

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: Jimmy Desert

LOCATION: 1170 Pond Street

ZONING DISTRICT: RR II

TYPE OF PROJECT: Construction of an Addition

DATE: 06/29/2022 DENY

VARIANCE

ZONING BY LAW SECTIONS: 185 Attachment 9 Schedule of Lot, Area,
Frontage, Yard and Height Requirements

REASON FOR DENIAL: Applicant is seeking to construct an 18' x 20'
addition that is 27.0' from the right side yard setback where 35' 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** 06/29/2022

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

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

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TOWN OF FRANKLIN

JUN 21 2022

ZONING BOARD OF APPEALS

TOWN OF FRANKLIN
TOWN CLERK

2022 JUN 21 A 9:06

RECEIVED

ZBA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Jimmy Desert

PETITIONER'S ADDRESS: 1170 Pond Street, Franklin, MA 02038 PHONE: 508-718-9472

LOCATION OF PROPERTY: 1170 Pond Street

TYPE OF OCCUPANCY: Single Family Residence ZONING DISTRICT: Rural Residential II

ASSESSORS MAP & PARCEL: Map 212 lot 23

REASON FOR PETITION:

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

DESCRIPTION OF PETITIONER'S PROPOSAL:

To construct an addition (18' x 20') on the north west rear corner of a single family home.

SECTIONS OF ZONING ORDINANCE CITED:

Article 185 Section 9:1 Relief of the Side Yard Setback

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):

[Signature]
Petitioner(s)/Owner
Jimmy Desert
(Print Name)

Address: 1170 Pond Street, Franklin, MA 02038

Tel. No.: 508-718-9472

E-Mail Address: jimmydesert25@gmail.com

Date: 6/8/2022

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: Jimmy Desert PRESENT USE/OCCUPANCY: single family dwelling

LOCATION: 1170 Pond Street ZONE: rural residential II

PHONE: 508-718-9472 REQUESTED USE/OCCUPANCY: single family

		<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>Lot Area:</u>		<u>30,043+/- sf.</u>	<u>30,043+/-sf.</u>	<u>30,000+/-sf.</u>	(min.)
<u>Continuous Frontage:</u>		<u>160.00</u>	<u>160.00</u>	<u>150.00</u>	(min.)
<u>Size of Lot:</u>	Width	<u>173'</u>	<u>173'</u>	<u>135.00</u>	(min.)
	Depth	<u>212'</u>	<u>212'</u>	<u>200.00</u>	(min)
<u>Setbacks in</u> <u>Feet:</u>	Front	<u>64.5'</u>	<u>64.5'</u>	<u>40.00</u>	(min.)
	Rear	<u>112.9'</u>	<u>108'</u>	<u>35.00</u>	(min.)
	Left Side	<u>37.1'</u>	<u>37.1'</u>	<u>35.00</u>	(min.)
	Right Side	<u>31.2'</u>	<u>27.0'</u>	<u>35.00</u>	(min.)
<u>Building Height:</u>	Stories	<u>2</u>	<u>2</u>	<u>3</u>	(max.)
	Feet			<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>					(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.

Work generally consists of constructing an 18'x20' wood
framed addition onto an existing 2-story wood framed house.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
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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 Jimmy Desert
(OWNER)

Address: 1170 Pond Street, Franklin, MA 02038

State that I/We own the property located at 1170 Pond Street,
which is the subject of this zoning application.

The record title of this property is in the name of Jimmy Desert

*Pursuant to a deed of duly recorded in the date 4/6/20, Norfolk
County Registry of Deeds at Book 37746, Page 121; or
Dedham Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

DocuSigned by:


SIGNATURE BY LAND OWNER OR
0870A0F25A5E43C
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
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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:

Due to the current housing market, it is not financially practical for the family to purchase a new home in Franklin.

- 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 hardship is related to the existing shape of the lot which prevents the addition from being constructed in another location on the property.

- C) Desirable relief may be granted without either:

1) Substantial detriment to the public good for the following reasons:
No substantial detriment to the public good is anticipated. The addition is proposed on the right rear of the house.

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

Granting the requested variance will not nullify or substantially derogate from the intent of the Zoning By-Law and will enhance the remains consistent with the overall characteristic within the neighborhood.

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

N O T
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C O P Y

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

QUITCLAIM DEED

Property Address: 1170 Pond Street, Franklin MA

We, Duchene Jean and Moseline Denizard, being unmarried, of Franklin, MA 02038, for consideration of Four Hundred Sixty Thousand and 00/100 Dollars (\$460,000.00), grant to Jimmy Desert, Individually, of 20 Gonsalves Way, Stoughton, MA 02072,

with quitclaim covenants the following property in Norfolk County, Massachusetts

A certain parcel of land with the buildings thereon in Franklin, Norfolk, county, Massachusetts, more particularly described as follows:

Lot 2A as set forth on Plan of Land in the Town of Franklin, Norfolk County, Massachusetts dated June 20, 2006 prepared by Guerriere & Hanlon, Inc. 38 Pond Street, Franklin, Massachusetts, Scale =10', which plan is filled with Norfolk Deeds as Plan No. 91 of 2006 in Plan Book 555, to which plan reference is made for a more particular description.

Said Lot 2A Contains 30,043 +/- square feet according to said plan.

The Grantor her spouse, Michael Lavery hereby release any and all rights of homestead in said premises and certify under the pains and penalties of perjury that there are no other persons entitled to protection of the Homestead ACT in said premises.

Meaning and intending to convey the same premises as described by deed dated October 18, 2017 and recorded October 31, 2017 with Norfolk County Registry of Deeds in Book 35563 at Page 312.

NOT
A N
O F F I C I A L
We hereby release all rights of homestead for ourselves and our family.
C O P Y

WITNESS my hand and seal this 6 day of April, 2020.

Duchene Jean
Duchene Jean

Moseline Denizard
Moseline Denizard

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

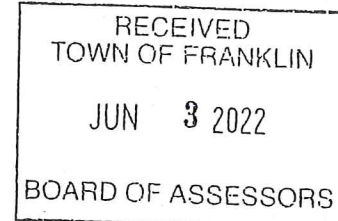
On this 6 day of April, 2020, before me, the undersigned notary public,
Duchene Jean and Moseline Denizard, personally appeared, proved to me through satisfactory evidence
of identification, which were driver's license, to be the person(s) whose name(s)
is/are signed on the preceding or attached document, and acknowledged to me that he/she signed it
voluntarily, as his/her free act and deed, for its stated purpose.

(Seal)

[Signature]
Notary Public
My commission expires: 10/18/24



Town of Franklin – Board of Assessors
355 East Central Street
Franklin, MA 02038
Tel # 508-520-4920
Fax # 508-520-4923



Abutters List Request Form

Please Note: A \$25.00 fee per list is required to process your request. Payment is due at the time of submission of this form. Please allow 10 days from the date of both payment and submission of the form for the Assessors office to complete processing your request. (Revised 1-1-22)

Date of Request 06 / 02 / 22

Assessors Parcel ID # (12 digits) 212 - 023 - 000 - 000

Property Street Address 1170 Pond Street

Distance Required From Parcel # listed above (Circle One): 500 300 100
(Note: if a distance is not circled, we cannot process your request)

Property Owner James Desert

Property Owner's Mailing Address 20 Gonsalves Way

Town/City Stoughton State MA Zip Code 02072

Property Owner's Telephone # 401 - 418 - 0208

Requestor's Name (if different from Owner) Guerriere and Halnon, Inc.

Requestor's Address 55 West Central St. Franklin, MA.

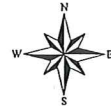
Requestor's Telephone # 508 - 528 - 3221

Office Use Only: Date Fee Paid 6/3/22 Paid in Cash \$ 25.00

Paid by Check \$ N/A Check # N/A Town Receipt # 30014

Please Circle One:

Administration Conservation Planning Zoning Board of Appeals



1170 POND ST - 300' ABUTTERS

Franklin, MA

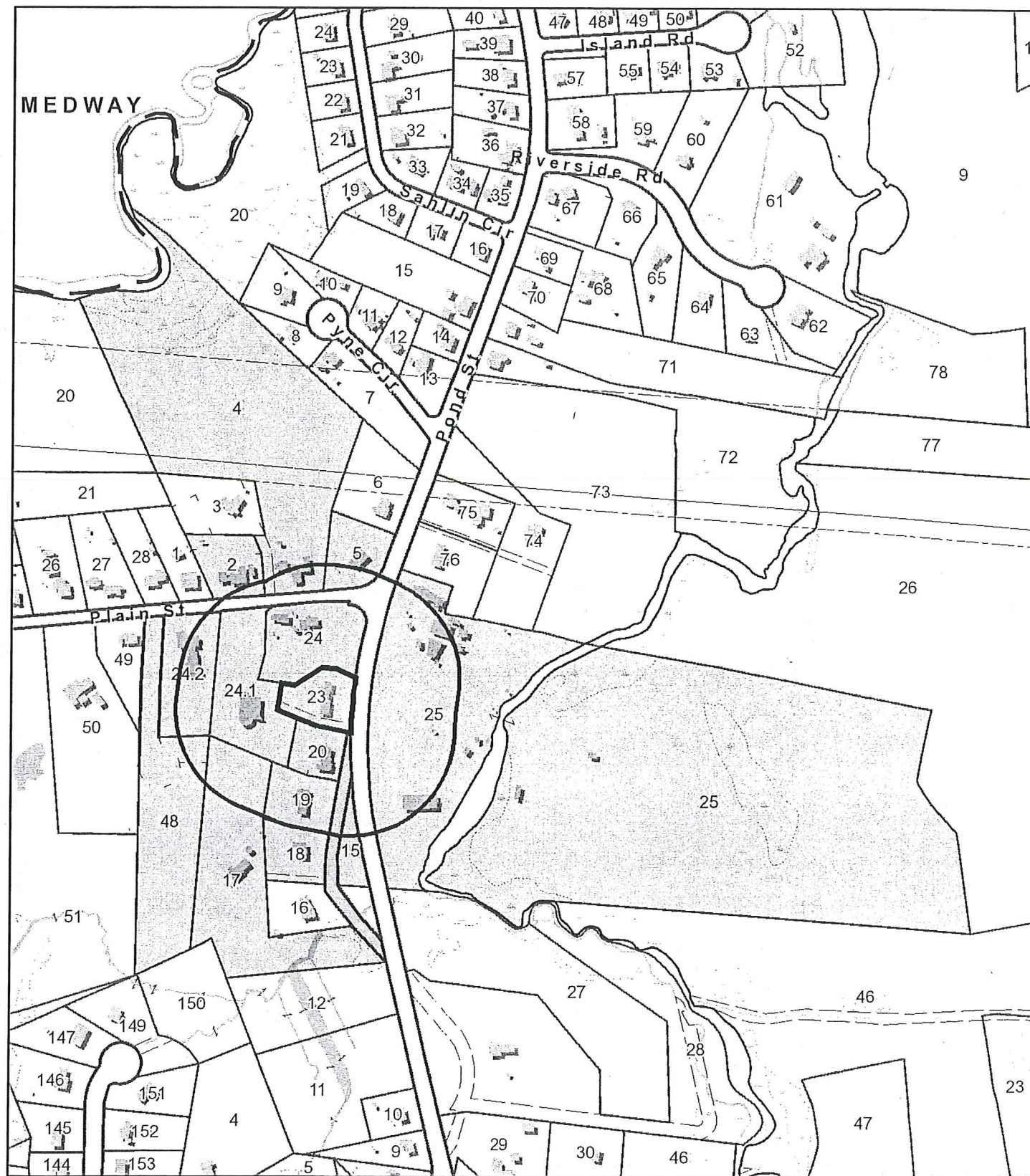


1 inch = 400 Feet

June 5, 2022

www.cai-tech.com

0 400 800 1200



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



300 foot Abutters List Report

Franklin, MA
June 05, 2022

Subject Property:

Parcel Number:	212-023-000	Mailing Address:	DESERT JIMMY
CAMA Number:	212-023-000-000		1170 POND ST
Property Address:	1170 POND ST		FRANKLIN, MA 02038

Abutters:

Parcel Number:	209-002-000	Mailing Address:	YOUNG NICOLE F TR YOUNG LIVING
CAMA Number:	209-002-000-000		TRUST
Property Address:	20 PLAIN ST		20 PLAIN ST
			FRANKLIN, MA 02038

Parcel Number:	209-004-000	Mailing Address:	LANDEVIN JERRY PORTER ROBERTA
CAMA Number:	209-004-000-000		18 PLAIN ST
Property Address:	18 PLAIN ST		FRANKLIN, MA 02038

Parcel Number:	209-005-000	Mailing Address:	VALANTE CHRISTOPHER K VALANTE
CAMA Number:	209-005-000-000		KRISTINA J
Property Address:	2 PLAIN ST		2 PLAIN ST
			FRANKLIN, MA 02038

Parcel Number:	211-048-000	Mailing Address:	PRAKKI BHARGAVA KUMAR PRAKKI SRI
CAMA Number:	211-048-000-000		SARADA
Property Address:	25 PLAIN ST		25 PALOMINO DR
			FRANKLIN, MA 02038

Parcel Number:	212-013-000	Mailing Address:	SCHULTZ PETER RISOTTI, ANGELO S &
CAMA Number:	212-013-000-000		R REALTY TRUST
Property Address:	OLD POND ST		73 HOLLISTON STREET
			MEDWAY, MA 02053

Parcel Number:	212-015-000	Mailing Address:	FRANKLIN TOWN OF
CAMA Number:	212-015-000-000		355 EAST CENTRAL STREET
Property Address:	POND ST		FRANKLIN, MA 02038

Parcel Number:	212-017-000	Mailing Address:	BATCHELDER BUDD P BATCHELDER
CAMA Number:	212-017-000-000		MONICA R
Property Address:	1100 POND ST		1100 POND ST
			FRANKLIN, MA 02038

Parcel Number:	212-018-000	Mailing Address:	ANDREWS-DREW DEBORAH
CAMA Number:	212-018-000-000		1110 POND ST
Property Address:	1110 POND ST		FRANKLIN, MA 02038

Parcel Number:	212-019-000	Mailing Address:	KIRCHMYER KATHLEEN
CAMA Number:	212-019-000-000		1130 POND ST
Property Address:	1130 POND ST		FRANKLIN, MA 02038

Parcel Number:	212-020-000	Mailing Address:	ALKHALAF DIRGAM AL-SIBAI
CAMA Number:	212-020-000-000		MOHAMMAD EYAD
Property Address:	1164 POND ST		1164 POND ST
			FRANKLIN, MA 02038



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6/5/2022

Page 1 of 2



300 foot Abutters List Report

Franklin, MA
June 05, 2022

Parcel Number: 212-023-000
CAMA Number: 212-023-000-000
Property Address: 1170 POND ST

Mailing Address: DESERT JIMMY
1170 POND ST
FRANKLIN, MA 02038

Parcel Number: 212-024-000
CAMA Number: 212-024-000-000
Property Address: 3 PLAIN ST

Mailing Address: CADILLAC RONALD J & LANI M TRS
FJSB CADILLAC IRREVOCABLE TRST
3 PLAIN ST
FRANKLIN, MA 02038

Parcel Number: 212-024-001
CAMA Number: 212-024-001-000
Property Address: 19 PLAIN ST

Mailing Address: KANTHETI SRINIVASARAO NALLURI
UMADEVI
19 PLAIN ST
FRANKLIN, MA 02038

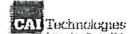
Parcel Number: 212-024-002
CAMA Number: 212-024-002-000
Property Address: 21 PLAIN ST

Mailing Address: FRANKLIN HOUSING AUTHORITY
1000 CENTRAL PARK TERRACE
FRANKLIN, MA 02038

Parcel Number: 212-025-000
CAMA Number: 212-025-000-000
Property Address: 1221 POND ST

Mailing Address: LEMBO GAIL V TR GAIL V LEMBO
LIVING TRUST RICE, SUSAN L TR
1221 POND ST
FRANKLIN, MA 02038

William M. Doyle, 6-5-2022



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6/5/2022

Page 2 of 2

ALKHALAF DIRGAM
AL-SIBAI MOHAMMAD EYAD
1164 POND ST
FRANKLIN, MA 02038

ANDREWS-DREW DEBORAH
1110 POND ST
FRANKLIN, MA 02038

BATCHELDER BUDD P
BATCHELDER MONICA R
1100 POND ST
FRANKLIN, MA 02038

CADILLAC RONALD J & LANI
FJSB CADILLAC IRREVOCABLE
3 PLAIN ST
FRANKLIN, MA 02038

DESERT JIMMY
1170 POND ST
FRANKLIN, MA 02038

FRANKLIN HOUSING AUTHORIT
1000 CENTRAL PARK TERRACE
FRANKLIN, MA 02038

FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

KANTHETI SRINIVASARAO
NALLURI UMADEVI
19 PLAIN ST
FRANKLIN, MA 02038

KIRCHMYER KATHLEEN
1130 POND ST
FRANKLIN, MA 02038

LANGEVIN JERRY
PORTER ROBERTA
18 PLAIN ST
FRANKLIN, MA 02038

LEMBO GAIL V TR
GAIL V LEMBO LIVING TRUST
1221 POND ST
FRANKLIN, MA 02038

PRAKKI BHARGAVA KUMAR
PRAKKI SRI SARADA
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FRANKLIN, MA 02038

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YOUNG LIVING TRUST
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