

**REQUEST FOR AN ORDER TO ENFORCE THE ZONING LAWS
UNDER M.G.L. AND THE ZONING BY-LAWS OF THE TOWN OF
HOLLAND, MASSACHUSETTS**

Pursuant to M.G.L., c.40A, s.7, and 780 CMR 106.0, I, **Peter Frei**, resident and citizen of Holland, MA 01521, living at 101 Maybrook Road, **requests** herewith **the removal, dismantling, or demolition of the dwelling located off of Stafford Road, Holland, Massachusetts.**

Said dwelling with address 166 Stafford Road is located on Lot 20 as shown on a plan recorded in book of plans 341, page 61, at the Hampden County Registry of Deeds. Said plan was unlawfully endorsed by the Planning Board on March 7, 2006, as an ANR plan circumventing the subdivision control law.

At the time the plan was endorsed, Earl Johnson was a member of the Board of Selectmen and also a member of the Planning Board. Earl Johnson is also the father of the previous owner of said dwelling, Eric Johnson. Eric Johnson built said dwelling and sold it since.

The dwelling does not have a single feed of the required 200 foot frontage along a way pursuant to M.G.L. c.41, s.81L. According to Earl Johnson and building inspector Jack Keough, the required frontage is provided by a common driveway.

Pursuant to s.81L a common driveway can not provide the required legal frontage. Local by-laws can only be more stringent than M.G.L. However, the zoning by-laws of the town of Holland do adopt the definition of the term "subdivision" under M.G.L. The zoning by-law provides:

Section 2.02:

Subdivision shall have the meaning defined in Massachusetts General Laws, Chapter 41, Section 81L.

Furthermore, the zoning by-laws provide:

Section 7.85 (2)

e.) The common driveway shall access the property over the frontage of at least one of the lots being served by the driveway.

j.) No common driveway shall be extended or connected to any way other than at one point of intersection with a street providing frontage to the development.

k.) All lots to be served by a common driveway must meet the requirements of a lot as defined in the bylaws. All dimensional requirements, as defined in the Zoning Ordinance, for lots served by a common driveway, including but not limited to, setback and dimension of front, side and rear yards, as measured in relation to the street serving as the legal frontage for the lots, shall be the same as would be required for those lots had they not shared a common driveway.

Said dwelling is therefore in violation of the zoning laws of M.G.L. and local by-laws and needs to be removed, dismantled, or demolished.

Holland March 4, 2008,

Peter Frei, 101 Maybrook Road, Holland, MA 01521

c.c. Town Clerk, Kristin LaPlante,

I, Jack Keough building inspector and zoning enforcing officer acknowledge the receipt of this document on March 4, 2008.