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:

Cameron Bagherpour

LOCATION:

232-045 Daniels Street

ZONING DISTRICT: SFR 111

TYPE OF PROJECT: Construction of a Single Family Home.

DATE: 01/05/2021 DENY

VARIANCE

ZONING BY LAW SECTIONS: 185 Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements. 185-10 Nonconforming lots (1)(b)

REASON FOR DENIAL: Applicant is seeking to construct a single family home that is 21' from the left side yard setback where 35' is required. 21' from the right side yard setback where 35' is required. 86' of frontage where 150' is required. 174' of lot depth where 200' is required. 86' of lot width where 135' is required. 15,200 sq. ft. of lot area where 30,000 sq. ft. is required. Applicant is also applying for conformance with 185-10 Nonconforming lots.

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 01/05/2021

----- Forwarded message -----

From: Cameron Bagherpour < bagherc@gmail.com >

Date: Mon, Jan 11, 2021 at 2:14 PM

Subject: Re: Message from "TH-0120-P3" To: Lloyd Brown gbrown@franklinma.gov>

Cc: AaPat <turnpikere@yahoo.com>, AaMike <michael@lawlarkin.com>

Gus,

Please remove 185-12 portion of request as I will not be needing relief from that section

Best,

Cameron 919-434-9001

TOWN OF FRANKLIN ZONING BOARD OF APPEALS

RECEIVED ZO TOWN OF FRANKLIN JAN 0 5 2021

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

ZONING BOARD OF APPEALS

ZBA APPLICATION FORM

GENERAL INFORMATION

TOWN OF FRANKLIN TOWN CLERK

2021 JAN -8 A II: 33

	RECEIVED
The undersigned hereby petitions the Zoning	
Special Permit: Variance: X	Appeal:
PETITIONER: Cameron Bagherpour, LARKIN	REAZ ESTATE GROW, INC.
PETITIONER'S ADDRESS: 83 Lovering St Medway	MA 02053 PHONE: 919-434-9001
LOCATION OF PROPERTY: Vacant lot between 60 8	& 66 Daniels St.
TYPE OF OCCUPANCY: Single Family Home ZO	ONING DISTRICT: Rural Residential II
ASSESSORS MAP & PARCEL: 232-045	
REASON FOR PETITION:	
Additions	X New Structure
Change in Use/Occupancy	Parking
Conversion to Addi'l Dwelling	Unit's Sign
Dormer	Out that at an
Other:	Subdivision
Seeking zoning variance to provide relief from lot requirements: Area, Frontage, SECTIONS OF ZONING ORDINANCE CITED:	
Article IV Section 185-10 Nonconforming	ng lots (1)(b)
Article V Section 185-12 Front yard rec	quirements
Article IV Section 185 Attachment 9: Sched	lule of Lot, Area, Frontage, Yard and Height Requirements
Applicants for a Variance must complete Parapplicants for a Special Permit must complete Applicants for an Appeal to the ZBA pursua must attach a statement concerning the reasonization. Original Signature(s): Address:	ete Pages 1-4 and 6 int to Zoning Bylaw section 185-45 (D)
Tel. No.:	919-434-9001
E-Mail Addre	bagherc@gmail.com
Date: 01/04/2021	

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 Robin L Davis, Kurt R Davis, Trustees & The Davis Family Revocable Trust
(OWNER)
Address: 1 Dalkeith Rd Hollis, NH 03049
State that I/We own the property located at $\frac{\text{O Daniels St}}{\text{O Daniels St}}$,
which is the subject of this zoning application.
The record title of this property is in the name of Robin L Davis, Kurt R Davis, Trustees & The Davis Family Revocable Trust
*Pursuant to a deed of duly recorded in the date 09/16/2013 , Norfolk
County Registry of Deeds at Book 31752 , Page 145 ; or
Dedham Registry District of Land Court, Certificate No
BookPage

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: Cameror	Bagherpour		PRESENT USE/OCC	JPANCY: Vacant Lot	
	d between 60 & 6	66 Daniels St		Rural Residential II	
PHONE: 919-434-90	01	REQUESTED U	Sir/occupancy: Sir	ngle Family Home	
		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS ¹	
Lot Area:		15,200	15,200	30,000	min.)
Continuous Frontage	<u>:</u>	86	86	(z	min.)
Size of Lot:	Width	86	86	135 (1	in.)
	Depth	174	174	200 (11	nin)
Setbacks in	Front		_	(n	nin.)
<u>Feet</u> :	Rear		_	(1	nin.)
	Left Side		21	35	min.)
	Right Side	2 2	21	35	min.)
Building Height:	Stories		-	(r	nax.)
	Feet			(1	max.)
NO. of Dwelling Uni	ts:			(x	max.)
NO. of Parking Space	es:			(min.,	/max)
Describe where appl on same lot, and steel, etc. Proposed construc	type of const	truction pro	pposed, e.g.; woo	size of adjacent buil d frame, concrete, b home on lot.	.dings orick,

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:

Lot has been taxed for many years as a buildable lot. Owner applied for tax abatement in 1992 and was denied. Two previous zoning variances were approved, 1960 & 1967, each allowing for single family house to be built. Both variances have since expired. 29 houses on Daniels St were built on similar sized lots as this one: #44-54 Daniels St even numbered houses, #222-248 Daniels St even numbered houses, #245-267 Daniels St odd numbered houses. Sale of this lot as a buildable lot is the only way owner can recoup taxes paid as a buildable lot. Sale of lot is contingent upon issuance of a building permit.

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 owing to the shape of the land. It met the zoning lot area, frontage, size, depth and side yard setback requirements at the time it was created. New zoning changes since then have made it a non-buildable lot. Due to the size and shape of this lot, applicant is seeking relief from a literal enforcement of the zoning bylaw.

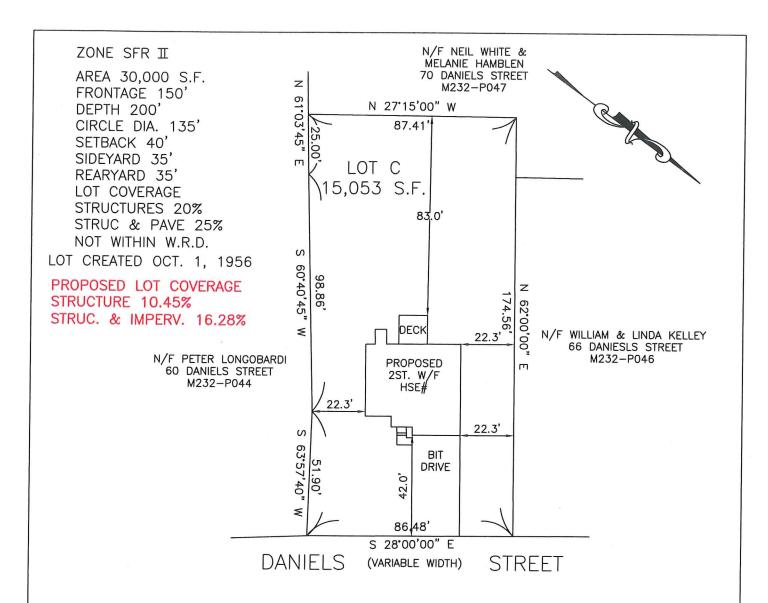
- C) Desirable relief may be granted without either:
 - 1) Substantial detriment to the public good for the following reasons:

The neighborhood and this street specifically has dozens of homes on similar sized lots.

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

This lot was created before the zoning changes went into effect that made it non-buildable.

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



I CERTIFY THAT THE LOT SHOWN ON THIS PLAN DOES NOY LIE WITHIN THE FLOOD PLAIN.



MAP 232 PARCEL 045 PROPOSED STRUCTURE PLAN OF LAND

IN

FRANKLIN, MA.

SCVALE:1"=40' DEC. 29, 2020

OWNER: Kurt & Robin Davis 27 Fairlane Drive Bedford, New Hampshire 03110

COLONIAL ENGINEERING INC. 11 AWL STREET MEDWAY, MA. 508-533-1644

0 40 80 120

INSPECTIONS

Water Test (roughing-in) PLUMBING INSPECTION

Final Inspection (Completion of ALL Plumbing)

Date...... 19 ELECTRICAL WORK First Inspection (Rovah Work) Final Inspection (Completion of ALL Electrical World

Date......19.... FOUNDATIONS (Complete) Date....., 19 BUILDING APPROVED FOR LATHING INSPECTION Date 19 OIL BURNER INSPECTION Date...... 19.... BUILDING APPROVED FOR OCCUPANCY 19 Date.

TOWN OF FRANKLIN Permit No.. 369.....

Office of the Building Inspector

Town Hall, Juny 22



Permit to but a rance ever house

IS BUILD THIRD Ave.	S. STILLING.	Width 30.1 Depth 23.1 Height L2 No. of June 30.1 RESIDENCE.	Material Material X Plumbing X Lighting	This permit is subject to all existing building and zoning laws or 10wn or riginals, and	
This Permit is granted to CEDRIC H. LEWIS. of DANIELS SUBERY, IRANKLIN to BUILD.	Class Building located on Lot No.	Width 30.1 Depth 23.1	Marerial X. Plumbing.	This permit is subject to all existing buildi	CON NO.

ance with the details of application No....582...

This Card MUST be displayed in a conspicuous place on the premises, and must not be removed until all work in the building shall have been approved. Spaces at left must be stamped and dated at the time of approval of Plumbing Inspector, and also upon the time of approval of Wire Inspector, and by the Building Inspector before any work is covered up or any lathing done. Each of these Inspectors must be Lledon D. Lentell. Building Inspector notified in writing and inspections made within forty-eight hours after such notice.

- This Permit Expires One Year after date. -

NOTIFY BUILDING INSPECTOR BEFORE OCCUPANCY

OCCUPANCY PERMIT REQUIRED for New and Altered Buildings to be stamped on this Card when All Work is Completed (This form to be filed with the Town Clerk.)

TO THE BOARD OF APPEALS OF THE

OF

The undersigned hereby petitions the Board of Appeals to vary the terms of the Zoning By-Laws of the of Acts of at premises

in the following respect:

or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear as necessary or proper in the premises.

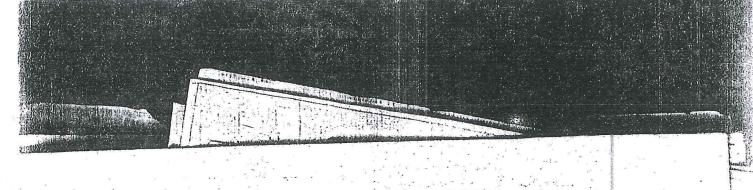
A case of hardship was created by the Town of Franklin having changed the zoning variances. A permit was originally issued 7/22/1960. The old setbacks were 15' sidelines, now they are 30'.

A case of hardship was created by the Town of Franklin having changed the zoning variances. A permit was originally issued 7/22/1960. The old setbacks were 15' sidelines, now they are 30'.

Silmand Privalle William R Brusalle John H. Ane Carthy

Nariance Grantes

Two scaled nlot nlos-





APPEAL BOARD

TOWN OF FRANKLIN

Massachusetts 02038

This is my grandfathin's = Historical grantual 25's variance.

August 1, 1967

Lewis Codice

Mr. George Dana, Town Clerk Main Street Franklin, Massachusetts

Dear Mr. Dana:

The Board of Appeals held a public hearing in the Town Hall, Franklin, Mass on Thursday, May 25, 1967 at 8:30 P.M. on the petition of Cedric E. Lewis to construct a dwelling on Daniels Street with less frontage and sideline setbacks than zoning law requirements.

The Board of Appeals unanimously voted in favor of granting the variance to existing lot for the construction of a dwelling to be no more than 25 feet from either sideline. The case of hardship resulted due to a change in zoning laws.

The following vote was recorded-

Edmund Pisani - in favor
William Brunelli - in favor
John McCarthy - in favor

Very truly yours,

William Brunelli, Secretary

/jcf

responsible of the planning Board Bldg Inspector Board of Health

10

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FRANKLIN OF-

BOARD OF APPEALS

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a laboration of the	0		p 179
August	/	10	01
		Accessage and	*******

Decision of the Board of Appeals on the appeal and petition of Cedric E. Lewis seeking a variance to build a dwelling with less frontage and sideline setbacks than zoning law requirements.

The above application was granted and a detailed report has been filed with the Town Clerk.

The Veterans Council will neet tonight at 8 in the Legion quarters on Main St.

Marine Private William E. Kussmaul, son of Mr. and Mrs. Edward R. Kussmaul of 129 Oak St. was graduated recently from eight weeks of recruit training at the Marine Corps Recruit Depot, Parris Island, S.C. S.C.

Two hearings have been scheduled by the Board of Appeals for May 25. The first at 8 p.m. will be on the petition of Francis L. Brady of 36 Baron Road, seeking a front and sideline variance to constructing an addition to an existing struc-ture. At 8:30 a hearing will be held on the petition of Cedric E, Lewis to construct a dwelling on Daniels Street with less frontage and sideline setbacks than zoning law requirements.

The Timothy Group of the Federated Church will meet to-morrow at 8 p.m. at the home of Shirley Hines, East Central St.

Booster awards were made at Monday night's meeting of the Franklin Rangerettes Asso-Gertrude Dowling, Anthony Mucciarone, Martha Circone, Joseph Pulsone and Mrs. Ella B. Raynay.

Franklin Auxiliary Police meet tomorrow night at 7 FORM 10 o'clock in fire station hall,

Very truly yours,

Franklin Appeal Board

William R. Brunelli, Secretary

JALL, Wednesday, May 10, 1967 Town of Franklin

Board Of Appeals Notice Of Hearing

The Board of Appeals will hold a public hearing in the Town Hall, Franklin, Mass., Thursday, May 25, 1987 at 8:30 P.M. on the petition of Cedric E. Lewis to construct a dwelling on Daniels Street with less frontage and sideline seibacks than zoning law requirements. quirements.
William R. Brunelli,

secretary Board of Appeals Advt.—m10-17.

/jcf



APPEAL BOARD

TOWN OF FRANKLIN

Massachusetts 02038

My 15' barrance approval.

March 25, 1981

Mrs. Robert Bell, Town Clerk Town Hall Franklin, MA

RE: ROBIN L. WATKINS

The Board of Appeals held a public hearing at the Franklin Municipal Building on Thursday, February 26, 1981, on the application of Robin L. Watkins seeking to further modify a sideline variance granted in 1967 to permit the construction of a single family dwelling fifteen feet from the sideline at premises located at Lot "C" adjacent to 70 Daniels St., Franklin, MA.

The Board of Appeals voted unanimously to grant a variance for the purpose of constructing an energy efficient home. A hardship is created due to the location of the lot to the sun.

James H. Stoffel, Clerk Board of Appeals

James H. Staffel

cc: Building Administrator

Planning Board Town Administrator

Petitioner Abutters

THE COMMONWEALTH OF MASSACHUSETTS FRANKLIN NAME OF CITY OR TOWN OFFICE OF THE BOARD OF ASSESSORS 2/21/92 Robin L. & Scott A. Watkins 214 Dailey Dri. Franklin, MA 02038 October 31, This notice informs you that your application dated ____ 19 91, for an abatement of the Fiscal Year 19 92 PENSONAL/Real Property Tax assessed as of January 1, 19 91 to Robin L. & Scott A. Watkins has been denied under the provisions of Chapter 59 of the General Laws. X Your application was denied by vote of the assessors on 2/21/92 Your application was deemed denied on _____ You may appeal this denial in the manner and under the conditions provided by Chapter 59, Sections 64-65B of the General Laws. Under those sections, your appeal may be made to the Appellate Tax Board or to the County Commissioners. The appeal must be filed within three months of the date your application was denied by vote of the assessors or within three months of the date your application was deemed denied. whichever is applicable. With certain exceptions, you must also pay at least one-half the tax on personal property and, if the real property tax for the fiscal year is more than \$2000, all of the tax on real property without incurring interest on any installment payment in order for the Appellate Tax Board or County Commissioners to hear the appeal. If your application was denied by vote of the assessors, the assessors cannot take any further action on your application unless you appeal their decision to the Appellate Tax Board or County Commissioners. However, if your application was deemed denied, the assessors may grant an abatement in final settlement of your application during the period for filing an appeal. If a settlement is not reached and an abatement not granted during that time, you must file a timely appeal for the assessors to be able to take any further action on your application. Daniels St. Parcel #119-12

Daniels St. Parcel #119-12

LOCATION OF PROPERTY

LOT

WELLY W. W. W. C. Board of Assessors

FRANKLIN

STANDARD FORM PURCHASE AND SALE AGREEMENT

This (day of November, 2020.

PARTIES AND

Kurt R. Davis and Robin L Davis, Trustees of Davis Family Revocable Trust, now of Hollis, New Hampshire.

MAILING ADDRESSES

(hereinafter called the SELLER), agrees to SELL and

Larkin Real Estate Group. Inc. now of Medfield, Massachusetts,

(hereinafter called the BUYER or PURCHASER), agrees to BUY, upon the terms hereinafter set

forth, the following described premises:

DESCRIPTION

Vacant land consisting of 15,200 square feet, more or less, described as 0 Daniels Street, Franklin, Massachusetts -being the land more particularly described in a deed recorded with the Norfolk

County Registry of Deeds, Book 31752, Page 145. Franklin PID 232-45.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

N/A: Vacant Land being sold "as is."

TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from any encumbrances, except

(a) Provisions of existing building and zoning laws;

(b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;

(c) Any liens for municipal betterment's assessed after the date of this agreement;

(d) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the current use of said premises;

PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

REGISTERED TITLE

In addition to the foregoing, if the title to said premises is registered, the deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

PURCHASE PRICE

The agreed purchase price for said premises is One Hundred and Twenty-Five Thousand (\$125,000.00) Dollars

1,000.00 have been paid with the offer,

\$ 9,000.00 have been paid as a deposit this day,

\$ 115,000.00 are to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or check drawn on IOLTA account of counsel or

funds wired to Seller's account

\$______ \$ 125,000.00 TOTAL

TIME FOR

9.

Such deed is to be delivered at 12:00 PM on or before the 28th day of February, 2021* at the Norfolk Registry of Deeds unless otherwise agreed upon in writing. * or sooner by mutual agreement.

PERFORMANCE

POSSESSION AND CONDITION OF

PREMISES

Full possession of said premises is to be delivered at the time of the delivery of the deed, said premises to be then in the same condition as they now are and there shall be no outstanding notices of violation of any zoning, health, environmental, or other law, bylaw, code or regulation, except as agreed. The BUYER shall be entitled personally to inspect said premises prior to the

8

KRD RYD

of this agreement. In the event of any disagreement between the parties, the escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order of a court of competent jurisdiction. The deposit shall be held in a federally insured bank account.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages. This shall be Seller's sole and exclusive remedy at law and in equity.

RELEASE BY HUSBAND N/A 22. OR WIFE

BROKER AS PARTY 23.

The Broker named herein joins in this agreement and becomes a part thereto, insofar as any provisions of this agreement are or become applicable to the same.

24. SHAREHOLDER, BENEFICIARY, etc.

LIABILITY OF TRUSTEE If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

WARRANTIES AND 25. REPRESENTATIONS The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s): NONE

MORTGAGE 26.

Waived by Buyer. Cash Purchase.

CONSTRUCTION OF 27. AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. LEAD PAINT LAW N/A: Vacant Land

SMOKE DETECTORS 29.

N/A: Vacant Land

CARBON MONOXIDE 30. DETECTORS

N/A: Vacant Land

ADDITIONAL 31. **PROVISIONS**

a) Subject to Buyer obtaining a residential dwelling building permit from the Town of Franklin at their Buyer's sole cost.

b) Subject to Property being able to connect to the Ranieri Trust private sewer line with said connection cost not to exceed \$20,000.00. Buyer shall be solely responsible for any and all costs related to this connection.

c) Rider A attached and incorporated.

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

SELLER: Y Mars / Truster

BUYER:

RUD

Town of Franklin - Board of Assessors

355 East Central St Franklin, MA 02038 Tel # 508-520-4920 Fax # 508-520-4923

Abutters List Request Form

Please Note: A \$25.00 Fee PER PARCEL 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 payment and submission of the form for the Assessors office to complete the processing of your request.

Date of Request 12 / 31 / 2020
Assessors Parcel ID # (12 digits) <u>232 - 045 - 000 - 000</u>
Property Street Address 0 Daniels St
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 Robin L Davis Kurt R Davis, Trustees & Davis Family Revocable Trust
Property Owner's Mailing Address 1 Dalkeith Rd
Town/City Hollis State NH Zip Code 03049
Property Owner's Telephone # 603 714 8465
Requestor's Name (if different from Owner) Cameron Bagherpour
Requestor's Address 83 Lovering St Medway, MA 02053
Requestor's Telephone # 919 434 9001
Office Use Only: Date Fee Paid / /4 /202 Paid in Cash \$
Paid by Check \$25.00 Check # \\O Town Receipt #
RETURN TO LEEANNE

