

**HOLYOKE BOARD OF APPEALS (BOA) PUBLIC HEARING MINUTES
THURSDAY, OCTOBER 28, 2021 at 5:00 P.M.
DAVID URBANSKI – 53 ROLAND STEET (#968)
via Zoom.com; ID: 844 9455 4147; Call In *67 646 558 8656**

Board of Appeals

Josh Knox Chairman
Mary Louise Monahan... Member
Morriss Partee..... Associate Member

Staff

Jeffrey Burkott Principal Planner
Jack Carolan Planner II
Sharon Konstantinidis Head Administrative Clerk

Others Present: Michael Bissonnette (Assistant City Solicitor); Attorney Jack Ferriter; David Urbanski (Petitioner); Peggy McBrite (Ferriter & Ferriter)

CALL TO ORDER

At 5:00 p.m. *Josh Knox* called for a motion to open the Public Hearing for Petition #968 noting that the Hearing was being recorded and that the members seated were at the designation of the Chair (Part 1, Title 7, Chapter 40A, Sect 12). A motion was made by *Mary Monahan* and seconded by *Morriss Partee*. The motion carried 3-0

Josh Knox asked the Applicant to present his case regarding the variance at 53 Roland Street (071-00-034) for relief from the Zoning Ordinance Section 8.2.4.2 requiring a minimum parcel size within the Water Resource Protection Overlay District (WRPOD).

Attorney Jack Ferriter stated that Mr. Urbanski currently owns the three lots adjacent to each other (lots 23, 24, 25). He is requesting a variance from the minimum lot size in a WRPOD (20,000 sq.ft.) to create two lots, one containing the existing house.

Attorney Ferriter reviewed the Applicant A-D checklist as submitted. He stated the following with regards to:

- A. (Soil conditions, Shape, or Topography) – the soil is not impacted by well or septic; the shape will not allow for two 20,000 sq. ft. minimum parcel. A second 1,600 sq. ft. structure can be built on the current parcel, but it cannot be subdivided for sale; the topography of the site slopes away from the reservoir. *Attorney Ferriter* stated that Dave Conti, Superintendent for the Water Department, had no issue with the parcel division nor the proposed additional 2nd structure.
- B. (Hardship) – the existing three lots are unusable by today’s regulations and without a variance Mr. Urbanski could not subdivide and develop the proposed 2nd lot (rear) to sell the lot with the existing structure. *Josh Knox* requested documentation that outlined the 3 parcels. *Attorney Ferriter* noted that on March 22, 2013, lots 23, 24, and 25 were recorded (Book 19739; Page 58) and referenced on a 1948 Mayer Track Subdivision Plan by Church & Hebert and recorded (Book 32; Page 95). The plan identifies the boundary of the whole parcel. *Josh Knox* requested that the referenced documents be submitted to the Board for review along with a survey plan showing the existing conditions. *Attorney Ferriter* responded that the deed and plan would be forthcoming.

Regarding the discrepancy between the 1948 plan (noting 75 feet of frontage) and the 2020 proposed plan (noting 78 feet of frontage), a plan outlining the three parcels was requested. *Attorney Ferriter* stated that he did not have the ability to overlay the proposed plan to the 1948 plan.

Attorney Ferriter reiterated that the variance request was for relief from the minimum lot size in order to divide the parcel into two equal lots. The Board assisted *Attorney Ferriter* in calculating the total square footage (28,125 sq ft) to determine that the minimum square footage of each lot would be approximately 14,062 square feet with 100 feet of frontage. *Attorney Ferriter* stated that the house (1954) obtained a building permit and was built according to the zoning ordinance; the building permit for the pool (1967) on the middle lot was not available; and the existing shed would be demolished. *Mary Louise Monahan* noted that the proposed plan submitted was not in line with what is being conveyed. *Jeffrey Burkott* requested if a surveyor could provide the plan outlining the parcel and setbacks to ensure the existing house remained in compliance. *Attorney Ferriter* responded that a surveyor could do that, but he felt it was outside the scope of the Application and Applicant checklist. He added that the proposed plan was not changing

Josh Knox asked for documentation to support that the existing home (1954) and pool (1963) were properly permitted through the City. *Attorney Ferriter* was not able to obtain the building permit and questioned the relevance of the 1954 building permit to the current variance request. *Josh Knox* responded that three lots were referenced, and no supporting documentation was provided.

PUBLIC COMMENTS

Josh Knox asked for those that wish to speak in favor or against, or to ask questions, to come forward. No one was forthcoming.

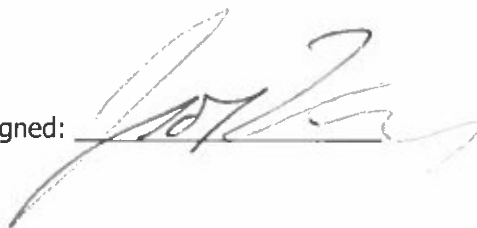
Adjournment

At 6:13 p.m., there being no further information to be presented, a motion was made by *Mary Monahan* and seconded by *Morriss Partee* to continue the Public Hearing until November 18, 2021 at 5:00 p.m. for the purpose of obtaining additional information. The motion carried 3-0.

Respectfully submitted,

Josh Knox, Chair

Date signed: _____

A handwritten signature in black ink, appearing to read "Josh Knox", is written over a horizontal line. The signature is cursive and somewhat stylized.