

TOWN OF HOLLISTON  
ZONING BOARD OF APPEALS  
TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

OFFICE OF THE  
TOWN CLERK  
HOLLISTON, MASS.

2020 JAN 30 AM 11:11

APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE

Date Filed: \_\_\_\_\_

Applicant's Name: Ronald J. Cavallo

Applicant's Address: 70 Victoria Street Somerville MA 02144

Applicant's Phone Number: 617-797-7567

Owner's Name: Varlei organics LLC

Owner's Address: 53 Gilbert St Framingham MA 01702

The Owner hereby appoints Ronald J. Cavallo 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 \_\_\_\_\_, dated June 12, 2007

And recorded in Southern District of Middlesex County Registry of Deeds, Book 49602, Page 309

☒ Or Land Court Certificate of Title No. \_\_\_\_\_, registered in

District Book \_\_\_\_\_, Page \_\_\_\_\_

The land is shown in the Assessor's records as Lot 30P on Map 8, Block 2

And has an address of or is located at 0 Birchwood 30P

in the 40 zoning district. AR-2

RONYCAV@gmail.com

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.):

*We Request Relief as under the old zoning this lot would be approved as this lot is dimensioned similarly to other lots in the area and would have conformed. As this lot is unusable under current zoning, it creates a hardship to the owner and the town as non productive. Approving this lot which has been perked and proven viable proves that it can be utilized and will provide ownership and revenue for the town.*

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

The Applicant presents the following evidence that supports grant of the dimensional Variance: *All lots in the neighborhood are identical in dimension (+/-) as this one. This was the standard lot dimension for many lots in the town.*

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): *literal enforcement would not allow construction of a house not because of soil conditions which are very good, but because of new zoning which would, without a variance, make this lot permanently unbuildable and non productive firing indefinite costs by the owner with no benefit.*

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

*it would be an in use lot with a house on it similar to all the others in the neighborhood and generating important tax revenue which the town would utilize in perpetuity*

c. If this variance is allowed, it will not nullify or substantially derogate from the

intent and purpose of the zoning bylaw because: *the house would be similar to all others in the surrounding neighborhood in size and scale and would blend in nicely.*

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

Yes \_\_\_\_\_ (Please attach additional information.) No ☒

Applicant's Signature: \_\_\_\_\_

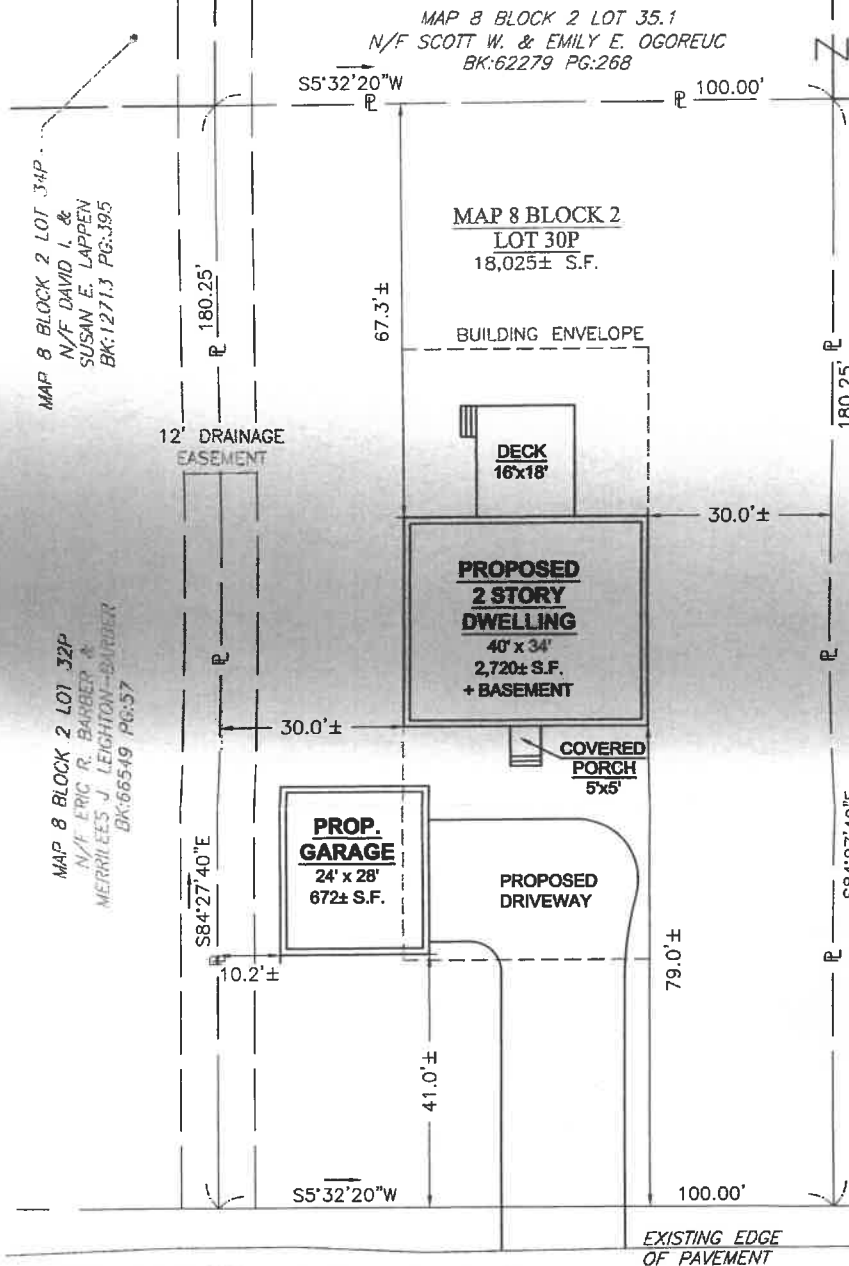
Owner's Signature: \_\_\_\_\_

*Randy Cunniff*  
*Randy Cunniff for the owner as per the purchase and sales.*

# CERTIFIED PLOT PLAN

SHOWING  
EXISTING LOT & PROPOSED DEVELOPMENT AT  
LOT 30P - BIRCHWOOD ROAD  
HOLLISTON, MA

PLAN 628  
OF 1959



DEED REFERENCE  
BOOK 69247, PAGE 198

PLAN REFERENCE  
PLAN No. 628 OF 1959

0 20 40  
HORIZ. SCALE IN FT.

PREPARED FOR:  
THE CAVALLO  
CORPORATION INC.  
70 VICTORIA STREET  
SOMERVILLE, MA 02144

FUNCTIONAL DESIGN  
WORKS, INC.  
11 TURNING MILL LANE  
RANDOLPH, MA 02368

## BIRCHWOOD ROAD

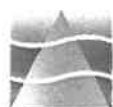
I CERTIFY: (PUBLIC ~ 40' WIDE)  
THAT THIS ACTUAL SURVEY WAS MADE ON THE  
GROUND AND THAT THE PHYSICAL FEATURES ARE  
LOCATED AS SHOWN TO THE BEST OF MY ABILITY  
AND BELIEF.



*Norman H. Brown* 1/29/20  
PROFESSIONAL LAND SURVEYOR DATE

### DIMENSIONAL REQUIREMENTS (AG-RES DIST. B)

	REQUIRED	PROPOSED
LOT SIZE (S.F.)	40,000	18,025
FRONTAGE (FT)	180	100
DEPTH (FT)	200	180.25
FRONT YARD (FT)	40	41
REAR YARD (FT)	40	67.25
SIDE YARD (FT)	30	30
% COVERAGE	25 MAX.	11.3



**BAYSIDE  
ENGINEERING**

600 Unicorn Park Drive ▲ Woburn MA 01801  
Phone: 781.932.3201 ▲ Fax: 781.932.3413

SCALE: 1" = 20'  
DATE: 01/28/2020  
PROJECT: 2192741  
DRAWN BY: L.H.P.  
CHECKED BY: N.H.B., PLS, PE

# SOIL TEST PIT DATA:

TEST PIT NO.	TEST DATE	TEST TIME	TEST LOCATION	TEST RESULTS
1	10/18/18	10:00 AM	10' DEEP	10' DEEP
2	10/18/18	10:00 AM	10' DEEP	10' DEEP
3	10/18/18	10:00 AM	10' DEEP	10' DEEP
4	10/18/18	10:00 AM	10' DEEP	10' DEEP
5	10/18/18	10:00 AM	10' DEEP	10' DEEP
6	10/18/18	10:00 AM	10' DEEP	10' DEEP
7	10/18/18	10:00 AM	10' DEEP	10' DEEP
8	10/18/18	10:00 AM	10' DEEP	10' DEEP
9	10/18/18	10:00 AM	10' DEEP	10' DEEP
10	10/18/18	10:00 AM	10' DEEP	10' DEEP

## CONSTRUCTION NOTES:

- 1) INSPECTION PORT SHALL CONFORM TO AISC 340 (13).
- 2) MAGNETIC TAPE TO BE PROVIDED ON TOP OF ALL LEACHING COMPONENTS IN ACCORDANCE WITH TITLE 5.
- 3) SURFACE PROTECTION SYSTEM AND THE SURFACE WATER PROTECTION AREA ON A "ZONE II" OF A "HORIZON WELLS" PROTECTION AREA.
- 4) THIS SITE FALLS WITHIN A FLOOD ZONE "X" AND IS WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE MAP. CONTRACTORS UNITED JUNE 4, 2010.
- 5) THIS DESIGN DOES NOT REQUIRE VARIANCE FROM TITLE 5 RULES & REGULATIONS TO TITLE 5.
- 6) THERE ARE NO KNOWN WELLS WITHIN 10' OF THE SITE.
- 7) THERE ARE NO KNOWN WELLS WITHIN 10' OF THE SYSTEM.
- 8) THE SITE IS NOT LOCATED IN A NATURAL HAZARD ESTIMATED OR PHOTOLITH MAPPED AREA.
- 9) CONTRACTOR SHALL SET NEW BENCHMARK WITHIN 10' OF LEACHING SYSTEM.
- 10) PROPERTY LINE CORNER SET BY RECORD LAND SURVEYOR.

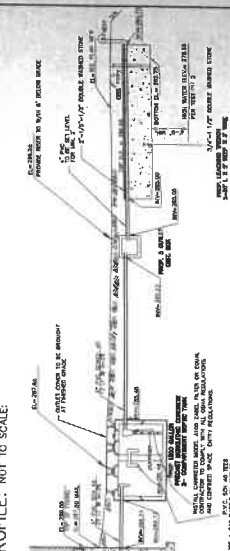
## DIMENSIONAL REQUIREMENTS

ITEM	REQUIREMENT
1. TOTAL PROPOSED FOR SITE 124	124
2. TOTAL PROPOSED FOR SITE 124	124
3. TOTAL PROPOSED FOR SITE 124	124
4. TOTAL PROPOSED FOR SITE 124	124
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6. TOTAL PROPOSED FOR SITE 124	124
7. TOTAL PROPOSED FOR SITE 124	124
8. TOTAL PROPOSED FOR SITE 124	124
9. TOTAL PROPOSED FOR SITE 124	124
10. TOTAL PROPOSED FOR SITE 124	124

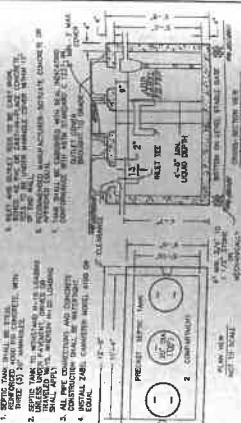
## DATUM:

TOP OF CG RIM  
ELEV = 884.80 NAVD 88

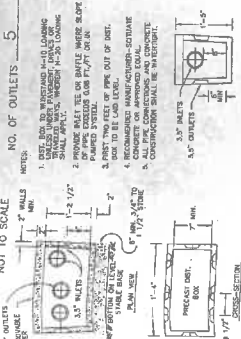
## PROFILE: NOT TO SCALE



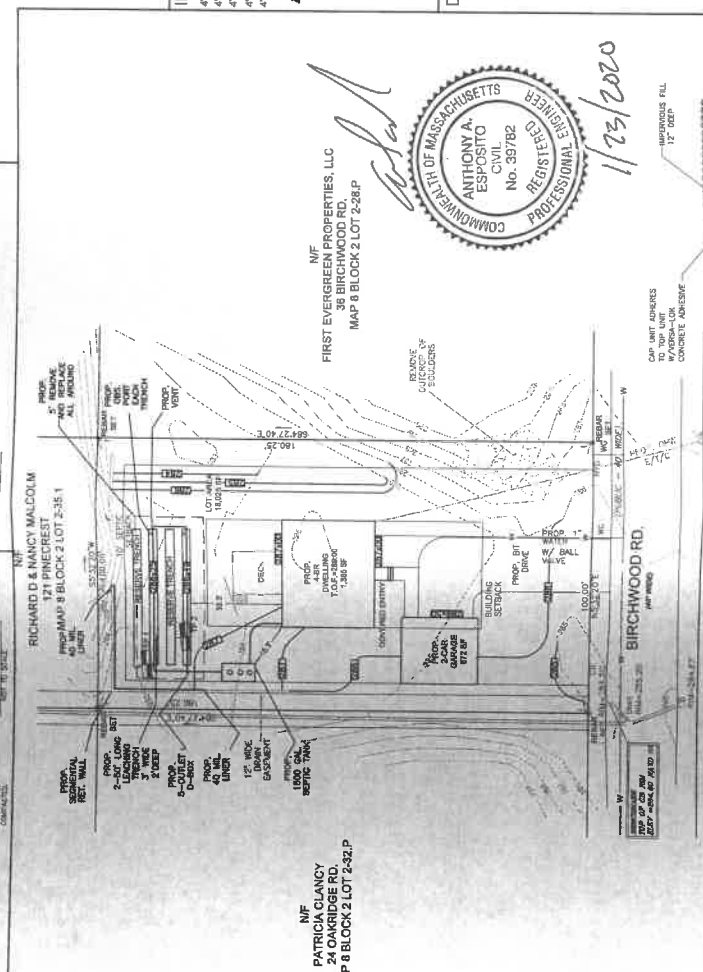
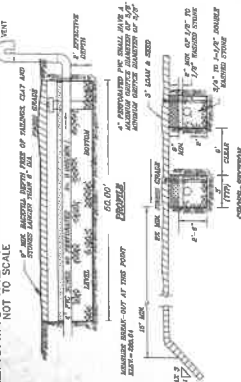
# SEPTIC TANK DETAIL-1500 GALLON



# DISTRIBUTION BOX DETAIL:



# LEACHING TRENCH SECTION DETAIL:



121 PINECREST  
RICHARD D & MARY MALCOLM  
PROP MAP 8 BLOCK 2 LOT 2-35-1

24 OAKRIDGE RD.  
PATRICK CLANCY  
PROP MAP 8 BLOCK 2 LOT 2-32-P

121 PINECREST  
RICHARD D & MARY MALCOLM  
PROP MAP 8 BLOCK 2 LOT 2-35-1

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**GENERAL NOTES:**

1. THIS PLAN IS FOR DESIGN AND CONSTRUCTION OF A LEACHING TRENCH SYSTEM.
2. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) REGULATIONS.
3. ALL PIPES SHALL BE 12" DIA. 15' LONG.
4. THERE ARE NO KNOWN WELLS WITHIN 10' OF THE SITE.
5. THERE ARE NO KNOWN WELLS WITHIN 10' OF THE SYSTEM.
6. THE SITE IS NOT LOCATED IN A NATURAL HAZARD ESTIMATED OR PHOTOLITH MAPPED AREA.
7. CONTRACTOR SHALL SET NEW BENCHMARK WITHIN 10' OF LEACHING SYSTEM.
8. PROPERTY LINE CORNER SET BY RECORD LAND SURVEYOR.
9. NO CHANGES ARE TO BE MADE IN THE DESIGN WITHOUT THE WRITTEN APPROVAL OF THE DESIGN ENGINEER.

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Anthony A. Esposito  
Professional Engineer  
SOUTH MEADOW VILLAGE  
Rt 55-12330  
CARVER, MA 02330  
508-369-4783  
aesposito@esposito.com

NEW CONSTRUCTION  
SEWAGE DISPOSAL  
SYSTEM DESIGN  
AT  
0 BIRCHWOOD RD.  
HOLLISTON, MA  
MAP # 8 BLOCK 2 LOT 30-P

CATALANO CORP  
79 BIRCHWOOD ST  
SOMERVILLE, MA 02144  
DATE: JANUARY 9, 2019  
COMPRESSOR: A. ESPOSITO  
CHECK: A. ESPOSITO  
THROW: A. ESPOSITO  
FIELD: B. ESPOSITO  
REVISION: 1/9/2019  
DRAWING: 2182741-001  
JOURNAL: 2182741-001

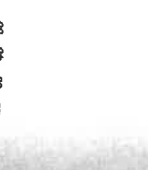
## LOCUS



## UNREINFORCED RETAINING WALL

NOT TO SCALE

SCALE 1"=20'



FROM THE DESK OF RONALD J. CAVALLO  
AND THE CAVALLO CORPORATION

RONYCAV@GMAIL.COM  
CELL: 617-797-7567

3/3/2020

To: Karen Sherman,  
Richard Andrejko and Audrey Maniere (121 Pinecrest Rd.),  
Eric and Merrilees Barber (24 Oakridge Rd.),  
Benjamin and Kristin Stoetzel (5 Birchwood Rd.)

From: Ronald J. Cavallo, President of The Cavallo Corporation

RE: A response to your emails regarding lot 30P on Birchwood

Dear Karen and neighbors abutting lot 30P Birchwood Road Holliston,

I wanted to introduce myself to you. My company has applied for a variance for lot 30P on your street. We are a mature, experienced highly capable, and substantial real estate development firm located in Somerville Massachusetts. I am a third generation real estate developer.

The town planner has forwarded your emails to me. I have read them and with this letter am responding to your very real concerns; most notably the concerns regarding standing water and the mosquito population on lot 30P abutting your houses.

I wish to clarify that my company does not own the parcel. We are acting on behalf of the owner who has owned the parcel for sometime. Our purchase of the lot is contingent on obtaining all of the required permits, licenses, and approvals necessary to built a single family dwelling.

To inform you of our efforts to date, we have walked the lot with our engineer, we have surveyed the lot, we have met with Scott Moles from the health department and my engineer has successfully and readily perked the lot, we have designed a septic system and Scott has informally approved the design. It should be noted that the percolation results were excellent.

A word about the location of the septic system. We reviewed the locations for the adjacent septic systems with the knowledge that there are systems in the town that are in close proximity that have merged. We early on located the septic system for lot 30P so that it would not conflict with other systems to avoid future problems.

I would like to address the issue of standing water, the mosquito population and the viability and pluses to the neighbors for the development of this lot. Noting that there are a few similar lots in this subdivision that may be available for purchase, I state that my comments regarding lot 30P would also apply to those lots.

A bit of history. We have been told that approximately 50 houses were built by the same developer creating the subdivision as it now exists. To the best of our knowledge 5 lots were left undeveloped as the developer passed away before he could complete the subdivision. Lot 30P was sold to the current owner and the other 4 lots are held by the heirs of the original builder. All of these lots are approximately the same size and, under the old zoning, conformed. Lot 30P has been retrieved from tax title for taxes and arrears twice, narrowly escaping a town taking and a potential auctioning of the parcel. Tax takings at auctions of parcels is never good for the values of the surrounding homes and for the town. I have been told by the town planner that the town would like to see these unused parcels developed and producing valuable tax revenue. When one looks at the tax revenue potentially generated by each of these unused lots with a house on them over a 10 year period, the income is significant and an important source of town revenue that over decades will be 100's of thousands of dollars.

With that said, the primary concern I understand is regarding, EEE, mosquito born illness, and standing water.

A few words about my family history. My dad passed away from complications of lyme disease. My mother was gravely ill having contracted babesiosis; a mosquito born form of malaria. I was in the hospital for 2 weeks and need 6 months recuperation having also contracted babesiosis. We contracted these diseases from our family cape house which abutted 2000 acres of land held in

reserve and gifted to the town of Marion MA. That acreage has become the epicenter for lyme and babesiosis in that part of our state. I therefore take your issues and concerns seriously as you can well imagine.

I would like to discuss the standing water. We have observed standing water on the site. My engineer has reviewed the standing water and determined that the water is water that has collected as run off from the adjacent parcels. It is not water that has percolated up to the surface. The adjacent parcels are up gradient from lot 30P. Abutting neighbors are required to retain the water on their parcels. Often neighbors do not know that water from their lots' are being transferred to adjacent lots; especially when the lot receiving water is unoccupied and not monitored. This is not an unusually condition. Standing water, regardless as to how it is sourced, is a concern as it generates and expands the mosquito population. The grades of the adjacent lots are really the culprit and are creating the ponding. I do want to add that from my experience with this lot it tends to be dry for the bulk of the year. Standing water needs to be controlled for mosquito control. It is that simple. Even typical things such as bird baths and clogged gutters can increase the mosquito population and can be breeding areas.

What to do? My responses and answers support the development of this parcel and address the economic benefits along with the health and safety issue benefits that come from a development proposal.

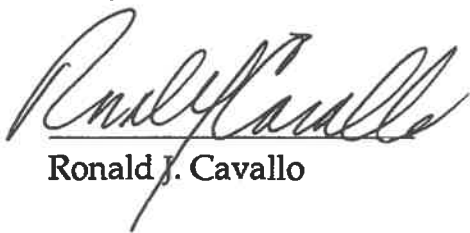
Densely treed lots have a thick tree canopy which is significant for generating and increasing the mosquito population. Without open access to the sun, the land cannot dry out as quickly as a developed lot would. The tree canopy shades the parcel. Grading of the lot is also of great importance. Onsite water control is critical. Clearing of the lot, the installation of a structure on the lot and the opening up of the canopy and water control with water directed to a properly installed drywell can readily and efficiently and on a long term basis eliminate water issues and mosquito population. My engineer has looked carefully at all of this and has a tried and true plan developed that is part of the development proposal for this lot.

To summarize our development proposal. We propose the following:

1. The site be cleared as required to build the house as proposed opening up the tree canopy and allowing the parcel to dry out naturally.
2. We propose that the front door be 5 steps up to the entrance allowing the house to have proper perimeter grading which allows us to control any surface water from adjacent lots and this lot.
3. We have proposed an onsite drainage plan that includes a properly installed drywell, grading, all the roof drains tied into this drywell. The water will go into the drywell and ultimately be dispersed into the water table and ultimately to rivers and then to rain and be part of the natural ecosystem.

We are fully convinced that we can address these matters with a 100% resolution. My engineer, Anthony Esposito, PE. Has worked with us for over 20 years. I have full confidence in his ability and know that his design will work and resolve a number of issues. I have asked Anthony to attend the variance meeting at the end of the month to answer any questions. Additionally, I am happy to respond to your emails. If you wish to talk to me on the phone. I am happy to set up a time via email.

Best,



Ronald J. Cavallo

3/3/2020  
Date