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Hand Delivery

December 28, 2020

Franklin Zoning Board of Appeals
c/o Casey Thayer
355 East Central Street
Franklin, MA 02038
Attn: Bruce Hunchard, Chair

Re: Division of Property by Special Permit – 889 Upper Union Street

Dear Mr. Hunchard,

I represent Dane Grandizio and Tiffany Grandizio, owners of two single family dwellings located at the above-referenced address, on a single Assessor's parcel (the "Property"). The Grandizios seek to divide the Property into two lots, each containing one of the existing dwellings. They do not propose any physical changes to the Property.

Massachusetts subdivision control law exempts the division of land containing two or more buildings, where each new lot contains one of the buildings, from the definition of a subdivision if the buildings were standing when local subdivision control law went into effect. Therefore, the Grandizios are entitled to a Planning Board "Approval Not Required" endorsement of their plan if the existing dwellings were standing when subdivision control law went into effect in Franklin. Notwithstanding such an endorsement, recordation of the Grandizios' plan would create a zoning violation because one of the proposed lots contains insufficient frontage and lot width.

Franklin's zoning code provides a path to relief for exactly that type of zoning violation in Section 185-14:

A lot or parcel of land containing two or more dwellings existing at the time of adoption of this chapter which cannot be divided in conformity with these requirements may, under a special permit by the Board of Appeals, be divided in a manner complying as closely as possible with these requirements.

The Grandizios are applying for a Special Permit under that bylaw. Therefore, they must show that (a) the Property qualifies as a parcel of land containing two or more dwellings existing at the time of adoption of Franklin's zoning bylaw, (b) the proposed division complies as closely as possible with current zoning requirements, and (c) the proposal meets the Board's criteria for a Special Permit, as further discussed in Addendum "A" to the application.

The Property

Both dwellings are on Assessor's Parcel Number 330-017-000. One dwelling, located towards the rear of the Property, is a 504 square foot one-bedroom house built around 1900 (the "Rear House"). The other dwelling, located towards the front of the Property, is a 2,227 square foot four-bedroom

house built in 1986 (the “Front House”). However, The Front House is the replacement structure of a prior house that was built well before 1900, in the same location as, and with similar dimensions and footprint to the Front House (the “Prior House”). The Prior House was razed immediately prior to the construction of the Front House. The houses are pictured on Exhibit A.

The Property is in the Rural Residential I Zoning District. It contains, among other dimensional zoning characteristics, approximately 264.55 linear feet of frontage, and 88,680 square feet of land. The proposed division, shown on the plot plan submitted with this application, complies as closely as possible with current zoning requirements. In fact, Lot 1A, which will contain the Front House, will meet all requirements. Lot 1B, which will contain the Rear House, will have insufficient frontage and lot width, and a pre-existing non-conforming side setback, but will meet lot area requirements. The two dwellings share a common driveway and common well water but are served by separate electricity and septic systems. The plot plan demonstrates that separate Title V compliant water wells and septic systems can be built.

Existence of Dwellings at the Time of Adoption of Zoning Bylaw

Franklin’s zoning bylaw was adopted by the Planning Board on March 5, 1930. The Prior House and Rear House existed on the Property before 1930. The date of construction of the Rear House is 1900, according to current Assessors’ records attached as Exhibit B. A historic Assessors’ record from 1986, attached as Exhibit C, lists the year-built date of the Rear House, perhaps more accurately, as 1920. The evidence demonstrating the existence of the Prior House in 1930 is more complex, but nonetheless clear. Maps of Franklin from 1832, 1858, and 1876 all show the Prior House at the current location of the Front House and are attached together as Exhibit D. Excerpts of resident directories from 1884 and 1893, attached together as Exhibit E, confirm its occupancy by parties in the Property’s chain of title. A historic Assessors’ record card from 1986, attached as Exhibit F, omits a year-built date for the Prior House but provides a photograph and building data that amounts to additional evidence of a house built before 1930. Finally, two plans of land from 1971 and 1986, attached together as Exhibit G, show the footprint of the Prior House, while the Assessors’ plot plan obtained in November 2020 and attached as Exhibit H shows the footprint of the Front House. Together, Exhibits G and H demonstrate that the Front House amounts to a reconstruction of the Prior House.¹

Interpretation of Local Bylaw

In matters where a local zoning bylaw confers greater property rights upon buildings with earlier dates of construction, Massachusetts courts have consistently allowed reconstructed buildings to inherit, so-to-speak, the date of construction of the building they replaced. A trial judge presiding over a matter in Gloucester aptly wrote that stricter interpretations of reconstructions “would reflect a triumph of sentimentality over practicality.”² The Grandizios’ application is for a matter of practicality. They own one parcel of land that contains two dwellings, and they seek ability to hold the dwellings under separate ownership. Sound land use planning favors the marketability of real

¹ Although the barn depicted on these plans has been demolished, it is useful in comparing the locations of the Front House and Prior House.

² Eastern Point, LLC V. Zoning Board of Appeals of Gloucester, 74 Mass. App. Ct. 481 (2009).

estate, and that is exactly why the Town of Franklin enacted a bylaw to allow for the division of land like the Grandizios'.

For all of the reasons stated, the Board should grant the Grandizios a Special Permit to divide the Property into two lots. Please do not hesitate to reach out should you have any questions.

Sincerely,



Nathan A. Carlucci

Enclosures

Cc: Bryan Taberner, Director of Planning and Community Development
Amy Love, Town Planner

Exhibit "A"



Front House



Rear House



Exhibit "B"

Unofficial Property Record Card - Franklin, MA

General Property Data

Parcel ID 330-017-000-000	Account Number 025-001
Prior Parcel ID -025-001-	Property Location 889 UPPER UNION ST
Property Owner GRANDIZIO DANE	Property Use MULTIPLE HSE
GRANDIZIO TIFFANY	Most Recent Sale Date 10/27/2017
Mailing Address 889 UPPER UNION ST	Legal Reference 35553-156
City FRANKLIN	Grantor BISSANTI, GLORIA C
Mailing State MA Zip 02038	Sale Price 475,000
Parcel Zoning	Land Area 0.000 acres

Current Property Assessment

Card 2 Value	Building Value 53,500	Xtra Features Value 0	Land Value 0	Total Value 53,500
Total Parcel Value	Building Value 259,600	Xtra Features Value 0	Land Value 227,600	Total Value 487,200

Building Description

Building Style CAMP	Foundation Type STONE/BRICK	Flooring Type CARPET
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1900	Roof Structure GABLE	Heating Type FORCED H/W
Building Grade AVERAGE	Roof Cover ASPHALT SHGL	Heating Fuel OIL
Building Condition Average	Siding VINYL	Air Conditioning 0%
Finished Area (SF) 504	Interior Walls DRYWALL	# of Bsmt Garages 0
Number Rooms 3	# of Bedrooms 1	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

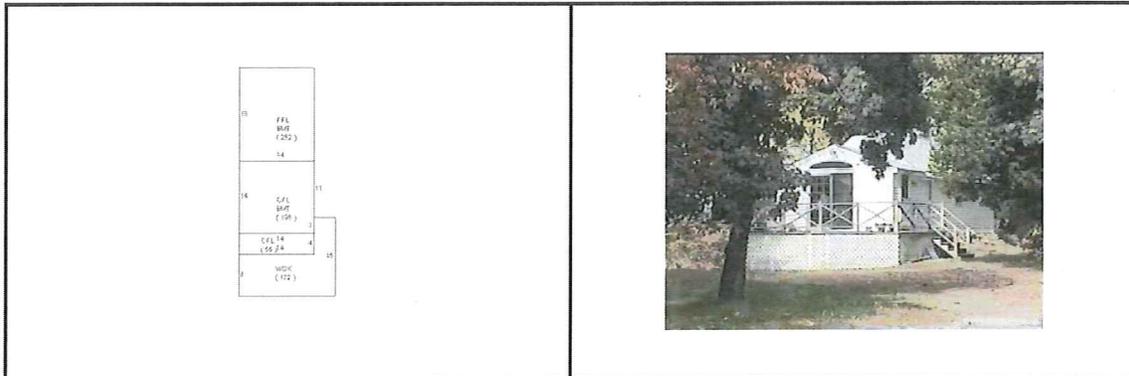
Legal Description

DEV-BLDR LOT 1 PLAN 1991 LAND, INC

Narrative Description of Property

This property contains 0.000 acres of land mainly classified as MULTIPLE HSE with a(n) CAMP style building, built about 1900 , having VINYL exterior and ASPHALT SHGL roof cover, with 1 unit(s), 3 room(s), 1 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Exhibit "C"

BUILDING RECORD

384

OCCUPANCY

SINGLE FAMILY	<input checked="" type="checkbox"/>
MULTI-FAMILY APARTMENTS	<input type="checkbox"/>
STORIES	<input type="checkbox"/>
OFFICES	<input type="checkbox"/>

CONSTRUCTION

FOUNDATIONS

CONCRETE	<input checked="" type="checkbox"/>
CONCRETE B.L.K.	<input type="checkbox"/>
BRICK or STONE PIERS	<input type="checkbox"/>
EARTH	<input type="checkbox"/>
HARDW'D COMMON	<input type="checkbox"/>
ASPH. TILE	<input type="checkbox"/>

BASEMENT

AREA FULL	<input type="checkbox"/>
NO B.M.T	<input type="checkbox"/>
HEAD ROOM	<input type="checkbox"/>

WALLS

CLAYBOARDS	<input type="checkbox"/>
DROP SIDING	<input type="checkbox"/>
WOOD SHINGLES	<input type="checkbox"/>
ASPHALT SIDING	<input type="checkbox"/>
ALUMINUM SIDING	<input type="checkbox"/>
VERT. SIDING	<input type="checkbox"/>
STUCCO ON MASONRY	<input type="checkbox"/>
BRICK ON FRAME	<input type="checkbox"/>
CONC. or CIND. BLK.	<input type="checkbox"/>
STONE ON MASONRY	<input type="checkbox"/>
STONE ON FRAME	<input type="checkbox"/>

INTERIOR FINISH

PINE	<input type="checkbox"/>
HARDW'D	<input type="checkbox"/>
PLASTER	<input type="checkbox"/>
DRY WALL	<input type="checkbox"/>
UNFIN. PANEL	<input type="checkbox"/>

PLUMBING

BATH (3 fx.)	<input type="checkbox"/>
STALL SHOWER BATH	<input type="checkbox"/>
TOILET RM. (2 fx.)	<input type="checkbox"/>
WATER CLOSET	<input type="checkbox"/>
LAVATORY	<input type="checkbox"/>
KITCHEN SINK	<input type="checkbox"/>
NO PLUMBING	<input type="checkbox"/>
STALL SHOWER	<input type="checkbox"/>
MODERN FIXTURES	<input type="checkbox"/>
TILE FLOOR & WCT.	<input type="checkbox"/>

HEATING

PIPELESS FURNACE	<input type="checkbox"/>
Forced Hot Air Furn.	<input type="checkbox"/>
STEAM	<input type="checkbox"/>
HOT W.T.R. or VAPOR	<input type="checkbox"/>
HOT AIR GRAVITY	<input type="checkbox"/>
RADIANT HT'G	<input type="checkbox"/>
UNIT HEATERS	<input type="checkbox"/>
AIR CONDITIONING	<input type="checkbox"/>
AUTO. BURNERS	<input type="checkbox"/>
ELECTRIC	<input type="checkbox"/>
NO HEATING	<input type="checkbox"/>

FRAMING	<input type="checkbox"/>
WOOD JOIST	<input type="checkbox"/>
TIMBER BMS. & COLS.	<input type="checkbox"/>
STEEL BMS. & COLS.	<input type="checkbox"/>
WOOD RAFTERS	<input type="checkbox"/>

NO. OF ROOMS

B.M.T.	2nd	3rd
1st		

RANCH SPLIT LEVEL

CAPE GARRISON

CONTEMPORARY CONVENTIONAL

GAMBREL

DESCRIPTION of OBSOLESCENCE

STRUCTURAL	<input type="checkbox"/>
SURPLUS CAP.	<input type="checkbox"/>
OVERBUILT	<input type="checkbox"/>
COMMERCIAL LOC	<input type="checkbox"/>
ECONOMIC	<input type="checkbox"/>
BLIGHTED AREA	<input type="checkbox"/>

COMPUTATIONS

1 UNIT	AMOUNT	
490 SF	1470	40800
PF		
ADD. & PCHS		
WALL HT.		
ATTIC		
B.M.T AREA		-400
FIN. B.M.T		
B.M.T GAR.		
FIREPLACES		
HEATING		
PLUMBING		
M. F.		
TOTAL	1470	39800
FACTOR		
REPL. VALUE	2000	18470

NOTES:

~~TO BE RENOVATED~~

~~NEEDS GEN. REPAIR AND MAINT.~~

~~UNBOUND 1-1-86~~

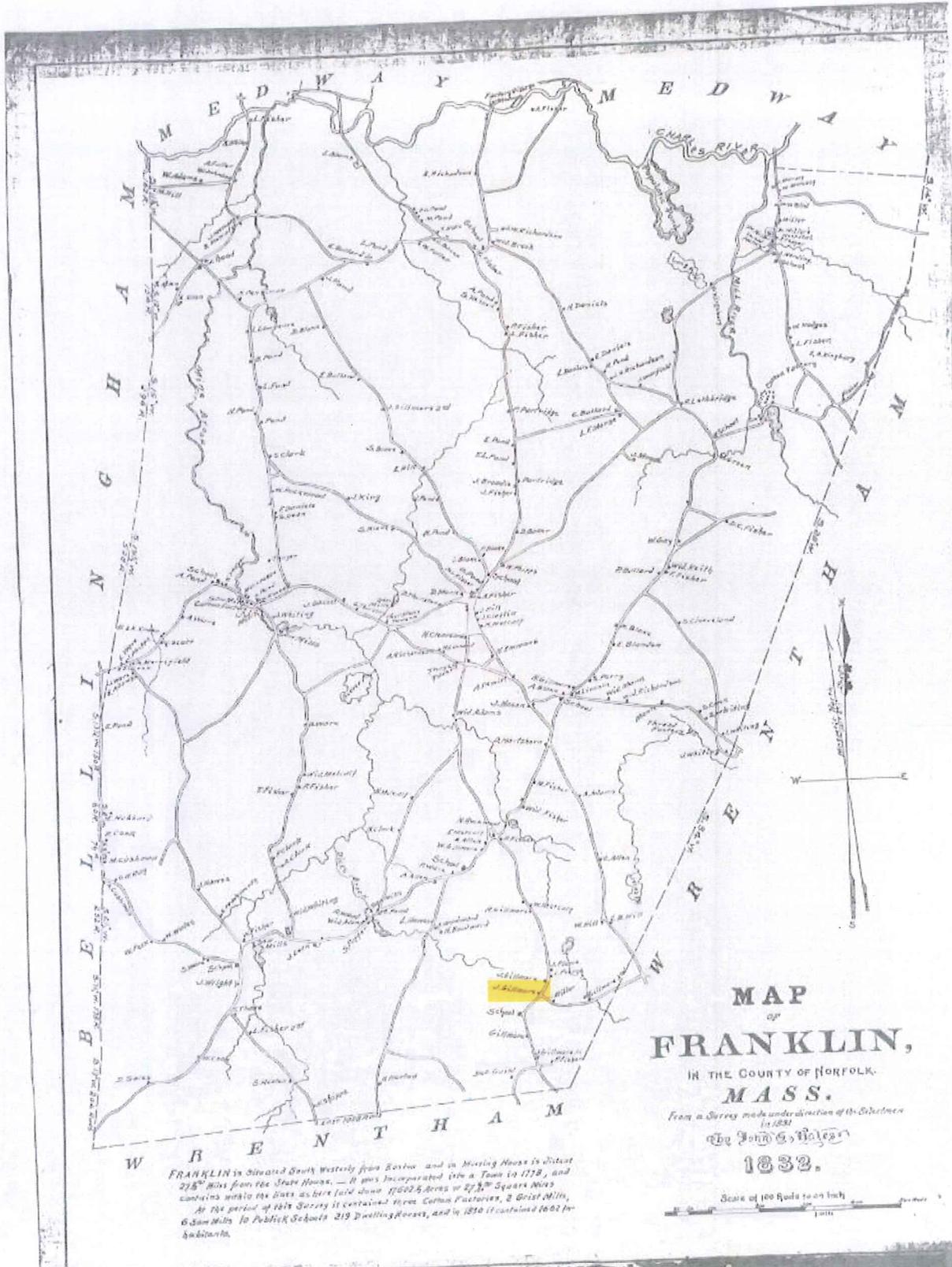


— SUMMARY OF BUILDINGS —

OCCUPANCY	TYPE	GRADE	YR. BUILT	REMOD.	COND.	REPL. VAL.	PHYS. DEP.	PHYS. VAL.	FUNC. DEP.	SOUND VAL.
DWELLING	1 SFR/340	D	1920	OUTRIG		125				

DATE	LISTED	MEAS.	AREA	PRICED	REV'D	CHECKED	TOTAL VALUE BUILDINGS
9-6-22							
12-27-81							

Exhibit "D"



MAP
OF
FRANKLIN,
IN THE COUNTY OF NORFOLK,
MASS.

From a Survey made under direction of the Selectmen
in 1831

By JOHN C. HIGGINSON
1832.

Scale of 100 Rods to an Inch

FRANKLIN is situated South Westly from Barre and in Herring Mass is distant
2 1/2 Miles from the State House. — It was incorporated into a Town in 1778, and
contains within the limits as here laid down 17025 Acres or 27 1/2 Square Miles
At the period of this Survey it contained three Cotton Factories, 2 Grist Mills,
6 Saw Mills 10 Publick Schools 219 Dwelling Houses, and in 1830 it contained 1662 po-
pulation.

Franklin
Historical
Commission
138

John C. Higginson



1858

FRANKLIN

Scale: 145 rods to one inch.

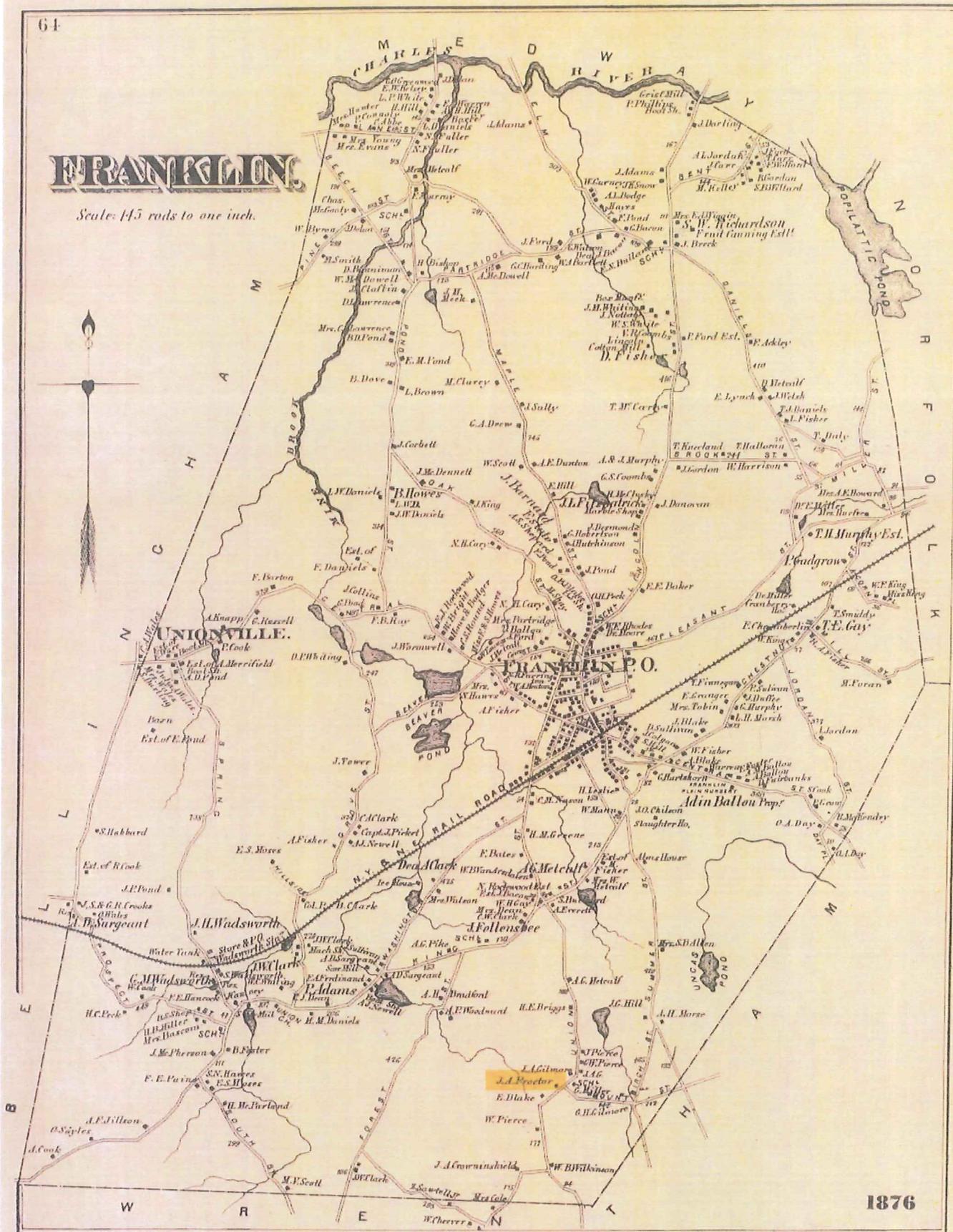
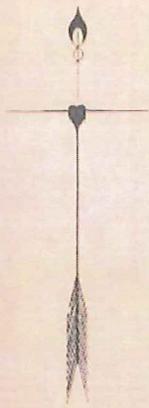


Exhibit "E"

Pond Mrs Addison M, h Pond near Medway line (W M)
 Arthur A, wooden box maker, h 6 Queen
 Mrs Clara N, h School near Main
 Clinton C F, straw worker, h Mrs A M Pond's
 Eliab M, farmer, h Pond
 Mrs Emeline, h L Bennett's
 Mrs Josie D, h Beaver near Central
 J Eli, farmer, h Pond near Medway line (W M)
 James H, farmer, h Central
 L Francis, straw worker, h Mrs A M Pond's
 Lottie J, straw worker, h Mrs A M Pond's
 Miss M, rooms Rev S W Squires'
 Dr Metcalf E, dentist Stetson & Pond, h Pleasant
 Mittie M, straw worker, h Mrs A M Pond's
 Nellie M, straw worker, h Mrs A M Pond's
 Prentice H, h Oak near Pond
POND WILTON A, lumber, h Pond
 Poor Henry, farmer, h Washington
 H Elliott, farmer, h Washington
 Lora M, school teacher, h Henry Poor's
 Prime Ellen S, h F O Prime's
 Frank O, lab, h Summer
 Proctor James A, farmer and blacksmith, h Union near Mount
 Pearl, machinist, h J W Clark's
 Putnam Edwin A, conductor N Y & N E R R, h Central
 Quigley Timothy, plasterer, h Summer near King
 Quilter Clarence E, hostler, h Fales off Alpine
 Jacob O, emp Ray's mill, h West
 Quinn Mrs Mary, laundress, h Alpine place
 Rabitor Frank, lab, h Washington
 Rand Chas S, teamster, h West Park cor North Park
 Randall Frank H, farmer and fertilizer dealer, h Mount
 Rathbun E H, supt Ray's mill, h rooms 9 and 10 A B
 John, boss carder, h Beaver [Fletcher Bldg
 Ray Edgar K, provisions ice, milk &c, h Central (U)
 Mrs F B, h Central (U)
 James F, grocer, h Main
 Hon James P, mfr woollen and cotton goods, J P &
 J G Ray, h Main [J G Ray, h Main
 Hon Joseph G, mfr woollen and cotton goods, J P &
 Lydia, h Hon J G Ray's
 Wm F, mfr woollen goods, Norfolk Woollen Co, h
 Razee Amos M, h A W Razee's [Central near Union

Razee Arthur W, emp Bassett's straw shop, h 18 Garfield
 Isaac E, express, Razee & son, h 41 Central
 James E, express, Razee & Son, h Main
 Nellie T, dressmaker, h I E Razee's
 Ora H, h J E Razee's
 Reardon Catherine M, h Mrs J Reardon's
 Jeremiah, mason, h Oak near Church
 Mrs Joanna, h Oak near Church
 John, lab, h Oak near Church
 Redpath Andrew, emp Boston Rubber Co, h Oak
 John, electrician,
 John J, painter, h James Carroll's
 William, teamster, h 25 Summer
 Reed Rufus C, drug clerk, h S Y Reed's
 Samuel Y, hairdresser, Searle and Reed, h Queen
 Regan Patrick, lab, h Lincoln near Medway line (M)
 Reilly Albert J, clerk, h J O Reilly's
 Isabella M, teacher, h J O Reilly's
 James O, farmer, h Oak
 Reynolds Hugh B, pool room, h School
 Hugh J, emp Boston Rubber Co, h P Reynolds'
 John F, emp Boston Rubber Co, h P Reynolds'
 Margaret A, dressmaker, h P Reynolds'
 Patrick, gardener, h School
 Rhodes Mrs Alice A, h cor Chestnut and Mill
 Edmund F, blocker Bassett's straw shop, h cor Chest-
 Ribero Geo F, straw worker, h Union [nut and Mill
 Wm F, carpenter and builder, h Union
 Rice Mary, rooms at S W Squires' [off Alpine
 Rich Lester P, engineer Trowbridge's piano factory, h Fales
 Richards Moses C, fish, tonics &c, h Plain (Caryville)
 Richardson Charles, emp E K Ray's, h Central (U)
 E S, clerk, Boston, h F M Richardson's
RICHARDSON FREMONT M, provisions &c, Richardson
 & Emerson, h Summer and Union
 Henry, florist, h Pond
RICHARDSON JOHN W, lumber and box mfr, J W
 Richardson & Son, h Richardson place off Lincoln
 Paul F, emp Wait's mill, h Alpine place
 Wm F, clerk O B Carter's, h F M Richardson's

WALL PAPERS.

A large and well selected stock.
 Lowest prices guaranteed. F. F. Gul-
 gon, Franklin. Established 1872.

Wm F. A M., prof mathematics and German, Dean Academy
 Gage Horace F., boss presser, O M B & Co's, Peck
 Gale Oliver M., farmer, Prospect, S F
 Gallagher Daniel, emp N Y & N E R R, Cross
 John, baggage master N Y & N E R R, Cross
 GALLISON J CUSHING, M D, M M M S, physician and surgeon, c Emons and Main
 Gullivan James, farmer, c Central and Grove
 Gammans Eben K., farmer, Union [b Dean Academy
 Gardner Miss Ella P. A M., teacher of French and Latin and
 Garrity Patrick, emp F Rubber Works, b 45 East
 Gaskill Geo N., boxmaker, Washington
 Geo O., emp S B & Co, 1 Union
 Gay Charlie H., emp O M B & Co's, West
 David A., blacksmith, Lincoln
 Mrs Fannie L., b L Lowell's, Dean ave
 Henry W., bookkeeper, O M B & Co, West
 Mrs Julia, Chestnut
 Oliver D., teamster, Central
 Samuel E., emp E Thayer, West
 T Ellis, machinist, Chestnut
 Walter H., farmer, c Union and King
 Geary Geo., emp Ray's mill, Cottage
 George Peter, Union
 Gibson Geo G., farmer, Union
 Gifford Frank L., spinner, Wachasset
 Gilbert Joseph C., 15 Central
 Gilligan Thomas, engineer, Sugar Beet pl
 Gilleney John, lather, Sugar Beet pl [Alpine pl
 Gillespie Jas., emp N Y & N E R R, b C McGwary's, off
 Gilman Joseph, carpenter, Central
 Gilmore Albert J., farmer and trader, Union
 Francis H., bootmaker, F Rubber Works, Oak
 Frank A., farmer, c Mount and Summer
 GILMORE FREDERICK F., propr Franklin House, cor
 Union and Central
 Geo H., farmer, c Mount and Summer
 Mrs Harriet M., Franklin House
 Peter, bootmaker, b P J Dorsey's, Nason

P. S. LUCE & CO'S is the best place to get good
Boots and Shoes for a little money.
 No. 11 Music Hall Block, Woonsocket.

Glabbing Chas P., 89 Union
 Glaney John, emp Wilson's mill, Bent, M
 Gleason Horace F., M D, mfr jewelry, F Stock Co, East
 Glenn James, emp and b C M Allen's, Summer
 Gibbden R C., carpenter, Summer
 Goddard Miss Mary, nurse, 39 Union
 Gooden James, weaver, b Wm Gooden's
 Wm., weaver, Pond Lane
 Gordon Bartley, bootmaker, Mechanic's pl, M
 Francis J., bootmaker, School
 Mrs Susan, School
 Goss Ashley A., roadmaster M F & P R R, Union
 Lorenzo D., emp N Y & N E R R, Forest
 Gould Albert W., carpenter, 97 Union
 Mrs Mary A., b N Arnold's, Washington, S F
 Mrs Nancy J., dressmaker, 97 Union
 Wm H., carpenter and builder, 97 Union
 Gowen Chas., farmer, 5 Pleasant
 Eben, b J Green's, Oak
 Mrs Horace, b Mrs N Cole's, Pleasant
 Graham Wm L., shipping clerk F Rubber Works, West
 Granger Henry, painter, Chestnut
 Mrs Kate, Chestnut
 Grant Geo H., carpenter and builder, Cottage
 Gratten Geo S., lab, b A F McLean's, Cottage
 Graves Reuel, carriage painter, Pond
 Reuel F., carriage painter, Pond
 Gray Abdim A., emp F Rubber Works, 124 Central
 Green Herbert A., blacksmith, Cottage
 James, nightwatch Snow, Bassett & Co's, Cottage
 Job, farmer, Spring, S F
 Greene Lewis A., dresser, Ray's mill, Central
 Mrs Mary D., Central
 Greemp Isaac, emp J Ray's, b J Denton's, Central
 Wm., " " " "
 Greenwood Alonzo S., mason, West
 Geo H., emp Daniel's boot shop W M, Pond, W M
 Sylvester A., emp Daniel's box mill, Pond W M
 Grey Charles, porter and b Dean Academy [Lincoln, M
 Griffin Clarence E., teacher and law student, b J F Adams,

WM. ROCKWOOD, Teas, Coffee and pure Spices. Dealer in
 at the old store in Unionville, Franklin.

Exhibit "F"

176
 OLD: 17-021-041
 NEW: 25- 1

WORK CARD - FRANKLIN, MASS.
 MAP NO. 11 Blk 21 LOT. NO. 8A
 ADD. 889 UNION ST
 SUB. DIV. NO. PHOTO NO.

DATE	BOOK	PAGE	R.S.	19	19	19	19	19	19
10/24/85	6834	126							
2/16/83	6119	495							
8/1/78	5495	188							
11/26/71	1789	397							
1/7/70	1642	397							
				19	19	19	19	19	19

PROPERTY INFORMATION	INCOME	EXPENSE	NET INCOME	@	%	%	TOTAL
LAND COST							
BLDG. COST	125,000						
SALE PRICE	\$3,000						
LAND	\$6,484.90						
BLDG.							
							30,000

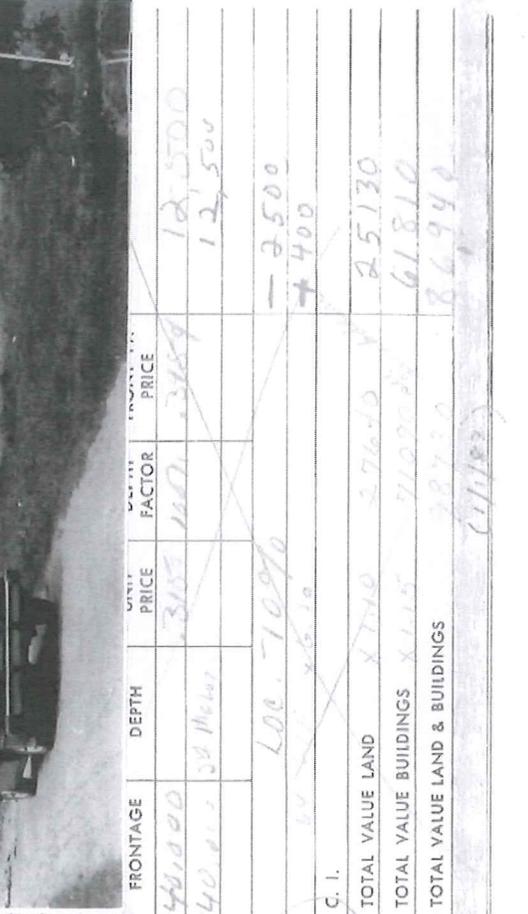
PROPERTY FACTORS	TOPOGRAPHY	IMPROVEMENTS
	LEVEL	WATER
	HIGH	SEWER
	LOW	GAS
	ROLLING	ALL UTILITIES
	SWAMPY	

TREND of DISTRICT	STREET
IMPROVING	PAYED
STATIC	SEMI-IMPROVED
DECLINING	DIRT
	SIDEWALK

MEMORANDA
1.0
1.8A
1.8B

FRONTAGE	DEPTH	UNIT PRICE	UNIT FACTOR	UNIT PRICE
40,000		3,355	160	536,800
40,000	38' 11/2"			
				12,500
				12,500

TOTAL VALUE LAND	TOTAL VALUE BUILDINGS	TOTAL VALUE LAND & BUILDINGS
87,400	276,400	363,800
	710,000	618,800
	28,900	369,400



1000 1979 1980 1982
 16720 52270 60110
 560
 5760 9240 10630
 910 240 280
 60 70
 23950 61810 71090
 2480 25130 27640
 26430 86940 98730

OWNER RECENTLY REBUILT FROM THIS JOB. OWNER WOULD CALL FOR ADMINISTRATION etc. - 1-5416-6071
 5/85 House Cables - Take Down

1485 12500
 + lot 10-9

73500
 20900
 24800

1000 1979 1980 1982
 16720 52270 60110

BUILDING RECORD

294

OCCUPANCY		RANCH SPLIT LEVEL	CAPE GARRISON	CONTEMPORARY CONVENTIONAL	CAMBREL	DESCRIPTION of OBsolescence
SINGLE FAMILY <input checked="" type="checkbox"/> STORES MULT. FAMILY OFFICES APARTMENTS						STRUCTURAL
CONSTRUCTION						SURPLUS CAP. <input checked="" type="checkbox"/>
FOUNDATIONS						OVERBUILT
FLOORS						COMMERCIAL LOC
BASEMENT						ECONOMIC
WALLS						BLIGHTED AREA
CLAPBOARDS						COMPUTATIONS
DROPP SIDING						1.5 UNIT
WOOD SHINGLES						1544 SF
ASPHALT SIDING						48700
ALUMINUM SIDING						96900
STUCCO ON MASONRY						ADD. & PCHS
BRICK ON MASONRY						WALL HT.
CONC. or CIND. BLK.						ATTIC
STONE ON MASONRY						B'M'T AREA
STONE ON FRAME						FIN. B'M'T
ROOF						B'M'T GAR.
Gable						ATTIC
Flat						FIREPLACES
ASPHALT SHINGLES						AC
WOOD SHINGLES						HEATING
TAR & GRAVEL						PLUMBING
ROLL ROOFING						M. F.
ASBESTOS						TOTAL
FRAMING						FACTOR CCM
WOOD JOIST						REPL. VALUE
TIMBER BMS. & COLS.						PHYS. VAL.
STEEL BMS. & COLS.						PHYS. DEP.
WOOD RAFTERS						FUNG. DEP.
NO. OF ROOMS						SOUND VAL.
B'M'T.						TOTAL VALUE BUILDINGS
1st						111
2nd						111
3rd						111

SUMMARY OF BUILDINGS

OCCUPANCY	T Y P E	GRADE	YR. BUILT	REMOD.	COND.	REPL. VAL.	PHYS. DEP.	PHYS. VAL.	FUNG. DEP.	SOUND VAL.
DWELLING	1 1/2 FL / 40	CE			1/2 Poor		80	50		18000
GARAGE					F	10600	70			8000
					F	4700	70			1000
					F					200
										4000
										1000
										111

NOTES:

HOUSE NEEDS GEN. RENOV. R. ROOF. N.E.E.D.S. REPLACEMENT.

1153 = 94,030

10600

4700

70

70

200

4000

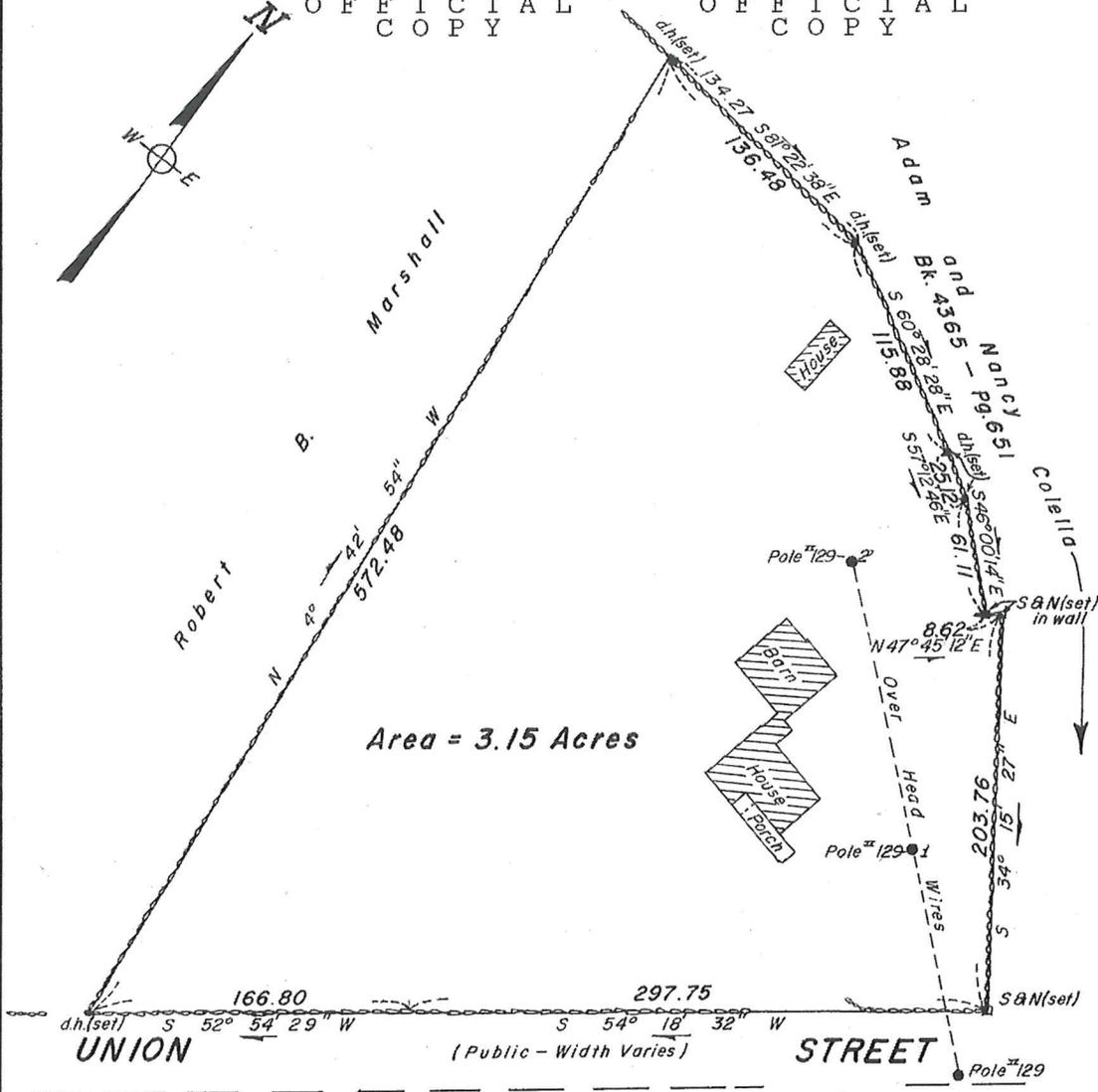
1000

111

Exhibit "G"

NOT
AN
OFFICIAL
COPY

NOT
AN
OFFICIAL
COPY



Norfolk Registry of Deeds
 Dedham, Mass.
 Received Nov. 26 1971 with Mtg.
Leonard P. Birenback & al to
Home Savs Bk
 Filed as No. 926 1971 Bk 4789 Pg 444
 Attest: Benny Hannon Register



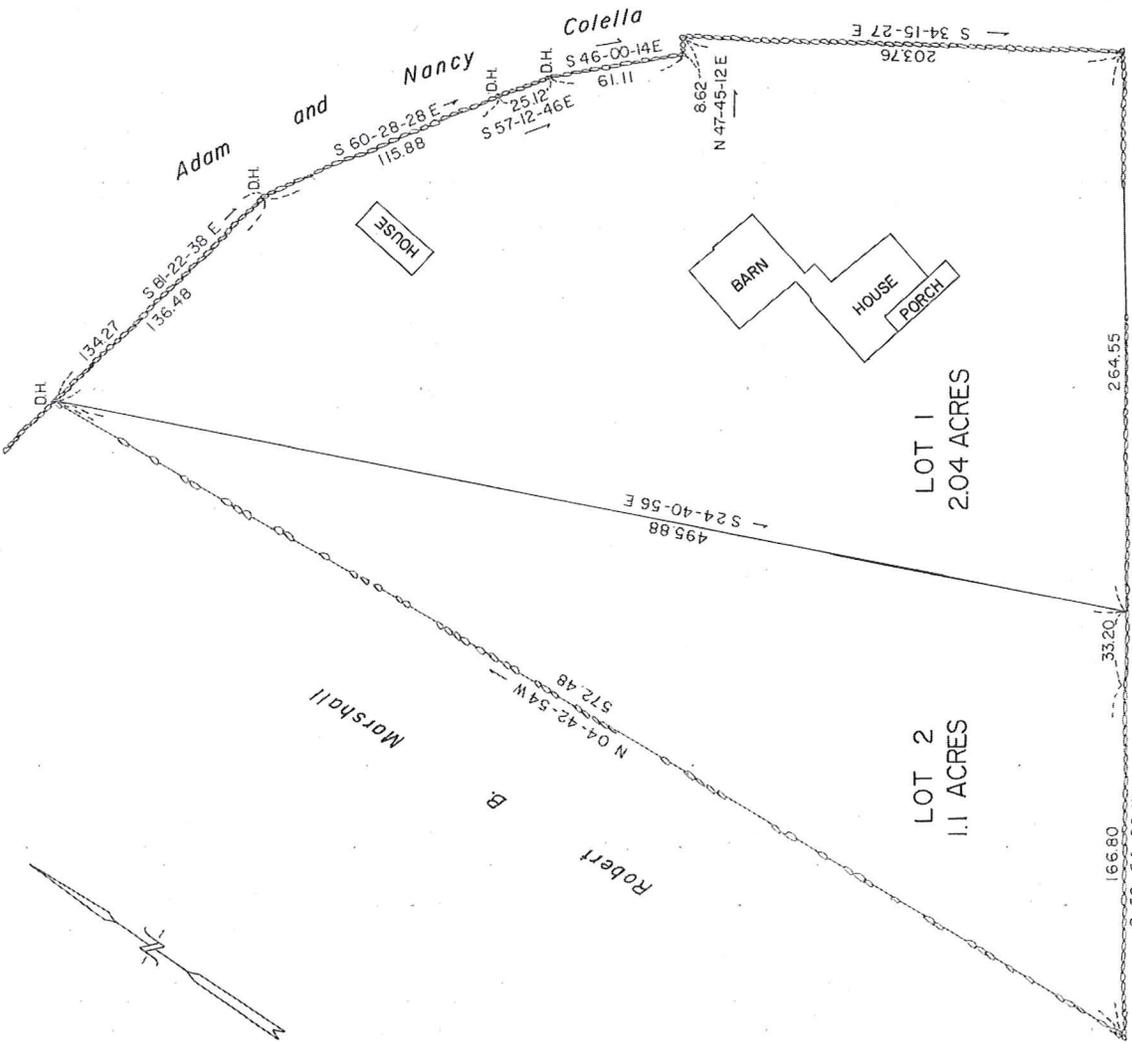
REGISTERED LAND SURVEYORS CERTIFICATION
 I hereby certify that the property lines shown on this plan are the lines dividing existing ownership, and the lines of the streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown.
 Date: November 24, 1971
Sumner C. Ellsworth
 Registered Land Surveyor

PLAN OF LAND IN FRANKLIN MASS.
 Scale 1" = 60' November 24, 1971
 Ellsworth and Holman Engineering Associates Inc.
 Reg. Professional Engineers and Land Surveyors
 Lorusso Professional Building - East Central St.
 Franklin Mass.

N O N T I A L
O F E O P I A L
N O N T I A L
O F E O P I A L

Norfolk Registry of Deeds
Dedham, Mass.
Received Dec. 14, 19 85
With _____

Filed as No. 1709 19 85
Book 6892 Page 44
Attest: *[Signature]*
Register



PLAN OF LAND
IN

FRANKLIN, MASS.
SCALE 1" = 50'
NOVEMBER 20, 1985
William J. Rossetti, P.L.S.
Franklin, Mass.



I hereby certify that I have prepared this plan in accordance with the rules and regulations of the registration of Deeds, Chapter 266, § 6 as amended, and effective 1/1/76.

[Signature]
William J. Rossetti, P.L.S.

Approval of this plan does not constitute a determination that the lots shown herein comply with the requirements of the Franklin Zoning By-Law.

Approval under the Subdivision Control Law not required
FRANKLIN PLANNING BOARD

[Signature]

Exhibit "H"



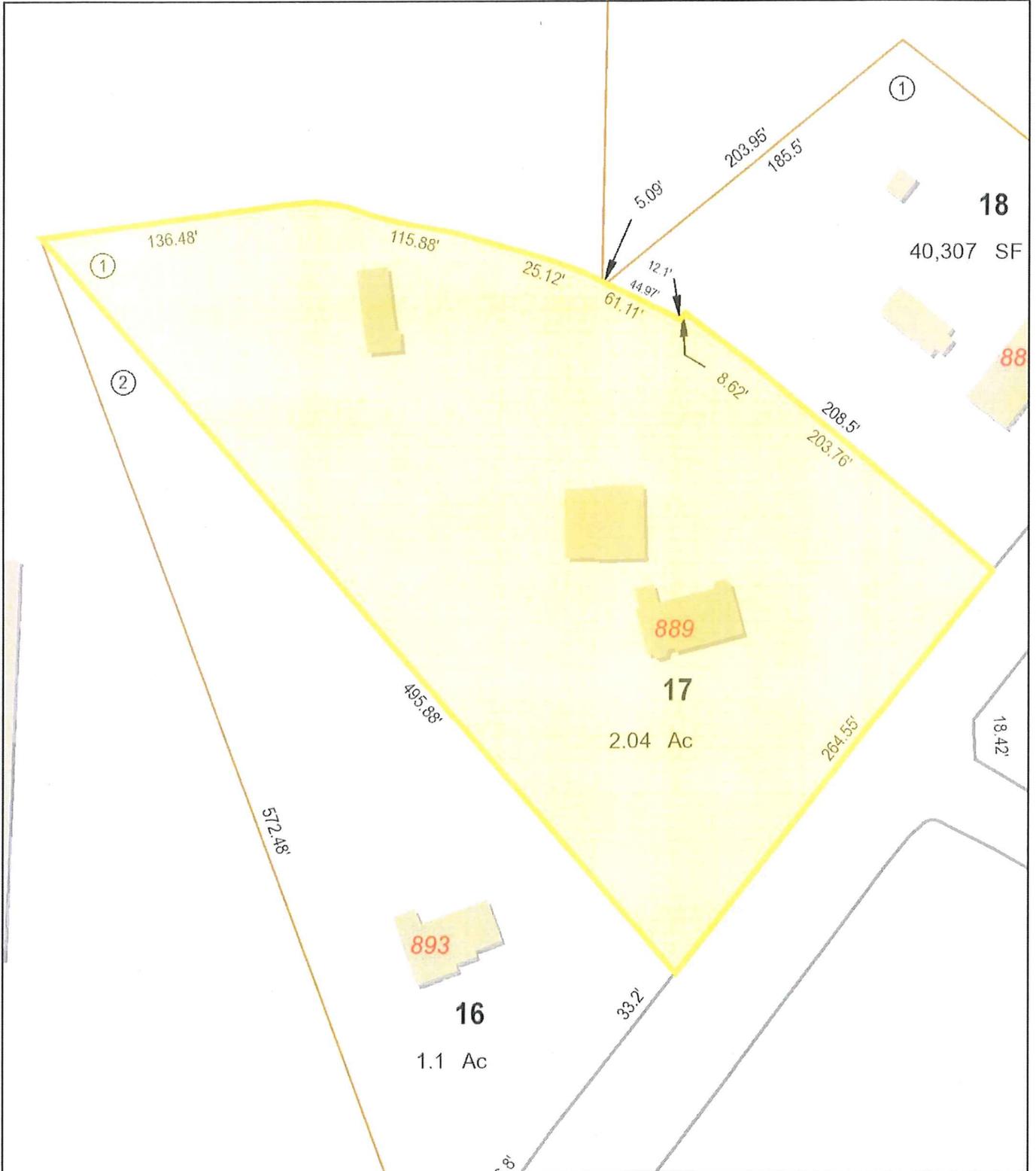
889 Upper Union

Franklin, MA

1 inch = 69 Feet



November 23, 2020



This information is believed to be correct but is subject to change and is not warranted.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Zoning Board of Appeals for the following:

Special Permit: X Variance: Appeal:

PETITIONER: Dane and Tiffany Grandizio

PETITIONER'S ADDRESS: 889 Upper Union Street PHONE: 1-774-277-5105

LOCATION OF PROPERTY: 889 Upper Union Street

TYPE OF OCCUPANCY: Two Single Family Dwellings ZONING DISTRICT: Rural Residential I

ASSESSORS MAP & PARCEL: 330-017-000-000

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input checked="" type="checkbox"/> Subdivision
<input type="checkbox"/> Other: <u> </u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner proposes to divide one parcel that contains two single family dwellings into two parcels that each contain one single family dwelling.

SECTIONS OF ZONING ORDINANCE CITED:

Article IV Section 14

Article Section

Article Section

Applicants for a **Variance** must complete Pages 1-5
Applicants for a **Special Permit** must complete Pages 1-4 and 6
Applicants for an **Appeal** to the ZBA pursuant to Zoning Bylaw section 185-45 (D) must attach a statement concerning the reasons for the appeal

Original Signature(s): 
(Petitioner(s)/Owner)

Dane Grandizio
(Print Name)

Address: 889 Upper Union Street, Franklin MA 02038

Tel. No.: 1-774-277-5105

E-Mail Address: dane.grandizio@gmail.com

Date: 12/14/2020

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

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ASSESSORS MAP & PARCEL: 330-017-000-000

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<u> </u> Dormer	<u> X </u> Subdivision
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Original Signature(s): 
(Petitioner(s)/Owner)

Tiffany Grandizio
(Print Name)

Address: 889 Upper Union Street, Franklin MA 02038

Tel. No.: 1-774-277-5105

E-Mail Address: dane.grandizio@gmail.com

Date: 12/14/2020

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Dane and Tiffany Grandizio PRESENT USE/OCCUPANCY: One parcel with 2 SF dwellings

LOCATION: 889 Upper Union Street ZONE: Rural Residential I

PHONE: 774-277-5105 REQUESTED USE/OCCUPANCY: Two parcels, each with one SF dwelling

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u>	
<u>Lot Area:</u>		<u>~88,680 SF</u>	<u>~40,560 SF; ~48,520 SF</u>	<u>40,000 SF</u>	<u>(min.)</u>
<u>Continuous Frontage:</u>		<u>264.55'</u>	<u>200.5'; 64.05'</u>	<u>200'</u>	<u>(min.)</u>
<u>Size of Lot:</u>	Width	<u>> 180'</u>	<u>>180'; <180'</u>	<u>180'</u>	<u>(min.)</u>
	Depth	<u>289'</u>	<u>217'; 289'</u>	<u>200'</u>	<u>(min)</u>
<u>Setbacks in Feet:</u>	Front	<u>85.1', >200'</u>	<u>85.1'; >200'</u>	<u>40'</u>	<u>(min.)</u>
	Rear	<u>>40', >40'</u>	<u>55.9', >40'</u>	<u>40'</u>	<u>(min.)</u>
	Left Side	<u>>40', >40'</u>	<u>>40', 113.4'</u>	<u>40'</u>	<u>(min.)</u>
	Right Side	<u>>40', 22.8'</u>	<u>>40', 22.8'</u>	<u>40'</u>	<u>(min.)</u>
<u>Building Height:</u>	Stories	<u>2; 1</u>	<u>2; 1</u>	<u>3</u>	<u>(max.)</u>
	Feet	<u><35', <35'</u>	<u><35', <35'</u>	<u>35'</u>	<u>(max.)</u>
<u>NO. of Dwelling Units:</u>		<u>1; 1</u>	<u>1; 1</u>	<u>1</u>	<u>(max.)</u>
<u>NO. of Parking Spaces:</u>		<u>>2; >2</u>	<u>>2; >2</u>	<u>2</u>	<u>(min./max)</u>

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

No other occupancies are on the lot and no construction is proposed.



ZBA APPLICATION FORM
SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria in accordance with Zoning Bylaw Section 185-45(D)(2)(a) referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits for which additional criteria must be met under the Zoning Bylaw.

185-45(D)(2)(A) **BOARD OF APPEALS:** TO HEAR AND DECIDE APPLICATIONS FOR SPECIAL PERMITS UPON WHICH THE BOARD IS EMPOWERED TO ACT UNDER THIS CHAPTER. SPECIAL PERMITS SHALL BE GRANTED BY THE BOARD OF APPEALS ONLY UPON ITS WRITTEN DETERMINATION THAT THE PROPOSED USE WILL NOT HAVE ADVERSE EFFECTS WHICH OVERBALANCE ITS BENEFICIAL EFFECTS ON EITHER THE NEIGHBORHOOD OR THE TOWN, IN VIEW OF THE PARTICULAR CHARACTERISTICS OF THE SITE AND OF THE PROPOSAL IN RELATION TO THAT SITE. THIS DETERMINATION SHALL BE IN ADDITION TO THE FOLLOWING SPECIFIC FINDINGS:

- (1) Proposed project addresses or is consistent with neighborhood or Town need.

- (2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

- (3) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

- (4) Neighborhood character and social structure will not be negatively impacted.

- (5) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.

- (6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

- (7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Addendum "A"

The Grandizios' proposal meets the Town of Franklin's Special Permit criteria as follows:

(1) Proposed project addresses or is consistent with neighborhood or Town need.

The Town of Franklin, along with the Greater Boston area in general, is experiencing a housing inventory crisis. The proposed division will add an additional unit of housing to the marketable inventory without the need for additional development. Furthermore, the creation of a separately deeded lot for each dwelling will increase tax revenue derived from the Property.

(2) Vehicular traffic flow, access and parking, and pedestrian safety are properly addressed.

Access and parking are provided by a common driveway that exceeds the minimum off-street parking requirements for residential dwellings. No physical changes to the driveway are proposed.

(3) Public roadways, drainage, utilities, and other infrastructure are adequate or will be upgraded to accommodate development

Upper Union Street meets or exceeds the necessary infrastructure to accommodate the dwellings.

(4) Neighborhood character and social structure will not be negatively impacted

No physical changes are proposed. The use of the property and its impact on the character and social structure of the neighborhood will not change.

(5) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.

No physical changes to the property are proposed and no impact to the environment is anticipated.

(6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

No physical changes to the property are proposed. Furthermore, the second lot that will be created abuts an industrial warehouse.

(7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

No change in use or occupancy is proposed. The dwellings rely on private water supplies and septic systems. The proposed division demonstrates the viability to install separate water and septic systems in compliance with Title V in the future.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed and returned to the Secretary of the Zoning Board of Appeals.

I/We Dane Grandizio and Tiffany Grandizio
(OWNER)

Address: 889 Upper Union Street, Franklin, Massachusetts 02038

State that I/We own the property located at 889 Upper Union Street,
which is the subject of this zoning application.

The record title of this property is in the name of Dane Grandizio and
Tiffany Grandizio

*Pursuant to a deed of duly recorded in the date October 27, 2017, Norfolk
County Registry of Deeds at Book 35553, Page 156; or
Dedham Registry District of Land Court, Certificate No. _____
Book _____ Page _____



SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*



SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

4

Bk 35553 P156 #102801
10-27-2017 @ 03:18p

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 10-27-2017 @ 03:18pm
Ct1#: 1682 Doc#: 102801
Fee: \$2,166.00 Cons: \$475,000.00

QUITCLAIM DEED

I, Gloria C. Bissanti, being unmarried, of Franklin, Norfolk County, Massachusetts for consideration paid and in full consideration of Four Hundred Seventy-Five Thousand and 00/100ths (\$475,000.00) dollars, grant to Dane Grandizio and Tiffany Grandizio, husband and wife, as Tenants by the Entirety, of 889 Upper Union Street Franklin, Norfolk County, Massachusetts with QUITCLAIM COVENANTS the following property in Norfolk County, Massachusetts.

889 Upper Union Street, Franklin, MA

The land with the buildings thereon situated in Franklin, Norfolk County, Massachusetts situated on the Northwesterly side of Union Street and being shown as Lot 1 on a plan entitled "Plan of Land in Franklin, Mass.", dated November 20, 1985, drawn by William J. Rossetti, P.L.S. and recorded with Norfolk Registry of Deeds as Plan No. 1709 of 1985 in Book 6892, Page 44, bounded and described as follows:

- Southeasterly: by Union Street, as shown on said plan, two Hundred sixty-four and 55/100 (264.55) feet;
- Westerly: by Lot 2, as shown on said plan, four hundred ninety-five and 88/100 (495.88) feet;
- Northerly: by land of Adam and Nancy Colella, as shown on said plan, one hundred thirty-six and 48/100 (136.48) feet;
- Northeasterly: by land of Adam and Nancy Colella, as shown on said plan, in three courses measuring one hundred fifteen and 88/100 (115.88) feet, twenty-five and 12/100 (25.12) feet and sixty-one and 11/100 (61.11) feet respectively;
- Northwesterly again by land of Adam and Nancy Colella, as shown on said plan, eight and 62/100 (8.62) feet; and

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Northeasterly again by land of Adam and Nancy Colella, as shown on said plan, two hundred three and 76/100 (203.76) feet.

Said Lot 1 contains 2.04 acres according to said plan.

Grantor hereby releases any homestead rights that she may have in the granted premises and hereby states, under the pains and penalties of perjury that she is unmarried and that no one else is entitled to Homestead rights.

Meaning and intending to convey and hereby conveying the premises conveyed to Andrew E. Bissanti (deceased) and Gloria C. Bissanti, husband and wife, by Deed of Andrew E. Bissanti and Gloria Bissanti, Trustees of the Bissanti 889 Upper Union Realty Trust, dated May 2, 2012 and recorded with the Norfolk County Registry of Deeds in Book 29934, Page 345.

Witness my hand and seal this 24th day of October 2017.

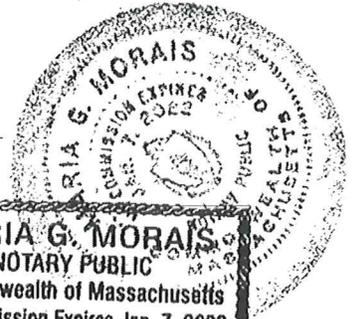
Gloria C. Bissanti
Gloria C. Bissanti

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 24th day of October, 2017, before me the undersigned Notary Public, personally appeared Gloria C. Bissanti proved to me through satisfactory evidence of identification, which were Mass ID card, to be the persons whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Maria G. Morais
Notary Public
My Commission Expires



11/05/2020



[Handwritten Signature]

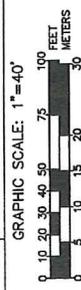
APPLICANT SEEKS A SPECIAL PERMIT PER TOWN OF FRANKLIN ZONING CODE SECTION 185-14 (LOTS CONTAINING TWO OR MORE DWELLINGS) WHERE THE DIVISION OF THE EXISTING LOT RESULTS IN LOT 1B LACKING FRONTAGE AND LOT WIDTH. LOT 1A IS BELIEVED TO CONFORM WITH ALL ZONING REQUIREMENTS.

OWNERS/APPLICANT(S)
 DANE GRANDIZIO
 TIFFANY GRANDIZIO
 889 UPPER UNION STREET
 FRANKLIN, MA 02038
 DEED BOOK 35553 PAGE 156
 PLAN NO. 1709 OF 1985
 PL.BK. 06892 PG. 44
 A.M. 330 LOT 17

**SPECIAL PERMIT PLOT PLAN
 889 UPPER UNION STREET
 FRANKLIN
 MASSACHUSETTS**

NOVEMBER 5, 2020

DATE	REVISION DESCRIPTION

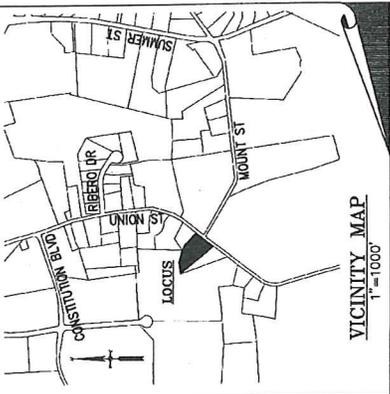
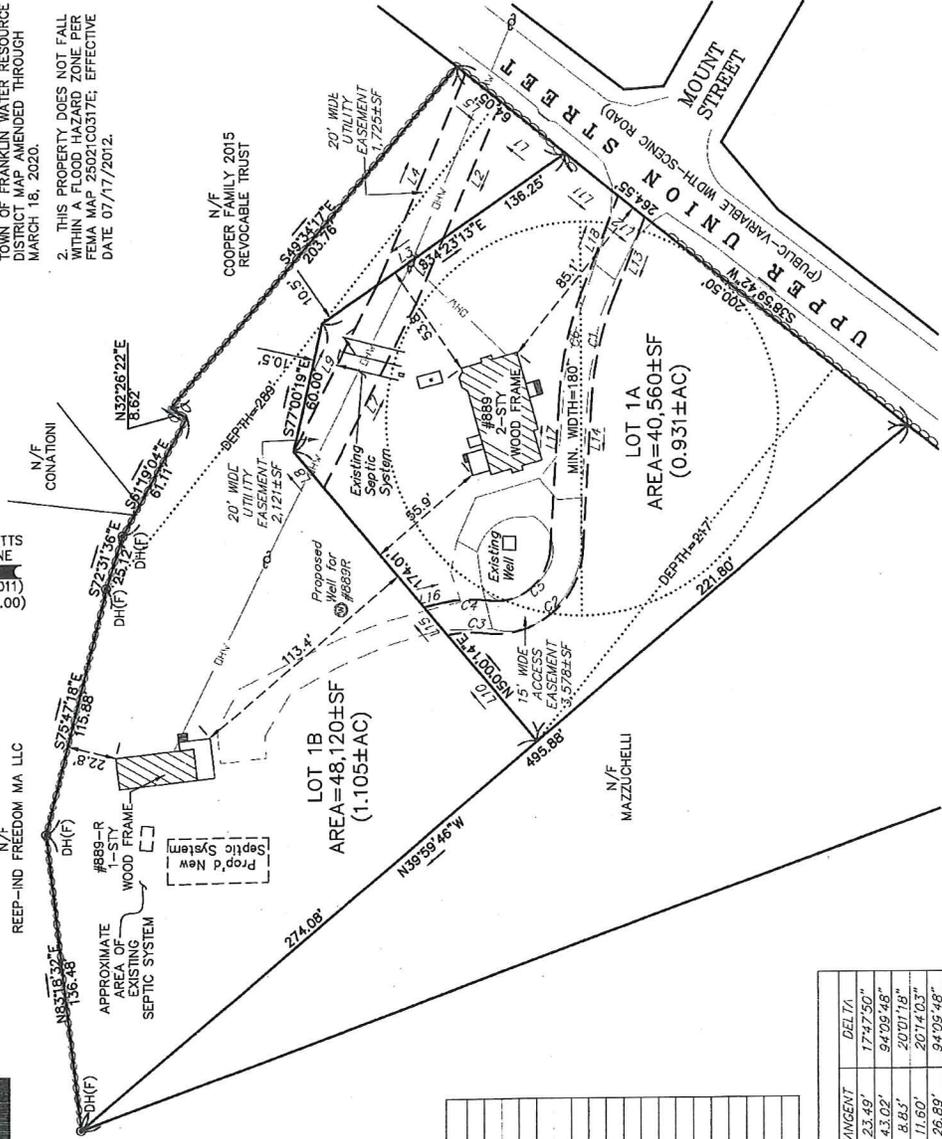
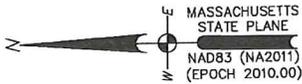


Guerriere & Halnon, Inc.
 ENGINEERING & LAND SURVEYING
 55 WEST CENTRAL ST.
 FRANKLIN, MA 02038
 PH. (508) 528-3221
 FX. (508) 528-7921
 www.gandhengineering.com

RURAL RESIDENTIAL I
 FRANKLIN ZONING BY-LAW SECTION 185
 ATTACHED BY AMENDMENT 19-831
 3-15-2019

MINIMUM LOT AREA	40,000 SF
MINIMUM LOT FRONTAGE	200'
MINIMUM LOT DEPTH	200'
MINIMUM LOT WIDTH	180'
MINIMUM YARDS	
FRONT	40'
SIDE	40'
REAR	40'
% OF LOT UPLAND COVERED BY:	
STRUCTURES	20
STRUCTURES+PAVING	25

- NOTES:
- THIS PROPERTY DOES NOT LIE WITHIN A WELL-HEAD PROTECTION AREA OR A WATER RESOURCE DISTRICT PER TOWN OF FRANKLIN WATER RESOURCE DISTRICT MAP AMENDED THROUGH MARCH 16, 2020.
 - THIS PROPERTY DOES NOT FALL WITHIN A FLOOD HAZARD ZONE PER FEMA MAP 25021C0317E, EFFECTIVE DATE 07/17/2012.



LINE TABLE

LINE	BEARING	LENGTH
L1	N38°59'42"E	31.92'
L2	N66°50'33"W	67.71'
L3	N34°23'13"W	37.87'
L4	S66°50'33"E	104.83'
L5	S38°59'42"W	20.29'
L6	S66°50'33"E	32.16'
L7	S22°46'55"E	94.64'
L8	N50°00'14"E	27.89'
L9	S62°46'55"E	85.43'
L10	N50°00'14"E	63.90'
L11	S38°59'42"W	15.75'
L12	S38°59'42"W	31.45'
L13	N66°43'02"W	41.65'
L14	N66°30'52"W	68.10'
L15	N50°00'14"E	16.90'
L16	S72°35'06"E	7.59'
L17	S66°30'52"E	68.10'
L18	S68°43'02"E	46.46'

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	46.59'	150.00'	23.49'	174°47'50"
C2	65.74'	40.00'	43.02'	94°09'48"
C3	71.47'	50.00'	8.65'	202°11'18"
C4	22.95'	65.00'	11.60'	201°4'03"
C5	41.09'	25.00'	26.89'	94°09'48"
C6	51.25'	155.00'	25.83'	174°47'50"

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.