

# TOWN OF HOLDEN

1196 MAIN STREET  
HOLDEN, MASSACHUSETTS 01520

TELEPHONE (508) 210-5540  
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## ZONING BOARD OF APPEALS PUBLIC HEARING, September 8, 2022

**Denys Milan**

**Case No. V-2201**

The Zoning Board of Appeals held a public hearing on Thursday, September 8, 2022 at 7:30 p.m. in the Holden Senior Center on the Petition of Denys Milan for a VARIANCE for property located at 1586-1588 Main St to operate a short term rental business using platforms such as Airbnb, VRBO and direct booking sites..

Members in attendance: R. Spakauskas, F. Lonardo, J. Deignan, R. Fraser and B. Parry

Others in attendance: David Lindberg – Building Commissioner, Carol Perkins – Secretary, D. Milan – 160 South Rd, Atty. Arthur Wells – 1093 Main St

R. Spakauskas opened the meeting, reviewed the procedures for the hearing and read two (2) letters received from the Town Departments noted below:

1. Holden Fire Department letter, submitted by Russ Hall, dated August 17, 2022 (see attached)
2. Department of Planning and Development, submitted by Pamela Harding (Planning Board), dated September 7, 2022 (see attached)

R. Spakauskas then asked the applicant to address the Board. Atty. Wells, representing the applicant, D. Milan, stated the applicant is requesting permission to allow this duplex property to run as a short term rental business. This is a duplex property with 3 bedrooms and 1 ½ baths on each side. Each residence has their own separate driveway. The location of this home is on a busy street with no backyard and a very small front yard, so not ideal for long term rentals. The applicant believes this use as a short term rental is a better situation in this area of Main St.

Atty. Wells continued by stating the proposed business plan was included in the application submittal which is very thorough and addresses how the rental will be put into place. D. Milan stated he owns a couple of other properties in other MA towns in which he rents on a short term basis and has many rules and regulations in place. D. Milan also stated that cleaning, landscaping will be provided on an every 2-week basis.

Atty Wells also addressed the Planning Board's letter referring to #4 on the parking spaces. He submitted a drawing noting that two (2) off-street unstacked parking spaces will be provided for each dwelling unit.

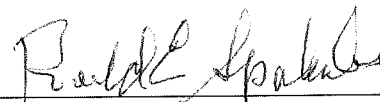
D. Lindberg stated that the current Town Bylaws do not specifically cover and address this request for short term rentals and would ask the Board to take that into consideration until the bylaw is revised.

R. Spakauskas opened the meeting up for Board comments. J. Deignan verified the address is 1586-1588 Main St and the applicant confirmed that this is the correct address. J. Deignan also asked what the average length of rental will be and the applicant stated typically, one week in the summer and 3-4 days otherwise. There will be no one-night rentals allowed. B. Parry asked what the maximum length of stay is and the applicant stated no longer than 28 days, with cleaning every two weeks. R. Fraser recommended that the Board condition the Fire Dept. letter (#1 & 2) and the Planning Board letter, (conditions 1-4). R. Spakauskas confirmed the fact that this property is very unique in regard to shape and topography.

The Board had no further comments or questions and there were no comments from the public. R. Fraser made a motion to vote with conditions and J. Deignan seconded that motion. The Board voted 4-1 as follows: R. Spakauskas, J. Deignan, R. Fraser, B. Parry voted to APPROVE the VARIANCE and F. Lonardo voted NO/AGAINST based on belief that this application does not rise to the level of a Variance and the bylaw should be amended. The following conditions are:

1. Reference the Department of Planning & Development letter dated September 7, 2022
2. Reference The Holden Fire Department letter dated August 17, 2022 (adopt conditions #1 and #2)

The public hearing was closed at 8:20 p.m.



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Ronald E. Spakauskas, Chairman



# TOWN OF HOLDEN MASSACHUSETTS

## DEPARTMENT OF PLANNING AND DEVELOPMENT

Pamela Harding  
Director

September 7, 2022

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

Dear Mr. Spakauskas,

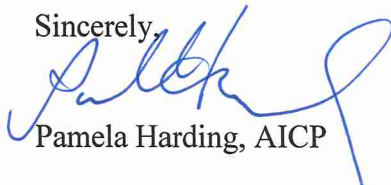
At the August 30, 2022 meeting the Planning Board reviewed a Variance application submitted to the Zoning Board of Appeals for property located at 1586 Main Street by Denys Milan for the operation of a short term rental property. The Planning Board has evaluated regulations for short terms rental properties in the past and felt the use is not conducive with the suburban characteristics of the Town, and are not in support of the application.

If the Zoning Board approves this application I am respectfully requesting you consider the following conditions that were draft in consultation with the Board of Health Agent;

1. The applicant is subject to an annual inspection from the Board of Health for short term rentals to ensure the two dwelling units are suitable for human habitation. An annual Short-Term Rental Registration form will be provided by the Health Agent and inspections must occur a minimum of once per year, inspections may be required more frequently if the Board of Health Agent determines necessary.
2. The applicant must provide a copy of a contract to ensure trash and recycling removal are completed at the termination of each rental agreement. The trash removal methods are subject to review and approval of the Board of Health Agent.
3. In compliance with Chapter 337 of the Acts of 2018 the applicant must provide proof of liability insurance for each dwelling unit.
4. There must be two off-street unstacked parking spaces provided for each dwelling unit, the designated parking area must be in a paved or graveled location suitable for off-street parking, parking in the lawn/grass area is not permitted.

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

Sincerely,



Pamela Harding, AICP

Cc: David Lindberg, Building Commissioner/Code Enforcement Officer

BUILDING INSPECTION/ZONING  
(508) 210-5538

HEALTH  
(508) 210-5542

PLANNING/CONSERVATION  
(508) 210-5539



# HOLDEN FIRE DEPARTMENT

1370 MAIN STREET • HOLDEN MA 01520 • (508) 210-5650 • FAX: (508) 210-5657  
RUSSELL HALL, FIRE CHIEF



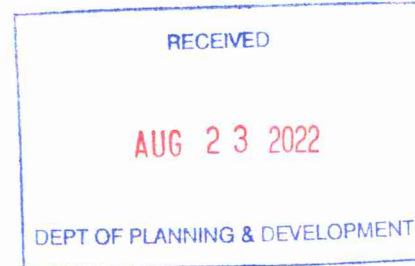
TO: Zoning Board of Appeals

FROM: Russ Hall, Fire Chief

DATE: 08/17/2022

RE: Short Term Rental Variance Petition

*R. Hall*



*1586 Main St*

The Holden Fire Department has reviewed the petition by Denys Milan for a variance petition to operate a short term rental business on the property located at 1586 Main Street. The following will be required by the Holden Fire Department prior to and during ongoing rental of the property in question:

1. If the variance is approved, the fire department will conduct a safety inspection of the property prior to any rentals to ensure that it is compliant with current smoke detector and carbon monoxide regulations, to view the general safety of the property and ensure that there are proper egress paths for renters to utilize in the event of an emergency. *Approved*
2. The fire department will also require as part of the variance that the property in question undergo an annual safety inspection by the departments Division of Fire Prevention. This will be necessary to ensure that current fire and life safety codes are in compliance using the guidance in Chapter 64G, Section 14 Regulation of Operators by Cities or Towns, sub-section( iv):

require properties or premises controlled, occupied, operated, managed or used by operators as an accommodation subject to the excise under this chapter to undergo health and safety inspections; provided, however, that the cost of any inspection conducted under this section shall be charged to and solely paid by the operator under this section; provided further, that after any initial health and safety inspection, the city or town may determine the frequency of any subsequent inspections

3. The fire department recommends to the board that the town look to create a zoning bylaw to govern these types of short term rentals as allowed under MGL to ensure that the health and safety of the transient short term renters of such properties are protected. This would allow more local control of these types of rental units.