



TOWN OF HOLLISTON
ZONING BOARD OF APPEALS

TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE

Date Filed: December 29, 2022

Subject Address: 36 Cranberry Lane

Applicant's Name: Gregory G. and Eileen S. Ferrick

Applicant's Address: 36 Cranberry Lane, Holliston, MA 01746

Applicant's Email: ggferrick@yahoo.com

Applicant's Phone Number: _____

Owner's Name: Gregory G. and Eileen S. Ferrick

Owner's Address: 36 Cranberry Lane, Holliston, MA 01746

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

Applicant's Signature: _____

Owner's Signature: _____

The land is shown in the Assessor's records as Map 12 Block 3 Lot 7A

Registry of Deeds Recording Information: Book 73077 Page 529 L.C. Y/N?

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

Zoning District: PK-2

The Garage addition requires a variance because it pulls in the side yard setback. They previously received a variance and never acted on it.
MK 12/30/22

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 for setback for Garage. Schedule of Intensity Regulations (IV.B.) Side yard AR-2 Variance for more than twenty percent (20%) coverage. Groundwater Protection District Zone II permitted use. (V.L.4.A.3.e.)

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):

Wetlands, septic system and existing house location impact construction of Garage meeting Setback Requirements.

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

Allowed use will be single-family home with attached Garage.
(Normal conditions)

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

Use and impact of single-family home will not be altered. Detached Garage could be located closer to sideline.
Prior Approval for setback attached.

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

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

The property at 36 Cranberry Lane was created and developed in 1963 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 Lot (Lot 7A) when created consisted of twenty-one thousand eighty-six (21,086) square feet with 141.93 feet of frontage, which conditions have not changed. The Lot 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.

The dwelling on the property was constructed in 1963 based upon Assessors' records. The dwelling is located less than forty (40) feet from the street. The location of the dwelling is, therefore, also non-confirming as a front setback of forty (40) 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 to the street, as depicted on the Site Plan. Due to high ground water in the area, the dwelling was raised, requiring four (4) steps to enter the home.

In 2020, the Applicants received Variance to construct a garage; however, due to COVID and costs the garage was not constructed. A copy of the 2020 Variance is attached. The Applicants seek to again install a garage; however, due to the restrictions applicable to the property, the garage cannot be located outside of the required thirty (30) foot side setback. The garage is to be attached to the dwelling by a breezeway. This is necessary due to the four (4)-step entry into the home. The garage is located to the south side of the dwelling as that is the kitchen/living room side of the

house. Bedrooms occupy the north side of the home prohibiting construction of the garage on the north side of the house.

The location of the garage is also limited due to the wetland conditions affecting the Lot, as well as the existing construction (elevation and location of the dwelling), thereby, leaving the only location for the construction of the garage to be in the existing driveway, which will continue to serve as the driveway to the garage.

The garage is proposed to be located within 17.98 feet (including overhang) of the southerly property line (12.02 side setback deficiency). The Applicants, therefore, require a Variance from the Side Setback Requirement. All other conditions of the By-Law relating to the proposed construction are satisfied.

The property consists of twenty-one thousand eighty-six (21,086) square feet. The By-Law limits the impervious coverage on the site to twenty percent (20%) (4,217 square feet). The proposed improvements establish an impervious coverage of 20.84%. Pursuant to the Groundwater Protection District Requirements of the By-Law, Section V- L. 4.), residential uses are allowed as of right in a Zone II provided that the total impervious surface on the Lot is no more than twenty percent (20%). As the proposal establishes a 20.84% impervious coverage rate, a Variance is required.

The proposal also includes the construction of the bedroom addition. The construction of the bedroom addition, in and of itself, would not require any approvals as the size of the addition (240 square feet) together with past changes to the dwelling would not result in an increase of more than fifty percent (50%) of the size of the original dwelling. However, due to the bedroom addition and the garage addition, the combined areas of the new additions exceed the allowed fifty percent (50%) increase of the original gross floor area of the structure. This increase in gross floor

area does not allow the Building Official to issue a building permit. Therefore, a Special Permit under Section I. C. 3. 2. (Changes Resulting in Increased or New Non-Conformity) is required.

The 10' × 24' addition is in an area that is presently grass and, as noted, will follow the existing non-conforming front setback. Accordingly, the proposed addition will not significantly alter the character of the dwelling nor the neighborhood. The garage construction, as noted in the Board's prior Variance Decision, will also not have a detrimental impact. The proposed improvements to the dwelling have been integrated into the existing terrain and will not have any impacts upon wetland areas, steep slopes or the flood plain. The proposed Plan will result in an expanded driveway, which will provide for adequate services for the continued use of the Property as a three (3) bedroom dwelling. The proposed improvements will not create any additional emissions of noise, dust, fumes or noxious gases or have an adverse impact upon stormwater, erosion or sediment. Finally, the proposed dwelling improvements will not create any unreasonable glare from lighting.

As noted, the property is affected by wetlands, high ground water, the location of the septic system, the elevated construction of the dwelling and the existing driveway location. These conditions, as well as the lot size, only twenty-one thousand eighty-six (21,086) square feet with non-conforming frontage/width makes the property unique as compared to other properties. Most of the other lots on Cranberry Lane either have more area and/or greater frontage/width. The dwellings, which are not offset on their lots, are not impacted by wetlands and/or have garages which were constructed at the time that the homes were built. In fact, over seventy percent (70%) (not including the subject property) of the homes on Cranberry Lane have garages. This property is, therefore, unique.

The granting of the requested relief will authorize the use of the property to be consistent with most of the dwellings on Cranberry Lane (homes with garages) in a manner that is not substantially detrimental to the public good. As noted, a majority of the homes on Cranberry Lane have garages, so adding a garage to this home will not be out of place. In addition, the construction will not be more detrimental than the construction of a detached garage. Pursuant to Section V-A, Accessory Building and Structures, of the By-Law, an accessory building (garage) can be located up to ten (10) feet from a lot line provided the structure is not within the front setback. The garage is not within the front setback and will be setback 17.98 feet from the lot line. The attachment of the garage to the house makes it part of the structure and not an accessory building. However, the connection allows for the garage to be setback more than ten (10) feet from the side lot line; thereby, promoting the interest of the By-Law to offset structures from lot lines.

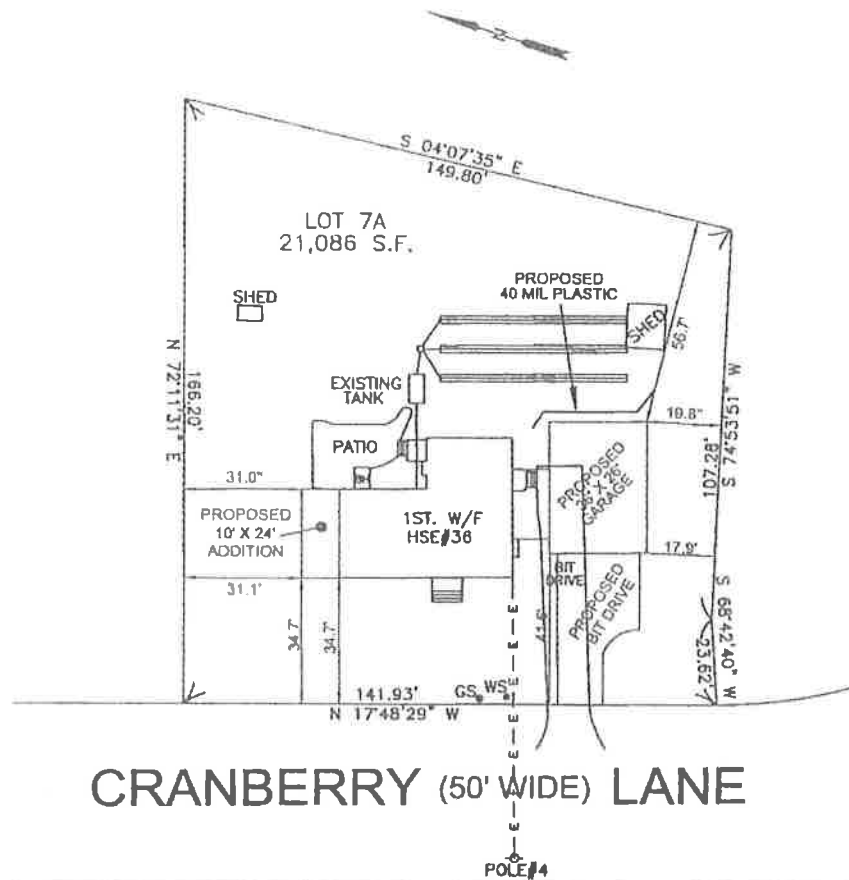
The granting of the requested relief, therefore, does not substantially derogate from the intent of the By-Law and will allow for the single-family dwelling use of the property in a manner which is consistent with the already established single-family dwellings with garages on Cranberry Lane.

PETITIONERS:

GREGORY and EILEEN FERRICK
By their Attorney

A handwritten signature in dark ink, appearing to read "P. 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



ZONE ARB

AREA = 40,000 S.F.
FRONTAGE = 180'
DEPTH = 200'
SETBACK = 40'
SIDEYARD = 30'
REARYARD = 40'
BUILDING COVERAGE = 25%
ZONE II IMPERVIOUS COVERAGE = 20%

EXISTING BUILDING COVERAGE = 8.00%
EXISTING IMPERVIOUS COVERAGE = 13.26%

PROPOSED BUILDING COVERAGE = 14.36%
PROPOSED IMPERVIOUS COVERAGE = 20.84%

NOTE: LOT IS PRE-EXISTING & NON-CONFORMING
CREATED MARCH 26, 1963.

PROPOSED ADDITION PLAN OF LAND

IN

HOLLISTON, MA.

SCALE: 1"=40' FEB. 10, 2022

OWNER: Gregory & Eileen Ferrick
36 Cranberry Lane
Holliston, Ma. 01746

COLONIAL ENGINEERING INC.
11 AWL STREET MEDWAY, MA.
508-533-1644



Anthony M. Dellorco



Before construction has commenced
Do not begin drawings

36 CRANBERRY LANE
HOLLISTON, MA

PLAN

S1.0



DETAILS

These drawings are prepared and issued by O. Michael Collins Architects, Inc. and are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for the construction of the building or for the safety of the building or for the safety of the people who use the building. The architect is not responsible for the construction of the building or for the safety of the building or for the safety of the people who use the building.

REVISIONS:

ISSUE DATE:

FERRICK
RESIDENCE
36 CANNIBERT LANE
HOLMSTON, MA

DRAWN BY:

KL

DATE:

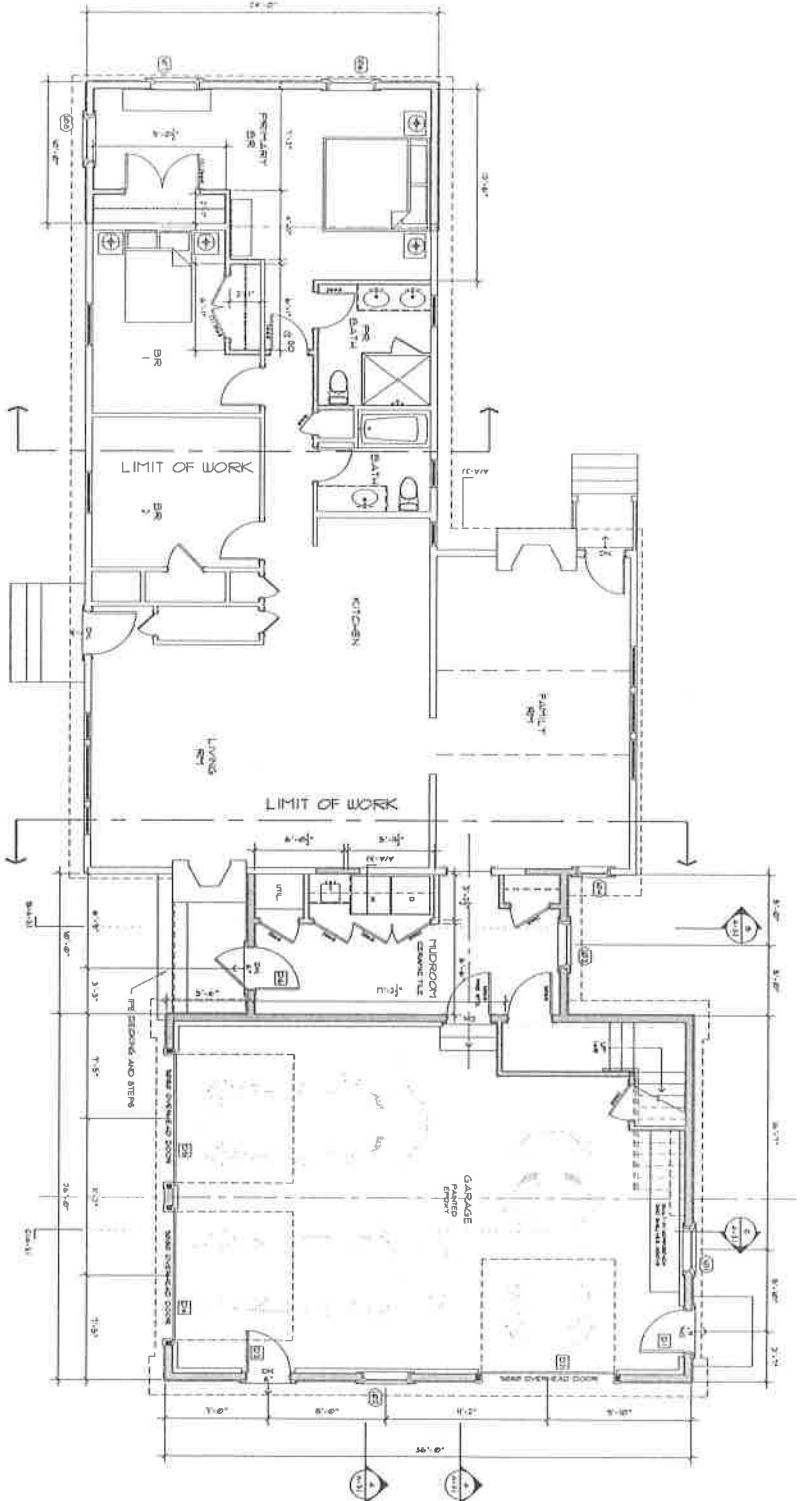
11/21/2022

DESCRIPTION:

FIRST
FLOOR
PLAN

DRAWING NUMBER:

A1.1



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

These drawings and specifications are prepared by D. Michael Gould Architects in accordance with the provisions of the New York State Building Code and the New York State Uniform Fire Prevention and Life Safety Code. The drawings and specifications are intended to be used in conjunction with the New York State Building Code and the New York State Uniform Fire Prevention and Life Safety Code. The drawings and specifications are not to be used for any other purpose without the written consent of D. Michael Gould Architects.

REVISIONS:

ISSUE DATE:

FERICK
RESIDENCE
36 CHAMBERLAIN LANE
HOLLISTON, MA

DRAWN BY:

KEL

DATE:

11.21.2022

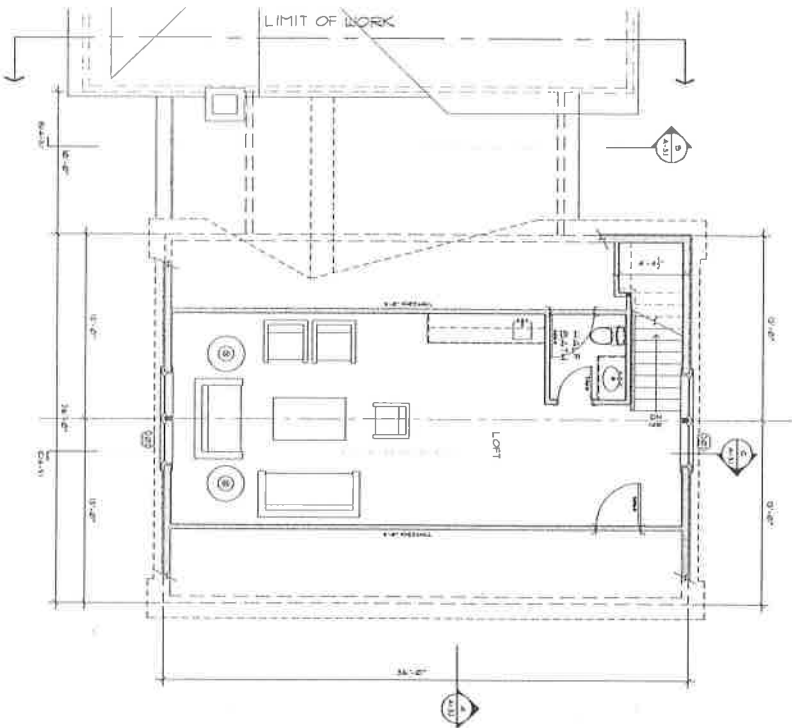
DESCRIPTION:

SECOND FLOOR
AND ROOF
PLANS

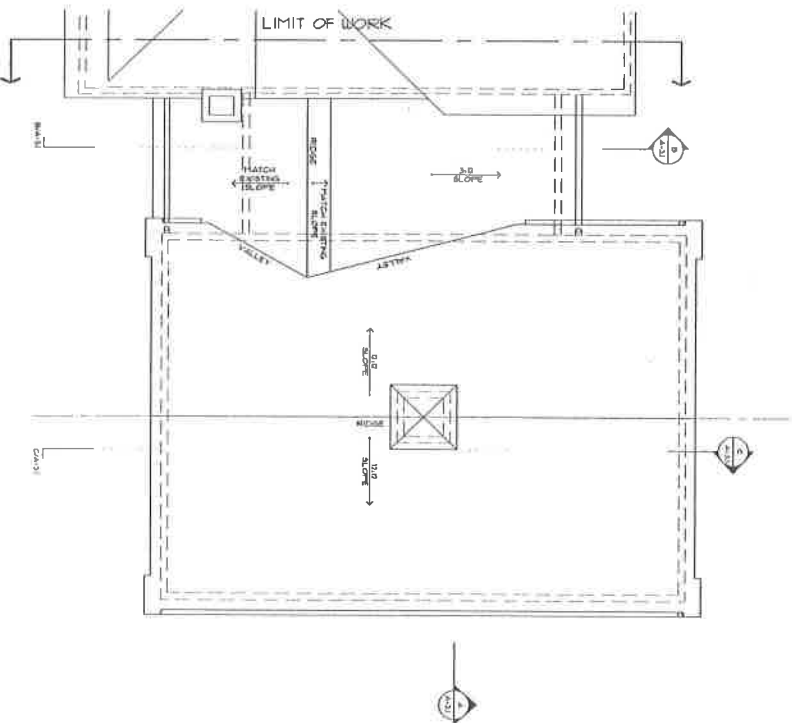
DRAWING NUMBER:

A1.2

1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 ROOF PLAN
SCALE: 1/8" = 1'-0"





REVISIONS:

These extended oral contraceptives provide the same oral and reliable protection of D. Mottet, chief architect at headquarters of Wyeth, a global leader in the production of birth control pills. Contraceptives and the vast majority of the women who use them are not the subject of the book. The book is about the people who make the pills, the people who sell them, and the people who use them. The book is about the people who make the pills, the people who sell them, and the people who use them. The book is about the people who make the pills, the people who sell them, and the people who use them.



DRAWING NUMBER:

A2.2

**FERRICK
RESIDENCE**

B. MICHAEL
COLLINS
ARCHITECTS

DETAILS
These drawings are for informational and reference only. They are not to be used for construction without the written consent of the architect. The drawings are prepared by the architect and are subject to change without notice. The drawings are not to be used for construction without the written consent of the architect.

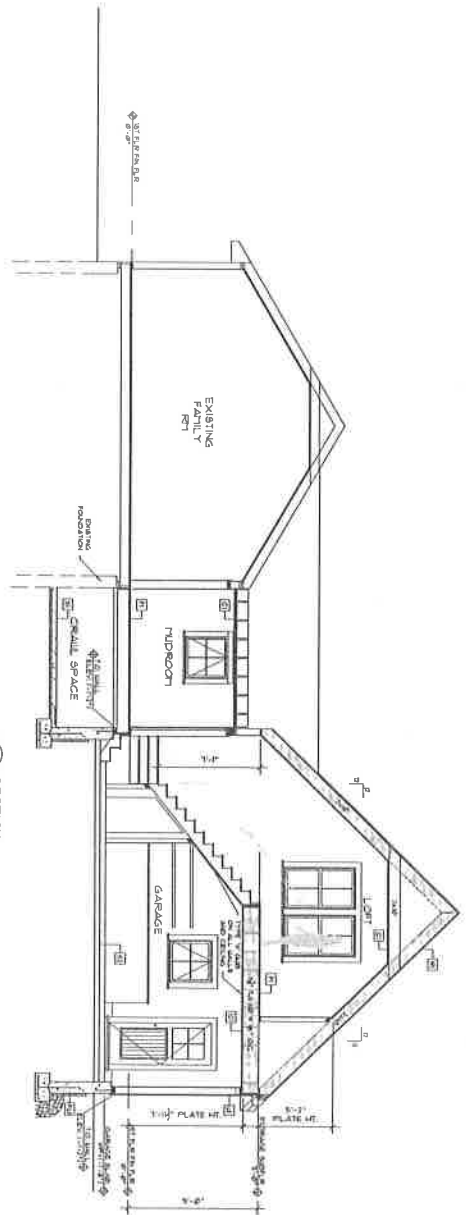
REVISIONS:

ISSUE DATE:

**FERRICK
RESIDENCE**
3A CHAMBERLAIN LANE
HOLLISTON, MA

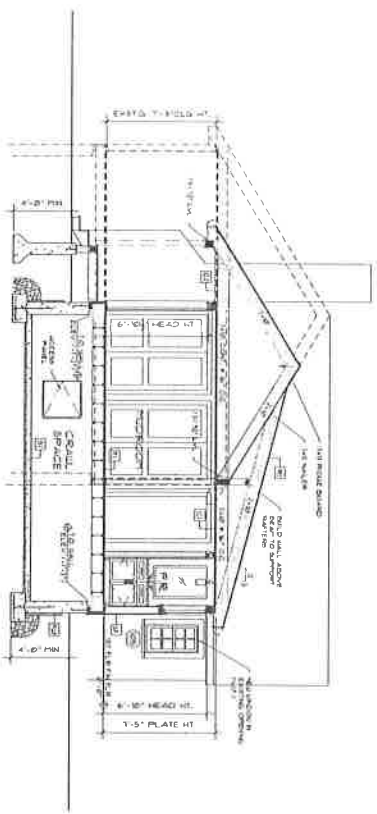
SECTIONS
DRAWN BY:
KLL
DATE:
11/21/2022
DESCRIPTION:

SECTIONS
DRAWING NUMBER:
A3.1

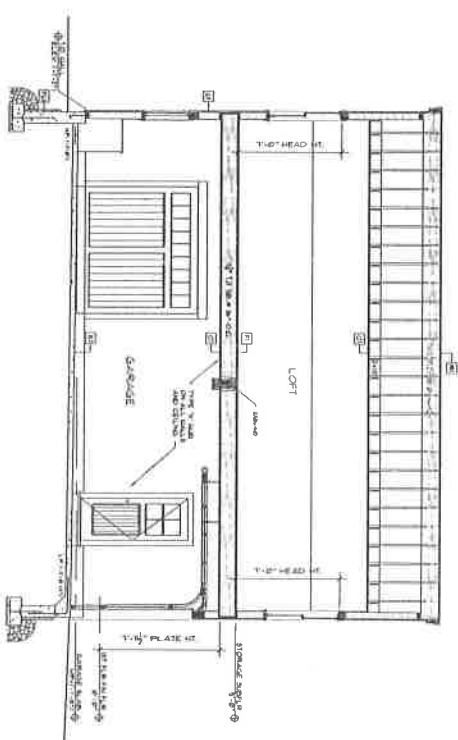


A SECTION
SCALE: 1/8" = 1'-0"

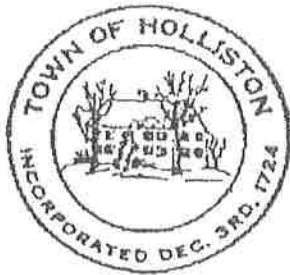
- TYPICAL CONSTRUCTION SYSTEMS**
1. **FOUNDATION CONSTRUCTION**
Foundation walls and footings shall be constructed of concrete. Foundation walls shall be finished with a 1/2" thick layer of 1/2" thick concrete. Foundation walls shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 2. **CEILING CONSTRUCTION**
Ceiling shall be constructed of 5/8" thick gypsum board. Ceiling shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 3. **WALL CONSTRUCTION**
Walls shall be constructed of 8" thick concrete. Walls shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 4. **FLOOR CONSTRUCTION**
Floors shall be constructed of 4" thick concrete. Floors shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 5. **ROOF CONSTRUCTION**
Roof shall be constructed of 2" thick concrete. Roof shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 6. **DOOR CONSTRUCTION**
Doors shall be constructed of 1 1/2" thick solid core. Doors shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 7. **WINDOW CONSTRUCTION**
Windows shall be constructed of 2" thick solid core. Windows shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 8. **STAIR CONSTRUCTION**
Stairs shall be constructed of 4" thick concrete. Stairs shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 9. **BATH CONSTRUCTION**
Bath shall be constructed of 4" thick concrete. Bath shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 10. **KITCHEN CONSTRUCTION**
Kitchen shall be constructed of 4" thick concrete. Kitchen shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 11. **LIVING CONSTRUCTION**
Living shall be constructed of 4" thick concrete. Living shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 12. **DINING CONSTRUCTION**
Dining shall be constructed of 4" thick concrete. Dining shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 13. **BREAKFAST CONSTRUCTION**
Breakfast shall be constructed of 4" thick concrete. Breakfast shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 14. **SLEEPING CONSTRUCTION**
Sleeping shall be constructed of 4" thick concrete. Sleeping shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 15. **LOFT CONSTRUCTION**
Loft shall be constructed of 4" thick concrete. Loft shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 16. **GARAGE CONSTRUCTION**
Garage shall be constructed of 4" thick concrete. Garage shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 17. **CRAIL SPACE CONSTRUCTION**
Crail space shall be constructed of 4" thick concrete. Crail space shall be finished with a 1/2" thick layer of 1/2" thick concrete.
 18. **CRAIL SPACE CONSTRUCTION**
Crail space shall be constructed of 4" thick concrete. Crail space shall be finished with a 1/2" thick layer of 1/2" thick concrete.



B SECTION
SCALE: 1/8" = 1'-0"



C SECTION
SCALE: 1/8" = 1'-0"



**TOWN OF HOLLISTON
ZONING BOARD OF APPEALS**

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

OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS
2020 MAY -7 PM 1:19

**DIMENSIONAL VARIANCE CERTIFICATE OF ACTION
36 CRANBERRY LANE**

Date of Decision: April 22, 2020
Owners/Applicant(s): Gregory G. and Eileen S. Ferrick
Applicant's Address: 36 Cranberry Lane, Holliston, MA 01746
Subject Property: 36 Cranberry Lane
Assessor's Identification: Map 12 Block 3 Lot 7A
Zoning District: Agricultural Residential B (AR-2)

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 April 7 and 14, 2020,
2. Posting of the hearing notice in the Town Clerk's Office on April 2, 2020,
3. Notification to parties of interest (including the Petitioner) by mail on April 2, 2020.

The Petitioner filed an application with the Town Clerk on April 2, 2020. The public hearing was opened on April 22, 2020 at which time the hearing was closed. The Board also deliberated the matter on April 22, 2020.

Project Description

The Petitioner is seeking a Dimensional Variance from the provisions of Section I-C (3.2) Pre-Existing, Non-Conforming Uses, Structures and Lots to allow an encroachment into the required side yard setback. The locus is non-conforming with regard to area, frontage and front yard setback. The lot was created by subdivision prior to the designation of the current zoning district.

Marginal Reference with Deed recorded in Book 73077, Page 529

Locus: 36 Cranberry Lane, Holliston, MA

Holliston Zoning Board of Appeals

36 Cranberry Lane -- Dimensional Variance

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections I-C(3) Pre-Existing, Non-Conforming Uses, Lots and Structures and VI-D(3) Variances of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: Literal enforcement of the by-law would result in substantial hardship to the applicant. The proposed use is in harmony with the general purpose and intent of the by-law and will create no substantial detriment to the public good. Unique circumstances related to the shape and size of the parcel, existing house placement as well as the septic system location have been demonstrated. A detached structure could be placed within 10' of the side lot line by right.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section I-C (3) for construction of a 26'x 36' attached garage on property described and located at 36 Cranberry Lane was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

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

Conditions of Approval

1. This 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 and Section VI-D of the Holliston Zoning By-Laws. 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. Construction shall be substantially in compliance with the plan of record entitled "Proposed Addition Plan of Land" prepared by Colonial Engineering, Inc. dated March 4, 2020 and shall be no closer than 17.5 feet to the southern side lot line at the closest point.

HOLLISTON ZONING BOARD OF APPEALS

John Love
John Love *KL*
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 Groendale
Elizabeth Groendale, Town Clerk
Ryan Fitzgerald
Assistant Town Clerk

June 3, 2020