

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: Joe Bauer

LOCATION: 15 George Road

ZONING DISTRICT: SFR III

TYPE OF PROJECT: CONSTRUCTION OF A 12' X 16' DECK

DATE: 08/09/2022 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 a 12' x 16' deck that is 15.6' from the rear setback where 30' 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 08/09/2022**

**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

AUG 09 2022

ZONING BOARD OF APPEALS

ZBA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Joe Bauer

PETITIONER'S ADDRESS: 15 George Road, Franklin PHONE: 610-906-0967

LOCATION OF PROPERTY: 15 George Road

TYPE OF OCCUPANCY: Single Family ZONING DISTRICT: SF R III

ASSESSORS MAP & PARCEL: Parcel ID: 253-067-000-000

REASON FOR PETITION:

<u>X</u> Additions	_____ New Structure
_____ Change in Use/Occupancy	_____ Parking
_____ Conversion to Addi'l Dwelling Unit's	_____ Sign
_____ Dormer	_____ Subdivision
_____ Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner wishes to add a 12' x 16' deck to the rear of the house

SECTIONS OF ZONING ORDINANCE CITED:

Article 185 Section 9

Article _____ Section _____

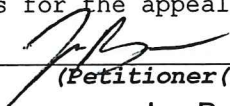
Article _____ Section _____

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)

Joe Bauer
(Print Name)

Address: 15 George Road, Franklin

Tel. No.: 610-906-0967

E-Mail Address: joseph.b.bauer@gmail.com

Date: 8/3/2022

**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 Laura and Joseph Bauer
(OWNER)

Address: 15 George Road

State that I/We own the property located at 15 George Road,
which is the subject of this zoning application.

The record title of this property is in the name of Joseph Bauer and Laura Mullen

*Pursuant to a deed of duly recorded in the date 7/23/2020, Norfolk
County Registry of Deeds at Book 38130, Page 134; 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: Laura and Joseph Bauer PRESENT USE/OCCUPANCY: Single Family

LOCATION: 15 George Rd ZONE: SF R III

PHONE: 610-906-0967 REQUESTED USE/OCCUPANCY: Single Family

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>Lot Area:</u>		<u>15,000</u>	<u>15,000</u>	<u>20,000</u>	(min.)
<u>Continuous Frontage:</u>		<u>100</u>	<u>100</u>	<u>125</u>	(min.)
<u>Size of Lot:</u>	Width	<u>115</u>	<u>115</u>	<u>112.5</u>	(min.)
	Depth	<u>128</u>	<u>128</u>	<u>160</u>	(min)
<u>Setbacks in Feet:</u>	Front	<u>70.5</u>	<u>70.5</u>	<u>40</u>	(min.)
	Rear	<u>31.6</u>	<u>15.6</u>	<u>30</u>	(min.)
	Left Side	<u>49.8</u>	<u>49.8</u>	<u>25</u>	(min.)
	Right Side	<u>22.1</u>	<u>22.1</u>	<u>25</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>		(max.)
<u>NO. of Parking Spaces:</u>		<u>4</u>	<u>4</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.

12'x16' foot deck will be built with standard wood frame and composite decking boards. The deck will be within ordinance requirements on all sides except the rear setback (despite the original house falling under the required 25 right side setback, the proposed deck will fall 25.4' from right side)

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
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:

The lot of the property as originally planned is already nonconforming to zoning bylaws, most notably the required depth of the lot. Due to the lot size and location of the home, the owners are limited in their ability to make external improvements to their home for their growing family.

- 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 lot size and shape creates a hardship for the owners as the proposed deck location is the only area on the property to add a semi-private outdoor living space

- C) Desirable relief may be granted without either:

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

The proposed addition of a deck is in line with other homes in the neighborhood - over half of the homes on George Road have a deck. Additionally, the proposed deck will not be visible from the road

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

If the property had a conforming depth, or if the house had been built closer to the road, this deck would easily meet the zoning district minimum requirements

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

NOT
A N
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C O P Y

DEED

NOT
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O F F I C I A L
C O P Y

I, Thomas M. Curran as Trustee of the Mary M. Curran Irrevocable Income Only Trust under Indenture dated March 31, 2017 (see Trustee's Certificate recorded with Norfolk County Registry of Deeds in Book 35239, Page 225) for consideration paid and in full consideration of Four Hundred Thirty-Two Thousand and 00/100 (\$432,000.00) Dollars

grant to Joseph Bauer and Laura Mullen as joint tenants, of 15 George Road, Franklin, Massachusetts 02038

With Quitclaim Covenants

The land in Franklin, in the County of Norfolk, Massachusetts, with the buildings thereon, shown as Lot 29 on the plan entitled "Subdivision of Land in Franklin, Mass., Owned by: R. & S. Const. Co., Oct. 15, 1956, Survey by: MacCarthy Engineering Ser., Inc.", recorded with Norfolk County Registry of Deeds as Plan No. 482 in Plan Book 204, bounded and described as follows:

NORTHEASTERLY	by the Southwesterly line of George Road, one hundred (100) feet;
SOUTHEASTERLY	by land now or formerly of the Estate of Katherine Holmes, one hundred twenty-five (125) feet;
SOUTHWESTERLY	by said last mentioned land, one hundred thirty-six and 9/10 (136.9) feet; and
NORTHWESTERLY	by Lot 28 as shown on said plan, one hundred thirty-one and 06/100 (131.06) feet.

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Containing fifteen thousand one (15,001) square feet of land, according to said plan.

Subject to the use by those legally entitled thereto to the temporary turn-around shown on said plan.


Together with a right of way in, on and over said George Road as shown on said plan, and in, on and over Lots 13A and 15A, Oak Street Extension and George Road as shown on the plan recorded with said Registry of Deeds as Plan No. 597 of 1958, for all purposes for which streets may be now or hereafter commonly used in said Franklin, in common with others legally entitled thereto.

Subject to an easement granted to New England Telephone and Telegraph Company, et al., by instrument dated March 14, 1958, and recorded with said Registry of Deeds, Book 35239, Page 228.

Meaning and intending to convey and hereby conveying the same premises conveyed to the grantor by deed of Mary M. Curran dated April 10, 2017 and recorded with Norfolk Deeds in Book 5729, Page 315.

The Grantor hereby releases any and all homestead rights in the premises by this conveyance.

EXECUTED as a sealed instrument this 21 day of July, 2020.

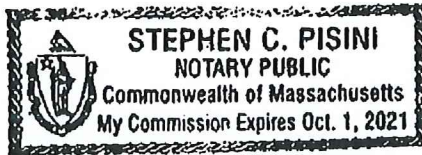


Thomas M. Curran, Trustee as
aforesaid and not individually

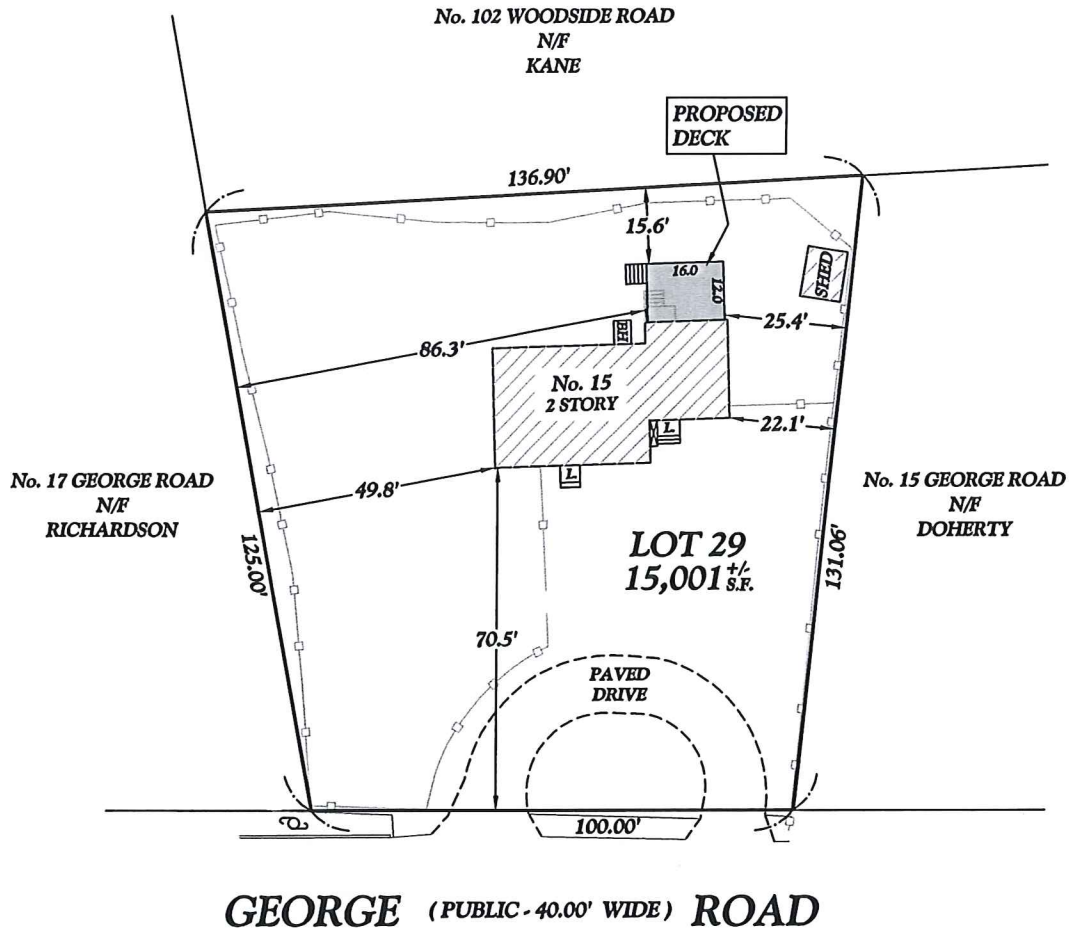
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
COPY

Norfolk ss.

On this 21st day of July, 2020, before me, the undersigned notary public, personally appeared Thomas M. Curran, Trustee as aforesaid and not individually, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee



Stephen C. Pisini
Notary Public
My Commission Expires:



GEORGE (PUBLIC - 40.00' WIDE) ROAD

RECEIVED
TOWN OF FRANKLIN

AUG 09 2022

ZONING BOARD OF APPEALS

PREPARED FOR:
JOSEPH BAUER & LAURA MULLEN
15 GEORGE ROAD
FRANKLIN, MA 02038

REFERENCES:
DEED: BOOK 38130, PAGE 134
PLAN: BOOK 204, PAGE 482

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

ZONING DISTRICT: SFIII

CERTIFIED PLOT PLAN

LOCATED AT

15 GEORGE ROAD

ASSESSORS PARCEL # 253-067-000-000

FRANKLIN, MA

NORFOLK COUNTY

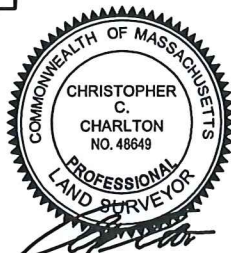
CONTINENTAL LAND SURVEY, LLC

105 BEAVER STREET, FRANKLIN, MA

(508) 528 - 2528

SCALE: 1"=30' JULY 18, 2022

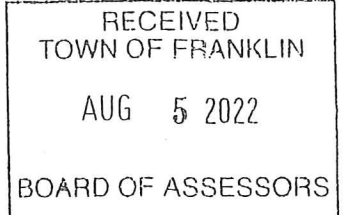
I CERTIFY THAT THIS
PLAN WAS CREATED BY
AN INSTRUMENT
SURVEY ON THE
GROUND AND THAT ALL
STRUCTURES ARE
LOCATED AS SHOWN
HEREON.



CHRISTOPHER C. CHARLTON, PLS



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 8 / 3 / 2022

Assessors Parcel ID # (12 digits) 253 - 067 - 000 - 000

Property Street Address 15 George Rd, Franklin

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 Laura and Joseph Bauer

Property Owner's Mailing Address 15 George Rd

Town/City Franklin State MA Zip Code 02038

Property Owner's Telephone # 610 - 906 - 0967

Requestor's Name (if different from Owner) _____

Requestor's Address 15 George Rd

Requestor's Telephone # 610 - 906 - 0967

Office Use Only: Date Fee Paid 8/5/22 Paid in Cash \$ 25.00

Paid by Check \$ _____ Check # _____ Town Receipt # 30020

Please Circle One:

Administration

Conservation

Planning

Zoning Board of Appeals

610-906-0967



15 GEORGE RD - 300' ABUTTERS

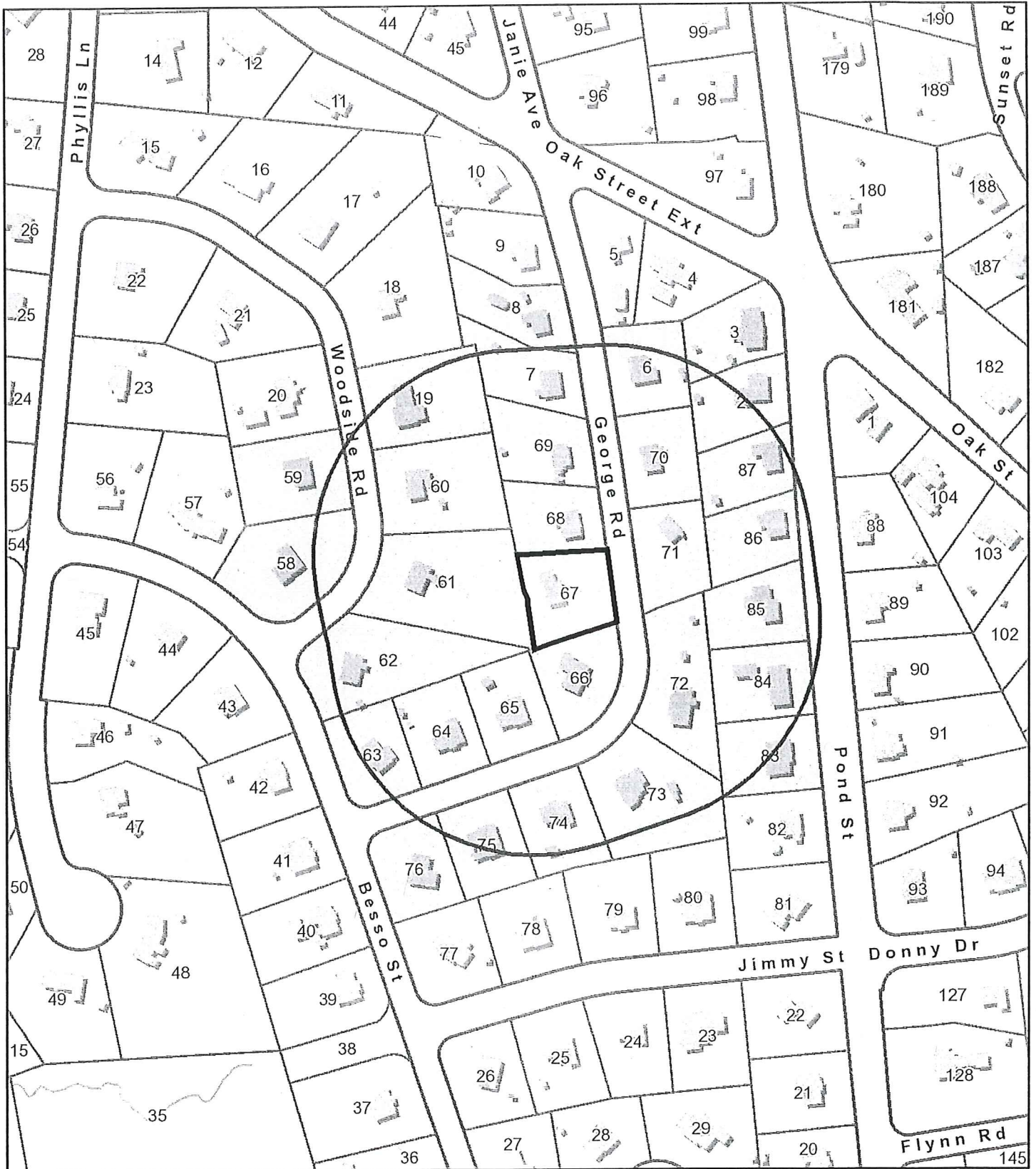
Franklin, MA



1 inch = 200 Feet

August 5, 2022

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



300 foot Abutters List Report

Franklin, MA
August 05, 2022

Subject Property:

Parcel Number: 253-067-000
CAMA Number: 253-067-000-000
Property Address: 15 GEORGE RD

Mailing Address: BAUER JOSEPH MULLEN LAURA
15 GEORGE RD
FRANKLIN, MA 02038

Abutters:

Parcel Number: 240-002-000
CAMA Number: 240-002-000-000
Property Address: 408 POND ST

Mailing Address: ALEXANDER DIANE M TR DIANE M
ALEXANDER LIVING TRUST
408 POND ST
FRANKLIN, MA 02038

Parcel Number: 240-003-000
CAMA Number: 240-003-000-000
Property Address: 416 POND ST

Mailing Address: GELINAS MARCEL
416 POND ST
FRANKLIN, MA 02038

Parcel Number: 240-006-000
CAMA Number: 240-006-000-000
Property Address: 8 GEORGE RD

Mailing Address: PRAKANSKA JINA
8 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 240-007-000
CAMA Number: 240-007-000-000
Property Address: 7 GEORGE RD

Mailing Address: FLYNN MICHAEL J FLYNN DONNA
7 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 240-008-000
CAMA Number: 240-008-000-000
Property Address: 5 GEORGE RD

Mailing Address: RYAN MICHAEL D JR KALELL CARYN E
5 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 240-019-000
CAMA Number: 240-019-000-000
Property Address: 106 WOODSIDE RD

Mailing Address: FRALICK WILLIAM CARLTON FRALICK
PHORNSY
106 WOODSIDE RD
FRANKLIN, MA 02038

Parcel Number: 253-058-000
CAMA Number: 253-058-000-000
Property Address: 101 WOODSIDE RD

Mailing Address: MATTHEWS TODD P MATTHEWS DANA
101 WOODSIDE RD
FRANKLIN, MA 02038

Parcel Number: 253-059-000
CAMA Number: 253-059-000-000
Property Address: 103 WOODSIDE RD

Mailing Address: MARTIN SHAUNA DUGAS JEFFREY
103 WOODSIDE RD
FRANKLIN, MA 02038

Parcel Number: 253-060-000
CAMA Number: 253-060-000-000
Property Address: 104 WOODSIDE RD

Mailing Address: BRADFORD JAMES D BRADFORD
ALYSSA L
104 WOODSIDE RD
FRANKLIN, MA 02038

Parcel Number: 253-061-000
CAMA Number: 253-061-000-000
Property Address: 102 WOODSIDE RD

Mailing Address: KANE TRACY A KANE STEPHEN W
102 WOODSIDE RD
FRANKLIN, MA 02038



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

8/5/2022

Page 1 of 3



300 foot Abutters List Report

Franklin, MA
August 05, 2022

Parcel Number: 253-062-000
CAMA Number: 253-062-000-000
Property Address: 100 WOODSIDE RD

Mailing Address: CAMPBELL MICHAEL H
100 WOODSIDE RD
FRANKLIN, MA 02038

Parcel Number: 253-063-000
CAMA Number: 253-063-000-000
Property Address: 23 GEORGE RD

Mailing Address: HARTNETT DOUGLAS J HARTNETT
PATRICIA
23 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-064-000
CAMA Number: 253-064-000-000
Property Address: 21 GEORGE RD

Mailing Address: FERGUSON ANDREW P FERGUSON
ERIN M
21 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-065-000
CAMA Number: 253-065-000-000
Property Address: 19 GEORGE RD

Mailing Address: MADHUSUDHAN GAUTHAM VIVEK
MADHUSUDHAN JORDAN
19 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-066-000
CAMA Number: 253-066-000-000
Property Address: 17 GEORGE RD

Mailing Address: RICHARDSON KRISTINA M
17 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-067-000
CAMA Number: 253-067-000-000
Property Address: 15 GEORGE RD

Mailing Address: BAUER JOSEPH MULLEN LAURA
15 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-068-000
CAMA Number: 253-068-000-000
Property Address: 13 GEORGE RD

Mailing Address: DOHERTY JOHN J JR DOHERTY
MARGARET A
13 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-069-000
CAMA Number: 253-069-000-000
Property Address: 11 GEORGE RD

Mailing Address: DOBACHESKY ALEXANDER F
DOBACHESKY MARY
11 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-070-000
CAMA Number: 253-070-000-000
Property Address: 12 GEORGE RD

Mailing Address: BOYCE TIMOTHY D & JESSICA C TRS
BOYCE LIVING TRUST
12 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-071-000
CAMA Number: 253-071-000-000
Property Address: 14 GEORGE RD

Mailing Address: BEAUREGARD CHRISTOPHER
14 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-072-000
CAMA Number: 253-072-000-000
Property Address: 16 GEORGE RD

Mailing Address: RUFINO HOMES LLC WAGNER
ANDREIA
16 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-073-000
CAMA Number: 253-073-000-000
Property Address: 18 GEORGE RD

Mailing Address: DAVID WILLIAM D DAVID JANICE A
18 GEORGE RD
FRANKLIN, MA 02038



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



300 foot Abutters List Report

Franklin, MA
August 05, 2022

Parcel Number: 253-074-000
CAMA Number: 253-074-000-000
Property Address: 20 GEORGE RD

Mailing Address: ALLARD JASON THOMAS ALLARD
KRISTEN MARIE
20 GEORGE STREET
FRANKLIN, MA 02038

Parcel Number: 253-075-000
CAMA Number: 253-075-000-000
Property Address: 22 GEORGE RD

Mailing Address: KAY SCOTT B KAY JANE J
22 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-076-000
CAMA Number: 253-076-000-000
Property Address: 24 GEORGE RD

Mailing Address: SAMSON MILES DAVID SAMSON
PATRICIA M
24 GEORGE RD
FRANKLIN, MA 02038

Parcel Number: 253-083-000
CAMA Number: 253-083-000-000
Property Address: 366 POND ST

Mailing Address: SMITH KEVIN M GONSALVES ADAM
366 POND ST
FRANKLIN, MA 02038

Parcel Number: 253-084-000
CAMA Number: 253-084-000-000
Property Address: 372 POND ST

Mailing Address: DAVIDHEISER FAUSTINA R RICHARDS
GLENN HEATH
372 POND ST
FRANKLIN, MA 02038

Parcel Number: 253-085-000
CAMA Number: 253-085-000-000
Property Address: 382 POND ST

Mailing Address: LAVERY MATTHEW
382 POND ST
FRANKLIN, MA 02038

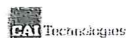
Parcel Number: 253-086-000
CAMA Number: 253-086-000-000
Property Address: 390 POND ST

Mailing Address: PIEROWAY NICOLE M
390 POND ST
FRANKLIN, MA 02038

Parcel Number: 253-087-000
CAMA Number: 253-087-000-000
Property Address: 398 POND ST

Mailing Address: WOOD JENNIFER E
398 POND ST
FRANKLIN, MA 02038

Kevin W. Doyle, 08-05-2022



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