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HOLLISTON, MASS  
TOWN OF HOLLISTON  
ZONING BOARD OF APPEALS  
TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

2023 APR 20 AM 9:47

**APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE**

Date Filed: March 31, 2023

Subject Address: 34 Maple Street

Applicant's Name: C&F Brothers Services, Inc.

Applicant's Address: 58 Ruthellen Road Holliston

Applicant's Email: tony@cfbrothersroofing.com

Applicant's Phone Number: 508-466-0431

Owner's Name: C&F Brothers Services, Inc.

Owner's Address: 58 Ruthellen Road Holliston

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: Cleiton A DeAraujo  
Digitally signed by Cleiton A DeAraujo  
DN: cn=Cleiton A DeAraujo, o=C&F Brothers  
services, Inc., ou,  
email=tony@cfbrothersroofing.com, c=US  
Date: 2023.04.18 14:35:19 -0400

Owner's Signature: Cleiton A DeAraujo  
Digitally signed by Cleiton A DeAraujo  
DN: cn=Cleiton A DeAraujo, o=C&F Brothers services,  
Inc., ou, email=tony@cfbrothersroofing.com, c=US  
Date: 2023.04.18 14:35:44 -0400

The land is shown in the Assessor's records as Map 11 Block 7 Lot 44

Registry of Deeds Recording Information: Book 81252 Page 577 L.C. Y/N?

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

Zoning District: AR-B

The applicant is looking to build an addition on the front of the pre existing nonconforming structure creating a new nonconformity. This requires a dimensional variance according to section I-C 3.2.

*[Handwritten signature]* 4/19/23

**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.):**

See attached

**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 ☒ \_\_\_\_\_

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

The property at 34 Maple Street (the "Premises") was created and developed in the 1950's prior to the amendment of the Zoning By-Law establishing the current Dimensional Requirements for lots within the Agricultural Residence B Zone (ARB Zone) in which the property is located. The Premises, when created, consisted of twenty-seven thousand three hundred six (27,306) square feet with one hundred twenty-five (125) feet of frontage, which conditions have not changed. The Premises is, therefore, non-conforming, as lots within the ARB Zone are required to have forty thousand (40,000) square feet and one hundred eighty (180) feet of frontage.

Based upon Assessors' records, the dwelling on the Premises was constructed in 1954, before the establishment of the current Zoning Standards. The dwelling is located approximately thirty (30) feet from Maple Street. The dwelling is only setback seven (7) feet nine (9) inches from the westerly property line. The location of the dwelling is, therefore, non-conforming, as a front setback of forty (40) feet is required and a side setback of thirty (30) feet is required. The dwelling was located close to the street due to the requirements for the construction of a septic system and wetland conditions to the rear of the lot. The septic system is located behind the dwelling, which pushed the location of the dwelling towards the street, as depicted on the attached Plan.

The existing dwelling consists of approximately one thousand two hundred (1,200) square feet of finished area, not including the basement, and includes a single car garage. The existing dwelling is a one (1) story structure.

The proposal is to reconstruct the house adding a second floor, locating the house in the same location as the existing dwelling and maintaining the current setbacks via the use of the existing foundation. The only exception relates to the front setback, as the Plans depict a 16' × 4'6" bump out in the front. The area of the bump out includes a new entrance and a stairway. Accordingly, with the bump out (in line with the existing front stoop), the setback will be reduced by four and one-half (4½) feet to twenty-six (26) feet. A small addition is proposed in the rear which is within the thirty (30) foot side setback, however the addition is twelve (12) feet beyond the existing non-conforming side setback line of the dwelling. As noted, the dwelling is presently non-conforming as to setbacks and, accordingly, the second-floor addition will follow the same existing non-conforming setback line.

The reconstruction and expansion of the existing, non-conforming structure is in excess of fifty percent (50%) of the existing size of the structure; thereby, requiring a Special Permit for the maintenance of the same side setbacks for the enlarged structure. The construction of the entry bump out necessitates a Variance from the Setback Requirements, as it decreases the front setback by four and one half (4 ½) feet.

As noted, the property is affected by wetlands, the location of the septic system and the existing 1950's structure with the front and side setbacks deficiencies (dwelling constructed before current Setback Regulations). These conditions, as well as the lot size (undersized, only twenty-seven thousand three hundred six (27,306) square feet) and the non-conforming frontage makes the Premises unique as compared to other properties. The other lots on Maple Street either have more area and/or greater frontage/width or are generally not impacted by wetlands.

With the sale of the property it was determined that the septic system needed to be replaced. Due to the proximity of the wetlands, there is an extensive cost in connection with the replacement of the septic system. The dwelling itself has also not been upgraded for years and is outdated. Accordingly, the costs to install the septic system and to renovate the dwelling exceed the fair market value of the property and, as such, the proposal is to reconstruct the property, adding a second floor; thereby providing value to the property as a return for the significant cost investment to make the property useable under today's market standards. The requested relief is in the nature of a Variance for a sixty-eight (68) square foot encroachment within the front setback. This encroachment is not substantially detrimental to the public good nor is it a substantial derogation from the purpose and intent of the By-Law. As noted, the dwelling is already non-conforming, and the small area of encroachment will not have any significant impact to the street appearance. In fact, the proposed plans will result in an improvement of the property. Additionally, the single-family use of the property is consistent and authorized under the Zoning By-Law and will, therefore, not have a detrimental impact nor derogate from the purpose or intent of the By-Law.

As to the Special Permit required for the alteration of the premises (expansion layout is fifty percent (50%) of the existing structure), the granting of the request for 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 ARB Zone. The granting of the requested relief will authorize the use of the property in a manner that is not substantially detrimental to the public good.

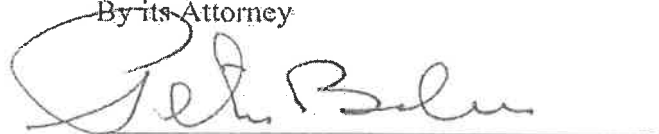
The Petitioner, therefore, requests that the Zoning Board of Appeals grant a Special Permit

and a Variance (front setback); thereby authorizing the use of the Property as depicted on the Plans.

PETITIONER

C & F BROTHERS SERVICES INC.

By its Attorney

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

Peter R. Barbieri, Esquire

Fletcher Tilton PC

161 Worcester Road, Suite 501

Framingham, MA 01701

Direct Phone: 508-532-3517

Email: [pbarbieri@fletchertilton.com](mailto:pbarbieri@fletchertilton.com)

# PROPOSED PLOT PLAN 34 MAPLE STREET HOLLISTON, MASS.

DATE: APRIL 13, 2023 SCALE: 1" = 20'

PREPARED FOR:

C&F BROTHERS SERVICES, INC.  
58 RUTHLEEN ROAD  
HOLLISTON, MASS. 01746

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO. LLC  
838 WASHINGTON STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057

DEED BOOK 81252 PAGE 577  
ASSESSORS MAP 11 BLOCK 7 LOT 44  
EXISTING COVERAGE: 1,619 SF = 5.9%  
PROPOSED COVERAGE: 1,856 SF = 6.8%

ZONED:	AR-B	REQUIRED	EXISTING	PROPOSED
MINIMUM AREA		40,000 SF	27,306 SF	27,306 SF
MINIMUM FRONTAGE		180 FT	125 FT	125 FT
MINIMUM SETBACK		40 FT	30.4 FT	26.0 FT
MINIMUM SIDE YARD (R)		30 FT	37.6 FT	37.6 FT
MINIMUM SIDE YARD (L)		30 FT	7.9 FT	7.9 FT
MINIMUM REAR YARD		40 FT	194.9 FT	194.9 FT
MAXIMUM COVERAGE		25%	5.9%	6.8%

NOTE: THE DIMENSIONS OF THE HOUSE SHOWN WERE MEASURED ALONG THE SIDING.

NOTE: THE LOCATION OF THE SEPTIC SYSTEM, FLOOD ZONE, RIVER BANK, WETLANDS, AND BUFFER ZONES SHOWN ARE FROM A "SEPTIC SYSTEM CONSTRUCTION" PLAN BY CIVILIZED SOLUTIONS, INC. DATED DECEMBER 12, 2022. THE SYSTEM HAS NOT BEEN INSTALLED AS OF THE DATE OF THIS PLAN.

NOTE: THE ENTIRE PROPERTY SHOWN IS LOCATED WITHIN A 100' BUFFER TO A BORDERING VEGETATED WETLANDS.

CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON PREDATE THE CURRENT DIMENSIONAL AND DIMENSIONAL OFFSET REGULATIONS OF THE HOLLISTON ZONING BYLAWS.

