

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 and Lorraine Handley

LOCATION: 3 Mary Jane Road

ZONING DISTRICT: SFR 1V

TYPE OF PROJECT: Accessory Dwelling Unit

DATE: 07/12/2021 **DENY**

SPECIAL PERMIT

ZONING BY LAW SECTIONS: Article 185, Attachment 7 (Use Regulations
Schedule Part V1 6.3.b.)

REASON FOR DENIAL: Applicant is seeking to construct an addition with
an accessory dwelling unit. The building permit is denied without a Special
Permit from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE

DATE

ZONING OFFICIAL SIGNATURE LAB 07/12/2021
DATE

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

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

RECEIVED
TOWN OF FRANKLIN
JUL 12 2021
ZONING BOARD OF APPEALS

ZBA APPLICATION FORM
GENERAL INFORMATION

TOWN OF FRANKLIN
TOWN CLERK

2021 JUL 12 A 11:30

RECEIVED

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

Special Permit: X Variance: _____ Appeal: _____
PETITIONER: DAVID HANDLEY and CORAINE HANDLEY
PETITIONER'S ADDRESS: 3 MARY JANE RD PHONE: 508-328-1157
LOCATION OF PROPERTY: 3 MARY JANE RD
TYPE OF OCCUPANCY: SINGLE FAMILY ZONING DISTRICT: SF IV
ASSESSORS MAP & PARCEL: 296-129-000-000

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:

Construct new addition that will be used
as BR IN LOW UNIT

SECTIONS OF ZONING ORDINANCE CITED:

Article _____ Section _____
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):

David Handley Coraine Handley
(Petitioner(s)/Owner)
DAVID HANDLEY CORAINE HANDLEY
(Print Name)

Address: 3 MARY JANE RD

Tel. No.: 508-328-1157

E-Mail Address: dave@kshandley@gmail.com

Date: 7/1/21

**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 Handley and Lorraine Handley
(OWNER)

Address: 3 MARY JANE Rd Franklin MA

State that I/We own the property located at. 3 Mary Jane Rd.
which is the subject of this zoning application.

The record title of this property is in the name of DAVID J. Handley
and Lorraine S. Handley

*Pursuant to a deed of duly recorded in the date July 2 2001 Norfolk

County Registry of Deeds at Book 15232, Page 406; or

Dedham Registry District of Land Court, Certificate No. _____

Book _____ Page _____.

David Handley
Lorraine Handley
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 AND LORRAINE HANDLEY PRESENT USE/OCCUPANCY: Single Family Residence
LOCATION: 3 Mary Jane Rd ZONE: _____
PHONE: 508 328 1197 REQUESTED USE/OCCUPANCY: Existing residence with addition of in-law unit

		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS ¹	
Lot Area:		<u>21137</u>	<u>21137</u>	<u>15000</u>	(min.)
Continuous Frontage:	<u>corner lot</u>	<u>258.55</u>	<u>258.55</u>	<u>100</u>	(min.)
Size of Lot:	Width	<u>98.27</u>	<u>98.27</u>	<u>90</u>	(min.)
	Depth	<u>205.56</u>	<u>205.56</u>	<u>100</u>	(min)
Setbacks in Feet:	Front			<u>30</u>	(min.)
	Rear		<u>79.8</u>	<u>20</u>	(min.)
	Left Side		<u>35.2</u>	<u>20</u>	(min.)
	Right Side	<u>21.6</u>	<u>21.3</u>	<u>20</u>	(min.)
Building Height:	Stories	<u>2</u>	<u>2</u>	<u>3</u>	(max.)
	Feet	<u>435'</u>	<u>435'</u>	<u>35</u>	(max.)
NO. of Dwelling Units:		<u>1</u>	<u>2</u>		(max.)
NO. of Parking Spaces:		<u>6</u>	<u>6</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 is a one story wood framed
building - approx 770 sq ft



**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. *The addition will be used as an in-law unit for my wife and I who have resided at this address since 2001.*

(2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed. *NO incremental impacts as all current occupants of the existing home and proposed addition currently live there.*

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

The addition will be constructed to existing utilities. NO incremental impacts.

(4) Neighborhood character and social structure will not be negatively impacted. *NO impact as all family members currently live there.*

(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.

The addition will be constructed on an existing developed property.

(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.

The proposed addition will meet all setback requirements and will have no adverse effect on the properties.

(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.

NO incremental water and sewer usage as all occupants of existing home and addition currently live there.

BK 15232 PG 406

QUITCLAIM DEED

OXBOW DEVELOPMENT, INC., a Massachusetts corporation having a principal place of business at Post Office Box 482, Weston, Massachusetts 02493, for consideration paid and in full consideration of Three Hundred Sixty Six Thousand Three Hundred Twenty Five Dollars (\$366,325.00) grants to DAVID J. HANDLEY and LORRAINE S. HANDLEY, husband and wife, as tenants by the entirety, both of 3 Mary Jane Road, Franklin, Massachusetts 02038, with QUITCLAIM COVENANTS, the land with the buildings thereon located in Franklin, Norfolk County, Massachusetts, bounded and described as follows:

LOT 1 on Confirmation Plan No. 42119A, filed in the Land Court, dated November 14, 1994 and recorded in the Norfolk County Registry of Deeds as Plan No. 23 of 1998 in Plan Book 453, to which plan reference may be had for a more particular description.

Together with the right to use the streets and ways as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Franklin, in common with others legally entitled thereto.

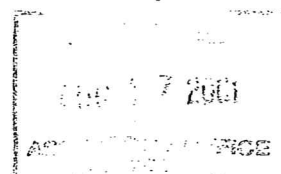
Subject to a 20' wide sewer easement as shown on said plan.

Subject to easement to Media One of Western New England, Inc. recorded with the Norfolk County Registry of Deeds in Book 14145, Page 401.

Subject to and with the benefit of a Grant of Easement from Cristina Ferrara to Oxbow Development, Inc. dated September 24, 1999, recorded with the Norfolk County Registry of Deeds in Book 13754, Page 422.

Subject to and with the benefit of easement to Massachusetts Electric Company dated January 13, 2000 recorded in Norfolk Deeds Book 13994, Page 1.

Property Address: 3 Mary Jane Road (Lot 1), Franklin, MA 02038



RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
CERTIFY DEDHAM, MA
Paul D. Harold
PAUL D. HAROLD, REGISTER

082616

01 JUL -2 PM 12:09

BK 15232PG407

Subject to and with the benefit of easement to New England Telephone Company dated December 7, 2001 and recorded in Norfolk Deeds Book 14058, Page 93.

The within conveyance does not constitute the sale of all or substantially all of the assets of the corporation.

For title, see deed from Pietro Ferrara and Cristina Ferrara, Trustees of Le Sorelle Realty Trust to Oxbow Development, Inc., dated September 24, 1999 and recorded in the Norfolk County Registry of Deeds in Book 13754, Page 396.

WITNESS the corporate hand and seal of OXBOW DEVELOPMENT, INC., by Jeffrey M. Clark, its President and Treasurer, this 20 day of June, 2001.

OXBOW DEVELOPMENT, INC.

BY: Jeffrey M. Clark
Jeffrey M. Clark
President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

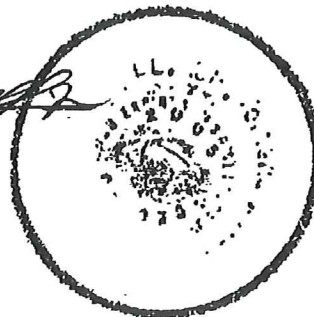
June 20, 2001

Then personally appeared the above-named Jeffrey M. Clark, as President and Treasurer of Oxbow Development, Inc. and acknowledged the foregoing instrument to be his free act and deed, before me,

CANCELLED
JUN 22 2001
DEEDS REGISTRY
NORFOLK

01
07/02/01 11:49AM
000000 13687
FEE \$1671.24
CASH \$1671.24

Edward J. Turner
NOTARY PUBLIC
My commission expires:



July 7, 2021


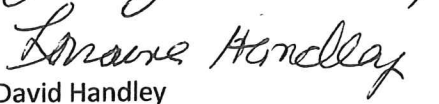
Town of Franklin

Zoning Board of Appeals

Hello,

My wife and I are retired and have lived at 3 Mary Jane Rd for the last 20 years. We are requesting a special permit to add an addition to our current home that will be used as an in law unit for my wife and I. Currently we are living in a multi-generational living arrangement with our adult daughter, our adult son and his girlfriend. We find that with the high cost of home ownership and rent, it is much more affordable to pool our resources and live together in one single family residence. In order to make this arrangement sustainable in the future, we need to increase our living space. This will be accomplished by adding an in law unit for us and allowing more room for the children in our current home. The unit will be attached to our home with both interior and exterior access and will complement our existing yard and the surrounding area. Since we are all currently living here, there will be no incremental impact or adverse effects to the neighborhood or the town.

Thanks for your consideration

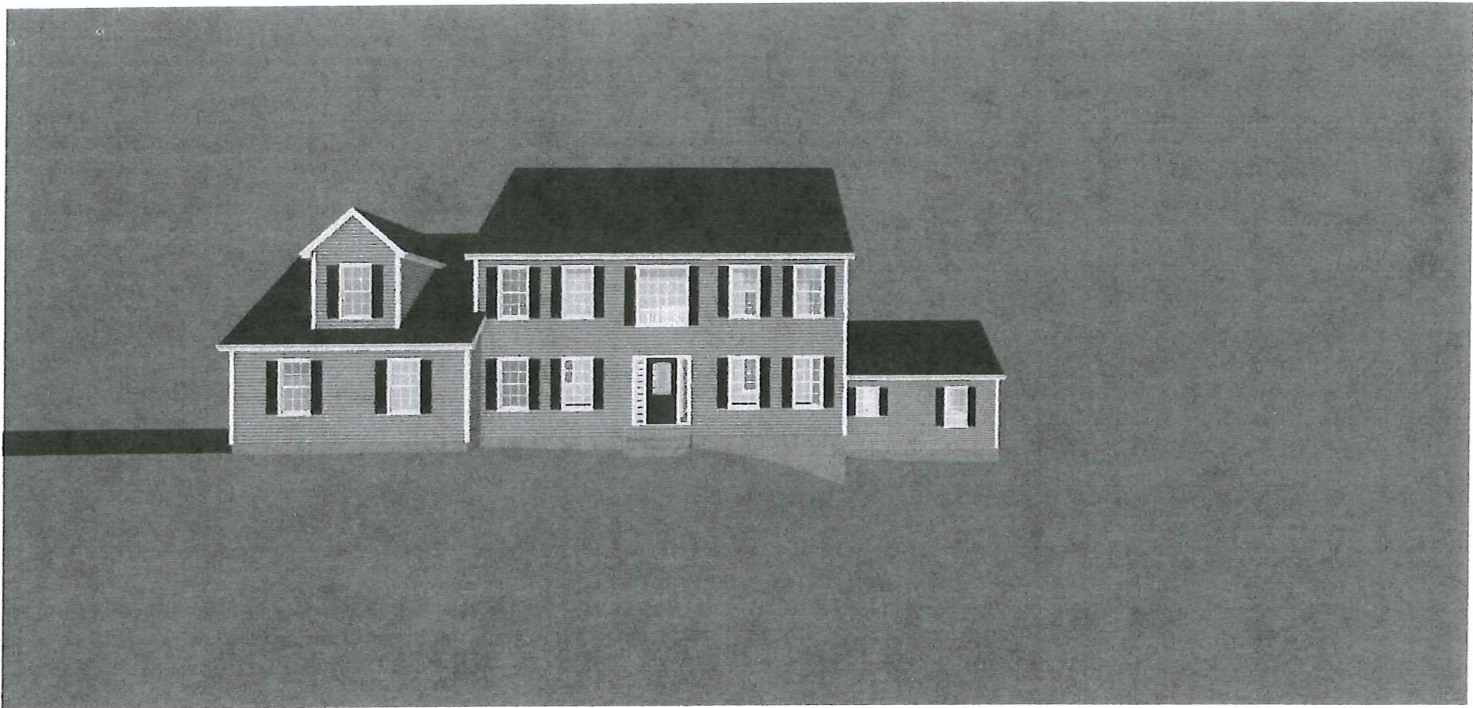


David Handley

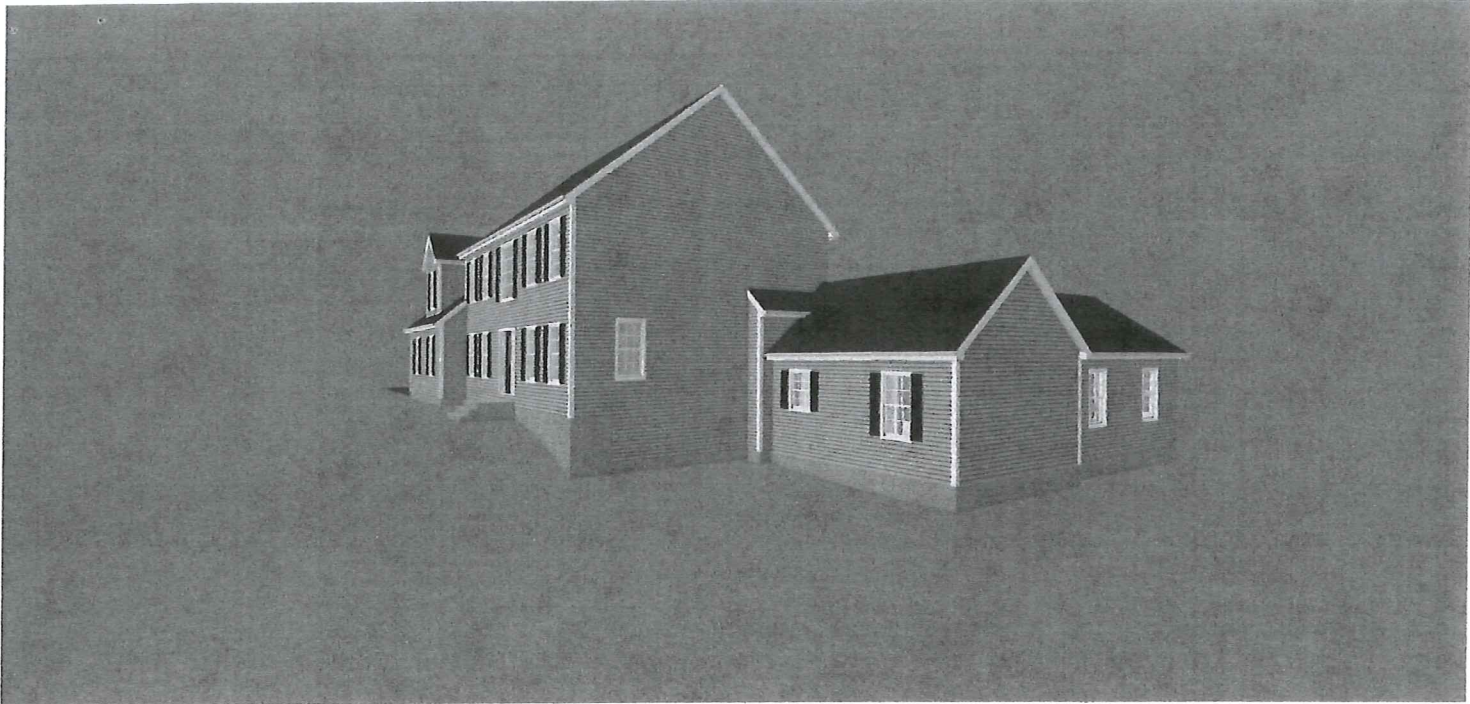
Lorraine Handley

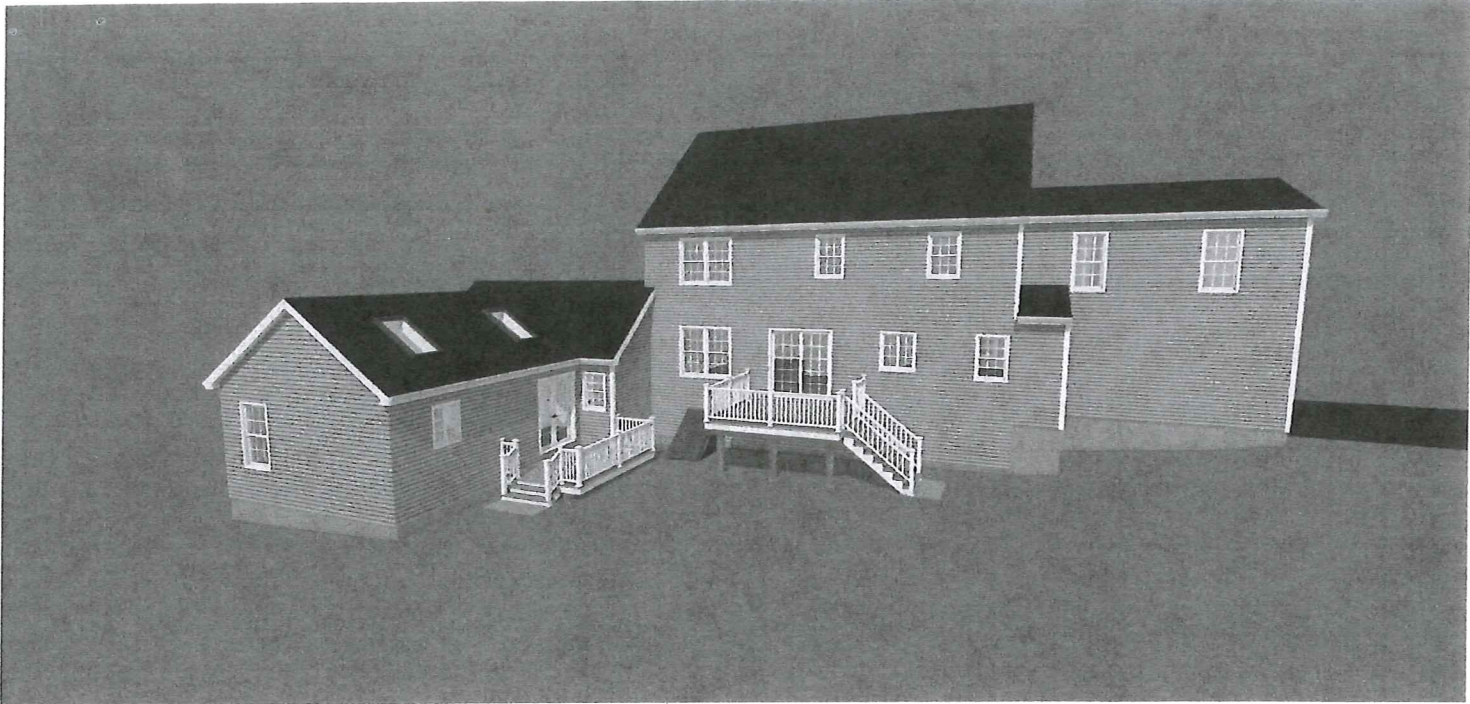
3 Mary Jane Rd

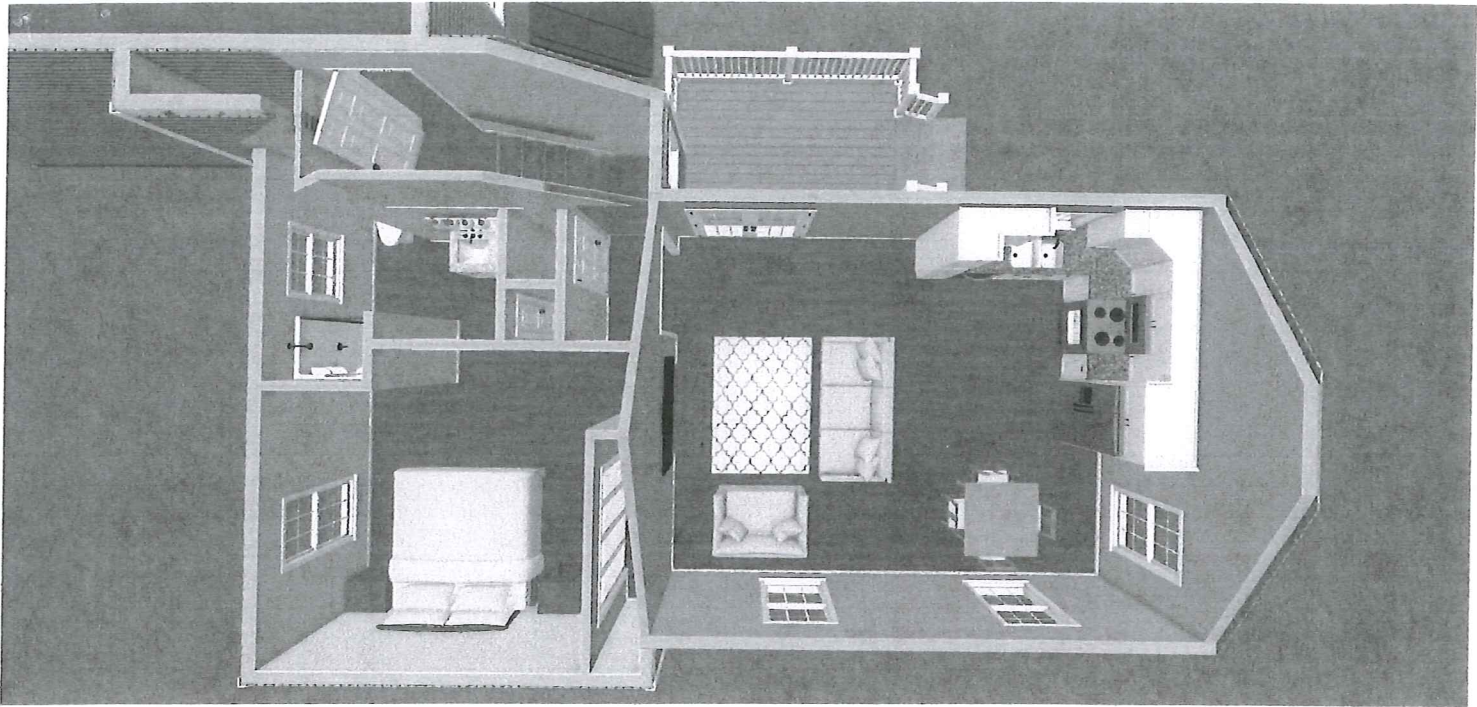
Franklin, Ma.

RECEIVED
TOWN OF FRANKLIN
JUL 12 2021
ZONING BOARD OF APPEALS



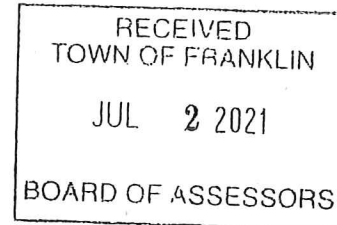






Town of Franklin – Board of Assessors

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 7/6/2021

Assessors Parcel ID # (12 digits) 296-129-000-000

Property Street Address 3 Mary Jane Rd

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 DAVID and LEEANNE HENDRY

Property Owner's Mailing Address 3 Mary Jane Rd

Town/City Franklin State MA Zip Code 02038

Property Owner's Telephone # 508-328-1157

Requestor's Name (if different from Owner) _____

Requestor's Address _____

Requestor's Telephone # _____ - _____ - _____

Office Use Only: Date Fee Paid ____/____/____ Paid in Cash \$ ____.

Paid by Check \$ ____ Check # _____ Town Receipt # _____

RETURN TO LEEANNE

300' Abutters List Report

Franklin, MA
July 06, 2021

Subject Parcel:

Parcel Number:	296-129-000	Mailing Address:	HANDLEY DAVID J HANDLEY LORRAINE S
CAMA Number:	296-129-000-000		3 MARYJANE RD
Property Address:	3 MARY JANE RD		FRANKLIN, MA 02038

Abutters:

Parcel Number:	287-073-000	Mailing Address:	NEW YORK CENTRAL LINES LLC C/O
CAMA Number:	287-073-000-000		CSX TRANSPORTATION TAX DEP
Property Address:	UNION ST		500 WATER ST (C 910)
			JACKSONVILLE, FL 32202
Parcel Number:	287-108-000	Mailing Address:	MUSTO CARLO TR FISHER STREET
CAMA Number:	287-108-000-000		REALTY TRUST
Property Address:	260 FISHER ST		239 WASHINGTON ST APT 1
			WESTWOOD, MA 02090
Parcel Number:	296-126-000	Mailing Address:	CORBOSIERO PAUL D CORBOSIERO
CAMA Number:	296-126-000-000		NICOLE M
Property Address:	15 MARY JANE RD		15 MARYJANE RD
			FRANKLIN, MA 02038
Parcel Number:	296-127-000	Mailing Address:	MURRAY SEAN R
CAMA Number:	296-127-000-000		11 MARYJANE RD
Property Address:	11 MARY JANE RD		FRANKLIN, MA 02038
Parcel Number:	296-128-000	Mailing Address:	NGUYEN PAUL C NGUYEN MY XUYEN THI
CAMA Number:	296-128-000-000		7 MARYJANE RD
Property Address:	7 MARY JANE RD		FRANKLIN, MA 02038
Parcel Number:	296-129-000	Mailing Address:	HANDLEY DAVID J HANDLEY LORRAINE
CAMA Number:	296-129-000-000		S
Property Address:	3 MARY JANE RD		3 MARYJANE RD
			FRANKLIN, MA 02038
Parcel Number:	296-130-000	Mailing Address:	BIRALI BALAJI L BIRALI SAVITHALAL L
CAMA Number:	296-130-000-000		10 MARYJANE RD
Property Address:	10 MARY JANE RD		FRANKLIN, MA 02038
Parcel Number:	296-131-000	Mailing Address:	PORT GAIL M
CAMA Number:	296-131-000-000		25 ANNA RD
Property Address:	25 ANNA RD		FRANKLIN, MA 02038
Parcel Number:	296-132-000	Mailing Address:	RYAN DAVID M RYAN JAQUELINE A
CAMA Number:	296-132-000-000		21 ANNA RD
Property Address:	21 ANNA RD		FRANKLIN, MA 02038
Parcel Number:	296-141-000	Mailing Address:	RICE JASON A RICE AMANDA
CAMA Number:	296-141-000-000		30 A ST
Property Address:	30 A ST		FRANKLIN, MA 02038

300' Abutters List Report

Franklin, MA
July 06, 2021

Parcel Number:	296-142-000	Mailing Address:	BORRUSO MATTHEW BORRUSO
CAMA Number:	296-142-000-000		THERESA
Property Address:	38 A ST		38 A STREET APT 1
			FRANKLIN, MA 02038
Parcel Number:	296-143-000	Mailing Address:	SASTER JOHN ANTHONY
CAMA Number:	296-143-000-000		32 LANDRY ST
Property Address:	LANDRY ST		FRANKLIN, MA 02038
Parcel Number:	296-144-000	Mailing Address:	TADDEO RUSSELL J
CAMA Number:	296-144-000-000		45 A ST
Property Address:	45 A ST		FRANKLIN, MA 02038
Parcel Number:	296-145-000	Mailing Address:	MCDONNELL ELIZABETH A MENDEZ
CAMA Number:	296-145-000-000		ROSEMARY
Property Address:	33 METCALF ST		33 METCALF ST
			FRANKLIN, MA 02038
Parcel Number:	296-146-000	Mailing Address:	SASTER JOHN A SASTER JEAN E
CAMA Number:	296-146-000-000		32 LANDRY ST
Property Address:	32 LANDRY ST		FRANKLIN, MA 02038
Parcel Number:	296-148-000	Mailing Address:	HARRIS AMY M LAMMI KARL
CAMA Number:	296-148-000-000		25 METCALF ST
Property Address:	25 METCALF ST		FRANKLIN, MA 02038
Parcel Number:	296-165-000	Mailing Address:	PIMENTEL JEFFREY F SANTOS JESSICA
CAMA Number:	296-165-000-000		A
Property Address:	17 WORSTED ST		17 WORSTED STREET
			FRANKLIN, MA 02038
Parcel Number:	296-166-001	Mailing Address:	GIAMPA FRANK SPILLANE DEBORAH
CAMA Number:	296-166-001-000		63 A ST EXT
Property Address:	63 A ST EXT		FRANKLIN, MA 02038
Parcel Number:	296-167-001	Mailing Address:	KINCH, VALENTINA TR DEGAETANO,
CAMA Number:	296-167-001-000		GIORGIO, MARIA TR CLARKE, ANNA
Property Address:	59 A ST EXT		P O BOX 482
			FRANKLIN, MA 02038
Parcel Number:	296-167-001	Mailing Address:	KAMARTHI SAGAR VIDYA KAMARTHI
CAMA Number:	296-167-001-001		GEETA SAGAR
Property Address:	61 A ST EXT		61 A ST EXT
			FRANKLIN, MA 02038
Parcel Number:	296-167-001	Mailing Address:	QIU LIMEI CHEN XIN ZHONG
CAMA Number:	296-167-001-002		59 A ST EXT - UNIT 2
Property Address:	59 A ST EXT		FRANKLIN, MA 02038
Parcel Number:	296-167-002	Mailing Address:	A STREET EXTENSION LLC
CAMA Number:	296-167-002-000		24 ASYLUM STREET
Property Address:	55 A ST EXT		MILFORD, MA 01757-1266

www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

300' Abutters List Report

Franklin, MA
July 06, 2021

Parcel Number:	296-167-003	Mailing Address:	CLARKE ANNA F
CAMA Number:	296-167-003-000		51 A ST
Property Address:	51 A ST EXT		FRANKLIN, MA 02038
Parcel Number:	296-167-004	Mailing Address:	KINCH, VALENTINA TR DEGAETANO,
CAMA Number:	296-167-004-000		GIORGIO, MARIA TR CLARKE, ANNA
Property Address:	A ST EXT		P O BOX 482
			FRANKLIN, MA 02038
Parcel Number:	296-167-005	Mailing Address:	MASTRO JO-ANN
CAMA Number:	296-167-005-002		62 A ST EXT
Property Address:	62 A ST EXT		FRANKLIN, MA 02038
Parcel Number:	296-167-005	Mailing Address:	SND-GSA LLC
CAMA Number:	296-167-005-000		1256 WEST CENTRAL ST - SUITE 3
Property Address:	60 A ST EXT		FRANKLIN, MA 02038
Parcel Number:	296-167-005	Mailing Address:	HUARD KATHLEEN M
CAMA Number:	296-167-005-001		60 A ST EXT
Property Address:	60 A ST EXT		FRANKLIN, MA 02038
Parcel Number:	296-210-000	Mailing Address:	BJAT LLC
CAMA Number:	296-210-000-000		PO BOX 1020
Property Address:	300 FISHER ST		WESTBOROUGH, MA 01581

Kevin M Doyle, 7-6-2021

NEW YORK CENTRAL LINES LL
C/O CSX TRANSPORTATION TA
500 WATER ST (C 910)
JACKSONVILLE, FL 32202

MUSTO CARLO TR
FISHER STREET REALTY TRUS
239 WASHINGTON ST APT 1
WESTWOOD, MA 02090

CORBOSIERO PAUL D
CORBOSIERO NICOLE M
15 MARYJANE RD
FRANKLIN, MA 02038

MURRAY SEAN R
11 MARYJANE RD
FRANKLIN, MA 02038

NGUYEN PAUL C
NGUYEN MY XUYEN THI
7 MARYJANE RD
FRANKLIN, MA 02038

HANDLEY DAVID J
HANDLEY LORRAINE S
3 MARYJANE RD
FRANKLIN, MA 02038

BIRALI BALAJI L
BIRALI SAVITHALAL L
10 MARYJANE RD
FRANKLIN, MA 02038

PORT GAIL M
25 ANNA RD
FRANKLIN, MA 02038

RYAN DAVID M
RYAN JAQUELINE A
21 ANNA RD
FRANKLIN, MA 02038

RICE JASON A
RICE AMANDA
30 A ST
FRANKLIN, MA 02038

BORRUSO MATTHEW
BORRUSO THERESA
38 A STREET APT 1
FRANKLIN, MA 02038

SASTER JOHN ANTHONY
32 LANDRY ST
FRANKLIN, MA 02038

TADDEO RUSSELL J
45 A ST
FRANKLIN, MA 02038

MCDONNELL ELIZABETH A
MENDEZ ROSEMARY
33 METCALF ST
FRANKLIN, MA 02038

SASTER JOHN A
SASTER JEAN E
32 LANDRY ST
FRANKLIN, MA 02038

HARRIS AMY M
LAMMI KARL
25 METCALF ST
FRANKLIN, MA 02038

PIMENTEL JEFFREY F
SANTOS JESSICA A
17 WORSTED STREET
FRANKLIN, MA 02038

GIAMPA FRANK
SPILLANE DEBORAH
63 A ST EXT
FRANKLIN, MA 02038

QIU LIMEI
CHEN XIN ZHONG
59 A ST EXT - UNIT 2
FRANKLIN, MA 02038

KINCH, VALENTINA TR DEGAE
GIORGIO, MARIA TR CLARKE,
P O BOX 482
FRANKLIN, MA 02038

KAMARTHI SAGAR VIDYA
KAMARTHI GEETA SAGAR
61 A ST EXT
FRANKLIN, MA 02038

A STREET EXTENSION LLC
24 ASYLUM STREET
MILFORD, MA 01757-1266

CLARKE ANNA F
51 A ST
FRANKLIN, MA 02038

MASTRO JO-ANN
62 A ST EXT
FRANKLIN, MA 02038

SND-GSA LLC
1256 WEST CENTRAL ST - SUITE 3
FRANKLIN, MA 02038

HUARD KATHLEEN M
60 A ST EXT
FRANKLIN, MA 02038

BJAT LLC
PO BOX 1020
WESTBOROUGH, MA 01581

