

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: Michael Marinelli

LOCATION: 10 Windsor Circle

ZONING DISTRICT: RR I

TYPE OF PROJECT: 16' x 20' Pavilion

DATE: 02/23/2023 **DENY**

VARIANCE

ZONING BY LAW SECTIONS: 185-19 B. (5) Accessory Buildings and
Structures

REASON FOR DENIAL: Applicant is seeking to install a 16' x 20' pavilion
7.5' from a pool where 10' is required. The building permit is denied without
a variance from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____ **DATE**

ZONING OFFICIAL SIGNATURE LAB _____ **DATE** 02/23/2023

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

RECEIVED
TOWN OF FRANKLIN

MAR 01 2023

ZONING BOARD OF APPEALS

ZBA APPLICATION FORM

GENERAL INFORMATION

TOWN OF FRANKLIN
TOWN CLERK

2023 MAR -1 P 3:17

RECEIVED

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

Special Permit: _____ Variance: ☒ Appeal: _____

PETITIONER: Michael Marinelli

PETITIONER'S ADDRESS: 10 Windsor Circle PHONE: 508-245-2426

LOCATION OF PROPERTY: 10 Windsor Circle Franklin, MA

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: _____

ASSESSORS MAP & PARCEL: 223-062-000-000

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input checked="" 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 type="checkbox"/> Subdivision
<input type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL: 16 X 20' Pavilion should be 10 ft.

from swimming pool. One post will be a little closer than 10 ft. to the
swimming pool. Approximately 8 ft from the pool.

SECTIONS OF ZONING ORDINANCE CITED:

Article _____ Section _____

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)
Michael Marinelli

(Print Name)
Address: 10 Windsor Circle

Tel. No.: 508-245-2426

E-Mail Address: marinelli.mike@gmail.com

Date: 2/9/23

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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ZBA APPLICATION FORM - OWNERSHIP INFORMATION

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

I/We Michael Marinelli
(OWNER)

Address: 10 Windsor Circle

State that I/We own the property located at 10 Windsor Circle,
which is the subject of this zoning application.

The record title of this property is in the name of Michael Marinelli
and Cara Marinelli

*Pursuant to a deed of duly recorded in the date 4/28/2011, Norfolk

County Registry of Deeds at Book 28765 ²²⁰⁴⁴, Page 168 ¹⁸⁵; 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**

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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:

The alteration of the footings would result in significant financial loss to the petitioner.

- 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:

The intent was to have the structure within the minimum distance required from the pool.

- C) Desirable relief may be granted without either:

2.5 ft

- 1) Substantial detriment to the public good for the following reasons:

The structure will be approximately 6' to close to the pool. It will be approximately 9' 6" from the swimming pool and poses no threat to the public good.

- 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:

I don't believe the Pavilion substantially derogates from the intent of the zoning bylaw because it is a very minimal distance. I think the bylaw is for ambulance traffic and

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

we would not be able to set back there regardless of the pavilion or not

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

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ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Michael Marinelli PRESENT USE/OCCUPANCY: Single Family Home

LOCATION: 10 Windsor Circle ZONE: _____

PHONE: 508-245-2426 REQUESTED USE/OCCUPANCY: _____

		<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
Lot Area:		<u>47,549 S.F.</u>	<u>N/A</u>	_____	(min.)
Continuous Frontage:		<u>216'</u>	<u>N/A</u>	_____	(min.)
Size of Lot:	Width	<u>201'</u>	<u>N/A</u>	_____	(min.)
	Depth	<u>245'</u>	<u>N/A</u>	_____	(min.)
Setbacks in Feet:	Front	<u>7.5'</u>	_____	<u>10'</u>	(min.)
	Rear	<u>42.7'</u>	_____	<u>10'</u>	(min.)
	Left Side	<u>79.6'</u>	_____	<u>10'</u>	(min.)
	Right Side	<u>24.1'</u>	_____	<u>10'</u>	(min.)
Building Height:	Stories	<u>N/A</u>	_____	_____	(max.)
	Feet	_____	_____	_____	(max.)
NO. of Dwelling Units:		<u>N/A</u>	_____	_____	(max.)
NO. of Parking Spaces:		<u>N/A</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.

Installation 16'x20' Pavilion in rear yard. Setbacks show 7.5'
The distance actually needed will be about 7'6"

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 04-28-2011 @ 02:48pm
Ct1#: 1346 Doc#: 40158
Fee: \$2,576.40 Cons: \$565,000.00

Bk 28765 Pg 168 #40158
04-28-2011 @ 02:48p

QUITCLAIM DEED

John P. Smith and Richard P. Trainor, Trustees of the Kensington Realty Trust
dated January 24, 2005 recorded at the Norfolk County Registry of Deeds at Book 22044
Page 185 with an address of 2 Bellevue Avenue, Braintree, Massachusetts, 02184

for consideration paid of Five Hundred Sixty-five Thousand (\$565,000.00) and 00/100
Dollars

grant to

Michael Marinelli and Cara Marinelli, of 10 Windsor Circle, Franklin, MA, as tenants
by the entirety, with *Quitclaim Covenants*

The land in Franklin, Norfolk County, Massachusetts on the easterly side of Windsor
Circle shown as Lot 4 on the plan entitled "Definitive Subdivision Plan 'Kensington
Estates' Franklin, Massachusetts Scale: 1" = 40' dated March 21, 2001, Owner/Applicant
Michael & Lisa Luccini by GLM Engineering Consultants, Inc., 1750 Washington Street,
Holliston, Massachusetts 01746" filed with Norfolk Deeds as Plan No. 339 of 2002 in
Plan Book 496. Lot 4 contains 47,549 ± S.F. or 1.09 ± acres according to said plan.

The premises are conveyed subject to and/or with the benefit of the following:

1. Certificate of Vote Definitive Subdivision dated October 18, 2001 as recorded at
Norfolk Deeds in Book 16755, Page 42 and the Certificate of Vote Plan Endorsement
December 19, 2001 in Book 16755, Page 46.
2. Covenant dated April 25, 2002 as recorded at Norfolk Deeds in Book 16755, Page 47.
3. Orders of Conditions SE 159-752 dated March 14, 2002 as recorded at Norfolk Deeds
in Book 16784, Page 210 and Page 216.

Being a portion of the premises conveyed to these Grantors by William S. Ronca by deed
dated January 25, 2005 and recorded in Book 22044 at Page 189 in said Registry of
Deeds..

Property Address: 10 Windsor Circle, Franklin, MA

WITNESS our hand and seals this 27th day of April, 2011.

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

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

John P. Smith
John P. Smith, Trustee of the Kensington
Realty Trust

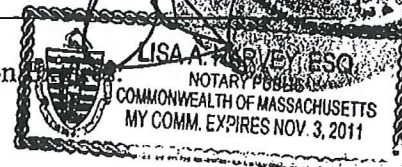
Richard P. Trainor
Richard P. Trainor, Trustee of the
Kensington Realty Trust

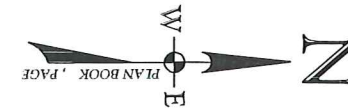
Commonwealth of Massachusetts

Norfolk, ss.

On this 26th day of April, 2011, before me, the undersigned notary public,
personally appeared John P. Smith and Richard P. Trainor, Trustees of the Kensington
Realty Trust, proved to me through satisfactory evidence of identification, which was
MA license (Smith), photo id by witness (Trainor) to be the persons whose names are signed
on the preceding or attached document, and acknowledged to me that they executed it
voluntarily for its stated purpose. * a copy of a driver's license

Notary Public
My Commission





No. 15 WINDSOR CIRCLE
N/F
HAFERS

No. 83 PINE STREET
N/F
BHOSHAN

No. 81 PINE STREET
N/F
GIBSON-RIVERS

No. 110 BEECH STREET
N/F
GRIMES

No. 114 BEECH STREET
N/F
COUSIN

RECEIVED
TOWN OF FRANKLIN
MAR 01 2023
ZONING BOARD OF APPEALS

CERTIFIED PLOT PLAN

LOCATED AT

10 WINDSOR CIRCLE

ASSESSORS PARCEL # 223-062-000-000

FRANKLIN, MA

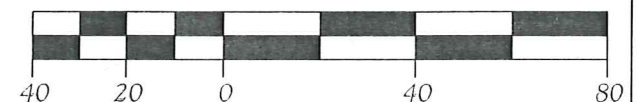
NORFOLK COUNTY

CONTINENTAL LAND SURVEY, LLC

105 BEAVER STREET, FRANKLIN, MA

(508) 528 - 2528

SCALE: 1"=40' JANUARY 30, 2023



I CERTIFY THAT THIS
PLAN WAS CREATED BY
AN INSTRUMENT
SURVEY ON THE
GROUND AND THAT ALL
STRUCTURES ARE
LOCATED AS SHOWN
HEREON.



CHRISTOPHER C. CHARLTON, PLS

PREPARED FOR:
MICHAEL AND CARA MARINELLI
10 WINDSOR CIRCLE
FRANKLIN, MA 02038

REFERENCES:
DEED: BOOK 28765 PAGE 168
PLAN: BOOK 496, PAGE 339

I CERTIFY THAT THE LOT
SHOWN AND THE
IMPROVEMENTS THEREON
DO NOT LIE IN A WATER
RESOURCE DISTRICT.

