

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: Dana Schock

LOCATION: 16 Dom Lea Circle

ZONING DISTRICT: RR 1

TYPE OF PROJECT: Construction of a Detached Pergola

DATE: 12/29/2022 **DENY**

VARIANCE

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

REASON FOR DENIAL: Applicant is requesting ZBA relief for a 14' x 14' detached pergola that is 5.5' from a principal structure 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 12/29/2022**

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

TOWN OF FRANKLIN
TOWN CLERK

ZBA APPLICATION FORM

GENERAL INFORMATION

2023 JAN -41 A 9:46

RECEIVED

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

Special Permit: _____ Variance: ☒ Appeal: _____

PETITIONER: DANA SCHOCK, L.A. REPRESENTING OWNER (MR. & MRS MICHAEL O'NEIL)

PETITIONER'S ADDRESS: 54 HARTFORD ST. WESTWOOD, MA PHONE: 978-443-9035

LOCATION OF PROPERTY: 16 DOM-LEA CIRCLE, FRANKLIN, MA

TYPE OF OCCUPANCY: SF HOME ZONING DISTRICT: RES-1

ASSESSORS MAP & PARCEL: 323-032-000-000

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:

REQUESTING APPROVAL OF AN INSTALLED GARDEN PERGOLA, A PORTION OF WHICH FALLS INSIDE OF THE ACCESSORY STRUCTURE SETBACK (10' FROM PRINCIPAL STRUCTURE) LOCATION IS IN REAR YARD

SECTIONS OF ZONING ORDINANCE CITED: (UNSURE?)

Article _____ Section _____

Article _____ Section _____

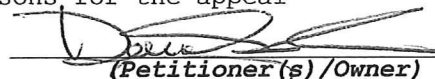
Article _____ Section _____

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)

DANA SCHOCK
(Print Name)

Address: 54 HARTFORD ST., WESTWOOD, MA

Tel. No.: 978-443-9035

E-Mail Address: dslandaroh@verizon.net

Date: 12.21.22

**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 Michael T O'Neill & Kathryn M O'Neill
(OWNER)

Address: 16 Dom Lea Cir, Franklin, MA

State that I/We own the property located at 16 Dom Lea Cir.,
which is the subject of this zoning application.

The record title of this property is in the name of Michael T
O'Neill & Kathryn M O'Neill

*Pursuant to a deed of duly recorded in the date 7/19/11, Norfolk

County Registry of Deeds at Book 717, Page 3; or

Dedham Registry District of Land Court, Certificate No. ~~752709~~

Book _____ Page _____

143367

Michael O'Neill Kathryn O'Neill
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: DANA SCHOCK, L.A. PRESENT USE/OCCUPANCY: SINGLE FAMILY HOME.

LOCATION: 16 DOM-LEA CIRCLE ZONE: R-1

PHONE: 617-921-2431 REQUESTED USE/OCCUPANCY: _____

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>Lot Area:</u>		<u>47,912 sq. ft.</u>	<u>N/A</u>	_____	(min.)
<u>Continuous Frontage:</u>		<u>200'</u>	<u>N/A</u>	_____	(min.)
<u>Size of Lot:</u>	Width	<u>145'</u>	<u>N/A</u>	_____	(min.)
	Depth	<u>365'</u>	<u>N/A</u>	_____	(min.)
<u>Setbacks in Feet:</u>	Front	<u>365' FEET</u>	_____	<u>10'</u>	(min.)
	Rear	<u>140'</u>	_____	<u>10'</u>	(min.)
	Left Side	<u>34'-6"</u>	_____	<u>10'</u>	(min.)
	Right Side	<u>80'</u>	_____	<u>10'</u>	(min.)
<u>Building Height:</u>	Stories	<u>N/A</u>	_____	_____	(max.)
	Feet	_____	_____	_____	(max.)
<u>NO. of Dwelling Units:</u>		<u>N/A</u>	_____	_____	(max.)
<u>NO. of Parking Spaces:</u>		<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 OF GARDEN PERGOLA IN REAR YARD
WOOD FRAME, OPEN AIR... NO ROOF, NO SIDE WALLS,
NO NO FOUNDATION, NO UTILITIES. 14'x14'

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**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 REMOVAL OR ALTERATION OF THIS PERGOLA WOULD RESULT IN SIGNIFICANT FINANCIAL LOSS TO THE PETITIONER AND OWNER, NOT ONLY IN THE COST OF THE STRUCTURE, BUT ALSO IN RE-DESIGN, RE-BUILDING, AND REALIGNMENT OF THE ADJACENT LANDSCAPING.

- 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 PRESENT LOCATION WAS CHOSEN FOR ITS LEVEL TOPOGRAPHY, ACCESS TO THE HOUSE, AND AS A KEY COMPONENT TO THE OVERALL LANDSCAPE SCHEME AND HOME IMPROVEMENT.

- C) Desirable relief may be granted without either:

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

THE PERGOLA IS A (4) POST, OPEN AIR STRUCTURE, NO WALLS, NO ROOF, NO UTILITIES, NO FOUNDATION. THE ADDITION OF THIS STRUCTURE HAS SIGNIFICANTLY IMPROVED THE OUTSIDE LIVING SPACE 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 DO NOT BELIEVE THE PERGOLA THREATENS THE INTENT OR SPIRIT OF THE BYLAW. IT HAS DRAMATICALLY IMPROVED THE PROPERTY, WHICH BY EXTENSION, IMPROVES THE SURROUNDING NEIGHBORHOOD / CUL-DE-SAC.

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
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C O P Y
MASSACHUSETTS STATE EXCISE TAX
Norfolk County Land Court
Date: 07-19-2011 @ 03:02pm
Ct# 1519 Doc# 1230250
Fee: \$2,211.60 Cons: \$485,000.00

MASSACHUSETTS QUITCLAIM DEED

We, You Wei Lin and Jeanne S. Shu-Lin of 16 Dom Lea Circle, Franklin, Massachusetts 02038, being married to each other,

for consideration paid, and in full consideration of FOUR HUNDRED EIGHTY-FIVE THOUSAND AND 00/100 Dollars (U.S. \$485,000.00)

grant to Michael T. O'Neill and Kathryn M. O'Neill, *husband and wife as tenants by the entirety* Joint Tenancy, of 38 Susan Road, Marlborough, Massachusetts 01752

with *quitclaim covenants* the following property in Norfolk County, Massachusetts:

That certain parcel of land with the buildings thereon, situated on Dom Lea Circle, in Franklin, in the County of Norfolk and Commonwealth of Massachusetts, said parcel is shown as lot numbered 29 (excepting fee in Dom Lea Circle) on a plan drawn by Guerriere & Halnon, Inc. Surveyors, dated June 20, 1994 as approved by the Land Court, filed in the Land Registration Office as No. 11248L, a copy of a portion of which is filed in Norfolk Registry District with Certificate Number 143367, Sheet 3, Book 717, Page 167.


Said Lot contains 47,912 square feet, more or less, according to said plan.

Hereby specifically releasing all rights of homestead.

For grantor(s) title, see Certificate of Title No. 161945. Being the same premises conveyed to the grantors by deed filed as Document Number 919048 noted on Certificate of Title Number 161945 in Book 810, Page 145.

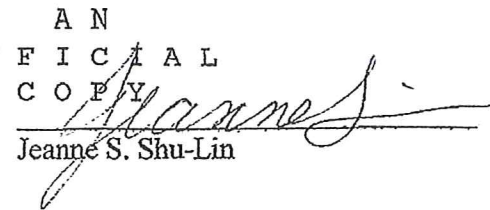
AFTER RECORDING, RETURN TO:
16 Dom Lea Circle
Franklin, Massachusetts 02038

Witness my/our hand(s) and seal(s) this 19th day of July, 2011 O T



You Wei Lin

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



Jeanne S. Shu-Lin


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

Commonwealth of Massachusetts

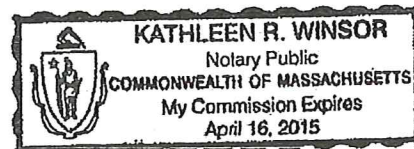
Worcester, ss:

July 19, 2011

On this 19th day of July, 2011, before me, the undersigned notary public, personally appeared You Wei Lin and Jeanne S. Shu-Lin, proved to me through satisfactory evidence of identification, which were MA driver license, to be the person(s) whose name(s) is/are signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.



Notary Public
My Commission Expires: 4-16-15



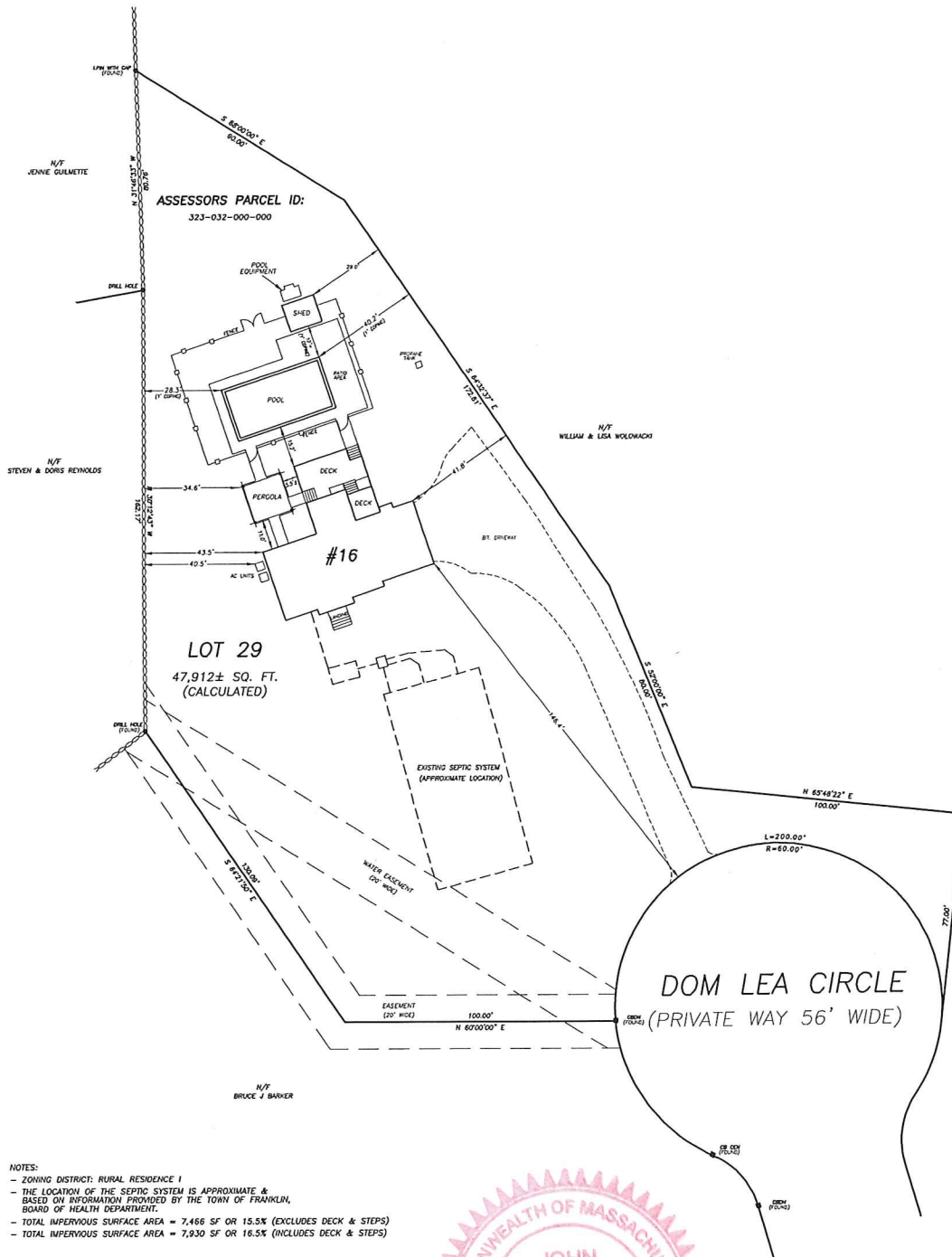


1 INCH = 20 FEET
0 10 20 40 60 80 100 120

AS-BUILT PLAN
16 DOM LEA CIRCLE
FRANKLIN, MASSACHUSETTS
1 INCH = 20 FEET NOVEMBER 21, 2022

SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773
(781) 259-0071

OWNERS OF RECORD:
MICHAEL & KATHRYN O'NEILL
CERT# 182709



John R. Hamel
JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR

11-21-22
DATE:

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 12 / 12 / 22

Assessors Parcel ID # (12 digits) 323 - 032 - 000 - 000

Property Street Address 16 DOM LEA CIRCLE, FRANKLIN, MA.

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 MR. & MRS. MICHAEL O'NEILL

Property Owner's Mailing Address 16 DOM LEA CIRCLE

Town/City FRANKLIN State MA Zip Code 02038

Property Owner's Telephone # 508 - 667 - 1816

Requestor's Name (if different from Owner) DANA SCHOCK, LA.

Requestor's Address 54 HARTFORD ST. - SUITE 201 WESTWOOD, MA. 02090

Requestor's Telephone # 617 - 921 - 2431

Office Use Only: Date Fee Paid / / Paid in Cash \$

Paid by Check \$ Check # Town Receipt #

Please Circle One:

Administration

Conservation

Planning

Zoning Board of Appeals



300 foot Abutters List Report

Franklin, MA
December 15, 2022

Subject Property:

Parcel Number: 323-032-000
CAMA Number: 323-032-000-000
Property Address: 16 DOM LEA CIR

Mailing Address: O'NEILL MICHAEL T O'NEILL KATHRYN
M
16 DOM LEA CIRCLE
FRANKLIN, MA 02038

Abutters:

Parcel Number: 323-022-000
CAMA Number: 323-022-000-000
Property Address: 6 KARA LYN DR

Mailing Address: GRAUMNITZ KIMBERLY A FLESHNER
MICHAEL T
6 KARA LYN DR
FRANKLIN, MA 02038

Parcel Number: 323-023-000
CAMA Number: 323-023-000-000
Property Address: 8 KARA LYN DR

Mailing Address: FAHEY CHRISTOPHER FAHEY MELISSA
8 KARA-LYN DR
FRANKLIN, MA 02038

Parcel Number: 323-024-000
CAMA Number: 323-024-000-000
Property Address: 9 KARA LYN DR

Mailing Address: GUILMETTE JENNIE
9 KARA-LYN DR
FRANKLIN, MA 02038

Parcel Number: 323-025-000
CAMA Number: 323-025-000-000
Property Address: 7 KARA LYN DR

Mailing Address: REYNOLDS STEVEN REYNOLDS DORIS
7 KARA-LYN DR
FRANKLIN, MA 02038

Parcel Number: 323-026-000
CAMA Number: 323-026-000-000
Property Address: KARA LYN DR

Mailing Address: WINGLASS PARTERSHIP C/O LIND
CORREDORA
AMHERST ST
CUMBERLAND, RI 02864

Parcel Number: 323-027-000
CAMA Number: 323-027-000-000
Property Address: 5 KARA LYN DR

Mailing Address: KUCICH JOHN A KUCICH CYNTHIA J
5 KARA-LYN DR
FRANKLIN, MA 02038

Parcel Number: 323-028-000
CAMA Number: 323-028-000-000
Property Address: 823 WASHINGTON ST

Mailing Address: DEPOTO RICHARD J & SANDRA M, TRS
THE DEPOTO FAMILY REALTY TRUST
825 WASHINGTON ST
FRANKLIN, MA 02038

Parcel Number: 323-029-000
CAMA Number: 323-029-000-000
Property Address: 4 DOM LEA CIR

Mailing Address: STEWART DONALD D STEWART JUDITH
M
4 DOM LEA CIR
FRANKLIN, MA 02038

Parcel Number: 323-030-000
CAMA Number: 323-030-000-000
Property Address: 8 DOM LEA CIR

Mailing Address: BAPATLA SRIMAN BAPATLA RAMADEVI
8 DOM LEA CIR
FRANKLIN, MA 02038

Parcel Number: 323-031-000
CAMA Number: 323-031-000-000
Property Address: 12 DOM LEA CIR

Mailing Address: BARKER BRUCE J
12 DOM LEA CIR
FRANKLIN, MA 02038



www.cai-tech.com

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



300 foot Abutters List Report

Franklin, MA
December 15, 2022

Parcel Number: 323-032-000
CAMA Number: 323-032-000-000
Property Address: 16 DOM LEA CIR

Mailing Address: O'NEILL MICHAEL T O'NEILL KATHRYN
M
16 DOM LEA CIRCLE
FRANKLIN, MA 02038

Parcel Number: 323-033-000
CAMA Number: 323-033-000-000
Property Address: 11 DOM LEA CIR

Mailing Address: WOLOWACKI WILLIAM R WOLOWACKI
LISA D
11 DOM LEA CIR
FRANKLIN, MA 02038

Parcel Number: 323-034-000
CAMA Number: 323-034-000-000
Property Address: 6 SPRING ST

Mailing Address: GLEASON RALPH E JR GLEASON
CATHERINE
6 SPRING ST
FRANKLIN, MA 02038

Parcel Number: 323-035-000
CAMA Number: 323-035-000-000
Property Address: 8 SPRING ST

Mailing Address: BRUNELLI CLEMENT T & DONNA A L/E
GLEASON CATHERINE MACINTOSH
SUSAN A
8 SPRING ST
FRANKLIN, MA 02038

Parcel Number: 323-036-000
CAMA Number: 323-036-000-000
Property Address: 8-A SPRING ST

Mailing Address: DEWITT GERRITT D DEWITT KRISTIN D
8 A SPRING ST
FRANKLIN, MA 02038



www.cai-tech.com

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12/15/2022

Page 2 of 2

BAPATLA SRIMAN
BAPATLA RAMADEVI
8 DOM LEA CIR
FRANKLIN, MA 02038

O'NEILL MICHAEL T
O'NEILL KATHRYN M
16 DOM LEA CIRCLE
FRANKLIN, MA 02038

BARKER BRUCE J
12 DOM LEA CIR
FRANKLIN, MA 02038

REYNOLDS STEVEN
REYNOLDS DORIS
7 KARA-LYN DR
FRANKLIN, MA 02038

BRUNELLI CLEMENT T & DONN
GLEASON CATHERINE MACINTO
8 SPRING ST
FRANKLIN, MA 02038

STEWART DONALD D
STEWART JUDITH M
4 DOM LEA CIR
FRANKLIN, MA 02038

DEPOTO RICHARD J & SANDRA
THE DEPOTO FAMILY REALTY
825 WASHINGTON ST
FRANKLIN, MA 02038

WINGLASS PARTERSHIP
C/O LIND CORREDORA
AMHERST ST
CUMBERLAND, RI 02864

DEWITT GERRITT D
DEWITT KRISTIN D
8 A SPRING ST
FRANKLIN, MA 02038

WOLOWACKI WILLIAM R
WOLOWACKI LISA D
11 DOM LEA CIR
FRANKLIN, MA 02038

FAHEY CHRISTOPHER
FAHEY MELISSA
8 KARA-LYN DR
FRANKLIN, MA 02038

GLEASON RALPH E JR
GLEASON CATHERINE
6 SPRING ST
FRANKLIN, MA 02038

GRAUMNITZ KIMBERLY A
FLESHNER MICHAEL T
6 KARA LYN DR
FRANKLIN, MA 02038

GUILMETTE JENNIE
9 KARA-LYN DR
FRANKLIN, MA 02038

KUCICH JOHN A
KUCICH CYNTHIA J
5 KARA-LYN DR
FRANKLIN, MA 02038