

TOWN OF HOLLISTON
ZONING BOARD OF APPEALS
TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

2023 NOV 28 AM 11:26

APPLICATION FOR GRANT OF A DIMENSIONAL
VARIANCE

Date Filed: November 20, 2023

Subject Address: 3 Norfolk Lane

Applicant's Name: Greg A and Karin E McEwen

Applicant's Address: 1 Norfolk Lane

Applicant's Phone Number: 774-2178-0528

Owner's Name: Greg A. and Karin E. McEwen

Owner's Address: 1 Norfolk Lane

The Owner hereby appoints Peter Barbieri to act as
his/her/its agent for the purposes of submitting and processing this application for a
variance.

Applicant's Signature: Greg A. McEwen and Karin A. McEwen
Digitally signed by Greg A. McEwen and Karin A. McEwen
DN: cn=Greg A. McEwen and Karin A. McEwen,
c=US, email=pbarbieri@tetherhill.com, o=US
Date: 2023.11.20 15:18:46 -0500

Owner's Signature: Greg A. McEwen and Karin A. McEwen
Digitally signed by Greg A. McEwen and Karin A. McEwen
DN: cn=Greg A. McEwen and Karin A. McEwen, o=US
Date: 2023.11.20 15:20:06 -0500

The land is shown in the Assessor's records as Map 5 Block 5 Lot 16

Registry of Deeds Recording Information: Book 82230 Page 353 L.C. Y/N?

Zoning Information and Comments (To be completed by the Building Commissioner):

Zoning District: Agricultural Residential B

Building Commissioner's Comments:

Applicant is seeking to reconstruct an existing dwelling with in 200' of lake Winthrop and is expanding the structure more than the allowed 25%. This would require a dimensional variance under section IV-A (11).

Building Commissioner's Signature: Mark Kaferlein

1. Signed and sealed by the Building Commissioner.
2. All other signatures, including the applicant's, are subject to the Building Commissioner's review.
3. See 90A.01.01 Zoning Ordinance.

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.):

Variance from 200 foot high water mark setback requirement

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):

See attached

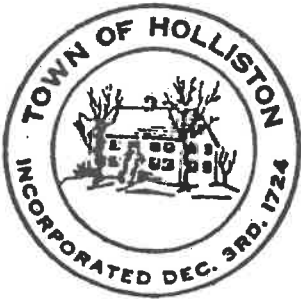
b. If this variance is allowed it will create no substantial detriment to the public good because:

See attached

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

See attached

d. Will the proposed use include the storage or process of any hazardous substance?
Yes _____ (Please attach additional information.) No ☒ _____



TOWN OF HOLLISTON
ZONING BOARD OF APPEALS
TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

2023 NOV 28 AM 11:26

APPLICATION FOR GRANT OF A SPECIAL PERMIT

Date Filed: November 20, 2023

Subject Address: 3 Norfolk Lane

Applicant's Name: Greg A. and Karin E. McEwen

Applicant's Phone Number: 774-217-0528

Owner's Name: Greg A. and Karin E. McEwen

Owner's Address: 1 Norfolk Lane

The Owner hereby appoints Peter Barbieri to act as his/her/its agent for the purposes of submitting and processing this application for a special permit.

Applicant's Signature: Greg A. McEwen and Karin A. McEwen

Digitally signed by Greg A. McEwen and Karin A. McEwen
DN: cn=Greg A. McEwen and Karin A. McEwen, o=US
Date: 2023.11.20 15:32:26 -0500

Owner's Signature: Greg A. McEwen and Karin A. McEwen

Digitally signed by Greg A. McEwen and Karin A. McEwen
DN: cn=Greg A. McEwen and Karin A. McEwen, o=US
Date: 2023.11.20 15:32:43 -0500

Registry of Deeds Recording Information: Book 82230 Page 353 L.C. Y/N?

Assessors Map 5 Block 5 Lot 16

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

Zoning District: Agricultural Residence B

Building Commissioner's Comments:

The applicant needs a special permit to reconstruct after voluntary demolition according to section I-C 3.5.1 (3)

Building Commissioner's Signature: Mark Kaferlein

Digitally signed by Mark Kaferlein
DN: cn=Mark Kaferlein, o=City of Madison, ou=Building Commissioner,
email=mark.kaferlein@cityofmadison.com, c=US
Date: 2023.11.29 15:04:30 -0500

Section of Zoning Bylaw that permits this use by grant of Special Permit:

I.C.3.5.1.(3)

Nature and subject matter of Special Permit:

Special Permit to reconstruct existing non-conforming single family dwelling within 200 feet of the high water mark of Lake Winthrop

The Applicant presents the following evidence that supports the grant of the special Permit:

a. The use is in harmony with the general purpose and intent of the bylaw because:

See attached

b. The general or specific provisions of a grant of a special permit, as set forth in the zoning bylaw are satisfied because:

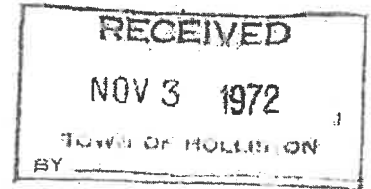
See attached

Will the proposed use include the storage or process of any hazardous substances?
Yes _____ (Please attach additional information.) No ☒ _____

Hill St.

Goodwin

COMMONWEALTH OF MASSACHUSETTS



Middlesex, ss.

November 2, 1972.

Re: Petition of Forest C. Goodwin and Freda M. Goodwin
by P. Joseph Kenney

The Petitioner filed an application with the Board for a Special Permit under Section IV-A, Item 9, General Requirements-Intensity Regulations and for a Variance under Section IV-B, Schedule of Intensity Regulations of the Zoning By-laws on property located off Hill street, Holliston, Massachusetts in Zoning District AR-2.

A public hearing was held on Thursday, October 19, 1972 at 7:45 P.M. at the Town Hall, notice of which was sent to all persons deemed by the Board to be affected by the subject matter of the Petition. Notice of the hearing was published in the South Middlesex Daily News on October 4 and October 11, 1972 as required by law.

Mr. P. Joseph Kenney, Attorney for the Petitioner, appeared before the Board and set forth the details of the Petition.

ATTACHMENTS:

Petition of Forest C. Goodwin and Freda M. Goodwin by P. JOseph Kenney	Filed with the original Decision in the office of the Town Clerk
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Plan of Land	Filed with the original Decision in the office of the Town Clerk
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The Petitioner came on to be heard and from statements made by the Petitioner's attorney, Mr. Kenney, and observations made of the Plan of Land by the Board, it was determined that the Petitioner is the owner of approximately four(4) acres of land on Lake Winthrop and off a private right of way; that Mr. Goodwin plows the private way (Known as Norfolk Lane) for his own benefit as well as his neighbors; and that he desires to divide the lot into two parcels and two homesteads. He intends to remain living on one parcel containing 3.2 acres, more or less, and to sell the house, garage

and lot of 40,005 sq.ft., more or less, as depicted in his plan.

DECISION:

The Petitioner seeks relief in this alternative, i.e., either under a Special Permit as provided in Section IV-A (General Requirements- Intensity Regulations), Item 9 or by Variance from the requirements of Section IV-B (Schedule of Intensity Regulations).

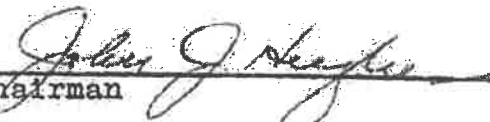
Since the referenced dwellings already existed at the time of adoption of our present By-laws, the Board feels that granting a Special Permit under Item 9, Section IV-A is most appropriate in the instant case. As the lot has been divided in a manner complying as closely as possible with our present requirements and the use intended will not be detrimental to the established or future character of the neighborhood or the Town.

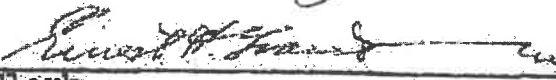
Upon a motion duly made and seconded, it was unanimously

VOTED:

To grant the requested Special Permit.

Holliston Zoning Board of Appeals


Chairman


Clerk


Member

**MEMORANDUM IN SUPPORT OF
PETITION FOR SPECIAL PERMIT AND VARIANCE**

The property at 3 Norfolk Lane (the "Premises") was created as a result of the grant of a variance in 1972 (copy of decision attached). The Premises is located in an Agricultural Residential B District ("AG B District"). The Premises, when created and now, consists of forty thousand five (40,005) square feet and has one hundred and five (105) feet of frontage on Norfolk Lane.

Based upon Assessors' records, the dwelling on the Premises was constructed in the 1950's, before the establishment of the current setback requirements. The existing dwelling is located approximately feet from the high-water mark of Lake Winthrop which abuts the Premises. Section IV.A.11 of the Zoning By-Law requires that structures be set back 200 feet from the high-water mark of a pond or water body which has an area in excess of twenty (20) acres. The 200-foot-high water mark setback encompasses the entire Property. The existing dwelling location is therefore nonconforming, as Lake Winthrop has an area in excess of twenty (20) acres. The existing dwelling is also setback less than twenty-nine (29) feet from the westerly property line. The location of the dwelling is, therefore, non-conforming, as a side setback of thirty (30) feet is required for structures in an AG B District.

In 1972, the owner of the Premises and who also owned the adjacent property know as 1 Norfolk Lane received Special Permit from the Zoning Board of Appeals to subdivide the property, to create two lots each with a dwelling thereon. A copy of the 1972 Special Permit is attached. Section IV.A.9 allowed the Zoning Board to authorize the subdivision of the property to create the two lots. The lots therefore became nonconforming under the 1972 Special Permit, due to the existence of two dwellings on lots that did not meet the required frontage.

The dwelling itself has not been upgraded for years, is outdated and as a result needs to be replaced. The septic system also needs to be replaced. The Applicant has obtained approval from the Conservation Commission for the construction of the dwelling and the replacement of the Septic System.

The proposal is to replace the existing dwelling with a new single family dwelling. The location of the new two-story dwelling will be feet from the high-water mark of Lake Winthrop. The dwelling location will meet all other required setbacks, thereby eliminating the current nonconforming side setback. A Special Permit is required pursuant to Section I. C.3.5.1.(3) of the Zoning By-Law which requires the issuance of a Special Permit for the changes to a non-conforming dwelling setback if the location of the dwelling will not be in the same location as the existing dwelling (new location will be more conforming as to side yard and high

watermark setbacks) and if the new structure gross floor area exceeds the gross floor area of the original footprint. The original footprint consists of square feet. The proposed footprint consists of approximately 2,280 square feet including the proposed deck and porch. Therefore, a Special Permit is required as the location of the new dwelling is not in the same location as the existing dwelling and the footprint of the proposed dwelling exceeds the footprint of the existing dwelling.

The granting of the request for the issuance of a Special Permit to allow the proposed improvements is in harmony with the purpose and intent of the By-Law, which is to allow single-family dwellings on lots within the AR B Zone. The granting of the requested relief will authorize the use of the Premises in a manner that is not substantially detrimental to the public good as the location of the proposed dwelling is more in compliance with the setback requirements of the By-Law than the location of the existing dwelling.

As to the Premises is entirely within the 200-foot-high water mark of Lake Winthrop a variance from the high-water mark set back is required (Section IV. A. 11). The Premise due to its location ion Lake Winthrop and the previously issued Special Permit make the Property Unique.

Not being able to develop the property for a single-family home which is the only use allowed would be a financial hardship. The use of the property for a single-family home would not be detrimental to the purpose and intent of the Bylaw as single-family use is allowed in the district. The fact that the entire property is located within the 200-foot setback prohibits the use of the property absent a variance from the setback requirement

The Petitioner, therefore, requests that the Zoning Board of Appeals grant a Special Permit and variance thereby authorizing the use of the Premises as depicted on the Plans.

PETITIONER

Greg A. McEwen and
Karin E. McEwen
By Their Attorney

A handwritten signature in black ink, appearing to read "Peter R. Barbieri", is written over a horizontal line.

Peter R. Barbieri, Esquire
Fletcher Tilton PC
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Framingham, MA 01701
Direct Phone: 508-532-3517
Email: pbarbieri@fletchertilton.com

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