

Holland Zoning Board of Appeals
Meeting Minutes

Date: December 4, 2019 1/2

Present: Don Beal, Chairperson, Scribe
Ron Seaburg, Secretary
John Stevens, Member
Mark Mitchell, Associate

Absent: Kevin Palmer, Associate

7:00 PM Special Permit Request
Donald and Robin Wilson
57 Mashapaug Road Book 19264. Page 348

The applicants want to add a single car garage onto the North side of their house. The Wilson's answered all of the Board questions. The Board allowed a one and a half foot extension toward the street which would place the garage two and a half feet back from the front of the house.

Don moved to accept the project as presented without a visitation due to excessive snow making pin locations difficult to find. All members were familiar with the property and used the instrument survey to make a judgement. Mark seconded the motion. All members, Don Beal, Ron Seaburg, John Stevens, and Mark Mitchell voted in favor of the project.

7:45 PM Special Permit Request Continuance
James and Barbara Blanchette
3 Massaconnic Trail. Book 21106. Page 458

Don asked Mr. Blanchette if he had any new information he would like to discuss regarding his application to remove and rebuild a house in the same location with a larger 3 bedroom house with a one car garage. Mr. Blanchette stated he did not have anything to add and said he wanted to move on to our decision. Don gave Mr. Blanchette a copy of MGL, Ch.40A: Section 16, and told Mr. Blanchette he could withdraw his application without prejudice. If he did not withdraw and the application was denied he would have to wait two years to reapply. Mr. Blanchette looked over the copy and declined the offer.

Don then moved to deny Mr. Blanchette's proposal to rebuild the house. John seconded the motion. Before voting on the motion, Ron wanted to discuss the Board's reasons for denial before voting. Ron stated that most of the lots around the lake are uniquely small in size ranging from 50 to 60 feet in width. Most of the houses were built before 1975, the year the Town adopted its zoning by-laws, and therefore most houses are on non-conforming lots. Ron continued, that by approving this petition we would be setting a precedent that would allow anyone to expand into a setback area similar to Mr. Blanchette's request. Ron stated that this would create a substantially detrimental effect in most all neighborhoods around the lake.

Mr. Blanchette disagreed and stated that he didn't think that there would be a lot of people requesting expansions on their properties.

Ron mentioned that the Legal opinion letter from Mr. Blanchette's lawyer of Berthiaume & Berthiaume Law Firm, also supported the Board's view. The letter stated that...."As long as you will not be creating any new non-conformities (for example building within a setback not previously violated), you should need no additional zoning relief to accomplish the proposed project". Ron stated that the proposed alteration and construction would be built within a set-back area creating new non-conformities.

Don called for a vote on the petition. All members present, Don Beal, Ron Seaburg, John Stevens, and Mark Mitchell, voted in favor of the motion. Motion to deny passed.

CC: Town Website, ZBA file

Submitted by:

Ron Seaburg, Secretary