

Holland Zoning Board of Appeals
Meeting Minutes

Date: August 16, 2023

Present: Don Beal, Chairperson, Scribe
Ron Seaburg, Secretary

Absent: John Stevens, Member
Mark Mitchell, Associate

7:00 PM Don called the meeting to order. General Board business was discussed.

7:37 PM Special Permit Request Continuance
Robert Green
65 Vinton Road. R10/D/7. Book 21848. Page 0229

The Board conducted a site visitation on July 27, 2023 and found that the proposed three-car garage would be within property setback distances. Due to a lack of quorum the Board could not act on the application. A continuance was scheduled for August 23 at 7:15PM.

7:42 PM Kyle Merrolla
3A Julia Anne Drive Parcel ID# 31-D-25.

Attending the meeting was Town of Holland Building Inspector and Zoning Enforcement Officer B.J. Church.

Kyle had received a Cease and Desist Order from Zoning Enforcement Officer Church for work he has been doing on his property located at 3A Julia Ann Drive. Kyle was appealing the Order.

The Board has performed a site visitation at this property. During the site visitation the Board did not find any of the violations mentioned in the Order. After Kyle explained what he had been doing and during a discussion with all in attendance the following motion was made by Ron Seaburg:

I move to approve the appeal made by Kyle Merrolla, regarding the Cease and Desist Order submitted by the Town of Holland Zoning Enforcement Officer, B.J. Church, against Kyle Merrolla, property owner at 3A Julia Ann Drive, Holland, MA.

The Zoning Enforcement Officer stated that during her personal inspection of the property she observed that there had been earth removal and the movement of topsoil and subsoil for personal landscaping. It was stated in her order that this is a violation of the Holland Zoning Bylaw Section 7.7 Earth Removal and Extractive operations.

Reason(s) for the overturn of the Cease and Desist Order:

1. While inspecting the property on August 11, there was no evidence of removal or movement of topsoil and subsoil anywhere on the property. Note: There was no specific location of earth removal mentioned in the charge against Mr. Merrolla, therefore, photos, date and time noted, were taken of all the surface areas during the ZBA site visit.

2. Zoning Bylaw 7.7 Earth Removal and Extractive Operations. Section 7.7.1 and Section 7.7.2 parts (a, b, c, d, e, f, g) all imply stripping, extraction, excavation, removal or movement of topsoil and subsoil of the property. Additionally, Section 7.7.2 parts (h, i, j, k, l,) do not apply. Section 7.7.3 does not apply.

Mr. Merrolla stated that he has had material trucked onto his property. He has not been extracting, or moving the topsoil or subsoil of his property.

Don seconded the motion. Motion passed.

8:30 PM Don moved to adjourn. Ron seconded. Motion passed.

CC: Town Website, ZBA file.

Submitted by:

Ron Seaburg, Secretary