a commercial use of a residential property that is not permissible.

For informational purposes I am noting the property is located in the Watershed Protection Act and a filing with the Department of Conservation and Recreation is required prior to the issuance of a building permit.

It is my opinion the proposed expansion will have a substantial impact to the character of the neighborhood and does not qualify under MGL Chapter 40A which states that expansion of a non-conforming use of a special permit must be in harmony with the general purpose and intent of the bylaw.

If you have any further concerns please contact me at (508) 210-5541.

Sincerely,



Pamela Harding, AICP
Department of Planning and Development

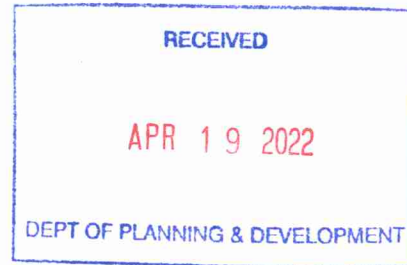
Cc: David Lindberg, Building Commissioner/Code Enforcement Officer
Lars Adams, 361 Main Street



Nathan and Robin Largesse
369 Main Street
Holden, MA 01520

April 19, 2022

Holden Zoning Board of Appeals Members
1204 Main Street
Holden, MA 01520



Holden Zoning Board of Appeals Members,

We are writing as the homeowners of 369 Main Street, a property abutting 361 Main Street for which the April 21 meeting is being held.

After communication with the owner of 361 Main Street and careful consideration, we have determined that we are in support of the proposed plan to build a steel garage addition.

We recognize that the owner of 361 Main Street has interest in and ownership of various motor vehicles for his personal use. He has assured us that the proposed garage addition would be for the storage of these personal vehicles. The owner of 361 Main Street has also confirmed with us that this proposed garage addition would be the cleanest and quietest way for him to store these personal vehicles on his property, which we agree he has the right to do. We have also seen computer-generated renderings of the proposed garage. The owner of 361 Main Street has stated his intention to paint the proposed garage to match the existing house and garage on the property, which we think is meaningful in preserving the residential spirit of the property and neighborhood.

As a final note, we would like to recognize that the owner 361 Main Street, also the owner of the business at 359 Main Street, has always been friendly, communicative, helpful, and overall neighborly in all of our interactions with him since we joined the Holden community in 2013. We would like to support his proposed plan in the spirit of neighborly flexibility.

In summary, we, the owners of 369 Main Street, support the proposed plan for 361 Main Street as it will be the cleanest and quietest way for the owner to store his personal vehicles and he will make an effort to make it match the existing building on the property.

Thank you for your time and consideration,
Nathan and Robin Largesse