

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: Andrew & Kristen Mucciarone

LOCATION: 19 Vine Street

ZONING DISTRICT: RR I

TYPE OF PROJECT: Construction of an Attached Garage

DATE: 04/11/2023 **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 28' x 32' attached garage that is 35.40' from the right side yard setback where 40' 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** 04/11/2023

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

TOWN OF FRANKLIN
TOWN CLERK

RECEIVED
TOWN OF FRANKLIN

2023 APR 11 A 10:12 ZBA APPLICATION FORM

APR 11 2023

RECEIVED

GENERAL INFORMATION

ZONING BOARD OF APPEALS

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Andrew & Kristen Mucciarone

PETITIONER'S ADDRESS: 19 Vine Street, Franklin PHONE: 508-369-8777

LOCATION OF PROPERTY: 19 Vine Street, Franklin

TYPE OF OCCUPANCY: Single Family ZONING DISTRICT: Rural Residential I

ASSESSORS MAP & PARCEL: 343-025-000-000

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:

We are looking to build an attached 2 car garage that will be 35.4' from the right side yard where 40' is setback is required

SECTIONS OF ZONING ORDINANCE CITED:

Article 185 Section Attachment 9: Schedule of Lot, Area, Frontage, Yard and Height Requirements

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):

Andrew Mucciarone Kristen Mucciarone
(Petitioner(s)/Owner)

Andrew Mucciarone Kristen Mucciarone

(Print Name)

Address:

19 Vine Street, Franklin

Tel. No.:

508-369-8777

E-Mail Address:

adm2142@aol.com

Date:

4/7/23

**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 Andrew and Kristen Mucciarone
(OWNER)

Address: 19 Vine Street, Franklin, MA 02038

State that I/We own the property located at 19 Vine Street, Franklin, MA 02038,
which is the subject of this zoning application.

The record title of this property is in the name of Andrew Mucciarone and
Kristen H. Paradee

*Pursuant to a deed of duly recorded in the date 10/21/2011, Norfolk
County Registry of Deeds at Book 29243, Page 359; or
Dedham Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

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

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 10-21-2011 @ 02:22pm
Ct1#: 1548 Doc# 03287
Fee: \$1,288.20 Cons: \$282,500.00

Bk 29243 P359 #103287
10-21-2011 @ 02:22p

N O T

A N

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

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

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

MASSACHUSETTS QUITCLAIM DEED

CERTIFY

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

I/We, Corry Pearce of 19 Vine Street, Franklin, Massachusetts 02038,

for consideration paid, and in full consideration of TWO HUNDRED EIGHTY-TWO THOUSAND FIVE HUNDRED AND 00/100 Dollars (U.S. \$282,500.00)

grant to Andrew Mucciarone and Kristen H. Paradee, *as joint tenants with rights of survivorship* of 10
Pierce Street, #5, Foxborough, Massachusetts 02035

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

The land in Franklin situated on the Southerly side of Vine Street in Franklin, Norfolk County, Massachusetts and being shown as Lot 4 on a plan entitled "Plan entitled "Plan of land in Franklin, Mass." Scale 1"= 80', dated May 2, 1979 and drawn by William J. Rossetti, R.L.S., Franklin, Mass., to be recorded herewith and being described according to said plan as follows:

Beginning at the northwesterly corner of the lot, which is located on the southerly side of said Vine Street and thence running,

Southwesterly by Lot 5 a distance of 208.00 feet; thence turning and running

Easterly by other land now or formerly of Sheldon Realty Corp. a distance of 198.27 feet; thence turning and running

Northeasterly by Lot 3 distance of 210.00 foot; thence turning and running

Westerly by Vine Street in two courses a distance of 176.46 feet and 23.54 feet for a total distance of 200 feet to point of beginning.

Said Lot No. 4 contains 40,196 square feet according to said plan.

This conveyance is made subject to and with the benefit of restrictions and easements of record so far as now in force and applicable.

Meaning and intending to convey the same premises deeded to me/us by deed dated and recorded with the Norfolk Registry of Deeds in Book 5609, Page 163.

19 Vine Street Franklin, Massachusetts 02038

Witness my/our hand(s) and seal(s) this 1 day of October, 2011.

A N

A N

O F F I C I A L

O F F I C I A L

C O P Y

C O P Y

Corry Pearce
Corry Pearce

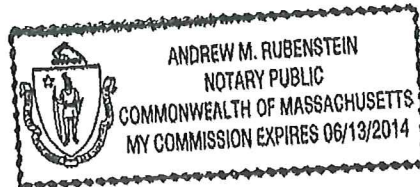
COMMONWEALTH OF MASSACHUSETTS

me, ss.

On this 1 day of October, 2011, before me, the undersigned notary public, personally appeared Corry Pearce, proved to me through satisfactory evidence of identification, which was/were ☒ Mass. driver's license(s) or ☐ _____, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Andrew M. Rubenstein
Notary Public:

My Commission Expires:



**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: Andrew and Kristen Mucciarone PRESENT USE/OCCUPANCY: Single Family

LOCATION: 19 Vine Street, Franklin, MA 02038 ZONE: Rural Residential I

PHONE: 508-369-8777 REQUESTED USE/OCCUPANCY: Single Family

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>Lot Area:</u>		<u>40,196 SF</u>	<u>40,196 SF</u>	<u>40,000 SF</u>	(min.)
<u>Continuous Frontage:</u>		<u>200'</u>	<u>200'</u>	<u>200'</u>	(min.)
<u>Size of Lot:</u>	Width	<u>200'</u>	<u>200'</u>	<u>180'</u>	(min.)
	Depth	<u>208'</u>	<u>208'</u>	<u>200'</u>	(min.)
<u>Setbacks in Feet:</u>	Front	<u>75.84'</u>	<u>75.84</u>	<u>40'</u>	(min.)
	Rear	<u>81.25'</u>	<u>81.25</u>	<u>40'</u>	(min.)
	Left Side	<u>81.47'</u>	<u>81.47'</u>	<u>40'</u>	(min.)
	Right Side	<u>65.6'</u>	<u>35.4'</u>	<u>40'</u>	(min.)
<u>Building Height:</u>	Stories	<u>2</u>	<u>2</u>	<u>3</u>	(max.)
	Feet	<u>32'</u>	<u>32'</u>	<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>		<u></u>	<u></u>	<u></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.

A 28' x 32' garage is proposed to be located at the right side of the single family home.

The garage will be attached to the current home and be built with standard materials, concrete foundation, wood frame, asphalt shingles, etc to match the existing home.

Garage will be within ordinance requirements except right side setback - will be 35.4' where 40' is required.

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 area proposed to build the garage is the only practicable location due to septic, current driveway and hilly terrain. We look to make a reasonable use of the property by constructing a garage at this proposed location which is where driveway already is. Without being granted the variance we will suffer hardship by being precluded from meeting our growing family needs. Current housing conditions in Franklin do not allow for our family to change residency to get a 2 car garage. Almost half the homes on our street currently have garages.

- 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 property is located on an uphill slope. Currently the driveway comes up behind the home and where the proposed garage is would be part of the current driveway. No other location on this property would work due to being on a septic system and left side of home is a extreme upward slope.

- C) Desirable relief may be granted without either:

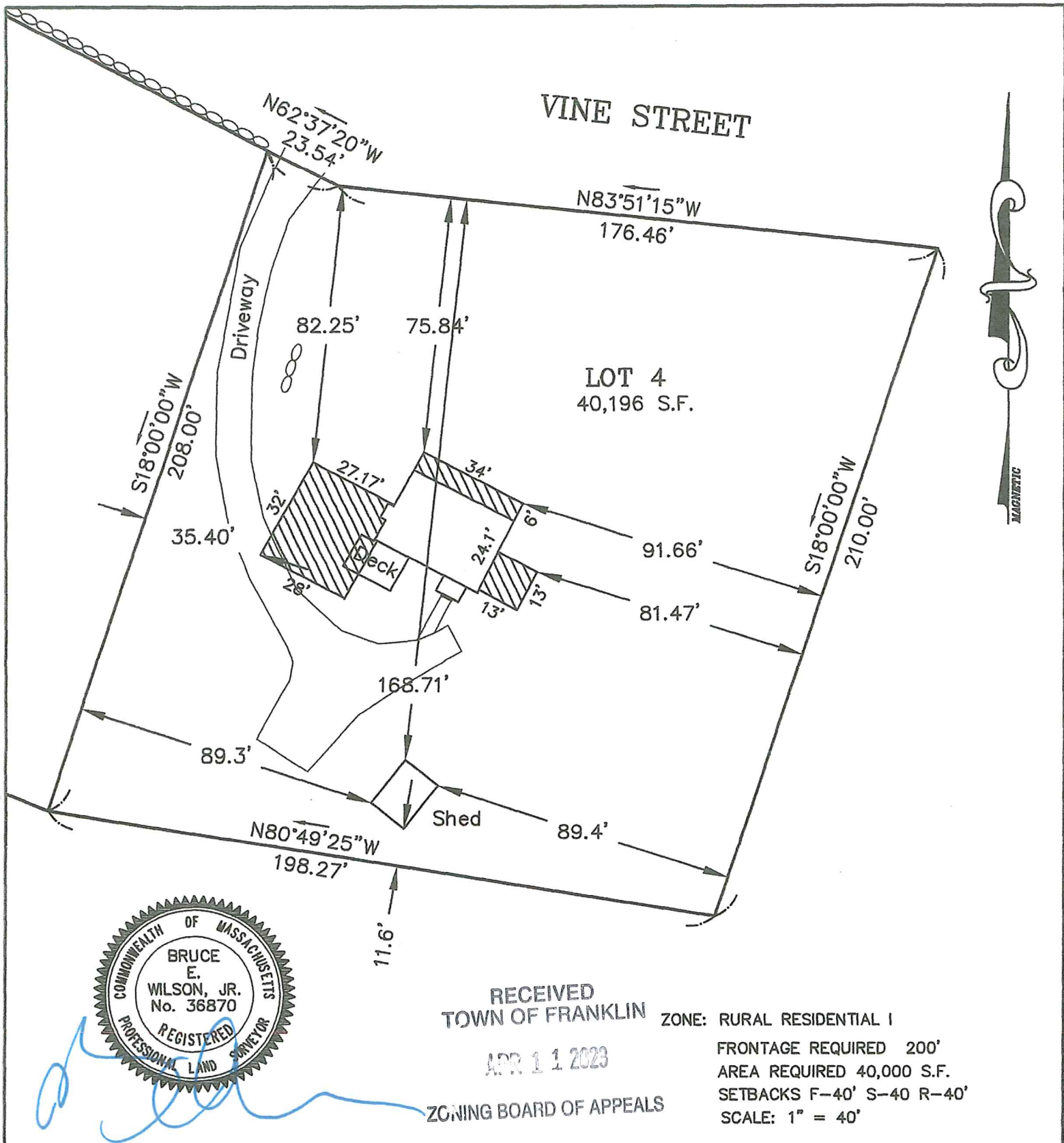
- 1) Substantial detriment to the public good for the following reasons:

No substantial detriment to the public good is anticipated. The addition of a 2 car garage will remain in line with what most of the neighborhood already has. The area being proposed is already part of the current driveway and lawn area. The proposed garage will still be 35.4 feet from the neighboring property.

- 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 zoning bylaw. Only one side variance is being sought and the garage will conform will all other ordinances. The 4.6' relief we are looking for on the right side yard will have no impact on the abutters as their home is located far from where the garage will be located and there is a substantial amount of tree cover between homes. The area where the garage is being proposed is already part of the driveway and lawn and will only be an improvement to the property that will fit it with 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.



GW SITE SOLUTIONS

248 ELM STREET

BLACKSTONE, MASSACHUSETTS 01504

TEL: (508) 553-9233 FAX: (508) 876-2258

PROPOSED ADDITIONS PLAN

ANDREW MUCCIARONE

19 VINE STREET

FRANKLIN, MASSACHUSETTS

MAY 7, 2018

Figure 1 is an aerial photograph of a coastal area, likely a wetland or estuary, showing various land use patterns and water bodies. A legend box is overlaid on the right side of the image, titled "Scientific Design Category". The legend lists 13 categories, each with a corresponding symbol or color swatch. A red circle is drawn on the map, highlighting a specific area of interest.

Symbol	Explanation
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13

RT403.13.1.1 Concrete stem walls with concrete footings. In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a concrete stem wall, a minimum of one No. 4 vertical bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall have a standard hook and extend to the bottom of the footing and shall have support and cover as specified in Section RT403.13.5.3 and extend a minimum of 14 inches (357 mm) into the stem wall. Standard hooks shall comply with Section RT403.13.5.3. A horizontal bar shall be installed within 12 inches (305 mm) of the top of the stem wall and one No. 4 horizontal bar shall be located 3 to 4 inches (76 mm to 102 mm) from the bottom of the footing.

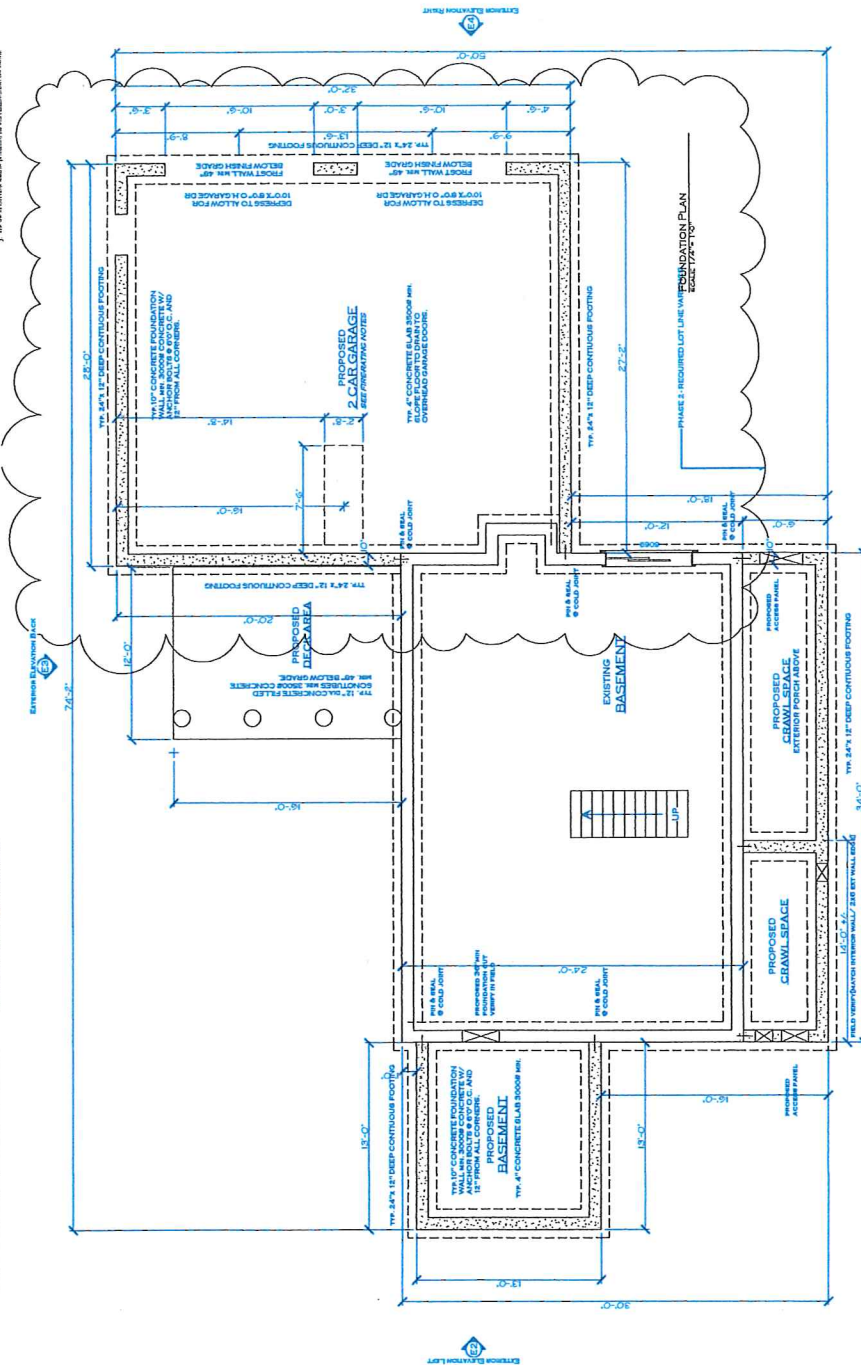
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W = Width of footing, T = Thickness of footing and P = Projection per Section R403.1.1

NOTES:

- See Section R403.3 for sill requirements.
- See Section R403.1.6 for all attachments.
- See Section R502.2.3 for vapor barrier requirements.
- See Section R403.1.1 for base.
- See Section R408 for under-floor ventilation and access requirements.
- See Section R403.1.3.5 for reinforcement requirements.

BASED ON TOTAL NUMBER OF TESTS PERFORMED	NUMBER OF TESTS PERFORMED WITH POSITIVE RESULTS	PERCENTAGE OF POSITIVE RESULTS	BASED ON TOTAL NUMBER OF TESTS PERFORMED		BASED ON TOTAL NUMBER OF TESTS PERFORMED WITH POSITIVE RESULTS		BASED ON TOTAL NUMBER OF TESTS PERFORMED WITH POSITIVE RESULTS	
			NUMBER OF TESTS PERFORMED	PERCENTAGE OF POSITIVE RESULTS	NUMBER OF TESTS PERFORMED	PERCENTAGE OF POSITIVE RESULTS	NUMBER OF TESTS PERFORMED	PERCENTAGE OF POSITIVE RESULTS
A	2	100	2	100	2	100	2	100
	3	100	3	100	3	100	3	100
	4	100	4	100	4	100	4	100
B	2	100	2	100	2	100	2	100
	3	100	3	100	3	100	3	100
	4	100	4	100	4	100	4	100
C	2	100	2	100	2	100	2	100
	3	100	3	100	3	100	3	100
	4	100	4	100	4	100	4	100
D	2	100	2	100	2	100	2	100
	3	100	3	100	3	100	3	100
	4	100	4	100	4	100	4	100

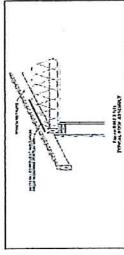
[illegible]

EXTENSION ELEVATION FRONT

Figure R402.4
TYPICAL SOURCES OF AIR LEAKAGE IN THE HOME

[illegible]

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R402.2.1. Ceilings with attic areas. Where Section R402.2.1 would require R-30 insulation in the ceiling, installing R-30 over 100 percent of the ceiling area resulting in insulation shall be deemed to satisfy the ceiling area requirement for R-30 wherever the full height of unpressurized R-30 insulation extends over the wall top plate at the eaves. Similarly, where Section R402.1.2 would require R-48 insulation in the ceiling, installing R-40 over 100 percent of the ceiling area resulting in insulation shall be deemed to satisfy the requirement for R-48 insulation. Where the ceiling area required for R-30 insulation extends over the wall top plate at the eaves, R-30 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the U-factor alternative approach in Section R402.1.4 and the total U-factor alternative approach in Section R402.1.5.

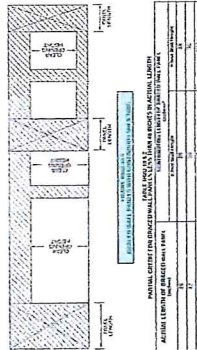
2402.2.3 Eave baffle. For air-permeable insulations in vented attics, a baffle shall be installed adjacent to soffit and eave vents. Baffles shall maintain an opening equal or greater than the size of the vent. The baffle shall extend over the top of the attic insulation. The baffle shall be permitted to be any solid material.

R602.10.6.4 Method C5-DE: Continuously sheathed portal frame. Continuously sheathed portal frame braced wall panels shall be constructed in accordance with Figure R602.10.6.4 and Table R602.10.0.4. The number of continuously sheathed portal frame panels in a single braced wall line shall not exceed four.

Item 1.6 Foundation anchorage. Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with the

[illegible][illegible]

FIG. 3.1. λ_{max} vs. λ_{min} . λ_{max} is the maximum wavelength of the spectrum, λ_{min} is the minimum wavelength of the spectrum.



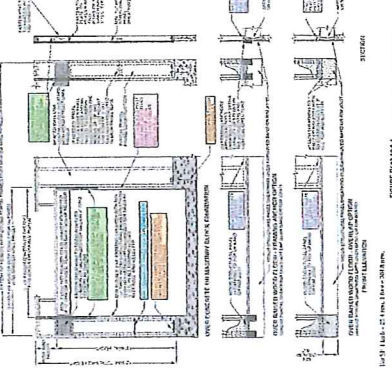
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U.S. - New York, N.Y.

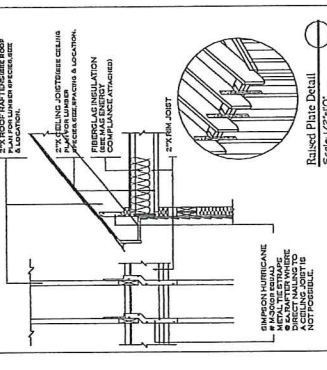
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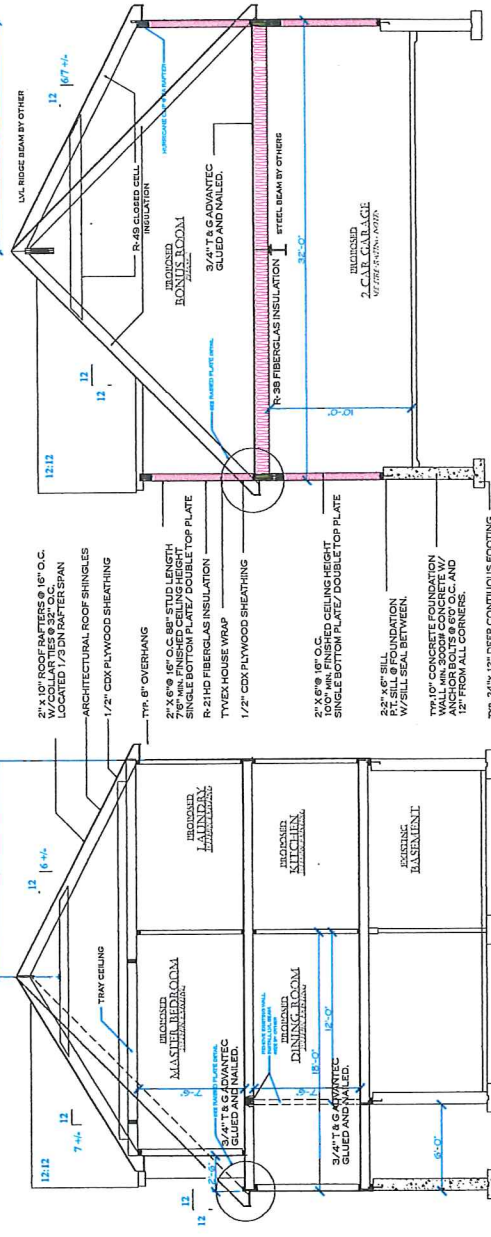
FIG. 3.1. λ_{max} vs. λ_{min} . λ_{max} is the maximum wavelength of the spectrum, λ_{min} is the minimum wavelength of the spectrum.

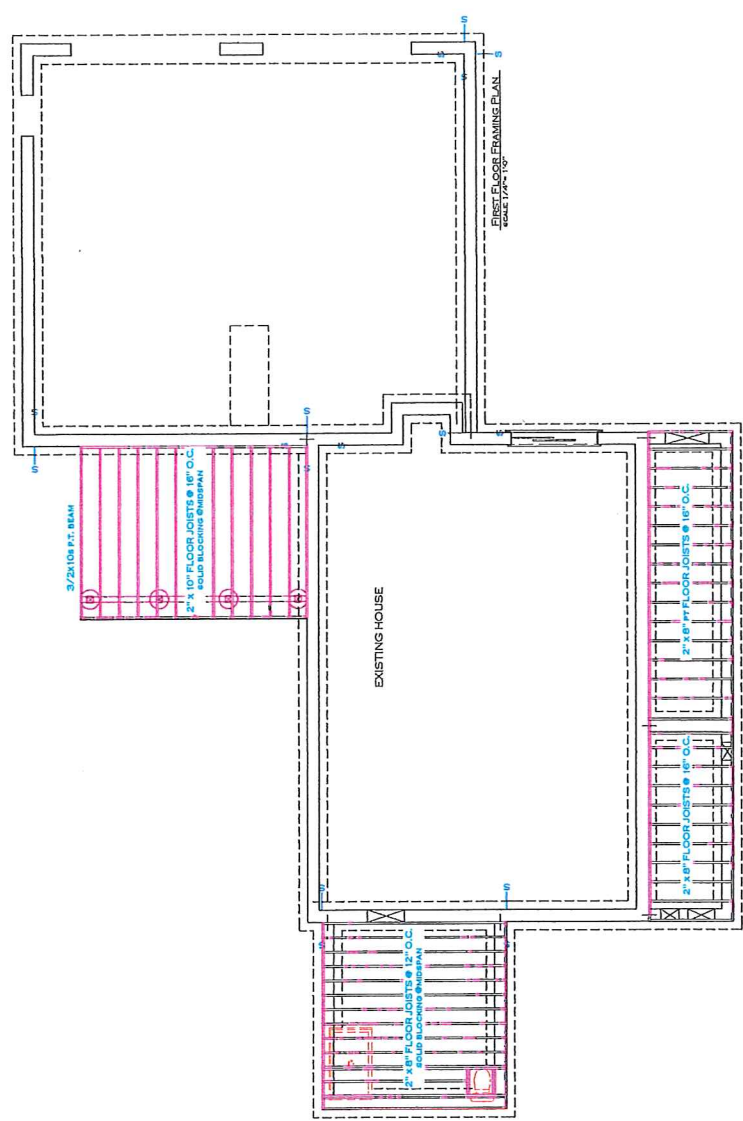
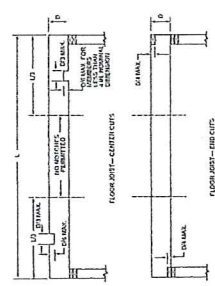


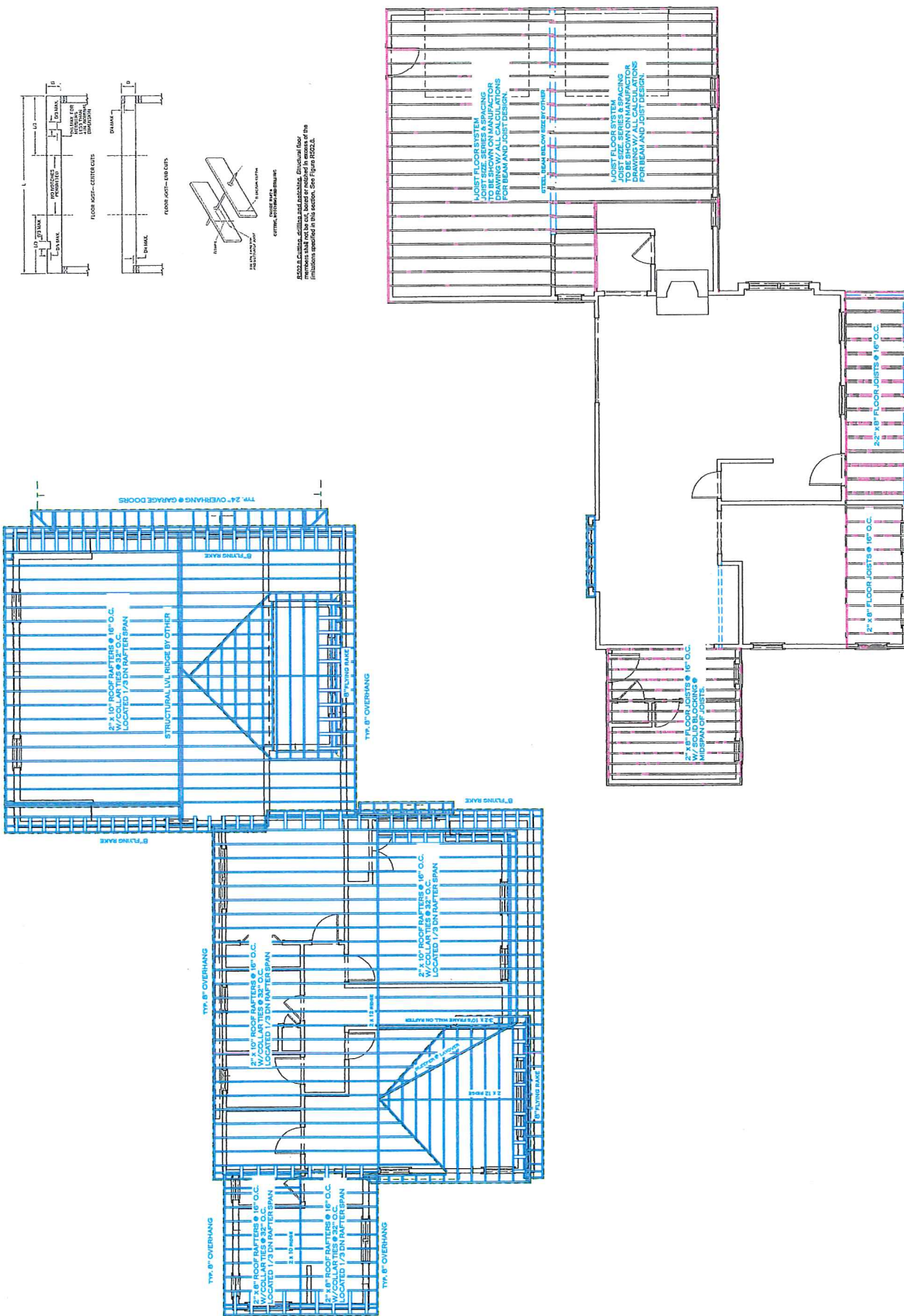
METHOD 65.05—CONTINUOUSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION



scale 1/6-10

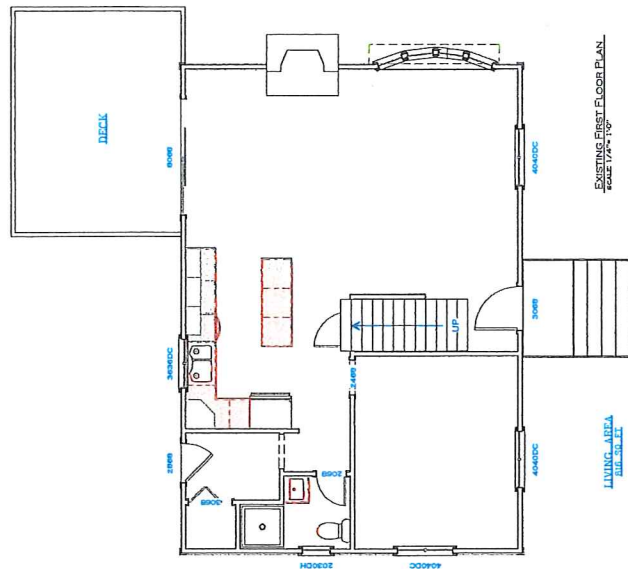
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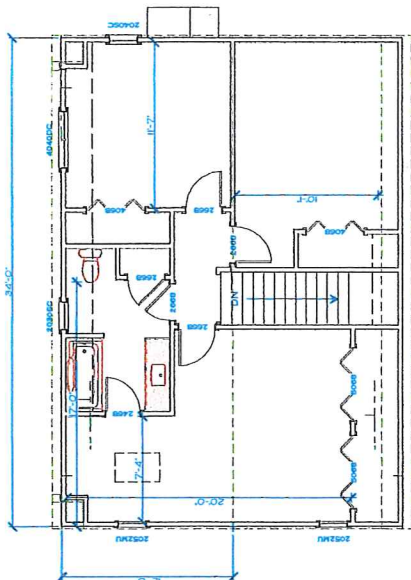


This plan is intended to give general layout, design, construction information and is not intended to be a construction document. It is not to be used for construction or for any other purpose without the written permission of Konosky Associates Inc. This set of plans must contain a typical disclaimer to be considered a set of instructions or be added for measurements. This plan is intended to give general layout, design, construction information and is not intended to be a construction document. It is not to be used for construction or for any other purpose without the written permission of Konosky Associates Inc. This set of plans must contain a typical disclaimer to be considered a set of instructions or be added for measurements.

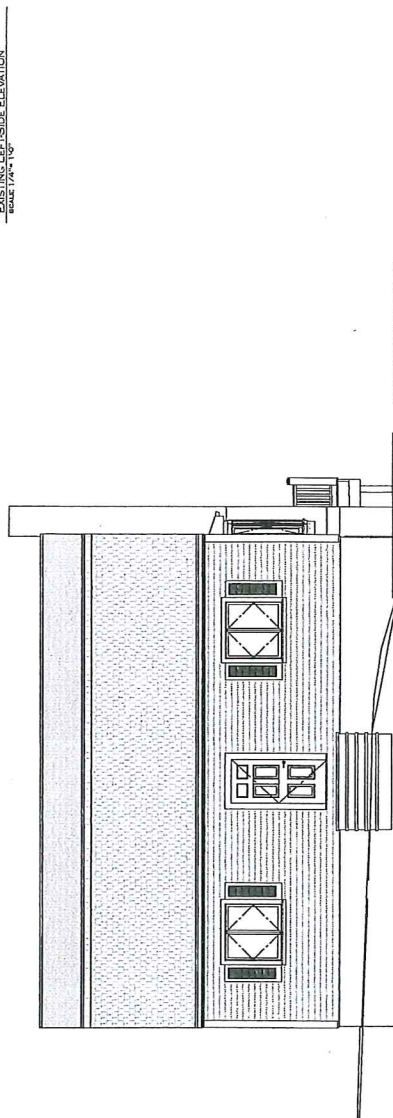
EXISTING FIRST FLOOR PLAN
 SCALE 1/4" = 1'-0"



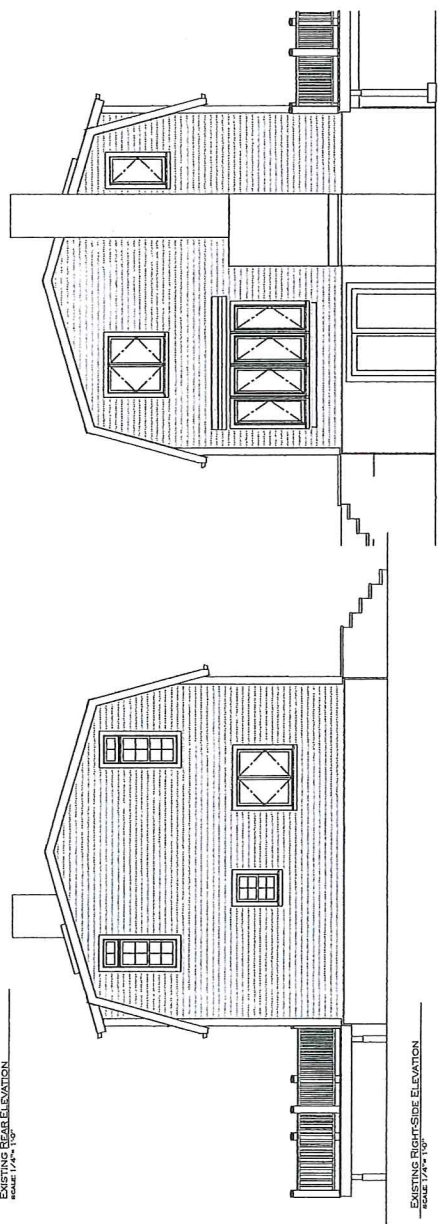
EXISTING SECOND FLOOR PLAN
 SCALE 1/4" = 1'-0"



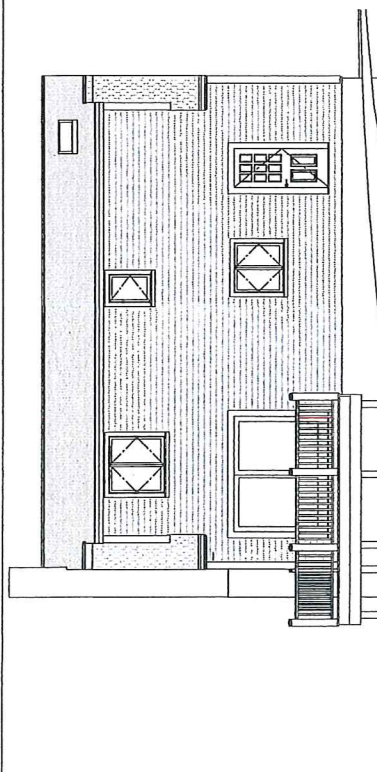
EXISTING FRONT ELEVATION
 SCALE 1/4" = 1'-0"



EXISTING LEFT-SIDE ELEVATION
 SCALE 1/4" = 1'-0"



EXISTING RIGHT-SIDE ELEVATION
 SCALE 1/4" = 1'-0"



EXISTING REAR ELEVATION
 SCALE 1/4" = 1'-0"



300 foot Abutters List Report

Franklin, MA
April 06, 2023

Subject Property:

Parcel Number: 343-025-000
CAMA Number: 343-025-000-000
Property Address: 19 VINE ST

Mailing Address: MUCCIARONE ANDREW PARADEE
KRISTEN H
19 VINE ST
FRANKLIN, MA 02038

Abutters:

Parcel Number: 343-004-000
CAMA Number: 343-004-000-000
Property Address: 16 VINE ST

Mailing Address: TORIZZO PATRICIA TR TORIZZO LIVING
TRUST
16 VINE ST
FRANKLIN, MA 02038

Parcel Number: 343-005-000
CAMA Number: 343-005-000-000
Property Address: 18 VINE ST

Mailing Address: MAGUIRE BRUCE W & LINDA L/E
MAGUIRE MICHAEL S TR
18 VINE ST
FRANKLIN, MA 02038

Parcel Number: 343-006-000
CAMA Number: 343-006-000-000
Property Address: 20 VINE ST

Mailing Address: AIMABLE CARL J ALEXANDRE EDINA C
20 VINE ST
FRANKLIN, MA 02038

Parcel Number: 343-007-000
CAMA Number: 343-007-000-000
Property Address: 3 DIX RD

Mailing Address: SHEA JAMES K SHEA MICHELE M
3 DIX RD
FRANKLIN, MA 02038

Parcel Number: 343-011-000
CAMA Number: 343-011-000-000
Property Address: 24 VINE ST

Mailing Address: KOLB ALEXANDER G KOLB FAITH H
24 VINE ST
FRANKLIN, MA 02038

Parcel Number: 343-012-000
CAMA Number: 343-012-000-000
Property Address: 26 VINE ST

Mailing Address: KENNEDY SUSAN
26 VINE ST
FRANKLIN, MA 02038

Parcel Number: 343-022-001
CAMA Number: 343-022-001-000
Property Address: VINE ST

Mailing Address: MORSE PETER W ETAL TRS BIG APPLE
TWO REALTY TRUST
207 ARNOLD ST
WRENTHAM, MA 02093

Parcel Number: 343-023-000
CAMA Number: 343-023-000-000
Property Address: 29 VINE ST

Mailing Address: MORSE NATHANIEL S
65 OTIS ST
WRENTHAM, MA 02093-1707

Parcel Number: 343-024-000
CAMA Number: 343-024-000-000
Property Address: 25 VINE ST

Mailing Address: SAINT-CYR RUTHERFORD SAINT-CYR
OMOTOYOSI
25 VINE ST
FRANKLIN, MA 02038

Parcel Number: 343-025-000
CAMA Number: 343-025-000-000
Property Address: 19 VINE ST

Mailing Address: MUCCIARONE ANDREW PARADEE
KRISTEN H
19 VINE ST
FRANKLIN, MA 02038



www.cai-tech.com

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

4/6/2023

Page 1 of 2



300 foot Abutters List Report

Franklin, MA
April 06, 2023

Parcel Number: 343-026-000
CAMA Number: 343-026-000-000
Property Address: 17 VINE ST

Mailing Address: YAGNESAK JENNIFER L
17 VINE ST
FRANKLIN, MA 02038

Parcel Number: 343-027-000
CAMA Number: 343-027-000-000
Property Address: 15 VINE ST

Mailing Address: MINIHANE JAMES S MINIHANE EMILY C
15 VINE ST
FRANKLIN, MA 02038



www.cai-tech.com

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

4/6/2023

Page 2 of 2

AIMABLE CARL J
ALEXANDRE EDINA C
20 VINE ST
FRANKLIN, MA 02038

TORIZZO PATRICIA TR
TORIZZO LIVING TRUST
16 VINE ST
FRANKLIN, MA 02038

KENNEDY SUSAN
26 VINE ST
FRANKLIN, MA 02038

YAGNESAK JENNIFER L
17 VINE ST
FRANKLIN, MA 02038

KOLB ALEXANDER G
KOLB FAITH H
24 VINE ST
FRANKLIN, MA 02038

MAGUIRE BRUCE W & LINDA L
MAGUIRE MICHAEL S TR
18 VINE ST
FRANKLIN, MA 02038

MINIHANE JAMES S
MINIHANE EMILY C
15 VINE ST
FRANKLIN, MA 02038

MORSE NATHANIEL S
65 OTIS ST
WRENTHAM, MA 02093-1707

MORSE PETER W ETAL TRS
BIG APPLE TWO REALTY TRUS
207 ARNOLD ST
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