

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: Kyle and Kelle Bertram

LOCATION: 261 Daniels Street

ZONING DISTRICT: RR 1

TYPE OF PROJECT: Construction of a Single Family Home

DATE: 12/19/2022 **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 single family home that is 20.5' from the right side yard setback where 40' is required and 21.0' from the left 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** 12/19/2022

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

2022 DEC 19 PM 5:55
Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

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TOWN OF FRANKLIN
DEC 19 2022

ZONING BOARD OF APPEALS

ZBA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Kyle and Kelle Bertram

PETITIONER'S ADDRESS: 261 Daniels St PHONE: _____

LOCATION OF PROPERTY: 4th lot from Lincoln Street on North side of Daniels Street

TYPE OF OCCUPANCY: Residential Home ZONING DISTRICT: RR1

ASSESSORS MAP & PARCEL: 219-31

REASON FOR PETITION:

☐ Additions	☒ New Structure
☐ Change in Use/Occupancy	☐ Parking
☐ Conversion to Addi'l Dwelling Unit's	☐ Sign
☐ Dormer	☐ Subdivision
☐ Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL: Construct new dwelling to replace dwelling that was destroyed by a fire

SECTIONS OF ZONING ORDINANCE CITED:

Article 185 Section attachment 9 Schedule of Lot requiremnts

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):

Kyle Bertram
(Petitioner(s)/Owner)

(Print Name)

Address:

261 Daniels Street

Tel. No.:

508-328-0375

E-Mail Address:

Poolshot43@gmail.com

TOWN OF FRANKLIN ZONING BOARD OF APPEALS

Municipal Building
355 East Central Street
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ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Kyle and Kelle Bertram PRESENT USE/OCCUPANCY: single family residence

LOCATION: 261 Daniels Street ZONE: RR1

PHONE: 508-328-0375 REQUESTED USE/OCCUPANCY: single family residence

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>Lot Area:</u>		<u>15,006 sf</u>	<u>15,006 sf</u>	<u>40,000 sf</u> (min.)
<u>Continuous Frontage:</u>		<u>100.00</u>	<u>100.00</u>	<u>200.00</u> (min.)
<u>Size of Lot:</u>	Width	<u>100.00</u>	<u>100.00</u>	<u>180.00</u> (min.)
	Depth	<u>149.74</u>	<u>149.74</u>	<u>200.00</u> (min.)
<u>Setbacks in Feet:</u>	Front	<u>46</u>	<u>42.0</u>	<u>40</u> (min.)
	Rear	<u>61</u>	<u>48.5</u>	<u>40</u> (min.)
	Left Side	<u>25</u>	<u>21.0</u>	<u>40</u> (min.)
	Right Side	<u>32</u>	<u>20.5</u>	<u>40</u> (min.)
<u>Building Height:</u>	Stories	<u>1 1/2</u>		<u>3</u> (max.)
	Feet			<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>2</u>	<u>2</u>	<u>2</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.

Place a single family wood frame modular home on the lot

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
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ZBA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed and returned to the Secretary of the Zoning Board of Appeals.

I/We Kyle and Kelle Bertram

(OWNER)

Address: 261 Daniels Street

State that I/We own the property located at 261 Daniels Street,

which is the subject of this zoning application.

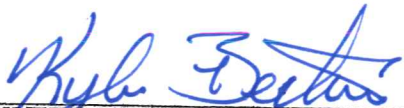
The record title of this property is in the name of Kyle and Kelle Bertram

*Pursuant to a deed of duly recorded in the date 01-14-2004, Norfolk

County Registry of Deeds at Book 20434, Page 531; or

Dedham Registry District of Land Court, Certificate No. _____

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

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:
litteral enforcement would only allow a building 21' in length due to the zoning change. Original zoning of the lot allowed size and setbacks distances we are requesting.
- 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:
Hardship is due to the town changing zoning district size and dimensions making the lot non-conforming
- C) Desirable relief may be granted without either:
- 1) Substantial detriment to the public good for the following reasons:
all the abutting properties are similar in size and suffer the same result of the zoning district change
 - 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:
the zoning change makes it impossible to conform. The original structure met all the zoning requirements prior to the change

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

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

Bk 20434 Pg 531 #8873
01-14-2004 @ 03:36P

CERTIFY

Hollis P O Donnell

WILLIAM P O'DONNELL, REGISTER

FIDUCIARY DEED N O T

I, Gail M. Buschmann, Esq., as Commissioner by power conferred by warrant of the Norfolk County Probate and Family Court dated March 6, 2003 (see papers on file under Docket No. 02E0064-PP1), and every other power, for consideration paid of ~~One Hundred Thirty Four Thousand Dollars (\$134,000.00)~~ ^{* 243,000.00} grant to Kyle Bertram and Kelle Bertram, both of 176 Cottage Street, Franklin, Massachusetts, husband and wife, as tenants by the entirety, a certain parcel of land, together with the buildings and other improvements thereon, now known as and numbered 261 Daniels Street, Norfolk County, Massachusetts, as more fully described in Exhibit A attached hereto and made a part thereof. *Two hundred Forty Three Thousand Dollars*

Said parcel is the same described in a deed from Skyline Homes, Inc. to Alfred Laurentano and Anna Laurentano, dated October 7, 1963 recorded with the Norfolk County Registry of Deeds in Book 4110, Page 403. For my appointment as Commissioner, see papers on file in Norfolk County Probate Court under Docket No. 02E0064-PP1.

WITNESS the execution hereof under seal this 14th day of January, 2004.

[Signature]
Commissioner

Commonwealth of Massachusetts

Norfolk, ss.

January 14, 2003

Then personally appeared the above-named Gail M. Buschmann and acknowledged the forgoing instrument to be her free act and deed as Commissioner aforesaid, before me

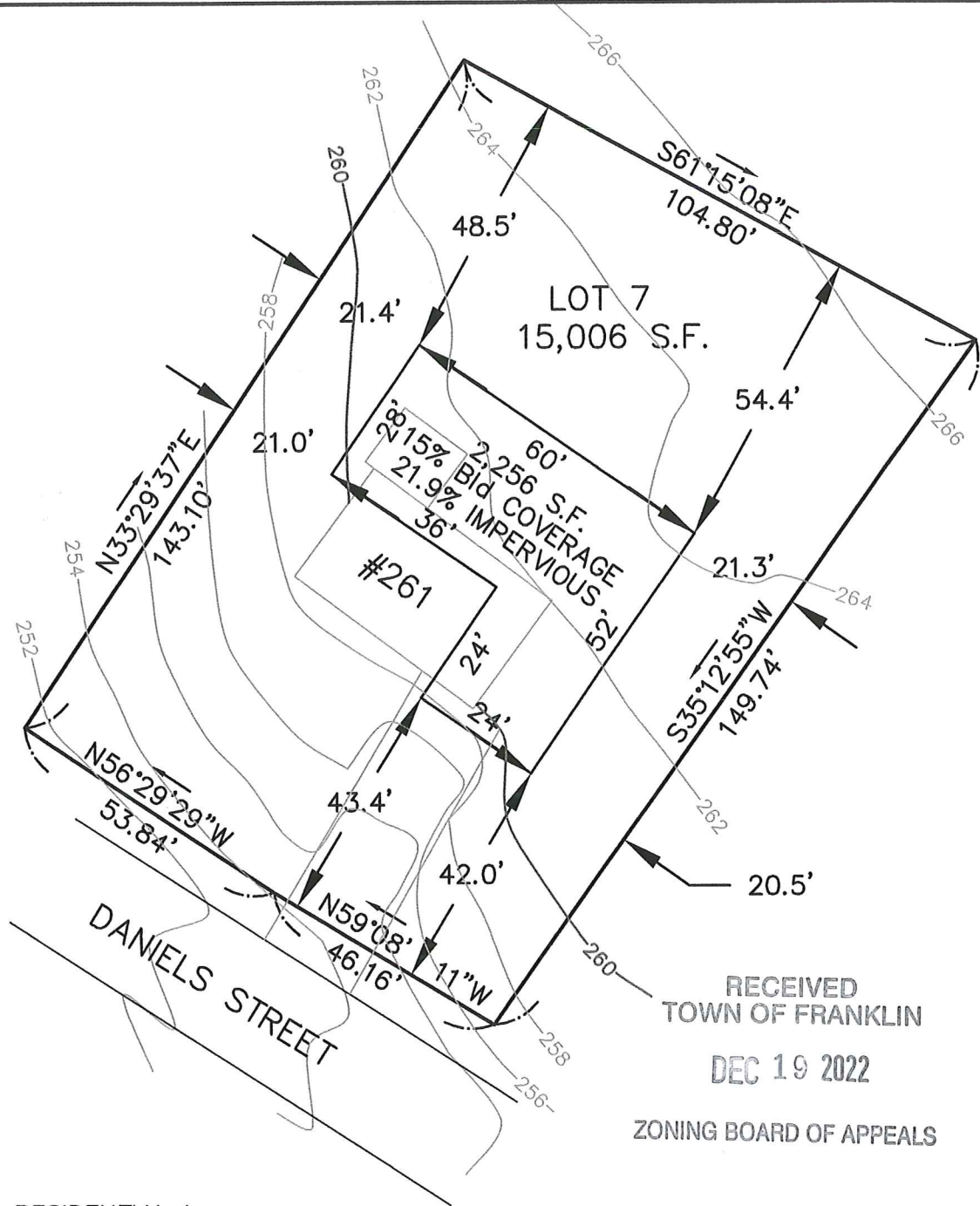
[Signature]
Notary Public My commission expires:

DEDHAM
DEEDS REG#17
NORFOLK

01/14/04 11:35 AM
000000 #8873
FEZ
CASH \$1108.08

CANCELLED
JAN 14 2004

CHRISTOPHER M. JOYCE
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES
FEBRUARY 12, 2010



RECEIVED
TOWN OF FRANKLIN

DEC 19 2022

ZONING BOARD OF APPEALS

ZONE: RURAL RESIDENTIAL I
AREA REQUIRED 40,000 S.F. PROVIDED 15,006 S.F.
FRONTAGE REQUIRED 200' PROVIDED 100'
DEPTH REQUIRED 200' PROVIDED 149.74'
LOT WIDTH CIRCLE DIA 180' WILL NOT FIT
REQUIRED SETBACKS F-40' S-40' R-40'
PROVIDED SETBACKS F-42' S-20.5' R-48'

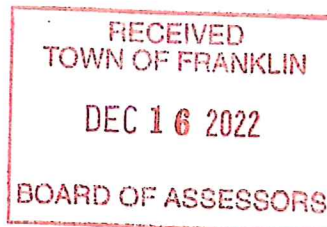
ORIGINALLY THE LOT WAS APPROVED AS 15,000 S.F.
SETBACKS F-30' S-20' R-20'
SERVICED BY TOWN WATER AND SEWER



GW SITE SOLUTIONS
248 ELM STREET
BLACKSTONE, MA 01504
TEL (508) 553-9233

VARIANCE APPLICATION PLAN
KYLE AND KELLE BERTRAM
261 DANIELS STREET
FRANKLIN, MA 02038

2022-76



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 / 16 / 2022

Assessors Parcel ID # (12 digits) 219 - 031 - 000 - 000

Property Street Address 261 Daniels St 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 Kyle + Kellee Beptam

Property Owner's Mailing Address 261 Daniels St

Town/City Franklin State MA Zip Code 02038

Property Owner's Telephone # 508 - 328 - 0375

Requestor's Name (if different from Owner) _____

Requestor's Address _____

Requestor's Telephone # _____ - _____ - _____

Office Use Only: Date Fee Paid 12/16/2022 Paid in Cash \$ _____

Paid by Check \$ 25.00 Check # 244 Town Receipt # _____

Please Circle One:

Administration

Conservation

Planning

Zoning Board of Appeals



261 DANIELS ST - 300' ABUTTERS

Franklin, MA

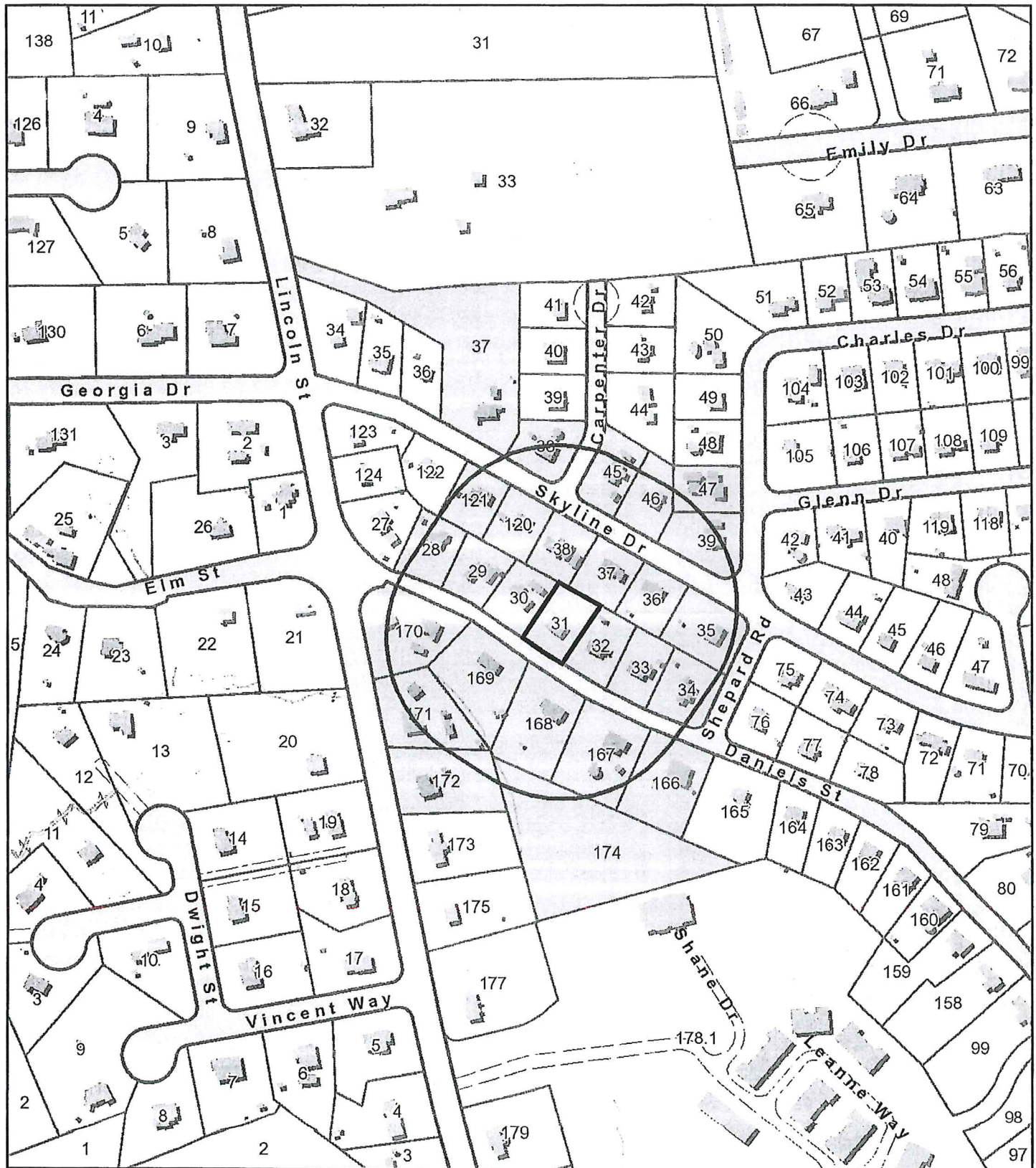


CAI Technologies
Precision Mapping. Expert Solutions.

December 16, 2022

1 inch = 300 Feet

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 16, 2022

Subject Property:

Parcel Number: 219-031-000
CAMA Number: 219-031-000-000
Property Address: 261 DANIELS ST

Mailing Address: BERTRAM KYLE BERTRAM KELLE
261 DANIELS ST
FRANKLIN, MA 02038

Abutters:

Parcel Number: 215-037-000
CAMA Number: 215-037-000-000
Property Address: 6 SKYLINE DR

Mailing Address: HALL PHILIP W HALL GRETCHEN E
6 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 215-038-000
CAMA Number: 215-038-000-000
Property Address: 8 SKYLINE DR

Mailing Address: BARBATO LOUIS J CASSANO DONNA
8 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 215-045-000
CAMA Number: 215-045-000-000
Property Address: 1 CARPENTER DR

Mailing Address: MOSCA GARY J JR
1 CARPENTER DR
FRANKLIN, MA 02038

Parcel Number: 215-046-000
CAMA Number: 215-046-000-000
Property Address: 12 SKYLINE DR

Mailing Address: ROBERTS JEFFREY B
12 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 215-047-000
CAMA Number: 215-047-000-000
Property Address: 4 CHARLES DR

Mailing Address: ALLOWAY DEBORAH A ALLOWAY
BAILEY R
4 CHARLES DR
FRANKLIN, MA 02038

Parcel Number: 215-120-000
CAMA Number: 215-120-000-000
Property Address: 9 SKYLINE DR

Mailing Address: COLAHAN PATRICIA D
9 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 215-121-000
CAMA Number: 215-121-000-000
Property Address: 7 SKYLINE DR

Mailing Address: TORREY MICHAEL P TORREY
KRISTEEN L
7 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 219-028-000
CAMA Number: 219-028-000-000
Property Address: 267 DANIELS ST

Mailing Address: RIDDOCH EDWARD W BARRY MACALLA
M
267 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-029-000
CAMA Number: 219-029-000-000
Property Address: 265 DANIELS ST

Mailing Address: COLARUSSO MICHELE J TR
COLARUSSO NOMINEE TRUST
265 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-030-000
CAMA Number: 219-030-000-000
Property Address: 263 DANIELS ST

Mailing Address: TOCCI LAWRENCE C TOCCI GAIL J
263 DANIELS ST
FRANKLIN, MA 02038



www.cal-tech.com

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



300 foot Abutters List Report

Franklin, MA
December 16, 2022

Parcel Number: 219-031-000
CAMA Number: 219-031-000-000
Property Address: 261 DANIELS ST

Mailing Address: BERTRAM KYLE BERTRAM KELLE
261 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-032-000
CAMA Number: 219-032-000-000
Property Address: 259 DANIELS ST

Mailing Address: MCGOVERN THOMAS H
259 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-033-000
CAMA Number: 219-033-000-000
Property Address: 257 DANIELS ST

Mailing Address: MIDDELMANN MARTIN B MIDDELMANN
PATRICIA
257 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-034-000
CAMA Number: 219-034-000-000
Property Address: 2 SHEPARD RD

Mailing Address: STRASSBERGER CHRISTOPHER A
STRASSBERGER ALLYSON
21 FAHEY ST
MARLBOROUGH, MA 01752

Parcel Number: 219-035-000
CAMA Number: 219-035-000-000
Property Address: 4 SHEPARD RD

Mailing Address: CHRABASCZ RONALD Z JR
CHRABASCZ KATHRYN ANN
4 SHEPARD RD
FRANKLIN, MA 02038

Parcel Number: 219-036-000
CAMA Number: 219-036-000-000
Property Address: 15 SKYLINE DR

Mailing Address: SPANEK MARK E BLACK-SPANEK
SUZANNE M
15 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 219-037-000
CAMA Number: 219-037-000-000
Property Address: 13 SKYLINE DR

Mailing Address: GIORDANO ROBERT A GIORDANO
DOROTHY C
13 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 219-038-000
CAMA Number: 219-038-000-000
Property Address: 11 SKYLINE DR

Mailing Address: DONOVAN BENJAMIN M DONOVAN AMY
F R
11 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 219-039-000
CAMA Number: 219-039-000-000
Property Address: 14 SKYLINE DR

Mailing Address: LEBLANC MARC J LEBLANC LYNNE M
14 SKYLINE DR
FRANKLIN, MA 02038

Parcel Number: 219-166-000
CAMA Number: 219-166-000-000
Property Address: 254 DANIELS ST

Mailing Address: KOBER ALAN R KOBER FRANCES E
254 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-167-000
CAMA Number: 219-167-000-000
Property Address: 258 DANIELS ST

Mailing Address: FREIWALD DANIEL R FREIWALD LISA M
258 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-168-000
CAMA Number: 219-168-000-000
Property Address: 260 DANIELS ST

Mailing Address: RAYMONDI DIANNE M
260 DANIELS ST
FRANKLIN, MA 02038



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



300 foot Abutters List Report

Franklin, MA
December 16, 2022

Parcel Number: 219-169-000
CAMA Number: 219-169-000-000
Property Address: 262 DANIELS ST

Mailing Address: JOANIS STEVEN C JOANIS BRONYA
262 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-170-000
CAMA Number: 219-170-000-000
Property Address: 266 DANIELS ST

Mailing Address: KOVALY REBECCA KOVALY NATHANIEL
J
266 DANIELS ST
FRANKLIN, MA 02038

Parcel Number: 219-171-000
CAMA Number: 219-171-000-000
Property Address: 727 LINCOLN ST

Mailing Address: KINDRED RALPH W KINDRED
MARIBETH L
727 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 219-172-000
CAMA Number: 219-172-000-000
Property Address: 725 LINCOLN ST

Mailing Address: LAMPHERE MARIE R
725 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 219-174-000
CAMA Number: 219-174-000-000
Property Address: LINCOLN ST

Mailing Address: FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

Kevin W. Doyle, 12-16-22



www.cai-tech.com

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12/16/2022

Page 3 of 3

ALLOWAY DEBORAH A
ALLOWAY BAILEY R
4 CHARLES DR
FRANKLIN, MA 02038

HALL PHILIP W
HALL GRETCHEN E
6 SKYLINE DR
FRANKLIN, MA 02038

RAYMONDI DIANNE M
260 DANIELS ST
FRANKLIN, MA 02038

BARBATO LOUIS J
CASSANO DONNA
8 SKYLINE DR
FRANKLIN, MA 02038

JOANIS STEVEN C
JOANIS BRONYA
262 DANIELS ST
FRANKLIN, MA 02038

RIDDOCH EDWARD W
BARRY MACALLA M
267 DANIELS ST
FRANKLIN, MA 02038

BERTRAM KYLE
BERTRAM KELLE
261 DANIELS ST
FRANKLIN, MA 02038

KINDRED RALPH W
KINDRED MARIBETH L
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LEBLANC LYNNE M
14 SKYLINE DR
FRANKLIN, MA 02038

TORREY MICHAEL P
TORREY KRISTEEN L
7 SKYLINE DR
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