

TOWN OF HOLLISTON
ZONING BOARD OF APPEALS
TOWN HALL
HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE

Date Filed: 03/30/2021

Applicant's Name: Nicholas and Jessica Faillace

Applicant's Address: 64 Morton Street, Holliston MA 01746

Applicant's Phone Number: 617-875-0544

Owner's Name: Nicholas and Jessica Faillace

Owner's Address: 64 Morton Street, Holliston MA 01746

The Owner hereby appoints _____ 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 Bryan and Erin Dore, dated July 19, 2019

And recorded in South Middlesex Registry of Deeds, Book 72953 Page 550

Or Land Court Certificate of Title No. _____, registered in

District Book _____, Page _____

The land is shown in the Assessor's records as Lot 218 on Map 07, Block 07

And has an address of or is located at 64 Morton Street, Holliston MA 01746

in the Residential 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.) :

VI-D(3) + see attached narrative for further information

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

Pre-existing nonconforming lot. The structure did comply up until 2012 when ~~the~~ previous homeowner built the back deck with no permit and was issued a letter on 8/15/2012. No subsequent work done. They will need to include this in their request.

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):

- unique hardship of soil conditions due to location of existing septic system and leaching field.
- Topography - the garage cannot be location on another location on the property.
- see attached narrative for further information

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

good because:

The proposed construction will actually be a benefit to the public good in that parked cars in the driveway will now be in an enclosed structure and the improvement of the subject lot will contribute to the character of the immediate surrounding area (as well as positively impact the value of the neighboring properties)

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

The intent of the zoning by-laws is to preserve the rural characteristics of the town. The construction of a garage does not derogate from the same.

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

Yes _____ (Please attach additional information.) No X

Applicant's Signature: Jessica Faillace

Owner's Signature: _____

To: Holliston Zoning Board of Appeals

Re: Application for Jessica and Nicholas Faillace – Dimensional Variance

Dated: 03/25/2021

Description of Parcel and Structure

The parcel, identified as 64 Morton Street, Holliston, Massachusetts, is identified as Lot 218 on Accessor's Map 07, Block 07. The parcel has 100 feet of frontage and extends approximately 180 feet to the rear lot line. It consists of 0.41 acres.

The property is located within the Residential zoning district.

We purchased the property on July 19, 2019. On the lot is a single-family residence consisting of approximately 1,988 square feet of living area. The residence is a two-story split-level. There are three bedrooms, two full baths and a kitchen/living room in the dwelling.

Since purchasing the property, we have upgraded and improved both the structure and the surrounding lot. These upgrades include sod, new plantings on the exterior and a remodeled kitchen. The work done has significantly improved the aesthetics of the property and had corresponding effect upon the neighborhood. We believe these additional improvements would only continue to do the same.

The Applicants

The property has been occupied by us and our three children since it was purchased in 2019. We also have another child on the way, expected in August of 2021. Nicholas is a Veteran of the United States Marine Corps and currently a Project manager for Keith Construction, Inc, a construction general contractor. in Canton, MA and Jessica Faillace is a Project Manager for Dellbrook JKS, also a construction general contractor, in Quincy, MA.

Reason for the Application

To further improve our property, we seek to construct a garage attached to the house with a mudroom in the rear, an addition on the rear to allow for a larger living space, and an addition on the right side of the property to add a master bath and closet, as well as a larger bedroom for the children to share. The house will remain a split-level structure which will be 68.9' wide, and 53.6' long with the addition of the living room on the rear. The garage and additions would be sided to match the existing home. We will change the siding color through this process to a gray color to update the exterior aesthetic.

Due to the size and shape of the lot and the existing septic and leaching field location, there is nowhere an attached garage can be built which does not encroach on the side yard setbacks of the Residential district.

In addition, construction on the right (east) side of the house is prohibitive due to the setbacks and the current location of the house on the lot and the impact of the site topography. There is only 9' from the house to the required 20' set back. The rear does not allow for the garage due to the current location of the leaching field. The left (west) side currently provides the most distance to a side yard boundary. The overall topography of the property limits the options to those presented herein.

The Variance Requested

Section VI-D(3) of the zoning by-laws requires a minimum side setback of 20' in the Residential district. A variance is need for this proposed garage since, once constructed, the structure will be 10.3' from the left (west) side boundary.

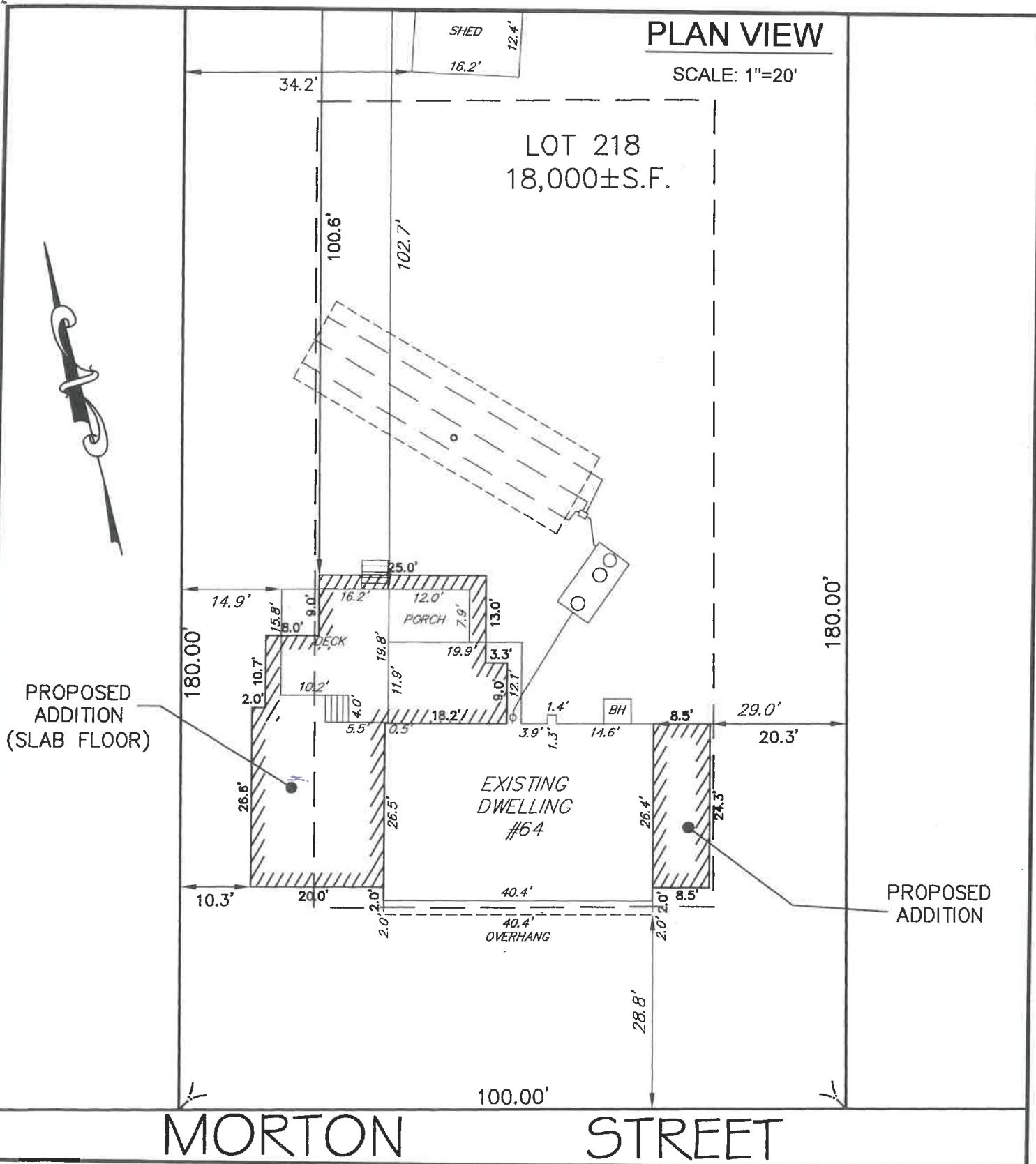
Standard Review for a Variance

Generally, the applicant must demonstrate that circumstances exist related to the soil conditions, shape or topography of the subject lot, especially affecting this lot while not affecting generally the zoning district in which it is located; that literal enforcement of the provision of the by-law would involve substantial hardship, financial or otherwise, to the applicant; and that the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such law.

- (A) *Circumstances related to the Lot* – As noted above, the lot is only .41 acres. The leaching field and septic take up a large portion of the buildable area of the lot. Due to the leaching field being 'built up', there is a retaining wall which drops the grade down 4' making an additional portion of the lot unusable for building. The house was built close to the middle of the buildable area and currently leaves no space for a garage within the required setbacks.
- (B) *Substantial Hardship* – The hardship that we are faced with is plain and simple – without a variance we can never build an attached garage on the property. The construction of the garage would improve the aesthetics of the home, protect our vehicles, provide additional storage space, and increase the value of our property. All of these benefits will be lost to us unless the variance is granted.
- (C) *Lack of Detriment to the Public Good* – The intent of the zoning by-laws is to preserve the rural characteristics of the town. The construction of a garage does not derogate from the same. Further, the proposed construction will be a benefit to the public good in that parked cars in the driveway will now be in an enclosed structure and the improvement of the lot will contribute to the character of the immediate surrounding area (as well as positively impact the value of the neighboring properties)

Conclusion

Based on the foregoing, we submit that the requested variance should be allowed to permit the construction of the proposed garage and mudroom in accordance with the submitted plan.



I certify that the building on this property is located as shown.

GLM Engineering Consultants, Inc.

19 EXCHANGE STREET
HOLLISTON, MA 01746

P:508-429-1100

www.GLMengineering.com

**PROPOSED
ADDITION PLAN**
64 MORTON STREET
HOLLISTON, MA

MAR. 22, 2021

JOB # 16,698



Handwritten signature and date: 3/22/2021