# 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:

Martin J. & Betty J. White

LOCATION:

264 Partridge Street

**ZONING DISTRICT**: RR 1

TYPE OF PROJECT: CONSTRUCTION OF A 12' x 12' Attached Covered Deck

**DATE:** 10/30/2021 **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 12' x 12' attached covered deck that is 24.5' from the front 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 10/30/2021



RECEIVED TOWN OF FRANKLIN

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

TOWN OF FRANKLIN TOWN CLERK

NOV 0 4 2021 ZONING BOARD OF APPEALS

ZBA APPLICATION FORM

GENERAL INFORMATION

RECEIVED

The undersigned hereby petiti	ons the Zonin	g Board	of App	peals for	r the foll	owing:
Special Permit:	Variance: _	X	Z	Appeal:		
PETITIONER: Martin J. & Be						
petitioner's address: 264 Pa	rtridge St	reet	PH	HONE :	8-243-92	19 ———
LOCATION OF PROPERTY: 264 Page 264	artridge St	reet			-	
TYPE OF OCCUPANCY: Residen			ISTRICI	r:RR	!I	
assessors map & parcel: 221-	040-000-000	)	_			
REASON FOR PETITION:						
XAdditions			_	N	ew Structu	re
Change in Use/Oc	cupancy		_	P	arking	
Conversion to Ad	di'l Dwelling	Unit's	_	S	ign	
Dormer				· c·	ubdivision	
Other:			=	3	uDQIVISIOII	
Applicant is requesting to allow a front yard so construct a 12'x12' cor	g relief fr setback of vered deck	24.5' in pla	where ce of	40' i	s require	ed to
deck.						*
SECTIONS OF ZONING ORDINANCE Article IV Section 185-1		ard re	quire	ments		
Article Section Attac	chment 9: S	chedul	e of :	Lot, A:	rea, From	ntage,
Article Section Yard	and Height	Requi	remen	ts		
Applicants for a Variance must Applicants for a Special Perm Applicants for an Appeal to to the must attach a statement concent.	t complete Pa it must comple he ZBA pursua	ete Page int to Z	oning I	Bylaw se	ction 185-	-45 (D)
Original Si	gnature(s):		(Petiti	oner(s)	(Owner)	
	Address:	MA	FRTIM (P		White ne)	
		508-2	43-92	19		
	Tel. No.:	ma		aiflee	t.com	
Date: 10-21-21	E-Mail Addre	ess:	<u>-</u>			

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<b>-</b> 45 (D)	

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 Martin J. & Betty J. White (OWNER)
Address: 264 Partridge Street
State that I/We own the property located at 264 Partridge Street,
which is the subject of this zoning application.
The record title of this property is in the name of
Martin J. & Betty J. White
*Pursuant to a deed of duly recorded in the date $\frac{10/01/2003}{10/01/2003}$ , Norfolk County Registry of Deeds at Book $\frac{19966}{10/01/2003}$ , Page $\frac{530}{10/01/2003}$ ; or
Dedham Registry District of Land Court, Certificate No
Book Page
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

#### ZBA APPLICATION FORM

#### DIMENSIONAL INFORMATION

Single Family APPLICANT: Martin J. & Betty J. White PRESENT USE/OCCUPANCY: Residential zone: Rural Residential I LOCATION: 264 Partridge Street REQUESTED USE/OCCUPANCY: Single Family Residential PHONE: 508-243-9219 REQUESTED CONDITIONS EXISTING CONDITIONS ORDINANCE REQUIREMENTS 40,000 15,737+/-15,737+/-(min.) Lot Area: 239+/-239+/-200' (min.) Continuous Frontage: 180' (min.) Size of Lot: Width 200' (min) Depth 24.5' 40' 26.81 (min.) Setbacks in Front Feet: N/A40' N/A(min.) Rear 40' 81.8' 81.8' (min.) Left Side 40' 20.31 20.3' (min.) Right Side 2 2 3 (max.) Building Height: Stories 35' (max.) Feet No Change (max.) NO. of Dwelling Units: (min./max) NO. of Parking Spaces: 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 existing 2-story, single family wood-framed house is a corner lot to Partridge Street and Blue Jay Street, which is pre-existing non-conforming. The existing 10'10' deck is proposed to be razed and a new 12'x12' covered deck is proposed to be constructed in its place.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

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:

Consistent with the size, shape and scale of abutting houses within the neighborhood.

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:

Consistent with the size, shape and scale of abutting houses within the neighborhood. The hardship is related to the existing shape of the lot which is pre-existing and non-conforming.

- 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 as there is already an existing 10'x10'deck in the same location as the proposed 12'x12' covered addition.

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

The applicant is proposing to increase the existing deck footprint by 44 sf and negligible impacts affecting the general zoning district are anticipated.

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

Page 5

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TOWN OF FRANKLIN

OCT 2 8 2021

BOARD OF ASSESSORS

# 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**

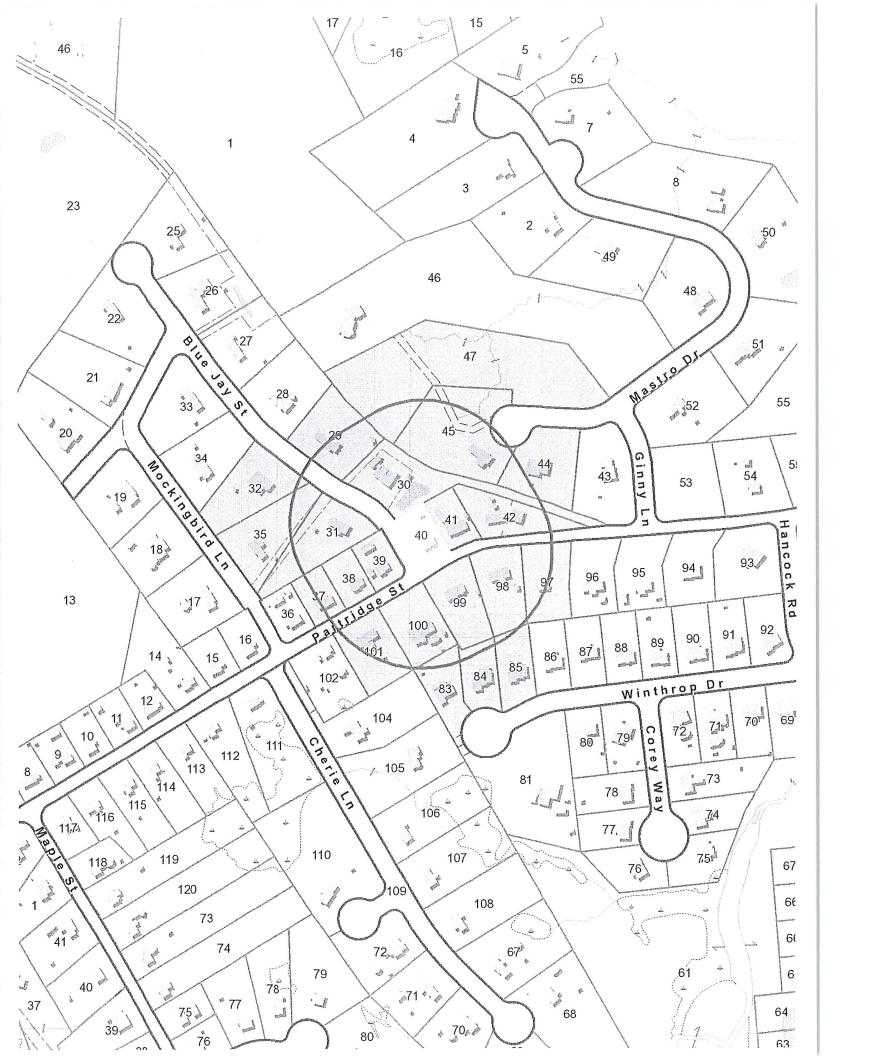
Please Note: A \$25.00 Fee PER PARCEL is required to process your request. Payment is due at the time of submission of this form. Please allow 10 days from the date of payment and submission of the form for the Assessors office to complete the processing of your request.

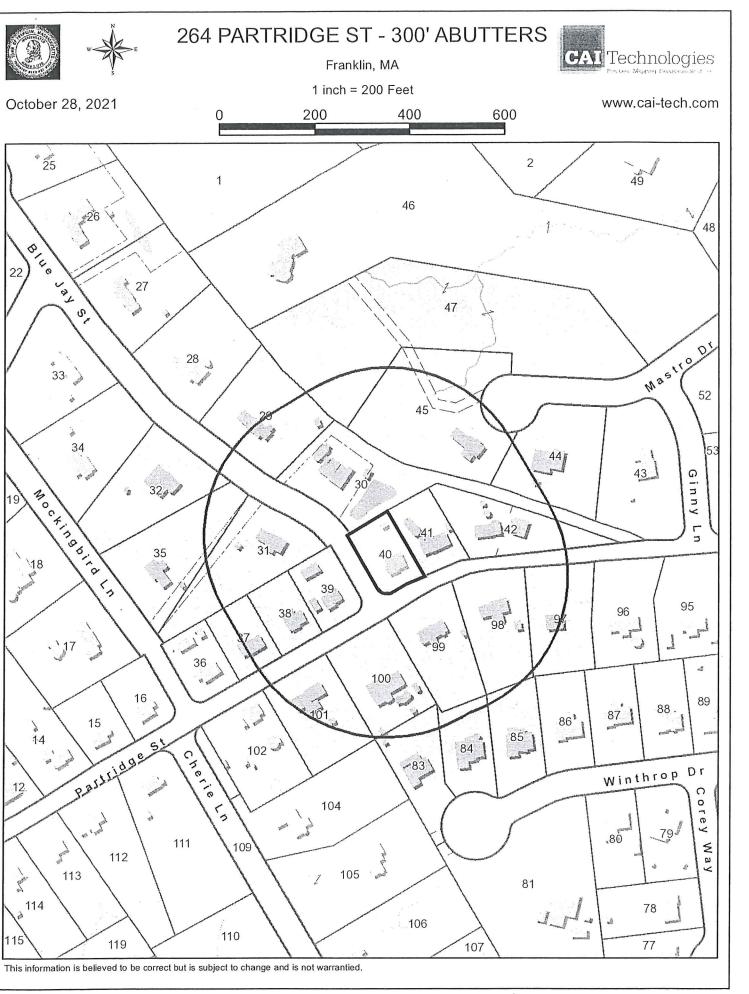
Date of Request $\frac{10}{28} \frac{202i}{202i}$
Assessors Parcel ID # (12 digits) 221 - 040 - 000 - 000
Property Street Address 264 Partridge Street
Distance Required From Parcel # listed above (Circle One) 500 300 (Note: if a distance is not circled, we cannot process your request)
Property Owner Betty J. & Martin J. White
Property Owner's Mailing Address 264 Partridge Street
Town/City Franklin State MA Zip Code 02038
Property Owner's Telephone #
Requestor's Name (if different from Owner) Amanda Cavaliere
Requestor's Address 55 West Central Street, Franklin, MA 02038
Requestor's Telephone #
Office Use Only: Date Fee Paid 10/28/21 Paid in Cash \$ 25.00
Paid by Check \$ Check # Town Receipt # 7745

### RETURN TO ZBA CLERK

Please email acavaliere @ gandbengineering.

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con	









#### Subject Property:

Parcel Number:

221-040-000

CAMA Number:

221-040-000-000 Property Address: 264 PARTRIDGE ST

Mailing Address: WHITE MARTIN J WHITE BETTY J

264 PARTRIDGE ST

FRANKLIN, MA 02038

Abutters:

Parcel Number:

221-029-000 221-029-000-000

CAMA Number: Property Address: 9 BLUE JAY ST

221-030-000 Parcel Number: CAMA Number: 221-030-000-000

Property Address: 5 BLUE JAY ST

Parcel Number:

221-031-000 221-031-000-000 CAMA Number: Property Address: 6 BLUE JAY ST

Parcel Number: CAMA Number:

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

Parcel Number: CAMA Number:

221-035-000 221-035-000-000 Property Address: 5 MOCKINGBIRD DR

221-037-000 Parcel Number: CAMA Number:

221-037-000-000 Property Address: 298 PARTRIDGE ST

221-038-000 Parcel Number: CAMA Number:

221-038-000-000 Property Address: 272 PARTRIDGE ST

Parcel Number: CAMA Number:

221-039-000 221-039-000-000 Property Address: 268 PARTRIDGE ST

Parcel Number: CAMA Number:

221-040-000 221-040-000-000 Property Address: 264 PARTRIDGE ST

Parcel Number: CAMA Number:

10/28/2021

221-041-000 221-041-000-000 Property Address: 262 PARTRIDGE ST

Mailing Address: SEETHARAMAN AJAY AJAY JYOTIPRIYA 9 BLUE JAY ST

FRANKLIN, MA 02038

Mailing Address: DOLBY BRIAN E DOLBY LEIGH ANN

5 BLUE JAY ST FRANKLIN, MA 02038

Mailing Address: LANDRY TIMOTHY D LANDRY

CHRISTINE M 6 BLUE JAY ST FRANKLIN, MA 02038

Mailing Address: CASHIN SUSAN S

10 BLUE JAY ST FRANKLIN, MA 02038

Mailing Address: BERGERON ADAM P BERGERON

NICOLE P 5 MOCKINGBIRD DR

FRANKLIN, MA 02038

Mailing Address: NEWELL WALDRON H & SANDRA L TRS

NEWELL IRREVOCABLE TRUST 298 PARTRIDGE ST

FRANKLIN, MA 02038 Mailing Address: LAFORCE MICHELLE L

272 PARTRIDGE ST FRANKLIN, MA 02038

Mailing Address: PASQUAROSA NICHOLAS P

PASQUAROSA JENNIFER M 268 PARTRIDGE ST FRANKLIN, MA 02038

Mailing Address: WHITE MARTIN J WHITE BETTY J

264 PARTRIDGE ST FRANKLIN, MA 02038

HIGGINS JEFFREY H HIGGINS PHYLLIS Mailing Address:

FRANKLIN, MA 02038

262 PARTRIDGE ST

www.cai-tech.com This information is believed to be correct but is subject to change and is not warrantied.

Page 1 of 2



Parcel Number:

Parcel Number:

CAMA Number:

10/28/2021

221-042-000

221-044-000

221-044-000-000

CAMA Number: Property Address: 258 PARTRIDGE ST

221-042-000-000

Mailing Address: STARTA JOHN A JR STARTA CAROLYN

258 PARTRIDGE ST

FRANKLIN, MA 02038 Mailing Address: ZUCCO GREGORY J

> 107 MASTRO DR FRANKLIN, MA 02038

Parcel Number: 221-045-000 221-045-000-000 CAMA Number:

Property Address: 107 MASTRO DR

Mailing Address: BROLL KRIS & TARSILA 103 MASTRO DR

FRANKLIN, MA 02038 103 MASTRO DR Property Address:

221-047-000 Parcel Number: 221-047-000-000 CAMA Number: Property Address: MASTRO DR

Property Address: 39 WINTHROP DR

Property Address: 31 WINTHROP DR

Property Address: 225 PARTRIDGE ST

Property Address: 257 PARTRIDGE ST

Property Address: 261 PARTRIDGE ST

Property Address: 263 PARTRIDGE ST

Property Address: 265 PARTRIDGE ST

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221-100-000-000

221-101-000-000

Mailing Address: SINGLETON WILLIAM D JR SINGLETON FAMILY L P 94 MASTRO DR

FRANKLIN, MA 02038

Mailing Address: WOODARD CHARLES WOODARD 221-083-000 Parcel Number: KATHARINE 221-083-000-000 CAMA Number:

39 WINTHROP DR FRANKLIN, MA 02038

Mailing Address: COSTARELLOS DEMETRIOS L 221-084-000 Parcel Number: **COSTARELLOS ELAINE** CAMA Number: 221-084-000-000 35 WINTHROP DR Property Address:

35 WINTHROP DR FRANKLIN, MA 02038

Mailing Address: BRYANT JEFF D BRYANT SANDRA

31 WINTHROP DR FRANKLIN, MA 02038

Mailing Address: CASALE KENNETH R CASALE AMY E

225 PARTRIDGE ST FRANKLIN, MA 02038

Mailing Address: GILMORE JOSEPH M JR TR PARTRIDGE

STREET REALTY TRUST 257 PARTRIDGE.ST FRANKLIN, MA 02038

Mailing Address: SOUZA JULIEANN SOUZA JAMES S

261 PARTRIDGE ST FRANKLIN, MA 02038

Mailing Address: BOGIGIAN JUSTIN BOGIGIAN

KATHERINE 263 PARTRIDGE ST FRANKLIN, MA 02038

Mailing Address: SCHILOSKI ROBERT III SCHILOSKI

**JILEEN** 265 PARTRIDGE ST

FRANKLIN, MA 02038

www.cai-tech.com

Page 2 of 2

Abutters List Report - Franklin, MA

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

BERGERON ADAM P BERGERON NICOLE P 5 MOCKINGBIRD DR FRANKLIN, MA 02038

LAFORCE MICHELLE L 272 PARTRIDGE ST FRANKLIN, MA 02038 WOODARD CHARLES WOODARD KATHARINE 39 WINTHROP DR FRANKLIN, MA 02038

BOGIGIAN JUSTIN BOGIGIAN KATHERINE 263 PARTRIDGE ST FRANKLIN, MA 02038

LANDRY TIMOTHY D LANDRY CHRISTINE M 6 BLUE JAY ST FRANKLIN, MA 02038

ZUCCO GREGORY J 107 MASTRO DR FRANKLIN, MA 02038

BROLL KRIS & TARSILA 103 MASTRO DR FRANKLIN, MA 02038 NEWELL WALDRON H & SANDRA NEWELL IRREVOCABLE TRUST 298 PARTRIDGE ST FRANKLIN, MA 02038

BRYANT JEFF D BRYANT SANDRA 31 WINTHROP DR FRANKLIN, MA 02038 PASQUAROSA NICHOLAS P PASQUAROSA JENNIFER M 268 PARTRIDGE ST FRANKLIN, MA 02038

CASALE KENNETH R CASALE AMY E 225 PARTRIDGE ST FRANKLIN, MA 02038 SCHILOSKI ROBERT III SCHILOSKI JILEEN 265 PARTRIDGE ST FRANKLIN, MA 02038

CASHIN SUSAN S 10 BLUE JAY ST FRANKLIN, MA 02038 SEETHARAMAN AJAY AJAY JYOTIPRIYA 9 BLUE JAY ST FRANKLIN, MA 02038

COSTARELLOS DEMETRIOS L COSTARELLOS ELAINE 35 WINTHROP DR FRANKLIN, MA 02038 SINGLETON WILLIAM D JR SINGLETON FAMILY L P 94 MASTRO DR FRANKLIN, MA 02038

DOLBY BRIAN E DOLBY LEIGH ANN 5 BLUE JAY ST FRANKLIN, MA 02038 SOUZA JULIEANN SOUZA JAMES S 261 PARTRIDGE ST FRANKLIN, MA 02038

GILMORE JOSEPH M JR TR PARTRIDGE STREET REALTY T 257 PARTRIDGE ST FRANKLIN, MA 02038 STARTA JOHN A JR STARTA CAROLYN T 258 PARTRIDGE ST FRANKLIN, MA 02038

HIGGINS JEFFREY H HIGGINS PHYLLIS Y 262 PARTRIDGE ST FRANKLIN, MA 02038 WHITE MARTIN J .WHITE BETTY J 264 PARTRIDGE ST FRANKLIN, MA 02038 RECEIVED AND RECORDED NORFOLK COUNTY REGISTRY OF DEEDS DEDHAM, MA

CERTIFY

Bk 19966 Ps530 \$233634 QUITCLAIM DEED 01-2003 8 11:13a

Milliam P O'DONNELL REGISTERN O T

A N

NOT

MICHAEL L. WHITENEYC and A ITORI K. WHITENEYC of Franklin, Massachusetts, for consideration paid and in full consideration of Three Hundred Twenty-two Thousand Dollars (\$322,000.00) paid, grant to MARTIN J. WHITE and BETTY J. WHITE, husband and wife, both of 264 Partridge Street, Franklin, Massachusetts, 02038, as Tenants by the Entirety

#### with Quitclaim Covenants

That certain parcel of land with the buildings and improvements thereon in Franklin, Norfolk County, Massachusetts, situated on the Northwesterly side of Partridge Street shown as Lot 57 on a plan entitled "Plan of Land in Franklin, Mass. Made by Bowie Engineering Co., Civil Engineers & Land surveyors, dated May 22, 1959" and duly recorded with the Norfolk Registry of Deeds in Book 3730, page 475, bounded and described as follows:

SOUTHEASTERLY

by Partridge Street, as shown on said plan, by two (2) courses measuring forty-six and 18/100 (46.18) feet and twenty-nine and 12/100 (29.12) feet, respectively, making a total of seventy-five and 30/100 (75.30) feet;

**SOUTHERLY** 

by a curved line with a radius of twenty-five (25) feet, a distance of thirty-nine and 27/100 (39.27) feet, all as shown on said plan;

SOUTHWESTERLY

by an undesignated and unnumbered space, as shown on said plan,

one hundred twenty-six (126) feet;

NORTHWESTERLY

by land now or formerly of Florence Ware Fiske, as shown on said

plan, one hundred (100) feet; and

NORTHEASTERLY

by Lot 58, as shown on said plan, one hundred fifty-five and 26/100

(155.26) feet.

Said Lot 57 contains 15,737 square feet of land, more or less, according to said plan.

Said premises are hereby conveyed subject to the right and easement granted by Florence A. Fiske to Worcester Electric Company and New England Telephone and Telegraph Company, dated November 3, 1959, recorded with said Deeds in Book 3820, page 460, insofar as such right and easement is now in force and applicable.

Being the same premises conveyed by deed of Paul S. Janus and Elizabeth M. Janus dated March 24, 1999, recorded with said Deeds in Book 13331, page 381.

PROPERTY ADDRESS: 264 PARTRIDGE STREET, FRANKLIN, MA

Witness our hands and seals this Zd day of September 2003. T

OFFICIAL

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

MICHAEL I WHITNEY

LORIK. WHITNEY

#### STATE OF MICHIGAN

Dakland County, SS

September <u>24</u>, 2003

Then personally appeared the above-named MICHAEL L. WHITNEY and LORI K. WHITNEY and acknowledges the execution of the foregoing instrument to be their free act and deed before me

ANCELLED RED 17

Notary Public: Necember 25

10/01/03 11:17AM 0 000000 #4497

FEE

\$1468,32

CASH \$1468.32

Dg/deed/264partridge

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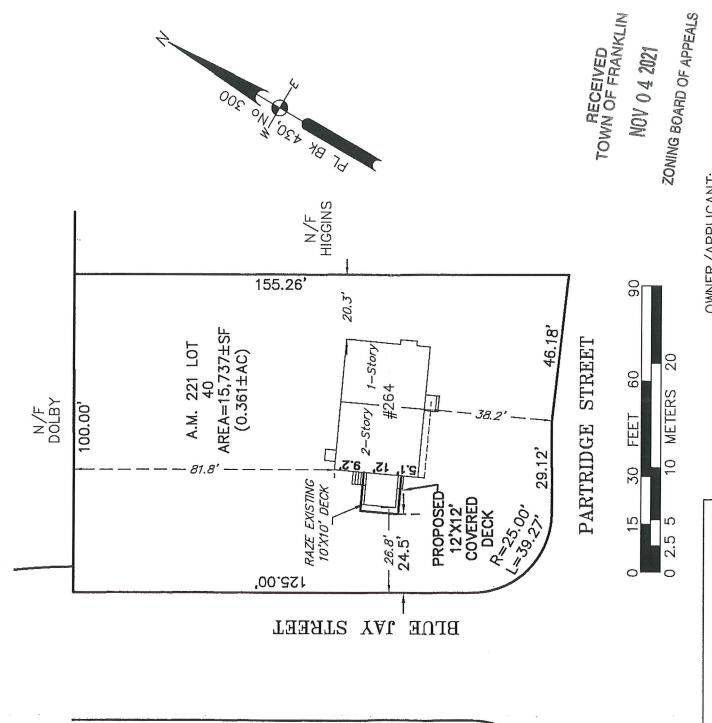
THE BUILDING OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF GUERRIERE AND HALNON, INC.

# VARIANCE REQUEST

APPLICANT REQUEST RELIEF TO EXCEED THE MINIMUM FRONT YARD SETBACK ABUTTING BLUE JAY STREET BY 15.5' PROPOSING A FRONT YARD SETBACK OF 24.5' WHERE THE MINIMUM ALLOWED IS 40' AND THERE IS A CURRENTLY EXISTING CONDITION SETBACK OF 26.8'.

FRANKLIN ZONING BYLAW SECTION 185
ATTACHMENT 9; LAST AMENDED
01-22-2014 BY AMENDMENT 13-726
MINIMUM LOT AREA 40,000 SF
MINIMUM LOT FRONTAGE 200'
MINIMUM LOT DEPTH 200'
MINIMUM YARDS
FRONT 40'
SIDE
REAR 40'



CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS—OF—WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

PROFESSIONAL LAND SURVEYOR

OWNER/APPLICANT:
MARTIN J & BETTY J WHITE
264 PARTRIDGE STREET
FRANKLIN, MA 02038
DEED BK. 19966 PG. 530

# VARIANCE PLOT PLAN 264 PARTRIDGE STREET FRANKLIN, MA

DATE : DECEMBER 12, 2017 SCALE : 1"=30'

GUERRIERE & HALNON INC. ENGINEERING AND LAND SURVEYING. MILFORD ———— FRANKLIN ———— WHITINSVILLE 55 WEST CENTRAL STREET FRANKLIN, MA 02038

1 SURVEYOR 9/16/2021

F416.