

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: David Fallon

LOCATION: 25 Baron Road

ZONING DISTRICT: RR II

TYPE OF PROJECT: Construct an Accessory Dwelling Unit Over Existing Attached Garage. No Change in Footprint.

DATE: 10/17/2023 **DENY**

SPECIAL PERMIT

ZONING BY LAW SECTIONS: 185 Attachment 8 Part VII

REASON FOR DENIAL: Applicant is seeking to construct an ADU over the existing attached 24' x 24' garage. The building permit is denied without a Special Permit from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____

ZONING OFFICIAL SIGNATURE LAB 10/17/2023 DATE

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

TOWN OF FRANKLIN
TOWN CLERK

2023 OCT 10 A 10:40

RECEIVED

RECEIVED
TOWN OF FRANKLIN

SEP 10 2023

ZBA APPLICATION FORM

GENERAL INFORMATION

ZONING BOARD OF APPEALS

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

Special Permit: X Variance: _____ Appeal: _____

PETITIONER: David Fallon

PETITIONER'S ADDRESS: 25 Baron Rd. Franklin PHONE: (617) 240-6562

LOCATION OF PROPERTY: 25 Baron Rd. Franklin, MA 02038

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: _____

ASSESSORS MAP & PARCEL: _____

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:

I am looking to build an in-law apartment above my 2 car garage. My garage is located in the side/back of my house (see pictures). The garage footprint

SECTIONS OF ZONING ORDINANCE CITED:

Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

will not be altered, just building above it. It would match the height of the current house roof line or be less)

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):

[Signature]
(Petitioner(s)/Owner)

David Fallon
(Print Name)

Address:

25 Baron Rd. Franklin, MA 02038

Tel. No.:

(617) 240-6562

E-Mail Address:

dfallon@millischools.org

Date:

9/28/23

**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 David Fallon _____
(OWNER)

Address: 25 Baron Road Franklin, MA 02038

State that I/We own the property located at 25 Baron Road,
which is the subject of this zoning application.

The record title of this property is in the name of David and Julie Fallon

*Pursuant to a deed of duly recorded in the date 10/30/19, Norfolk
County Registry of Deeds at Book 37301, Page 414; or
Dedham Registry District of Land Court, Certificate No. 100415
Book 3730 Page 415.



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: David Fallon PRESENT USE/OCCUPANCY: Single Family / Res.

LOCATION: 25 Baron Road Franklin, MA ZONE: Residential

PHONE: (617) 240-6562 REQUESTED USE/OCCUPANCY: In-Law Apartment above current garage

(See Surveyor's Plot Plan + Pictures)

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>Lot Area:</u>		<u>30,000 SF</u>	<u>No Change</u>	<u> </u> (min.)
<u>Continuous Frontage:</u>		<u>150.00'</u>	<u>No Change</u>	<u> </u> (min.)
<u>Size of Lot:</u>	<u>Width</u>	<u>150.00'</u>	<u>No Change</u>	<u> </u> (min.)
	<u>Depth</u>	<u>256.38'</u>	<u>No Change</u>	<u> </u> (min.)
<u>Setbacks in Feet:</u>	<u>Front</u>	<u>49.00</u>	<u>No Change</u>	<u> </u> (min.)
	<u>Rear</u>	<u>121.00'</u>	<u>No Change</u>	<u> </u> (min.)
	<u>Left Side</u>	<u>36.00'</u>	<u>No Change</u>	<u> </u> (min.)
	<u>Right Side</u>	<u>36.00'</u>	<u>No Change</u>	<u> </u> (min.)
<u>Building Height:</u>	<u>Stories</u>	<u>2</u>	<u>No Change</u>	<u> </u> (max.)
	<u>Feet</u>	<u>32 (House)</u>	<u>No Change</u>	<u> </u> (max.)
		<u>16 (Garage)</u>	<u>26</u>	
		<u>1</u>		
<u>NO. of Dwelling Units:</u>		<u>1</u>	<u>2</u>	<u> </u> (max.)
<u>NO. of Parking Spaces:</u>		<u>2/3</u>	<u>No Change</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.

The project is to create a new in-law apartment above the existing 2-car garage. This would include an outside stairway on the side of the garage (see pictures). All safety guidelines and requirements are respected such as OSHA requirements.

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:

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:

We would like to build an in-law apartment above our current 2-car garage. My father-in-law is 77 years old and has some health issues. We would like to keep him close to us as he ages.

C) Desirable relief may be granted without either:

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

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

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



ZBA APPLICATION FORM
SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria in accordance with Zoning Bylaw Section 185-45(D)(2)(a) referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits for which additional criteria must be met under the Zoning Bylaw.

185-45(D)(2)(A) **BOARD OF APPEALS:** TO HEAR AND DECIDE APPLICATIONS FOR SPECIAL PERMITS UPON WHICH THE BOARD IS EMPOWERED TO ACT UNDER THIS CHAPTER. SPECIAL PERMITS SHALL BE GRANTED BY THE BOARD OF APPEALS ONLY UPON ITS WRITTEN DETERMINATION THAT THE PROPOSED USE WILL NOT HAVE ADVERSE EFFECTS WHICH OVERBALANCE ITS BENEFICIAL EFFECTS ON EITHER THE NEIGHBORHOOD OR THE TOWN, IN VIEW OF THE PARTICULAR CHARACTERISTICS OF THE SITE AND OF THE PROPOSAL IN RELATION TO THAT SITE. THIS DETERMINATION SHALL BE IN ADDITION TO THE FOLLOWING SPECIFIC FINDINGS:

(1) Proposed project addresses or is consistent with neighborhood or Town need.

Yes, see attachments.

(2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Yes.

(3) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

Yes, they will.

(4) Neighborhood character and social structure will not be negatively impacted.

There will be no negative impact. My garage is near the back of my house (see pictures).

(5) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.

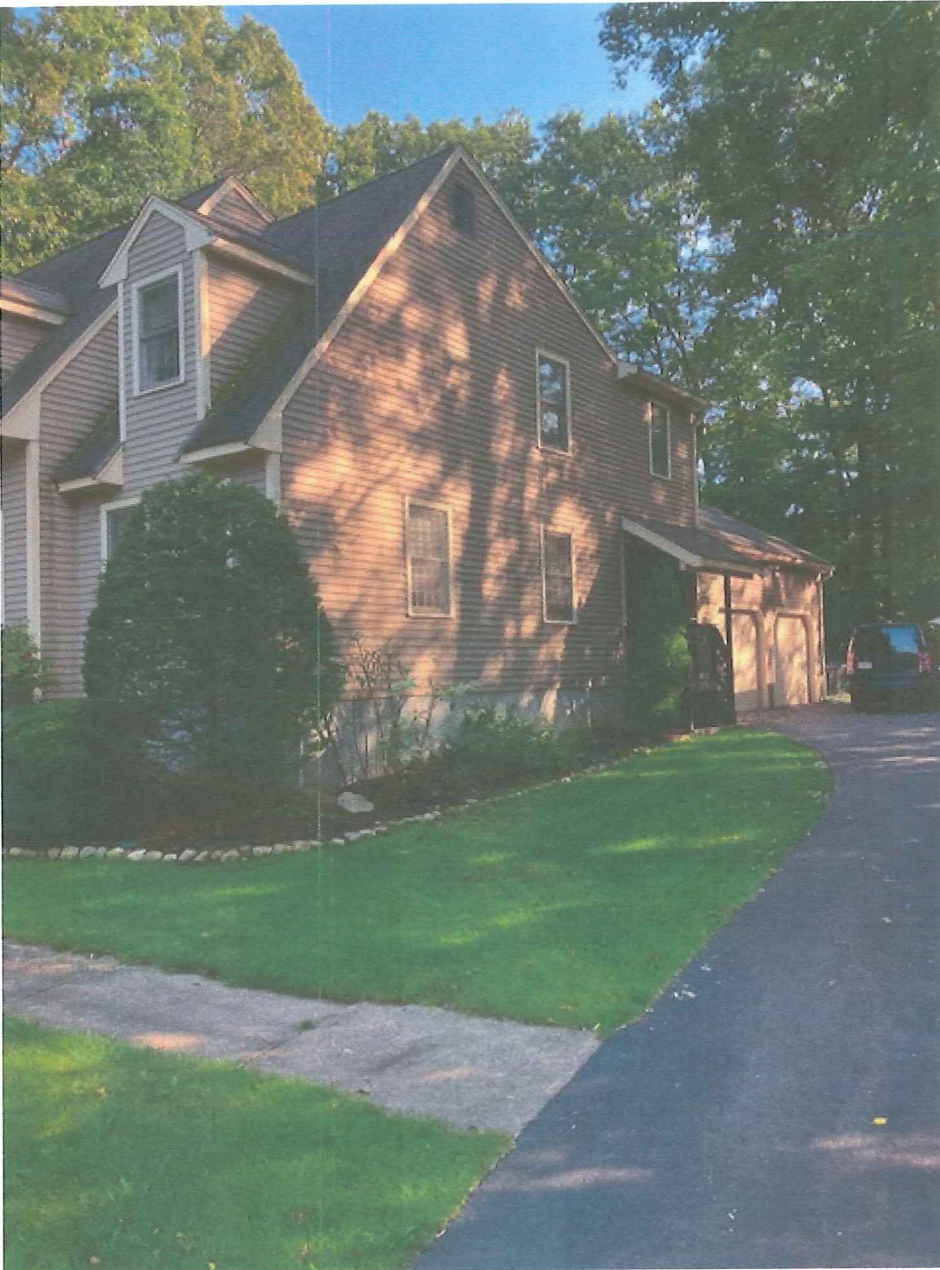
No impact.

(6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

No, the 2-car garage already exists. It will match the height of the current house.

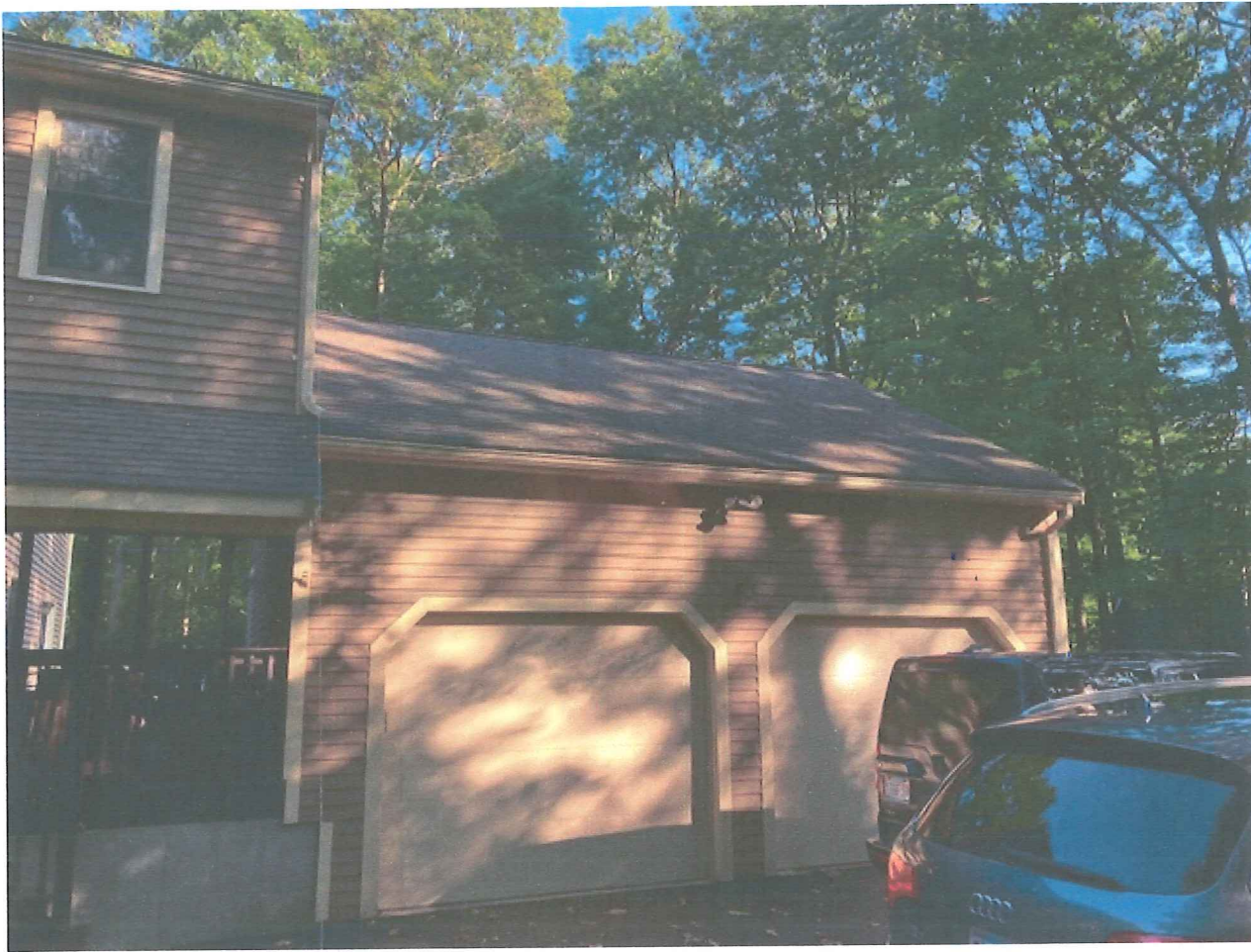
(7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Yes. My father-in-law, age 77, will not use excessive water or create excessive waste.



← Garage is in
the back of the
house

David Fallon
25 Baron Rd.
Franklin, MA 02038



Looking to build a floor above this
2-car garage for an in-law
apartment. The height would match
the current roof line of the house.

MORTGAGE INSPECTION PLAN

LOCATION: 25 BARON ROAD
CITY, STATE: FRANKLIN, MA
APPLICANT: FALLON
CERTIFIED TO:
DATE: 09-18-2019

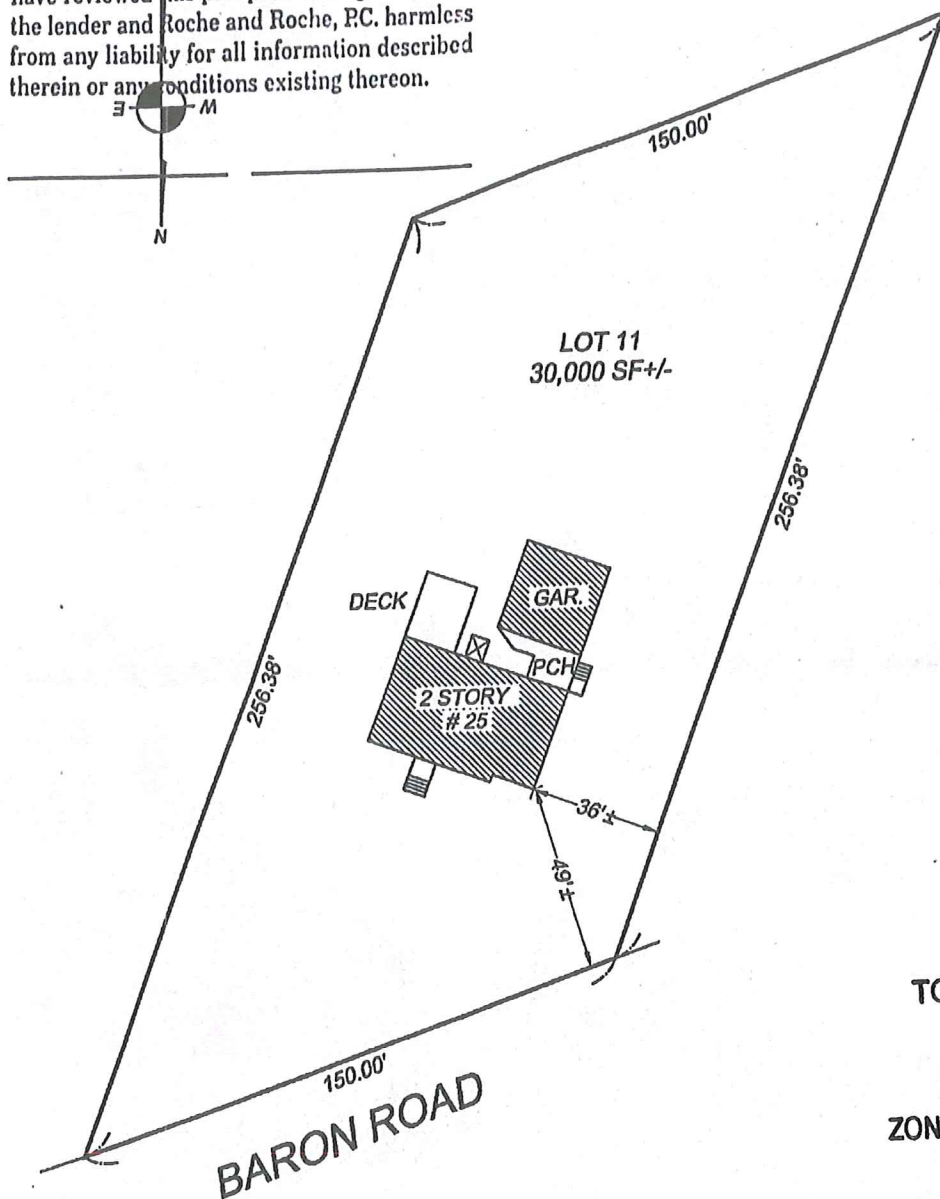
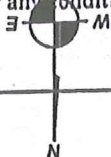


**BOSTON
SURVEY, INC.**

P.O. BOX 290220
CHARLESTOWN, MA 02129
T (617) 242-1313; F (617) 242-1616
WWW.BOSTONSURVEYINC.COM

19-08559

I/We have received a copy of this plot plan,
have reviewed this plot plan and agree to hold
the lender and Roche and Roche, P.C. harmless
from any liability for all information described
therein or any conditions existing thereon.



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TOWN OF FRANKLIN

SEP 10 2023

ZONING BOARD OF APPEALS

SCALE: 1" = 40'

FLOOD DETERMINATION

According to Federal Emergency Management Agency maps, the
major improvements on this property fall in as area designated as
ZONE: X

COMMUNITY PANEL No. 25021C0306E
EFFECTIVE DATE: 7/17/2012

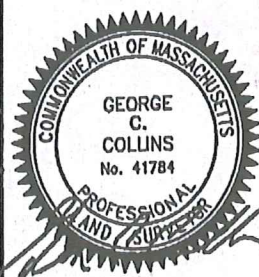
REFERENCES

DEED REF: 8490/410
PLAN REF: 343/1389

NOTE: To show an accurate scale this plan must be printed
on legal sized paper (8.5" x 14")

The permanent structures are approximately located on the ground as shown. They either conformed to the setback requirements
of the local zoning ordinances in effect at the time of construction, or are exempt from violation enforcement action under
M.G.L. Title VII, Chapter 40A, Section 7, and that are no encroachments of major improvements across property lines except as
shown and noted hereon.

This is not a boundary or title insurance survey. This plan should not be used for construction, recording purposes or verification
of property lines.



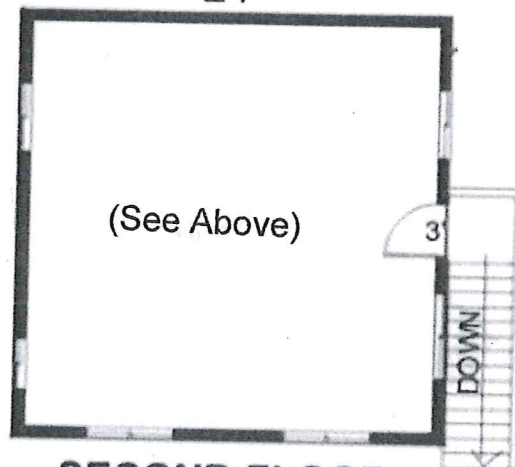
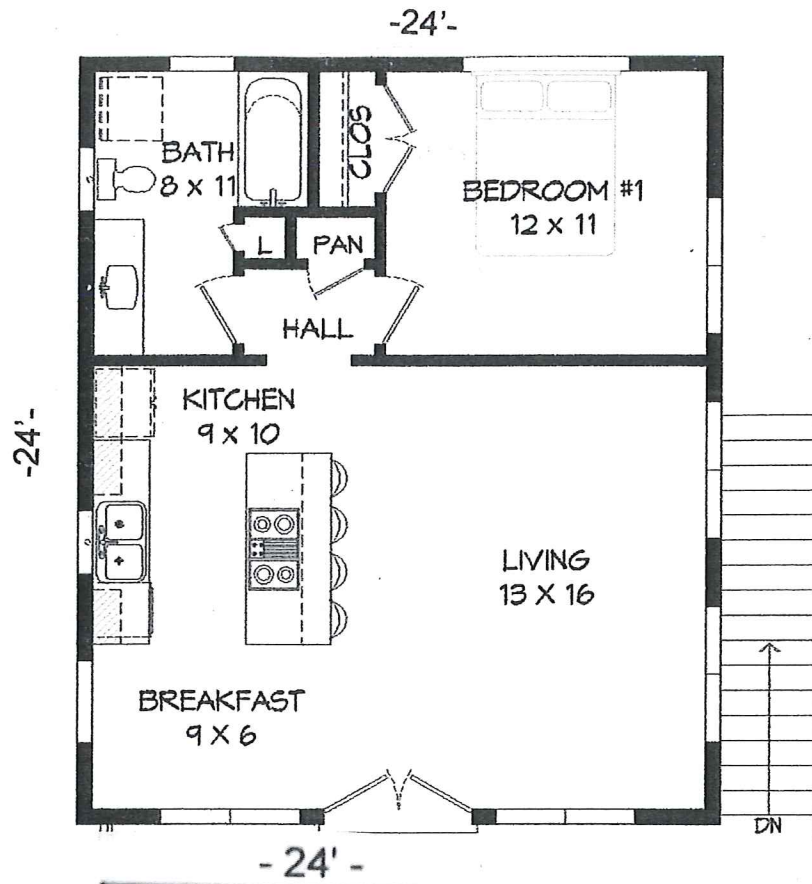


25 Baron Road

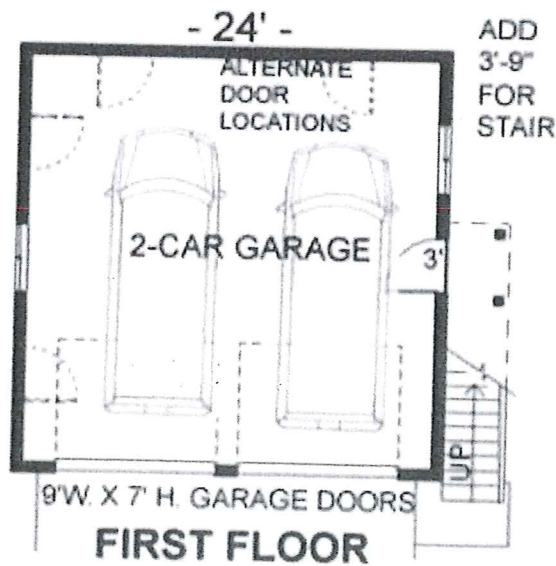
Design-Outside

David and Julie Fallon
25 Baron Road
Franklin, MA 02038

25 Baron Road (Fallon)



SECOND FLOOR



FIRST FLOOR



COUNTY OF NORFOLK
COUNTY OF PRESIDENTS
REGISTRY OF DEEDS

NORFOLK REGISTRY DISTRICT OF THE LAND COURT

VILLIAM P. O'DONNELL
REGISTER OF DEEDS
ASSISTANT RECORDER OF THE
LAND COURT

November 26, 2019

David J Fallon
25 Baron Road
Franklin, MA 02038

Dear Friend of the Registry:

Enclosed please find a copy of the deed to your property recently recorded at the Norfolk County Registry of Deeds. Please keep this copy as part of your records for personal reference. For further security and convenience, your original deed has been digitally scanned and is contained in our computer system for instant retrieval.

Please note the Norfolk County Registry of Deeds is one of the registries that still mails back original documents. Your original will be sent back to the address requested at the time of recording by the filer of this document. The Norfolk County Registry of Deeds produces record books that are available at the Registry building from these original documents.

If you would like to stay up to date on upcoming Registry of Deeds events, programs and real estate information you can sign up for our Registry email updates at www.norfolkdeeds.org, like us on Facebook® at www.facebook.com/norfolkdeeds or follow us on Twitter® at www.twitter.com/norfolkdeeds. Our Customer Service Center is also available to assist you at 781-461-6101.

It is a pleasure to serve you as Register of Deeds of Norfolk County.

Sincerely yours,

William P. O'Donnell
Register of Deeds

Enclosures – 37301-414

649 HIGH STREET, DEDHAM, MASSACHUSETTS 02026
TELEPHONE: 781-461-6116 FAX: 781-326-4246
EMAIL: registerodonnell@norfolkdeeds.org

www.norfolkdeeds.org



MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 10-31-2019 @ 12:20pm
Ctl#: 724 Doc#: 100415
Fee: \$2,394.00 Cons: \$525,000.00

QUITCLAIM DEED

I, Linda R. Fritts, an unmarried woman, individually of Franklin, Massachusetts

for consideration paid and in consideration of Five Hundred Twenty Five Thousand and 00/100 Dollars (\$525,000.00)

Grant to David J. Fallon and Julie B. Fallon, husband and wife, as tenants by the entirety of 25 Baron Road, Franklin, MA 02038

with QUITCLAIM COVENANTS

the land with buildings thereon in Franklin, Norfolk County, Massachusetts, more particularly described in:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

I, Linda R. Fritts, an unmarried woman, release to said grantee all rights of homestead and all other interest therein.

Being the same premises conveyed by Deed dated November 16, 1989, recorded with Norfolk County Registry of Deeds in Book 8490, Page 410. Thomas W. Fritts died on October 13, 2015. See Death Certificate recorded with said Deeds in Book 33926, Page 201 and Estate Tax Affidavit, recorded with said Deeds in Book 33926, Page 203.

PROPERTY ADDRESS: 25 BARON ROAD, FRANKLIN, MA 02038

RETURN TO:

**David J. & Julie B. Fallon
25 Baron Road
Franklin, MA 02038**

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

Executed as a sealed instrument this 30th day of October, 2019.


Linda R. Fritts

Linda R. Fritts

Commonwealth of Massachusetts

Norfolk, ss:

On this 30th day of October, 2019, before me, the undersigned notary public, personally appeared Linda R. Fritts, proved to me through satisfactory evidence of identification, which were driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.


Notary Public: Jack O. Silverstein
My Commission Expires: 11/28/2025



JACK O. SILVERSTEIN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
November 28, 2025

EXHIBIT "A"

The land with the buildings thereon, in Franklin, Norfolk County, Massachusetts and being shown as Lot 11 on a plan; entitled "Cobblestone Woods, A Subdivision Franklin, Mass., Scale: 1"=100', June 14, 1986, Reb. 8/1/86 as per letter of DPW dated July 14, 1986, Shea Engineering & Surveying Co. Mendon, Mass.," which plan is recorded with Norfolk Deeds as Plan No. 1389 of 1986 in Plan Book 343, reference to which may be had for a more particular description.

Said Lot 11 contains 30,000 S.F. according to said plan.

Together with the right to use the ways shown on the plan hereinbefore referred to for all purposes for which ways are commonly used in the Town of Franklin in common with others legally entitled thereto but excluding the fee therein.

This conveyance is subject to grant to Massachusetts Electric Company recorded with Norfolk Deeds in Book 7502, Page 705 and grant to New England Telephone & Telegraph Company recorded with Norfolk Deeds in Book 7688, Page 332.

Subject to an Easement to Algonquin Gas Transmission Company recorded with said Deeds in Book 4297, Page 135.

Subject to Order of Conditions recorded with said Deeds in Book 7440, Page 318, as affected by Certificate of Compliance in Book 30294, Page 584.

Subject to Decision recorded with said Deeds in Book 28156, Page 89.

BAVAR AMIR A
BAVAR JENNIFER E
4 WOODSTOCK CIR
FRANKLIN, MA 02038

GODDARD KENNETH M & MARY
GODDARD FAMILY 2015 REV T
405 OAKLAND PKY
FRANKLIN, MA 02038

RILEY GREGORY
RILEY ROSINA
414 OAKLAND PARKWAY
FRANKLIN, MA 02038

BUA JOSEPH M
BUA JEAN A
21 BARON RD
FRANKLIN, MA 02038

HANSON JOHN R
23 BARON RD
FRANKLIN, MA 02038

RYAN DAVID J
SULING RYAN KRISTEN M
408 OAKLAND PARKWAY
FRANKLIN, MA 02038

CARTER DAVID
CARTER ISABELLA
407 OAKLAND PARKWAY
FRANKLIN, MA 02038

HIGGINS PATRICK J & TERES
404 OAKLAND PARKWAY NOMIN
404 OAKLAND PARKWAY
FRANKLIN, MA 02038

SIMON MARILYN C
8 SUMMER ST
FRANKLIN, MA 02038

CLANCY BRIAN W
LYNDON-CLANCY ANNE MARIE
412 OAKLAND PARKWAY
FRANKLIN, MA 02038

KANAVOS, ARTHUR W TR LEBL
C/O I FRED DICENSO TRUST
3 MICHAEL LN
STERLING, MA 01564

SODBINOW, EMMANUEL S TR S
SODBINOW FAM REV LIVING T
20 BARON RD
FRANKLIN, MA 02038

COGBILL ADAM P
CAMPOS MEGAN GLYNN
411 OAKLAND PKY
FRANKLIN, MA 02038

LA PUMA PETER J
HOULIHAN-LA PUMA KELLY A
22 BARON RD
FRANKLIN, MA 02038

SULLIVAN CHRISTOPHER J
SULLIVAN SARAH A
1 COBBLESTONE DR
FRANKLIN, MA 02038

CULLIE EUGENE C
CULLIE THERESA A
26 BARON RD
FRANKLIN, MA 02038

LATSHAW ROBERT F JR
LATSHAW KATHLEEN H
19 BARON RD
FRANKLIN, MA 02038

SULLIVAN JOSEPH A
SULLIVAN MARGRETTA
2719 EARLS CT
VIENNA, VA 22181

DAVENPORT JOHN B
DAVENPORT ELAINE M
30 BARON RD
FRANKLIN, MA 02038

LYNCH SCOTT D
LYNCH VICTORIA M
403 OAKLAND PARKWAY
FRANKLIN, MA 02038

DOUGLAS RICHARD P
DOUGLAS CYNTHIA J
410 OAKLAND PARKWAY
FRANKLIN, MA 02038

MORRISSEY MAUREEN B
406 OAKLAND PARKWAY
FRANKLIN, MA 02038

FALLON DAVID J
FALLON JULIE B
25 BARON RD
FRANKLIN, MA 02038

NAMENSON MICHELLE
PODOLSKI WILLIAM J
27 BARON RD
FRANKLIN, MA 02038

GIAMPA JOSEPH L
GIAMPA JOANNE E
31 BARON RD
FRANKLIN, MA 02038

RICCIO ANTHONY R
RICCIO ELIZABETH A
28 BARON RD
FRANKLIN, MA 02038