

TOWN OF FRANKLIN  
INSPECTION DEPARTMENT  
Building Inspection – Division of Wires – Division of Gas  
Division of Plumbing  
MUNICIPAL BUILDING – 355 East Central Street  
Franklin, Massachusetts 02038

Lloyd (Gus) Brown  
Building Commissioner

Telephone: 508-520-4926  
FAX: 508-520-4906

**ZONING REVIEW**

**APPLICANT:** Timothy and Holly Firestine

**LOCATION:** 279 Pleasant Street

**ZONING DISTRICT:** SFR III

**TYPE OF PROJECT:** Construction of a Detached Pergola

**DATE:** 12/09/2024 DENY

**VARIANCE & Special Permit**

**ZONING BY LAW SECTIONS:** 185-19 B. (2),(4),(5) & 185-19 C. 185-40 D (I) (i)

**REASON FOR DENIAL:** Applicant is seeking to construct a 16' x 26' detached pergola that is 9.5' from the side line setback where 10.7' is required, in addition the pool equipment is 0.7' from the side line where 10' is required and the distance between the pool and pergola is 5.0' where 10' is required. Also seeking to increase the impervious area of the lot to 16.2 % where 15 % is allowed. The building permit is denied without a variance and special permit from the ZBA.

**APPEAL OF DENIAL OPTIONS:**

**ZONING BOARD OF APPEALS**

**APPLICANT SIGNATURE** \_\_\_\_\_ **DATE**

**ZONING OFFICIAL SIGNATURE** LAB \_\_\_\_\_ **DATE** 12/09/2024

TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS

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

TOWN OF FRANKLIN  
TOWN CLERK

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TOWN OF FRANKLIN

NOV 27 2024

2024 NOV 27 A 11: 52 ZBA APPLICATION FORM

ZONING BOARD OF APPEALS

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GENERAL INFORMATION

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

Special Permit: X Variance: X Appeal: \_\_\_\_\_

PETITIONER: TIMOTHY SCOTT FINESTINE & HOLLY CAMPBELL FINESTINE

PETITIONER'S ADDRESS: 279 PLEASANT ST PHONE: 314-267-9120

LOCATION OF PROPERTY: 279 Pleasant St

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: SF-111

ASSESSORS MAP & PARCEL: Map 262 Parcel 096

REASON FOR PETITION:

- Additions  New Structure
- Change in Use/Occupancy  Parking
- Conversion to Add'l Dwelling Unit's  Sign
- Dormer  Subdivision
- Other: \_\_\_\_\_

DESCRIPTION OF PETITIONER'S PROPOSAL:

To Construct a Pergola & Pool Equipment a distance less than allowed for accessory structures to have lot coverage in excess of 15%

SECTIONS OF ZONING ORDINANCE CITED:

- Article 185 Section 19 B (2) + B (5) Setbacks for accessory structure to side lot line and another accessory structure.
- Article 185 Section 40 D (4) (1) Impervious Coverage Exceeding 15%
- 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)

TIMOTHY SCOTT FINESTINE  
(Print Name)

Address: 279 PLEASANT ST FRANKLIN MA 02038

Tel. No.: 314-267-9120

E-Mail Address: TPDSTINE@GMAIL.COM

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

**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 TIMOTHY SUIT FIRESTONE & HOLLY CAMPBELL FIRESTONE  
(OWNER)

Address: 279 PLEASANT ST FRANKLIN MA 02038

State that I/We own the property located at 279 Pleasant Street, which is the subject of this zoning application.

The record title of this property is in the name of Timothy + Holly Firestone

\*Pursuant to a deed of duly recorded in the date 12/06/2022 Norfolk County Registry of Deeds at Book 46956, Page 549; or Dedham Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

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

# 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: Timothy & Holly Firestone  
 PRESENT USE/OCCUPANCY: Single Family Residence  
 LOCATION: 279 Pleasant Street ZONE \_\_\_\_\_  
 PHONE: 314-267-9120  
 REQUESTED USE/OCCUPANCY: Assessory Structure

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS<sup>1</sup></u>
<u>Lot Area:</u>	<u>49,374</u>	<u>49,374</u>	<u>30,000</u> (min.)
<u>Continuous Frontage:</u>	<u>151.36'</u>	<u>151.36'</u>	<u>125'</u> (min.) PER RECORDED SUBDIVISION PLAN 265 of 1989
<u>Size of Lot:</u>			
Width	<u>146' +</u>	<u>146'+</u>	<u>Exempt 112.5</u> (min.)
Depth	<u>361' +</u>	<u>361' +</u>	<u>Exempt 160</u> (min)
<u>Setbacks in Feet:</u>			
Front	<u>187.9'</u>	<u>187.9'</u>	<u>40'</u> (min.)
Rear	<u>65</u>	<u>65</u>	<u>30'</u> (min.)
Left Side	<u>25.1</u>	<u>0.7</u>	<u>25'</u> (min.)
Right Side	<u>41.0</u>	<u>41.1</u>	<u>25'</u> (min.)
<u>Building Height:</u>			
Stories	<u>2</u>	<u>2</u>	<u>3</u> (max.)
Feet	<u>&lt;35'</u>	<u>&lt;35'</u>	<u>35'</u> (max.)
<u>NO. of Dwelling Units:</u>	<u>1</u>	<u>1</u>	<u>1</u> (max.)
<u>NO. of Parking Spaces:</u>	<u>6</u>	<u>6</u>	<u>2</u> (min./max)

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.

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SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.



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. The project includes a roof recharge system which mitigates the impervious coverage exceeding 15% of the lot area.

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

The existing garage and driveway are capable of having 6+ parking spaces. There are 2 garage parking spaces. Two spaces per unit as required by the Franklin Zoning Bylaw. No additional vehicle trips or traffic impacts are anticipated.

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

The roadway system can accommodate the vehicle trips which will not change due to the accessory structures. The site will have less "Net" impervious coverage due to the proposed roof recharge system. The site will be connected to municipal utilities. A septic system serves the property.

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(4) Neighborhood character and social structure will not be negatively impacted. The addition of pool, pool equipment and pergola will not negatively impact the character of social structure of the neighborhood.

(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.

The proposed pool, pool equipment and pergola will be constructed on an existing developed property and will not be located within a wetland resource area, habitats or impact a feature.

(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.

The proposed pool and pool equipment and pergola are not anticipated to deprive the abutting properties of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light or vibration 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.

No changes are proposed for the water or sewer use.

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TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS

Municipal Building  
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508-520-4926

ZBA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH ZONING BYLAW SECTION 185-45 (D) (2) (6) AND MGL 40A, SECTION 10:

- A) A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:  
*A variance is being sought to allow the pool equipment to remain in its current location and to allow a pergola to be constructed less than 10 feet from the pool and the side lot line. A financial hardship would be realized if the pool equipment was required to be relocated. The pergola is intended to be located in close proximity to the pool to provide shelter from the elements.*
- B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:  
*When the excavation of the pool began, unsuitable soils and buried fill materials were discovered and the location of the pool was revised to its current location. This soil condition created a situation where the removal would have been costly thus creating a financial hardship.*
- C) Desirable relief may be granted without either:
- 1) Substantial detriment to the public good for the following reasons:  
*The proposed accessory structures will be located on private property and will not negatively affect the abutting property owners.*
  - 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:  
*The accessory structures are allowed in the zoning district. The pool equipment is relatively low to the ground and shielded from the neighboring property by a fence. The proposed pergola will be located slightly closer to the lot line than allowed and half the distance from the pool as allowed. The intent of a pergola is to be in close proximity of the pool.*

If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

Page 5

Bk 40956 P549 #102393  
12-06-2022 @ 09:32a

After Recording return to:  
Timothy Scott Firestine  
Holly Campbell Firestine  
279 Pleasant Street  
Franklin, MA 02038

N O T  
A N  
F F I C I A L  
C O P Y

N O T  
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C O P Y

### QUITCLAIM DEED

Timothy Scott Firestine and Holly Campbell Firestine of Franklin, Massachusetts,

for consideration paid in the amount of Ten and 00/100 Dollars (\$10.00)

grant to Timothy Scott Firestine and Holly Campbell Firestine as Trustees of the 2022 Firestine Family Revocable Trust, under a declaration of trust dated November 30, 2022 and any amendments thereto, and described in a trustee's certificate pursuant to M.G.L. ch. 184 sec. 35 and recorded with the Norfolk County Registry of Deeds records herewith, and with a mailing address of 279 Pleasant Street, Franklin, MA 02038

with quitclaim covenants

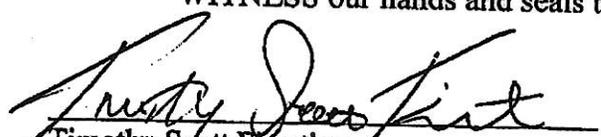
Property Address: 279 Pleasant Street, Franklin, MA 02038

The land situated on the southeasterly side of Pleasant Street in the Town of Franklin Massachusetts and shown as Lot D on plan entitled "Plan of Land in Franklin, Mass." dated March 14, 2000, rev. April 10, 2000, drawn by George H. Frink Reg. Land Surveyor and recorded in the Norfolk County Registry of Deeds as Plan No. 310 of 2000 in Plan Book 474, to which reference may be had for a more particular description.

Lot D contains 49,374 square feet according to said plan.

For Grantors title, see Deed recorded on July 12, 2019 in Book 36959 Page 77 of the Norfolk County Registry of Deeds.

WITNESS our hands and seals this 30<sup>th</sup> day of November, 2022.

  
Timothy Scott Firestine

  
Holly Campbell Firestine

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY  
  
WILLIAM P. O'DONNELL, REGISTER

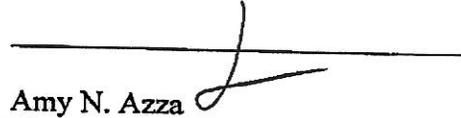
NOT  
COMMONWEALTH OF MASSACHUSETTS  
NOT

Norfolk, ss.

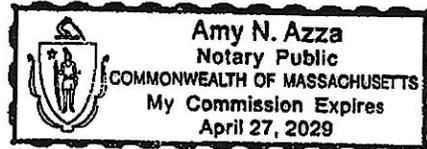
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On this 30<sup>th</sup> day of November 2022 before me, the undersigned notary public, personally appeared Timothy Scott Firestine and Holly Campbell Firestine, personally known to me, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Amy N. Azza  
Notary Public  
My Commission Expires: April 27, 2029





# 300 feet Abutters List Report

Franklin, MA  
November 18, 2024

Parcel Number: 262-096-000  
CAMA Number: 262-096-000-000  
Property Address: 279 PLEASANT ST

Mailing Address: FIRESTINE TIMOTHY S & HOLLY C TRS  
2022 FIRESTINE FAMILY REVOC TR  
279 PLEASANT ST  
FRANKLIN, MA 02038

Parcel Number: 262-097-000  
CAMA Number: 262-097-000-000  
Property Address: 271 PLEASANT ST

Mailing Address: SADAT-AALAEË MISAGH SADAT-  
AALAEË ASHLY  
271 PLEASANT ST  
FRANKLIN, MA 02038

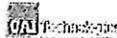
Parcel Number: 262-098-000  
CAMA Number: 262-098-000-000  
Property Address: 263 PLEASANT ST

Mailing Address: MCNAMARA TYLER MCNAMARA  
ANALIDA CUEVAS  
263 PLEASANT ST  
FRANKLIN, MA 02038

Parcel Number: 267-005-000  
CAMA Number: 267-005-000-000  
Property Address: 255 PLEASANT ST

Mailing Address: DIROSARIO JOSEPH DIROSARIO  
JOANNE  
255 PLEASANT ST  
FRANKLIN, MA 02038

*Kevin W. Doyle, 11-18-2024*



[www.cai-tech.com](http://www.cai-tech.com)

11/18/2024

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