



TOWN OF HOLDEN

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ZONING BOARD OF APPEALS PUBLIC HEARING, September 21, 2023

Nicole Libbey

Case No. SP-2307

The Zoning Board of Appeals held a public hearing on Thursday, September 21, 2023 at 7:24 p.m. in the Holden Senior Center on the Petition of Nicole Libbey for a SPECIAL PERMIT for property located at 27 Holden St. to operate an occupational therapy business from her home.

Members in attendance: R. Spakauskas, J. Deignan, R. Fraser, and N. Kielenen

Others in attendance: D. Lindberg – Building Commissioner, C. Perkins – Secretary, N. Bediako – 27 Holden St, T. Breen – 37 Holden St

R. Spakauskas opened the meeting, reviewed the procedures for the hearing and the secretary read a reading of the application and findings of fact. R. Spakauskas then asked the applicant to address the board.

N. Libbey stated she wishes to operate an occupational therapy business from her home serving children between the ages of 4-17 experiencing sensory challenges related to physical or mental health conditions. The business plan is to be operate no more than 20 hours a week and will work from an office in her finished basement. The business will have a separate entrance located directly from the driveway, therefore no need for street parking.

R. Spakauskas opened the hearing up to the Board for comments. R. Fraser understands the situation and asked about the hours of operation. The applicant stated hours would be primarily from 2 – 7 p.m. working with children after school but she is flexible if needed. J. Deignan asked if this business would require licensing from the state and the applicant stated that she is an independent contractor and there is no state requirement, only town laws apply.

R. Spakauskas then opened the hearing up for public comment. T. Breen of 37 Holden St had questions on traffic, parking, specifically on Marlen Rd, and if the owners sell one day, is the business still valid. The Board addressed the abutters concern with selling the property and a new homeowner will need to get new Board approval to operate a business from this address. The applicant addressed the street parking and the stated she will add an agreement for parent signature for no street parking at any time on Holden St or Marlen Rd on the clinic consent form. She stated there is enough room for 4 vehicles in her driveway and will see one patient at a time with 15 minutes in-between appointments. Posting no parking signs was on Marlen Rd was also discussed. There will be one employee, one client and a parent at all times. T. Breen was concerned with the hours of operation, especially during the dinnertime hours and N. Libbey stated she is

flexible in hours but has set them from 2-7pm in order to set appointments for the children after school. N. Libbey also stated that her appointments are primarily inside the basement office and occasionally may step outside for a moment for some fresh air.

The Board members had no additional comments or questions. R. Fraser made a motion to vote and J. Deignan seconded. The Board voted in favor 4-0, UNANIMOUS with the following conditions:

1. Business hours of operation Monday – Friday, 12:00 p.m. – 7:00 p.m.
2. Business to not exceed more than one employee, one client and up to two (2) parents per visit
3. Driveway parking only for up to four (4) vehicles; no street parking at any time
4. Zoning Board may review in one year to check on any issues

The public hearing was closed at 8:02 p.m.

Ronald E. Spakauskas, Chairman