#### 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:** 

**Douglas Felton** 

LOCATION:

17 Blue Jay Street

ZONING DISTRICT: RR |

TYPE OF PROJECT: Construction of a Detached Garage/Barn

**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 a 48' x 72' garage/barn that is 20.3' in height The structure is proposed to 12.0' from the right side yard setback where 20.3' is required. The building permit is denied without a variance from the ZBA.

#### **APPEAL OF DENIAL OPTIONS:**

ZONING OFFICIAL SIGNATURELAB	DATE 06/29/2022
APPLICANT SIGNATURE	DATE
ZUNING BUARD OF APPEALS	

#### TOWN OF FRANKLIN ZONING BOARD OF APPEALS

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

**RECEIVED** TOWN OF FRANKLIN

JUN 28 2022

TOWN OF FRANKLIN
TOWN CLERK

2022 JUN 28 A 9: 21

ZBA APPLICATION FORM

**ZONING BOARD OF APPEALS** 

PECEIVED

Date: 06/15/2022

GENERAL INFORMATION

MEGLIVED	
The undersigned hereby petitions the Zoning	
Special Permit: Variance:	Appeal:
PETITIONER: Douglas Felton	
PETITIONER'S ADDRESS: 17 Blue Jay Street	PHONE: 857-499-4344
LOCATION OF PROPERTY: 17 Blue Jay Street	
TYPE OF OCCUPANCY: Garage / Barn zo	NING DISTRICT: RR1
ASSESSORS MAP & PARCEL: 221-027-000-000	
REASON FOR PETITION:	
Additions	X New Structure
Change in Use/Occupancy	Parking
Conversion to Addi'l Dwelling	Unit's Sign
Dormer	
Other:	Subdivision
DESCRIPTION OF PETITIONER'S PROPOSAL: Requi	
48' x 72' Garage / Barn to be constructed to store 3	
a John Deere 1025r, tractor + 4 attachments, a ride	on lawn-mower, and 2 trailers.
SECTIONS OF ZONING ORDINANCE CITED:	
Article 185 Section 19: No building shall be	nearer to the lot line than the common height of building
Article Section	
Article Section	
Applicants for a Variance must complete Paga Applicants for a Special Permit must complete Applicants for an Appeal to the ZBA pursua must attach a statement concerning the reast Original Signature(s):  Address:	ete Pages 1-4 and 6 nt to Zoning Bylaw section 185-45 (D)
Tel. No.:	857-499-4344
E-Mail Addre	ess: feltonsathome@gmail.com

### 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_Douglas Felton (OWNER)	
Address: 17 Blue Jay Street	
State that I/We own the property located at	17 Blue Jay Street,
which is the subject of this zoning applica	tion.
The record title of this property is in the	name of Douglas and Silvia Felton
*Pursuant to a deed of duly recorded in the County Registry of Deeds at Book 39631  Dedham Registry District of Land Court,	_, <sub>Page</sub> 568; or
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: Douglas	Felton	PR	ESENT USE/OCCUPANCY:	backyard of	residential
LOCATION: 17 Blue	Jay Street	zone: RR1			
PHONE: 857-499-43	344	REQUESTED USE/	OCCUPANCY: Build a B	Barn / Garage	(
		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS	1
Lot Area:		40,217 sqft		40,000 sqft	(min.)
Continuous Frontage	<u>:</u>	183.14 sqft		200 sqft	(min.)
Size of Lot:	Width	183.14 feet		180 feet	(min.)
	Depth	233.17 feet		200 feet	(min)
Setbacks in F	Front		102 feet	40 feet	(min.)
Feet:	Rear		47.6 feet	10 feet	(min.)
	Left Side		100.18 feet	10 feet	(min.)
	Right Side		12 feet	20.3 feet	(min.)
Building Height: Stor	Stories		2	3	(max.)
	Feet		24 feet 7 1/2 inches	35 feet	(max.)
NO. of Dwelling Un	its:	1	0		(max.)
NO. of Parking Spa				2 min (mi	in./max)
	<del></del>		*		
on same lot, and steel, etc.	type of con	struction propos	same lot, the size sed, e.g.; wood frame	me, concrete	, brick,
			n a small wood frame		
I respectfully reque construction with a	st to demolish metal roof and	the shed and build siding with a clap	d a Barn / Garage utili board front to match	izing post and neighborhood	beam aesthetics.
The wall height to t	he top plate is	16' and gable pea	ak is 24' 7 1/2", the mi	d-roof height is	s 20.3'.

Allowable impervious coverage is 25% and the home, proposed structure and driveway equal 24.2%

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:
  - Due to the topography of the 3' deep detention basin easement in my backyard, the required setback of 20.3' would substantially shrink the remaining useable flat yard. It is not useable recreation space since water/trash from the neighborhood street drains directly to it. I understand its utility and will diligently continue to upkeep the basin. Losing 8' in the middle of the back yard would further shrink the useable space next to the 3' deep hole. If I am granted the variance, I would gain back 8.3' in the middle of my yard while still keeping a 12' side lot set back.
- 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:

  While the Barn / Garage could fit utilizing the required setback of 20.3', it would better preserve the appearance and character of the neighborhood when viewed from the street if

preserve the appearance and character of the neighborhood when viewed from the street if it were not partially obstructed by the house. Without the variance, the structure will be partially hidden behind the house. If the variance is granted, it will be lined up with the house and will appear as though it was originally designed to be at the end of the driveway.

C)

Desirable relief may be granted without either:

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

  The proposed structure appears to meet all other zoning criteria and could be built without the variance. Therefore, it is the appearance to my neighbors and to the neighborhood that is intended to be preserved. The depth of the building is not as apparent as the width from the street. Allowing the width to be positioned in a manner consistent with where you would expect a garage to be placed helps to maintain the appearance and character of the neighborhood. Maintaining a 12' setback still allows ample room for firefighting apparatus and ground ladder deployment (God forbid). The utility of the extra 8' does not appear to cause any detriment to the public good (in my humble estimation).
- 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons: Prior to purchasing the home, I inquired about setbacks and was informed that 10' is the standard setback from the side of the lot. It was my own ignorance for not understanding that the height of the building is taken into consideration. That said, if 10' is the standard setback (height aside) then I believe my request for 12' is reasonable considering my particular lot and distance to other structures.

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

#### **QUITCLAIM DEED**

We, ROGER A. GULLO and JANICE A. GULLO, TRUSTEES OF GULLO FAMILY TRUST, under a Declaration of Trust dated June 19, 2019, as evidenced by a Certificate of Trust recorded with the Norfolk County Registry of Deeds in Book 36894, Page 191, of Franklin, Norfolk County, Massachusetts,

for consideration paid, and in full consideration of: Eight Hundred Thirty-Two Thousand and 00/100 Dollars (\$832,000.00),

grant to: DOUGFELTON and SILVIA M. FELTON, husband and wife, as tenants by the entirety, now of 17 Blue Jay Street, Franklin, MA 02038,

#### with Quitclaim Covenants,

The land with the buildings thereon in Franklin, Norfolk County, Massachusetts, shown as Lot 9 on a plan entitled, "Partridge Run Estates, Franklin, Massachusetts," dated February 1, 1995, revised April 16, 1995, prepared by GCG Associates, and recorded with Norfolk County Registry of Deeds as Plan No. 300 of 1995, in Plan Book 430, to which plan reference may be had for a more particular description.

Said premises are conveyed together with the right to use the streets as shown on said plan, for all purposes for which streets and ways are used in the Town of Franklin, in common with all others lawfully entitled thereto.

Said premises are conveyed subject to an Easement in favor of New England Telephone Company, recorded with Norfolk Deeds in Book 11054, Page 674, and an Easement in favor of Massachusetts Electric Company, recorded with Norfolk Deeds in Book 11088, Page 538.

Said premises are conveyed subject to the Variable Width Drain Easement shown on said plan.

The grantors hereby release all rights of homestead in and to the within described premises and certify under the penalties of perjury that at the time of recording this deed, no other person is entitled to any homestead rights in said property.

Meaning and intending to convey and hereby conveying the same premises conveyed to the grantors by deed of Roger A. Gullo and Janice A. Gullo, dated June 19, 2019, recorded with the Norfolk County Registry of Deeds in Book 36894, Page 193.

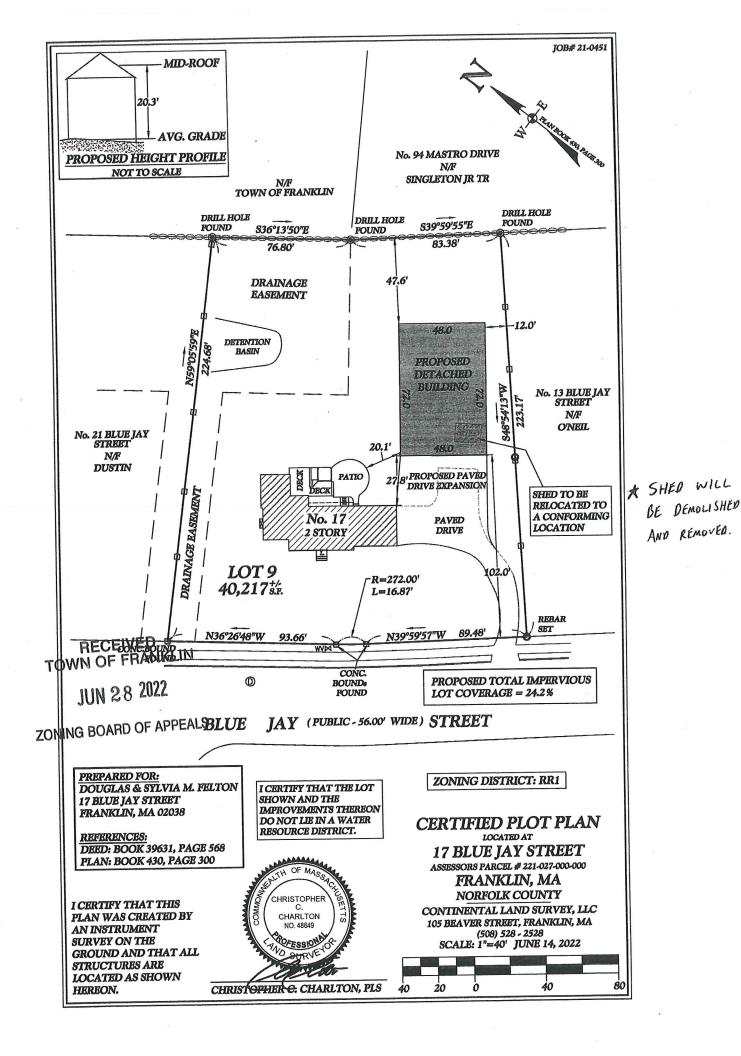
PROPERTY ADDRESS: 17 Blue Jay Street, Franklin, MA 02038

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 07-15-2021 @ 02:31pm
Ctl#: 1066 Doc#: 92624
Fee: \$3,793.92 Cons: \$832,000.00

WILLIAM P. O'DONNELL, REGISTER NORFOLK COUNTY REGISTRY OF DEEDS RECEIVED & RECORDED ELECTRONICALLY

Witness our hands and seals this day of July, 2021	
	Roger A. Gullo, Trustee
	Janice A. Gullo, Trustee )
COMMONWEALTH OF MASS	ACHUSETTS
Norfolk, ss.	July, 2021
Then personally appeared before me, the undersigned notate A. Gullo, Trustees as aforesaid, proved to me through sate being valid Massachusetts drivers' licenses, to be the personattached document in my presence and acknowledged to make the personal sate of the	ons who signed the preceding or
stated purpose, as their free act and deed.	40
	Notary Public Tonn T. Rould My Commission Expires:

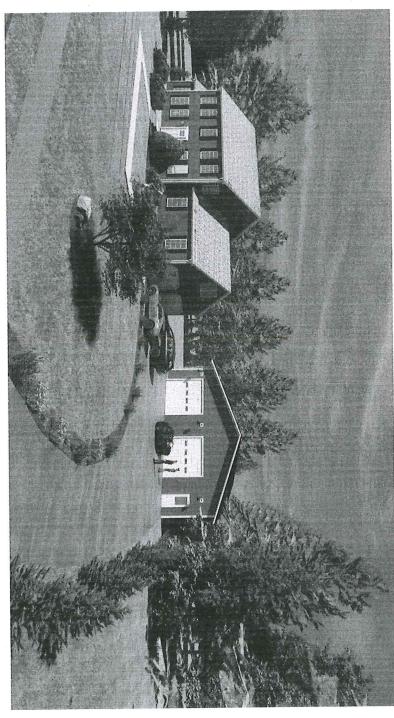
JOHN J. ROCHE
NOTARY PUBLIC
Commonwealth Of Massachusetts
My Commission Expires
April 21, 2028



JUN 28 2022

ZONING BOARD OF APPEALS

# DESIGN DEVELOPMENT PACKAGE:



48' x 72' GARAGE 17 BLUE JAY ST FRANKLIN, MA

June 11, 2022

ARCHITECTURE
DESIGN
DRAFTING
EXISTING CONDITIONS

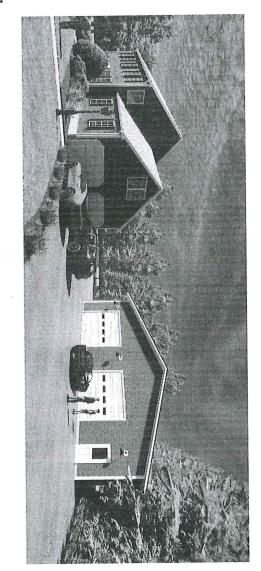
SAH DESIGN, LLC

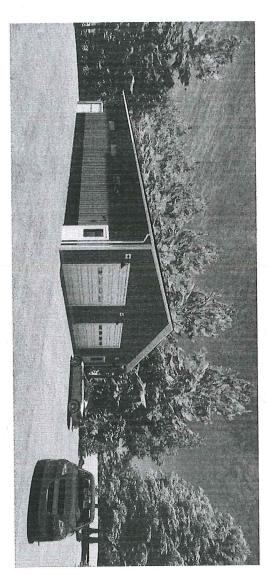
# DRAWING INDEX

DD-0 - COVER SHEET
DD-1 - FOUNDATION PLAN
DD-2 - FLOOR PLAN
DD-3 - EXTERIOR ELEVATIONS
DD-4 - SECTIONS
DD-5 - PERSPECTIVES

**DD-0 COVER SHEET** 

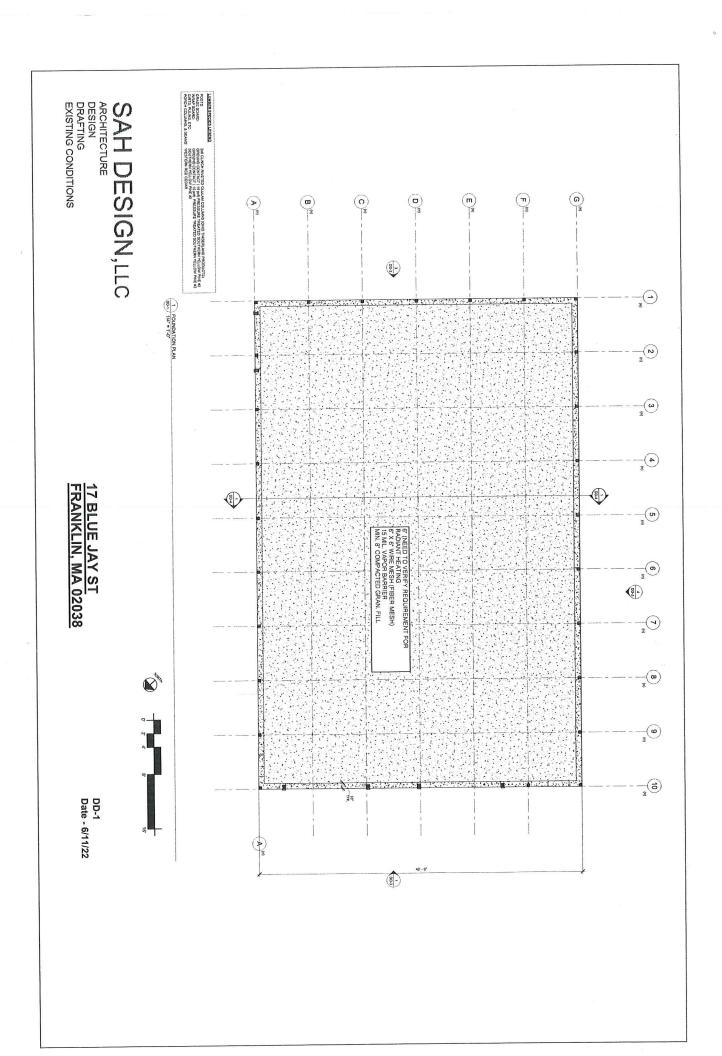
SAH DESIGN,LLC
ARCHITECTURE
DESIGN
DRAFTING
EXISTING CONDITIONS

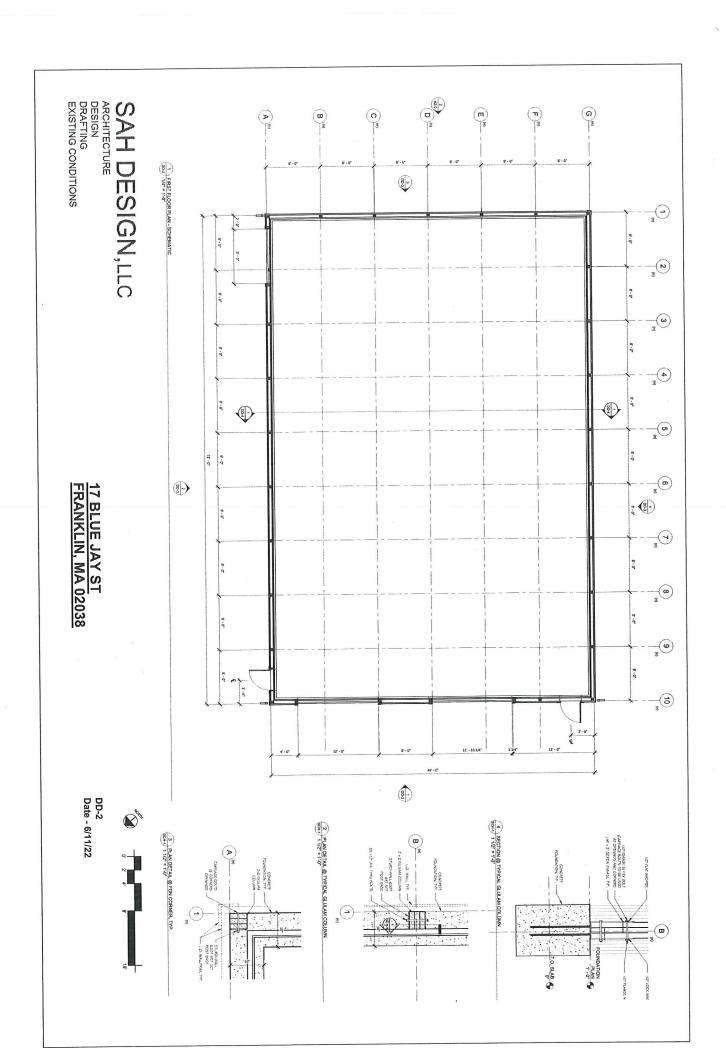


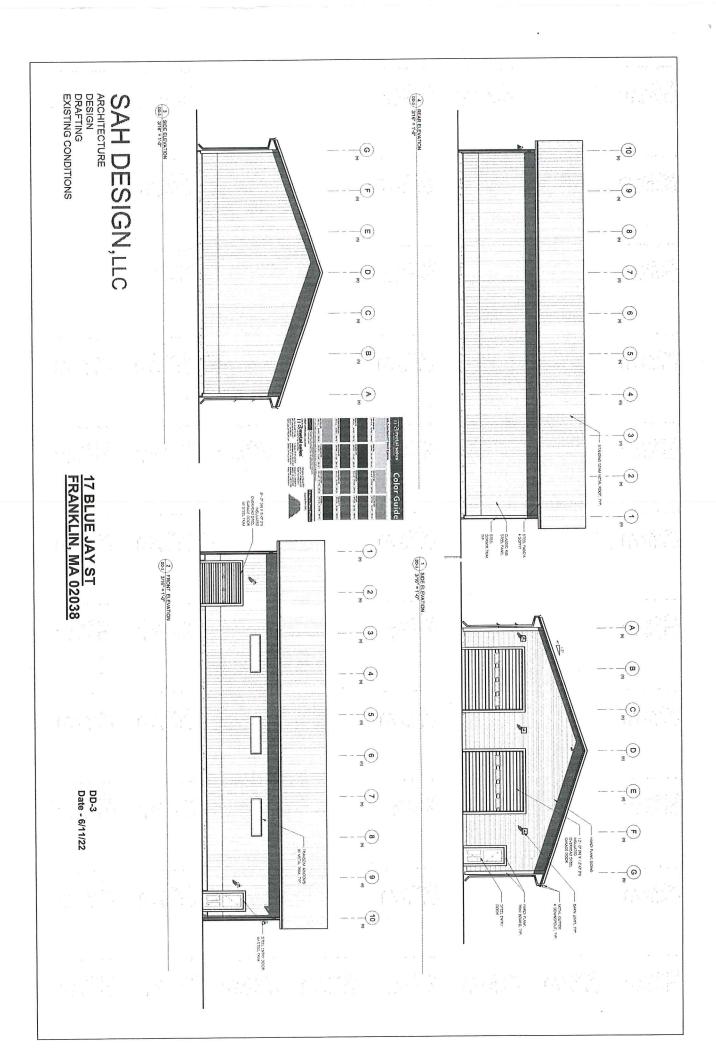


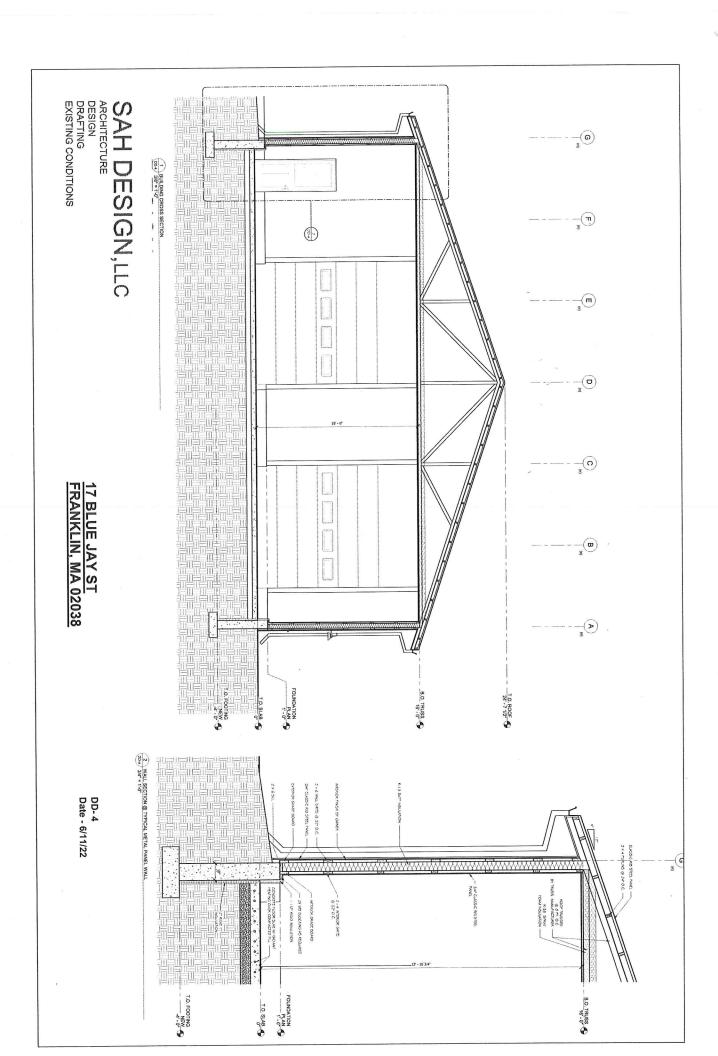
17 BLUE JAY ST FRANKLIN, MA 02038

DD- 5 - PERSPECTIVES
Date - 6/11/22









#### INSPECTION DEPARTMENT

Building Inspection – Division of Wires – Division of Gas
Division of Plumbing – Sealer of Weights & Measures
MUNICIPAL BUILDING – TOWN OF FRANKLIN
355 East Central Street
Franklin, Massachusetts02038

Lloyd (Gus) Brown
Building Commissioner

**Telephone:** 508-520-4926 FAX: 508-520-4906 www.fran klin.ma.us

#### Business Verification Form

Date 6/15/2022 Type of Business: NO BUSINESS, PERSONAL USE ONLY
Owners Name(s):Douglas Felton
Owners Address 17 Blue Jay Street
Telephone #: 857-499-4344 Cell #:
Address of Business: N/A
Name of Business : N/A Number of Employees: N/A
Home Office Not to exceed 200 Ft: N/A
Size of Office: N/A Number of Compan y Vehicles: N/A
Trailers: A 20' enlcosed car trailer and an 8' wheel carrying trailer
Equipment Storage: Tractor and attachments (snowblower, box-blade, loader bucket) + lawn mower
Garage: 3 track cars Outside Storage: N/A
Remarks: No Outside Storage No No Business Signage N/A No Vehicle over 1 5,000 lbs No
Comment: This barn/garage is for personal use only, no business will EVER be conducted here.
Signature Zoning Officer:
Cionatus Oversor



Signed:

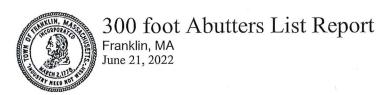
# TOWN OF FRANKLIN BUILDING INSPECTION DEPARTMENT CHAPTER 185-23

#### EARTH REMOVAL

(Circle One)	UP TO 1,000 YARDS	OVER 1,000 YARDS
OVER 1,000 YA REGISTRY OI	ARDS SPECIAL PERMIT ZB. F DEEDS RECORDED DATE	A HEARING #
MATERIAL R	EMOVED FROM	
NAME OF OW	/NER(S)	
MATERIAL D	ELIVERED TO	
NAME OF OV	VNER(S)	
HOURS OF H	AULING	DAYS HAULING
NAME OF HA	ULER AND TYPE OF EQUI	PMENT
START DATE	OF HAULING	
COMPLETIO	N DATE OF HAULING	
SIZE OF VEH	IICLE(S)	
NO. OF YARI	OS TO BE CARRIED PER VE	HICLE
TELEPHONE	NUMBER	
CONTACT PI BEEPER NO.	ERSON IN CASE OF EMERG	ENCY (SPILLS ETC.)
NAME AND	2	ERSON RESPONSIBLE FOR KEEPING AND
-		

ALL REPORTS TO BE SUBMITTED TO BUILDING COMMISSIONER EVERY SIX (6) DAYS OF HAULING.

APPLICANT(S) ACKNOWLEDGE IT UNDERSTANDS ALL STIPULATIONS OF CHAPTER 185-23 (EARTH REMOVAL BY-LAW).



#### Subject Property:

Parcel Number:

221-027-000

CAMA Number:

221-027-000-000

Property Address: 17 BLUE JAY ST

Mailing Address: FELTON DOUGLAS FELTON SILVIA M

17 BLUE JAY ST

FRANKLIN, MA 02038

Abutters:

Parcel Number:

213-001-000

CAMA Number:

213-001-000-000

Property Address:

POND ST

Mailing Address: FRANKLIN TOWN OF

355 EAST CENTRAL STREET

FRANKLIN, MA 02038

Parcel Number: CAMA Number: Property Address: 221-021-000 221-021-000-000

7 WHITE DOVE RD

Mailing Address: JOYCE SEAN JOYCE SARAH

7 WHITE DOVE RD FRANKLIN, MA 02038

Parcel Number: CAMA Number: 221-022-000

221-022-000-000

Property Address: 22 BLUE JAY ST

Mailing Address: SALVAGGIO VINCENT P SALVAGGIO

DIANE M

22 BLUE JAY ST FRANKLIN, MA 02038

Parcel Number: CAMA Number: 221-025-000 221-025-000-000

Property Address: 25 BLUE JAY ST

Mailing Address: MILLER STEPHEN C & CHERYL A TRS

STEPHEN & CHERYL MILLER LIV TR

25 BLUE JAY ST FRANKLIN, MA 02038

Parcel Number:

221-026-000

CAMA Number:

221-026-000-000 Property Address: 21 BLUE JAY ST

Mailing Address:

DUSTIN CYNTHIA E 21 BLUE JAY ST

FRANKLIN, MA 02038

Parcel Number: CAMA Number: 221-027-000

221-027-000-000

Property Address: 17 BLUE JAY ST

Mailing Address: FELTON DOUGLAS FELTON SILVIA M

17 BLUE JAY ST

FRANKLIN, MA 02038

Parcel Number:

221-028-000

CAMA Number:

221-028-000-000

Property Address: 13 BLUE JAY ST

Mailing Address: O'NEIL KEVIN R O'NEIL ELIZABETH M

13 BLUE JAY ST

FRANKLIN, MA 02038

Parcel Number: CAMA Number: 221-029-000

Property Address: 9 BLUE JAY ST

Property Address: 18 BLUE JAY ST

221-029-000-000

Mailing Address: SEETHARAMAN AJAY AJAY JYOTIPRIYA

9 BLUE JAY ST

FRANKLIN, MA 02038

Parcel Number: CAMA Number:

221-032-000

221-032-000-000 Property Address: 10 BLUE JAY ST

221-033-000-000

Mailing Address:

CASHIN SUSAN S

10 BLUE JAY ST FRANKLIN, MA 02038

Parcel Number: CAMA Number:

221-033-000

Mailing Address:

PATTEN ROBERT W PATTEN IVY S

18 BLUE JAY ST

FRANKLIN, MA 02038





#### 300 foot Abutters List Report

Franklin, MA June 21, 2022

Parcel Number:

221-034-000

CAMA Number:

221-034-000-000

Property Address: 11 MOCKINGBIRD DR

Mailing Address: TRAUTMAN CLIFFORD G

P O BOX 344

FRANKLIN, MA 02038

Parcel Number:

221-046-000

221-046-000-000

CAMA Number:

Property Address: 94 MASTRO DR

Mailing Address: SINGLETON WILLIAM D JR TR 94

MASTRO DR REALTY TRUST

94 MASTRO DR

FRANKLIN, MA 02038

Parcel Number: CAMA Number: 221-047-000

221-047-000-000 Property Address: MASTRO DR

Mailing Address: SINGLETON WILLIAM D JR SINGLETON

FAMILY L P

94 MASTRO DR

FRANKLIN, MA 02038

CASHIN SUSAN S 10 BLUE JAY ST FRANKLIN, MA 02038

DUSTIN CYNTHIA E 21 BLUE JAY ST FRANKLIN, MA 02038

FELTON DOUGLAS FELTON SILVIA M 17 BLUE JAY ST FRANKLIN, MA 02038

FRANKLIN TOWN OF 355 EAST CENTRAL STREET FRANKLIN, MA 02038

JOYCE SEAN JOYCE SARAH 7 WHITE DOVE RD FRANKLIN, MA 02038

MILLER STEPHEN C & CHERYL STEPHEN & CHERYL MILLER L 25 BLUE JAY ST FRANKLIN, MA 02038

O'NEIL KEVIN R O'NEIL ELIZABETH M 13 BLUE JAY ST FRANKLIN, MA 02038

PATTEN ROBERT W PATTEN IVY S 18 BLUE JAY ST FRANKLIN, MA 02038

SALVAGGIO VINCENT P SALVAGGIO DIANE M 22 BLUE JAY ST FRANKLIN, MA 02038

SEETHARAMAN AJAY AJAY JYOTIPRIYA 9 BLUE JAY ST FRANKLIN, MA 02038 SINGLETON WILLIAM D JR SINGLETON FAMILY L P 94 MASTRO DR FRANKLIN, MA 02038

SINGLETON WILLIAM D JR TR 94 MASTRO DR REALTY TRUST 94 MASTRO DR FRANKLIN, MA 02038

TRAUTMAN CLIFFORD G P O BOX 344 FRANKLIN, MA 02038