

TOWN OF HOLLISTON ZONING BOARD OF APPEALS

HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE

Date Filed:		
Applicant's Name: Kenneth G. Fisher Jr		
Applicant's Address: 181 Ashland Street		
Applicant's Phone Number: (So8) 380 - 9002 (Cell)		
Owner's Name: Kennett G. Fisher Jr		
Owner's Address: 181 ASLISTA Street		
The Owner hereby appointsto 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 , dated		
And recorded in Registry of Deeds, Book, Page		
Or Land Court Certificate of Title No. 246784 registered in		
District Book 1388 , Page		
The land is shown in the Assessor's records as Lot 16 on Map 14, Block 2		
And has an address of or is located at		
n the ALB 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.):

Please see attached typed document for Answer

Zoning Information and Comments (To be completed by Inspector of Buildings): CONTRACTOR BUILT FRINT ENTRY SIX INCHES BEYOND SETSACK ALLOWED BY PRIOR 2 BA DECISION. 4 VARIAGE IS REGULARD PER HZB I-C, 3.Z cc 5/13/20 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): Please see attached typned document for Answer b. If this variance is allowed it will create no substantial detriment to the public see attached typed document for Answor good because: Picasa c. If this variance is allowed, it will not nullify or substantially derogate from the intent and purpose of the zoning bylaw because: Please see attached typed document for Answer d. Will the proposed use include the storage or process of any hazardous substance? Yes _____ (Please attach additional information.) No ___X Applicant's Signature: Zenth & Finl f

Owner's Signature: Zenth & Finl f

Application For Grant of Dimensional Variance

Question and Answers From Page 2

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.):

1) Section 3.2 Variance for front yard setback. Under zoning by-law district ARB the set backs are as follows Front 40', Side 30', Rear 40'. The current existing house is non-conforming. Requesting variance to reduce Front yard setback to 28'. Please see supplied certified Final plot plan for requested setbacks and existing design in better detail. Please note: On July 24, 2019 the zoning board had voted in favor of the requested variance changes. At that time I had requested 29 foot setback. I apologize for my mis-calculation but the final plot plans indicate the front steps built to Massachusetts building codes came out to 28'6". Therefore to achieve the occupancy permit I must request a change to 28' set back. I have also supplied the engineered specs and pictures to which the front steps were built to.



The Applicant presents the following evidence that supports grant for 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 structure):

1) The existing steps have been completed to Massachusetts building codes. Please see attached pictures and structural engineered plans. This involved using large concrete footings

to secure the front step and landing. To redo the front landing would be a very large undertaking.



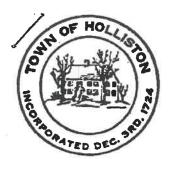
2) The second Option would be to raise the whole grade of the yard about a foot to properly make the second step and eliminating the bottom step therefore meeting the current allowed set back. This would cause water to run back into the house possibly flooding the basement and would also substantially raise the yard compared to the neighbors making it different from the surrounding yards.

B) If this variance is allowed it will create no substantial detriment to the public good because:

There is no substantial detriment to the public with this request.

C) If the variance is allowed, it will not nullify or substantially derogate from the intent and purpose of the zoning bylaw because:

- 1) In keeping with the neighborhood most home owners are facing the same difficulties with narrow lots and houses that are built within the zoning set back requirements.
- 2) If the existing front steps were to be allowed it would allow for save exit and entrance to the house.



TOWN OF HOLLISTON ZONING BOARD OF APPEALS

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

August 2, 2019

MOLLISTON MO: 16

Kenneth G. Fisher, Jr. 181 Ashland Street Holliston, MA 01746

Re: 181 Ashland Street

Dimensional Variance - Certificate of Action

Dear Kenneth:

Please find enclosed a copy of the above referenced Dimensional Variance Certificate of Action that was filed on August 2, 2019 with the Town Clerk's Office. The statutory 20-day appeal period has commenced. On or after August 23, 2019, you should contact the Town Clerk's office at 429-0601 regarding any appeals. The Town Clerk's Office has the original of the decision and must certify a copy for you to take to the Registry of Deeds. The recording information from the Registry must then be returned to the Town Clerk's Office and is required for your building permit.

If you should have any questions regarding this matter, please contact me at 429-0635.

Sincerely,

Diane Lynch 🛭

Zoning Board of Appeals



TOWN OF HOLLISTON ZONING BOARD OF APPEALS

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

DIMENSIONAL VARIANCE CERTIFICATE OF ACTION 181 Ashland Street

Date of Decision:

July 24, 2019

Owner(s)/Applicant(s):

Kenneth G. Fisher, Jr.

Applicant's Address:

181 Ashland Street

Subject Property:

Same

Assessor's Identification:

Map 14 Block 2 Lot 16

Zoning District:

Agricultural-Residential District B (AR-2)

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 July 9, 2019 and

2. Posting of the hearing notice in the Town Clerk's Office on June 20, 2019,

3. Notification to parties of interest (including the Petitioner) by mail on June 20, 2019.

The Petitioner filed an application with the Town Clerk on June 12, 2019. The public hearing was opened and closed on July 24, 2019. The Board deliberated the matter on June 24, 2019.

The Petitioner is seeking a Dimensional Variance from the provisions of Sections IV-B Schedule of Intensity Regulations and I-C (3.2) Pre-Existing, Non-Conforming Uses, Structures and Lots to add a farmers porch and 1.5 car garage addition to the existing home within the minimum front and side yard setbacks. The locus is 181 Ashland Street in the AR-2 zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Sections IV-B and I-C (3.2) of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the provisions of the by-law would involve substantial hardship to the Petitioner owing to circumstances relating to topography of land and structure on the non-conforming, narrow lot. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the by-law.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Sections IV-B, Schedule of Intensity Regulations and I-C (3.2) Pre-Existing, Non-Conforming Uses, Structures and Lots for property described and located at 181 Ashland Street was as follows on a motion by Mr. Bush, seconded by Mr. Peabody:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	Aye

Conditions of Approval

- 1. This Dimensional Variance 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 one (1) year unless exercised per MGL, c. 40A, s. 10. The copy of the decision to be filed must contain a certification the Town Clerk that twenty (20) days have elapsed since after the decision was filed and that no appeal has been filed or if such an appeal has been filed, that it has been dismissed or denied.
- 2. The construction shall be substantially in compliance with the plan of record entitled "Proposed Additions Plan of Land in Holliston, MA" prepared by Colonial Engineering, Inc. dated May 24, 2019. Construction shall be no closer than 29' on the front lot line and 13.6' on the side.

HOLLISTON ZONING BOARD OF APPEALS

John Love D. L.

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

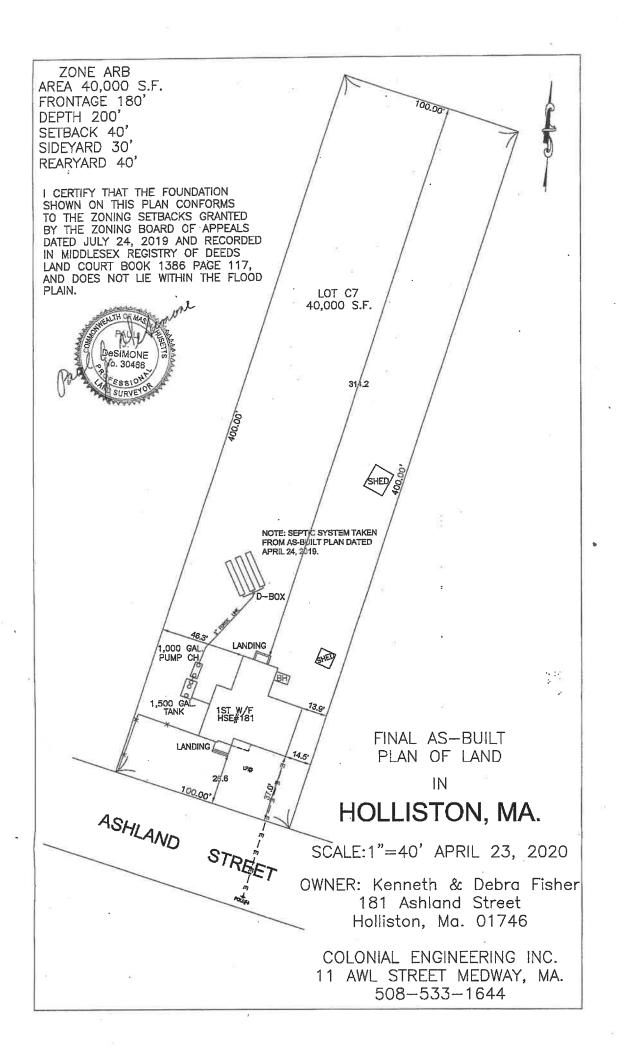
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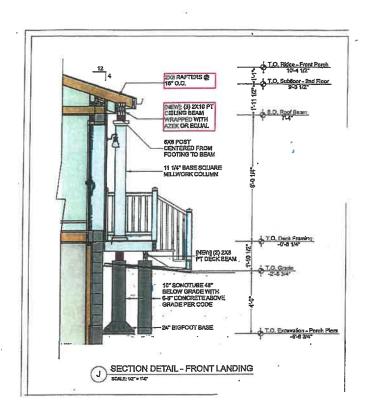
August 03,2019

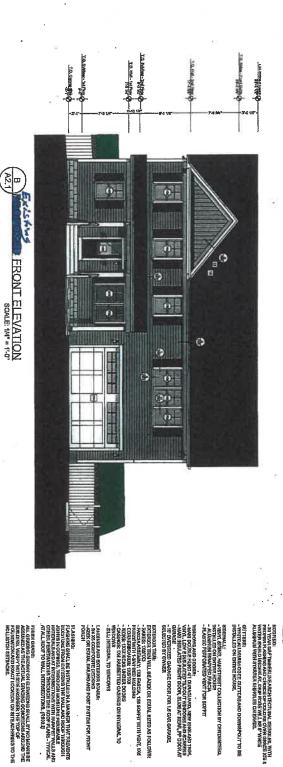
IV-B SCHEDULE OF INTENSITY REGULATIONS Minimum Lot Dimensions

Vil. Ctr. Ag-Res Dist. B Comm. Dist. A Dist. Res, Dist Ag-Res Apt. Dist Ind. Dist Comm Vil. Res District 10 ac. 30,000 sf 20,000 sf 5,000 sf*** 80,000 sf Alea 15,000 sf 10,000 sf 40,000 sf Frontage 500'* 70 225' 89 70; 1003 120' 180 Continuous 300 500* 200 Depth 503 50, 1503 150° 120 Front 40 50 30, 10'** 30 €, ő 15 Setbacks Minimum Yard 50 153** 40, 20' 15 20; 30 Side 15 50° 30, [5'** 30, 8 6, 20 Rear ŝ Stories 2 % 2 1/2 2 1/2 2 1/2 of Building or Structure Max, Height $\frac{3}{2}$ 8 6 40 6 335 $\frac{3}{5}$ of Coverage, 50** Structures, 20 8 30 25 20 Buildings & 50 50 Accessory Maximum % Buildings (FAR) Ratio Floor Area Incl. 0.50 0.50 1,00

perimeter setbacks shall be 50 feet from any component to any lot line. (Amended May 2012 – ATM, Art. 34. Previously amended May 2008 – ATM, Art. 39, May 1998 – ATM, Art. 45. May 1997 – ATM, Art. 30, May 1986 – ATM, Art. 11, March 1974 – ATM, Art. 10, and April 1970 – ATM, Art. 20.) requirements within the Schedule of Intensity Regulations. For all ground-mounted small- and large-scale solar power generation systems, minimum designed and constructed in accordance with plans approved as part of a subdivision approval by the Planning Board shall be exempt from the setback no specified ratio. Walls specifically designed as impermeable barriers for the proper installation of sub-surface sewage disposal systems, and those coverage to 80%, subject to Section V-K5 and '*** additional area may be necessary to meet Board of Health requirements for sewage disposal. "-" indicates such modification as the Board of Appeals may allow; *** except that the Board of Appeals may authorize the reduction of yards to zero and an increase in way which, in the opinion of the Planning Board, may later become a street, rather than to each building in such an apartment development. Exceptions: '*' or reference to: (a) the perimeter bounds of an entire apartment development; (b) each street bounding or within an apartment development; and (c) any private The above dimensions are subordinate to any Buffer Area requirements. In Apartment districts, the yard dimensions shall apply to building setbacks with







EXTERIOR NOTES: ELEVATIONS







A2.1

11/11/2019 SHEET: REV. DATE:

EXISTING AND PROPOSED FRONT ELEVATIONS

STRUCTURAL SNOWNERS

GMT



