

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF HOLLAND

Eric Johnson

11-20 2003
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TO THE BOARD OF APPEALS

The undersigned hereby petitions the Board of Appeals to vary the terms of the Zoning By-Laws of the Town of Holland

in the following respect: Non Conforming Lot

or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear as necessary or proper in the premises.

State Briefly Reasons for Variance.

Construct a single family Dwelling
on a Grandfathered Non conforming Lot
Per MGL C40A S6 Structure once existed
on Lot New House to replace

Map & Lot Number 20/A/2

Petitioner Eric E Johnson

By Eric E Johnson

Address 6 Hamilton Holland Ma 01521

ZIP CODE

Telephone Number 413 245-8393

FULL LOT

1" = 200'



House Site

300ft

100ft

200ft

P.O.K.

P.O.K.

EXISTING P.O.K.

STAFFORD ROAD



December 29, 1997

Attorney Francis B. Fennessey
27 Main Street, P.O. Box 183
Charlton, Massachusetts 01507

Dear Attorney Francis B. Fennessey,

I have examined the Record Title to the premises shown on Plan of Right of Way for Brian Johnson dated February 17, 1997, DWG. Number 91058 by Jalbert Engineering Inc. Specifically, I have examined the right of access to the parcel shown as land n/f Johnson Book 6649, page 373, as shown on said plan.

The existing R.O.W. as shown on said plan is also shown on plan of land in Holland Mass made from plan of survey for Wendell Blodgett dated September 3, 1977 by R. Para land surveyor, Revised September 9, 1978 to show relocation of Right of Way by N.E. Leathers recorded in Hampden County Registry of Deeds in Book of Plans 180, page 87.

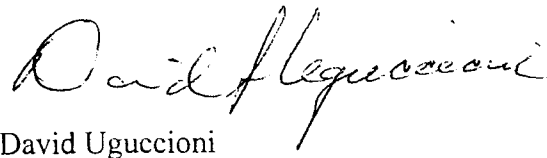
Cart roads are shown on the Johnson plan westerly of the "Existing R.O.W." on land shown as n/f David A. Gibson, John R. Merrill and Robert J. Wilson. One of these cart roads extends northwesterly in to said land of Johnson. It is this examiner's position that said cart road extending in to land of Johnson is an implied right of way over land of Gibson etals in favor of said Johnson. In 1823 both parcels were in common ownership by Lemuel Coburn. On September 10, 1823 he sold the Johnson piece to Loring Webber without mention of a right of way. On the same day with the next deed he sold the Gibson piece to Esra Webber with no mention of the right of way. A right of way by necessity or implication arose when Coburn separated the Johnson from access by the Gibson piece. See Eno and Hovey Massachusetts Practice Series Volume 28 Section 8.7. An examination of the parcels involved back to the early 1800's revealed no other record access for the Gibson or Johnson pieces.

January 6, 1998

The owner of the Gibson piece may determine where the right of way shall be in order to minimize its effect on the Gibson piece. Otherwise the right to use, the Gibson will exist where it has traditionally been used, i.e., over the cart roads as shown on said map.

Enclosed, is a sketch of the Coburn deeds along with the material forwarded to me by your client.

Yours truly,

A handwritten signature in cursive script that reads "David Uguccione". The signature is written in dark ink and is positioned above the printed name.

David Uguccione