

**TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS**

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

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TOWN OF FRANKLIN  
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2023 SEP 28 P 1:47

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ZBA APPLICATION FORM

GENERAL INFORMATION

RECEIVED  
TOWN OF FRANKLIN

SEP 28 2023

ZONING BOARD OF APPEALS

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

Special Permit: \_\_\_\_\_ Variance: X Appeal: \_\_\_\_\_

PETITIONER: BRIAN W. MURPHY

PETITIONER'S ADDRESS: 28 PINE STREET, FRANKLIN, MA PHONE: (508) 479-8780

LOCATION OF PROPERTY: 28 PINE STREET, FRANKLIN, MA 02038

TYPE OF OCCUPANCY: RESIDENTIAL ZONING DISTRICT: SINGLE-FAMILY III

ASSESSORS MAP & PARCEL: 222-014-000-000

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:

REQUEST SIDE YARD SETBACK RELIEF AS SHOWN ON PLOT PLAN.

SECTIONS OF ZONING ORDINANCE CITED:

Article IV Section ZONING CHAPTER 185 ATTACHMENT 9

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):

Brian W. Murphy  
(Petitioner(s)/owner)

Brian W. Murphy

(Print Name)

Address:

28 Pine Street, FRANKLIN, MA 02038

Tel. No.:

(508) 479-8780

E-Mail Address:

bmurph13@msn.com

Date: 9/19/2023

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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 BRIAN MURPHY & KELLY MURPHY  
(OWNER)

Address: 28 PINE STREET, FRANKLIN, MA 02038

State that I/We own the property located at 28 PINE STREET, FRANKLIN, MA 02038,  
which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
BRIAN W. MURPHY & KELLY M. WHITE

\*Pursuant to a deed of duly recorded in the date 12/20/2018, Norfolk  
County Registry of Deeds at Book 36516, Page 6; 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**

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Franklin, MA 02038  
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ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: BRIAN MURPHY PRESENT USE/OCCUPANCY: RESIDENTIAL

LOCATION: 28 PINE STREET, FRANKLIN ZONE: SINGLE-FAMILY III

PHONE: (508) 479-8780 REQUESTED USE/OCCUPANCY: RESIDENTIAL

|                               |            | <u>EXISTING<br/>CONDITIONS</u> | <u>REQUESTED<br/>CONDITIONS</u> | <u>ORDINANCE<br/>REQUIREMENTS<sup>1</sup></u> |            |
|-------------------------------|------------|--------------------------------|---------------------------------|---|------------|
| <u>Lot Area:</u>              |            | <u>15,033 SF</u>               | <u>15,033 SF</u>                | <u>20,000</u>                                 | (min.)     |
| <u>Continuous Frontage:</u>   |            | <u>100 FT</u>                  | <u>100 FT</u>                   | <u>125 FT</u>                                 | (min.)     |
| <u>Size of Lot:</u>           | Width      | <u>88.98 FT</u>                | <u>88.98 FT</u>                 | <u>112.5 FT</u>                               | (min.)     |
|                               | Depth      | <u>169.59 FT</u>               | <u>169.59 FT</u>                | <u>160 FT</u>                                 | (min.)     |
| <u>Setbacks in<br/>Feet:</u>  | Front      | <u>36 FT</u>                   | <u>36 FT</u>                    | <u>40 FT</u>                                  | (min.)     |
|                               | Rear       | <u>96.1 FT</u>                 | <u>79.1 FT</u>                  | <u>30 FT</u>                                  | (min.)     |
|                               | Left Side  | <u>15.0 FT</u>                 | <u>15.0 FT</u>                  | <u>25 FT</u>                                  | (min.)     |
|                               | Right Side | <u>13.6 FT</u>                 | <u>12.6 FT</u>                  | <u>25 FT</u>                                  | (min.)     |
| <u>Building Height:</u>       | Stories    | <u>1</u>                       | <u>1</u>                        | <u>3</u>                                      | (max.)     |
|                               | Feet       | <u>15</u>                      | <u>15</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>3</u>                       | <u>3</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.

PROPOSED ADDITION CONSISTS OF A SINGLE-STORY WOOD-FRAMED STRUCTURE  
WITH A FULL BASEMENT TO MATCH THE EXISTING HOUSE.

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**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 provision of this bylaw would prove substantial hardship to this growing family in Franklin.

- 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 due to the current placement of the home on the lot which is not parallel to the side property lines. This makes the expansion of the house particularly difficult.

- C) Desirable relief may be granted without either:

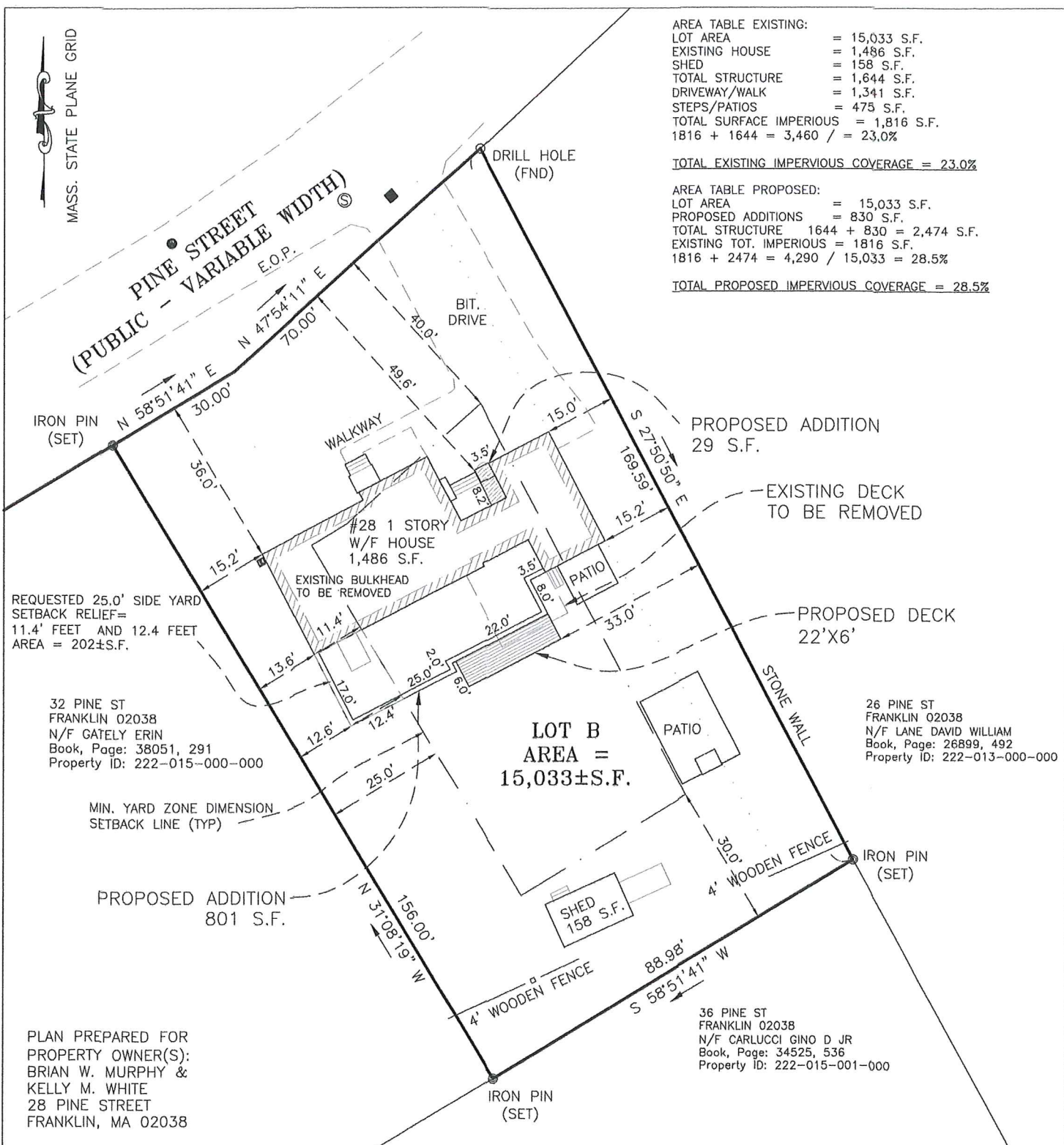
- 1) Substantial detriment to the public good for the following reasons:

This addition shall not hinder the public good since it is allowing a long-time resident of Franklin to remain rather than relocating to another town.

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

Only a portion of the proposed addition encroaches the side setback, the addition is designed to maintain the character and mimic the overall shape of the house so that it blends with the surrounding 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.



AREA TABLE EXISTING:

|                                  |   |             |
|----------------------------------|---|-------------|
| LOT AREA                         | = | 15,033 S.F. |
| EXISTING HOUSE                   | = | 1,486 S.F.  |
| SHED                             | = | 158 S.F.    |
| TOTAL STRUCTURE                  | = | 1,644 S.F.  |
| DRIVEWAY/WALK                    | = | 1,341 S.F.  |
| STEPS/PATIOS                     | = | 475 S.F.    |
| TOTAL SURFACE IMPERIOUS          | = | 1,816 S.F.  |
| $1816 + 1644 = 3,460 / = 23.0\%$ |   |             |

TOTAL EXISTING IMPERVIOUS COVERAGE = 23.0%

AREA TABLE PROPOSED:

|                         |                    |                |
|-------------------------|--------------------|----------------|
| LOT AREA                | =                  | 15,033 S.F.    |
| PROPOSED ADDITIONS      | =                  | 830 S.F.       |
| TOTAL STRUCTURE         | $1644 + 830$       | $= 2,474$ S.F. |
| EXISTING TOT. IMPERIOUS |                    | $= 1816$ S.F.  |
| $1816 + 2474$           | $= 4,290 / 15,033$ | $= 28.5\%$     |

TOTAL PROPOSED IMPERVIOUS COVERAGE = 28.5%

PROPOSED ADDITION  
29 S.F.

—EXISTING DECK  
TO BE REMOVED

-PROPOSED DECK  
22'X6'

26 PINE ST  
FRANKLIN 02038  
N/F LANE DAVID WILLIAM  
Book, Page: 26899, 492  
Property ID: 222-013-000-000

26 PINE ST  
FRANKLIN 02038  
N/F LANE DAVID WILLIAM  
Book, Page: 26899, 492  
Property ID: 222-013-000-000

36 PINE ST  
FRANKLIN 02038  
N/F CARLUCCI GINO D JR  
Book, Page: 34525, 536  
Property ID: 222-015-001-000

36 PINE ST  
FRANKLIN 02038  
N/F CARLUCCI GINO D JR  
Book, Page: 34525, 536  
Property ID: 222-015-001-000

### PROPOSED ADDITION

PLOT PLAN OF LAND IN

FRANKLIN, MASS

SCALE: 1"=30'

DATE: 09/19/2023

DEED BOOK 36516 PAGE 6

PLAN NO. 907 OF 1957

RECORDED @ THE NORFOLK COUNTY REG. OF DEEDS



TODD P. CHAPIN P.L.S. #37558 MASS.

ASSESSORS PID: 222-014-000-000  
ZONING DISTRICT: SINGLE FAMILY RESIDENTIAL III  
MINIMUM SETBACK REQUIREMENTS:  
FRONT YARD = 40.0' SIDE YARD = 25.0'  
REAR YARD = 30.0'  
MAX. IMPERVIOUS COVERAGE STRUCTURES= 25%  
MAX. IMPERVIOUS TOTAL LOT COVERAGE = 35%  
MAX HEIGHT = 40.0'  
MAX. STORIES = 3

FIELD SURVEY: JP      CALC. MT      REVIEW TC

*RealMapInfo LLC*

420 LAKESIDE AVENUE SUITE 403  
MARLBOROUGH, MA. 01752  
REALMAPINFO.COM 774-570-0642