

June 27, 2020

Town of Holliston
Zoning Board of Appeals
703 Washington Street
Holliston, MA 01746

**Re: Application for a Grant of a Dimensional Variance
Diana Harrington
#120 & 120A Goulding Street, Holliston**

Dear Board Members,

There are two single family dwellings located on the same property at 120 and 120A Goulding Street. The applicant is proposing to divide the property to create a separate lot for each dwelling.

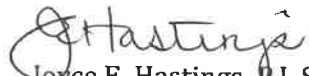
This is not a case for MGL Ch. 41, § 81L; dividing an existing lot with two dwelling units constructed prior to zoning and the Subdivision Control Law because the lot was modified by an Approval Not Required Plan in 1994.

It is necessary to prepare and submit a Definitive Subdivision Plan with the Holliston Planning Board to create a road for the required frontage and lot for each dwelling. The new lot created for #120 Goulding Street (Lot 1) will meet all the zoning requirements. While the new lot created for house #120A Goulding Street (Lot 2) will meet the area, frontage, lot width and lot depth requirements for the Residential Zoning District, due to the shape of the existing parcel, it can't provide the front and side yard setback distances. The Residential zoning district requires a front yard setback distance of 30.0 feet, a side yard setback of 20.0 feet and a rear yard setback of 30.0 feet. The applicant is filing an Application for Grant of a Dimensional Variance for #120A Goulding Street (Lot 2) to allow a front setback of 17.6 feet and a side setback of 17.6 feet.

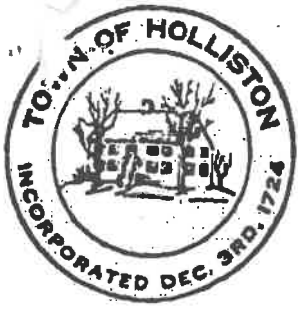
The layout proposed provides the most feasible land use for the property.

Thank you for your assistance. Please call me at 508-429-1100 if you have any questions.

Sincerely,
GLM Engineering Consultants, Inc.


Joyce E. Hastings, P.L.S.

cc: Diana Harrington



TOWN OF HOLLISTON
ZONING BOARD OF APPEALS

TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE

Date Filed: 6/30/2020

Applicant's Name: Diana Harrington

Applicant's Address: 120 Goulding Street, Holliston, MA 01746

Applicant's Phone Number: 508-429-3059

Owner's Name: Diana Harrington

Owner's Address: 120 Goulding Street, Holliston, MA 01746

The Owner hereby appoints GLM Engineering Consultants, Inc. to act as his/her/its agent for the purposes of submitting and processing this application for a variance.

The Owner's title to the land that is the subject matter of this application is derived under deed from Iverson Construction Co., dated 6/14/1994

And recorded in Middlesex South Registry of Deeds, Book 24626, Page 47

Or Land Court Certificate of Title No. _____, registered in

District Book _____, Page _____

The land is shown in the Assessor's records as Lot 17A on Map 6, Block 2

And has an address of or is located at #120 and #120A Goulding Street, Holliston, MA

in the Residential zoning district.

Nature and subject matter of Variance (Please state the section of by-law from which you are seeking relief, the required standard and your proposal.) :

The applicant is seeking to divide the lot containing the two existing houses at #120 & 120A Goulding Street. To accomplish this the applicant is requesting a dimensional variance with respect to front and side set back.

Zoning Information and Comments (To be completed by Inspector of Buildings):

IN 2015 THE ZBA GRANTED A SPECIAL PERMIT TO ALLOW FOR RESIDATION OF AN EXISTING NON CONFORMING SECOND DWELLING IN A DETACHED STRUCTURE. THE DWELLING WAS RESTRICTED TO USE BY FAMILY OR NONPAYING GUESTS ONLY. THE PROPOSED LOT DIVISION WOULD CREATE TWO DWELLINGS ON TWO SEPARATE LOTS WITH FRONTAGE ON A NEW PRIVATE WAY. THE PROPOSED PRIVATE WAY CREATES A FRONT LOT LINE WHERE THERE IS CURRENTLY NO LOT LINE. BASED ON THE PRIVATE WAY LAYOUT, THERE IS NO OTHER LOCATION FOR ACCESS OR TO CREATE FRONTAGE. THE NEW SETBACK TO THE LOT LINE WILL BE NON-CONFORMING, REQUIRING A VARIANCE.

The Applicant presents the following evidence that supports grant of the dimensional Variance:

- a. Literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise, owing to circumstances related to the following unique physical characteristics of the land (1. soil condition, 2. shape or 3. topography of land or structures):

The lot shape and structure locations are not sufficient to allow the required front and side setbacks.

- b. If this variance is allowed it will create no substantial detriment to the public good because:

There are already two existing dwelling units on the lot. The division of the property will not increase the housing density.

- c. If this variance is allowed, it will not nullify or substantially derogate from the intent and purpose of the zoning bylaw because:

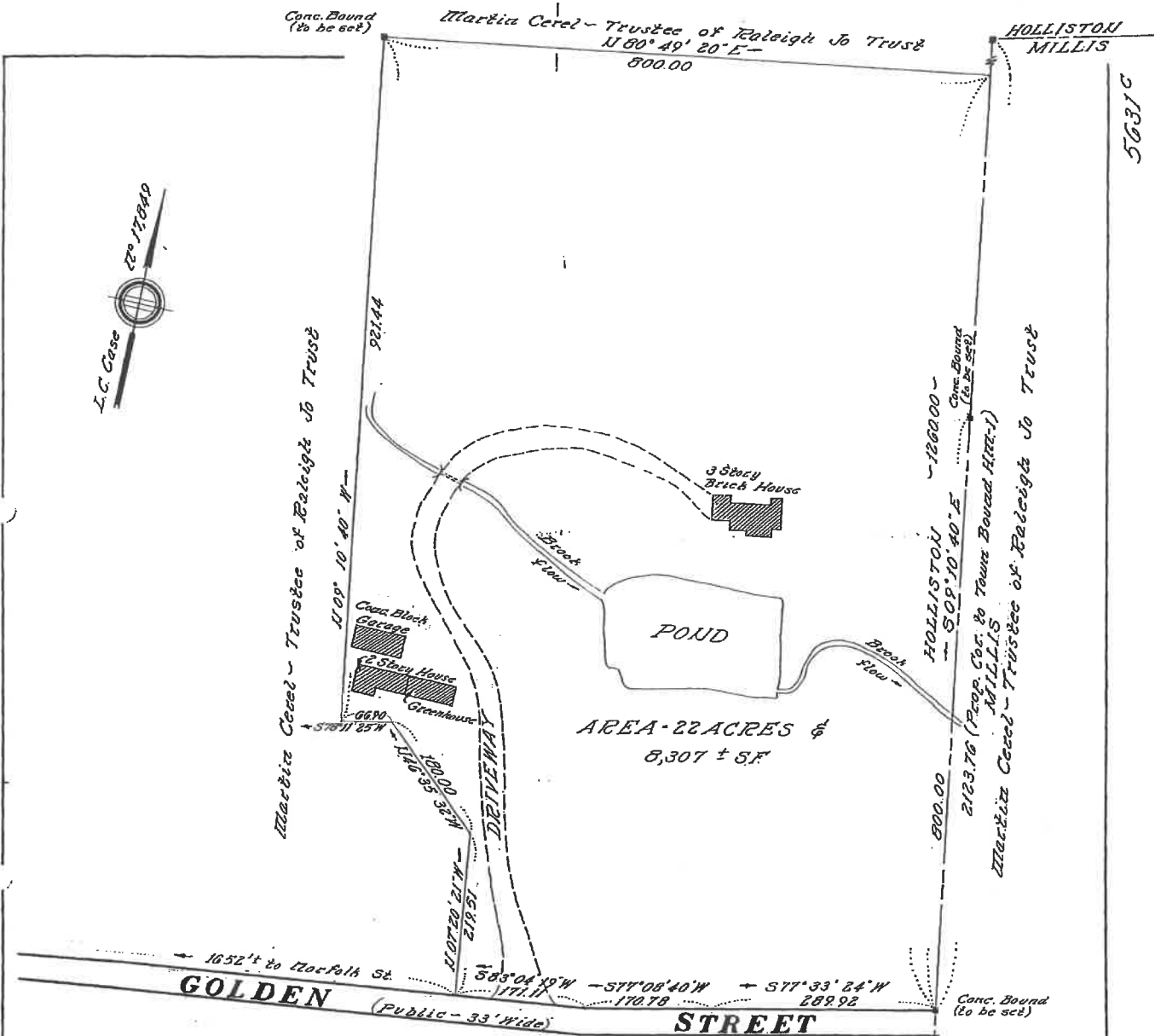
There are currently two dwelling units on the same property, both constructed prior to zoning.

- d. Will the proposed use include the storage or process of any hazardous substance?

Yes _____ (Please attach additional information.) No X

Applicant's Signature: _____

Owner's Signature:  _____



Middlesex Registry of Deeds, So. Dist.
CAMBRIDGE, MASS.
Plan Number 1649 of 1961
Rec'd May 13, 1961 at 4:43 P.M.
With Deed Doc. No. 316
Martin Cerel Trustee
Marselin Institute, Inc.
Recorded, Book 9231 Page 365
Attest: *[Signature]* REGISTER

FEES DO
BY J.F.

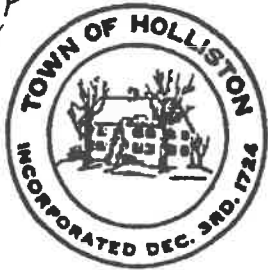


Approval Under the Subdivision
Control Law not required.
Holliston Planning Board.
[Signature]
Date: June 19, 1961

Plan of Land in
HOLLISTON, MASS.
Property of
Martin Cerel - Trustee of Raleigh Jo Trust
To be conveyed to
Scale: 1" = 100' June 12, 1961.
Schofield, Brothers, Reg. Land Surveyors
48 Park Street, Framingham, Mass.

1649

17-160
② 09-17



OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS.

**TOWN OF HOLLISTON
ZONING BOARD OF APPEALS**

Town Hall – 703 Washington Street
Holliston, MA 01746
(508)429-0635

2015 SEP 21 PM 12:53

Cheryl T. Smith

**SPECIAL PERMIT CERTIFICATE OF ACTION
120 GOULDING STREET**



2015 00175456

Bk: 66228 Pg: 461 Doc: DECIS
Page: 1 of 2 10/15/2015 12:29 PM

Date of Decision: September 16, 2015
Applicant: Diana and William Harrington
Applicant's Address: 120 Goulding Street
Owner: Same
Subject Property: Same
Assessor's Identification: Map 6 Block 2 Lot 17.A
Zoning District: Residential (R-1)
24626-147

ADMINISTRATIVE RECORD

Hearing notice under the requirements of MGL, c. 40A and the Holliston Zoning By-Laws included the following:

1. Publication of the hearing notice in the Metrowest Daily News on September 1, 2015 and September 8, 2015,
2. Posting of the hearing notice in the Town Clerk's Office on August 25, 2015,
3. Notification to parties in interest (including the petitioner) by mail on August 25, 2015.

The petitioner filed an application with the Town Clerk on August 21, 2015. The public hearing was opened and closed on September 16, 2015. The Board deliberated on the matter on September 16, 2015.

Project Description

The Petitioner is seeking a Special Permit under Section I-C(3)(b), Pre-Existing, Non-Conforming Uses, Structures and Lots for restoration of an existing, detached accessory dwelling on the lot. The locus is 120 Goulding Street in the R-1 zoning district. The Inspector of Buildings has determined that the structure and use are non-conforming.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section I-C and VI-E(5), the Board finds the following: 1. The proposed renovation and active use of the existing accessory structure does increase the non-conforming nature of the structure, 2. There is no material change in the exterior appearance of the existing single family dwelling except according to the terms of this Special Permit and 3. The use will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and use.

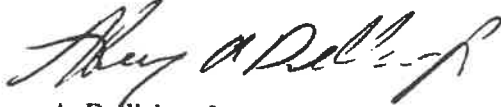
Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3)(b) for property described and located at 120 Goulding Street was as follows on a motion by Mr. Bush, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Liberis	Aye
Mr. Bush	Aye

Conditions of Approval

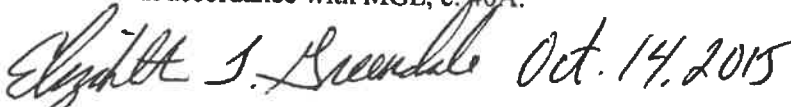
1. This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11 and shall lapse in 2 years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Renovation of the structure shall result in no further encroachment into the side lot line and it shall remain substantially the same in general appearance.
3. Occupancy shall be limited to family and non paying guests, as represented.

HOLLISTON ZONING BOARD OF APPEALS


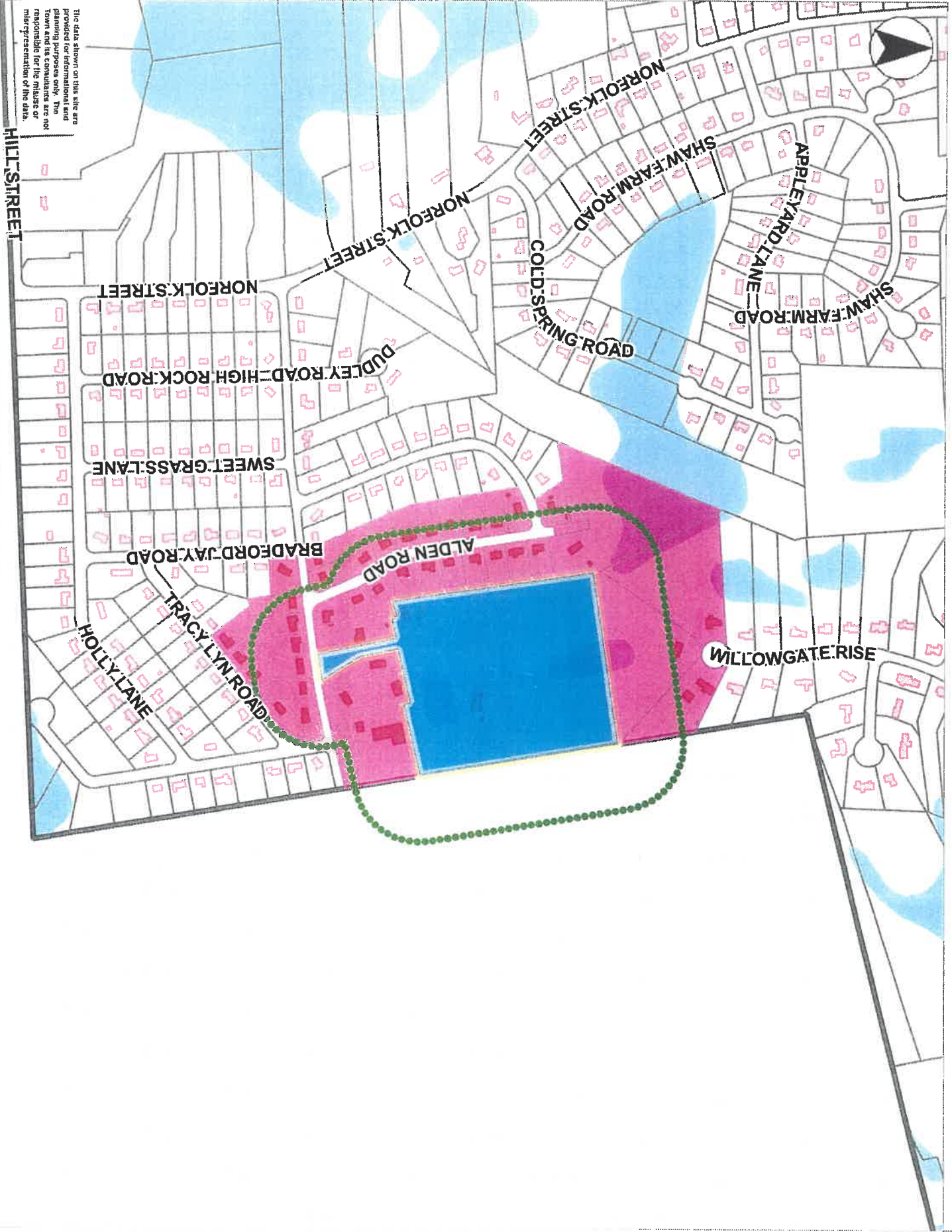
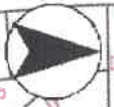
Henry A. Dellicker, Jr.
Chairman

TOWN CLERK'S CERTIFICATION OF NO APPEAL

I hereby certify that 20 days has passed since this decision has been filed and no appeals have been taken in accordance with MGL, c. 40A.



Elizabeth Greendale, Town Clerk



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- Streets