

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 Teresa Bowman

**LOCATION:** 478 Lincoln Street

**ZONING DISTRICT:** RR 11

**TYPE OF PROJECT:** CONSTRUCTION OF A FRONT DECK

**DATE:** 02/24/2021 **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 deck that is 31'  
from the front 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 02/ 24/2021**

TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS

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

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FEB 24 2021  
ZONING BOARD OF APPEALS

TOWN OF FRANKLIN  
TOWN CLERK

2021 FEB 24 P 1:30

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ZBA APPLICATION FORM

GENERAL INFORMATION

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

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

PETITIONER: DAVID & TERESA BOWMAN

PETITIONER'S ADDRESS: 478 LINCOLN ST. FRANKLIN, MA 02038 PHONE: 508-277-0194

LOCATION OF PROPERTY: 478 LINCOLN ST. FRANKLIN, MA 02038

TYPE OF OCCUPANCY: SINGLE FAMILY RESIDENTIAL ZONING DISTRICT: Rural Residential II

ASSESSORS MAP & PARCEL: 243-054-000-000

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input checked="" type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

REPLACEMENT STAIRS AND A SMALL PORCH AT HOME'S  
PRIMARY ENTRANCE

SECTIONS OF ZONING ORDINANCE CITED:

Article 185-45 Section (D)(2)(e) MGL 40A SECTION 10

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): [Signature]  
(Petitioner(s)/Owner)

TERESA BOWMAN  
(Print Name)

Address: 478 LINCOLN ST. FRANKLIN, MA 02038

Tel. No.: 508-277-0194

E-Mail Address: tbowm1996@gmail.com

Date: 2/22/2021

**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 & TERESA BOWMAN  
(OWNER)

Address: 478 LINCOLN ST. FRANKLIN, MA 02038

State that I/We own the property located at 478 LINCOLN ST. FRANKLIN, MA 02038  
which is the subject of this zoning application.

The record title of this property is in the name of David & Teresa Bowman

\*Pursuant to a deed of duly recorded in the date 8/1/2000, Norfolk

County Registry of Deeds at Book 14,314, Page 566; 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  
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ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: DAVID & TERESA BOWMAN PRESENT USE/OCCUPANCY: SINGLE FAMILY RESIDENTIAL

LOCATION: 478 LINCOLN ST. FRANKLIN, MA 02038 ZONE: rural residential II

PHONE: 508-277-0194 REQUESTED USE/OCCUPANCY: SINGLE FAMILY RESIDENTIAL

		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS <sup>1</sup>	
Lot Area:		<u>15,616 sf</u>	<u>15,616 sf.</u>		(min.)
Continuous Frontage:		<u>80 feet</u>	<u>80 feet</u>		(min.)
Size of Lot:	Width	<u>105 feet</u>	<u>105 feet</u>		(min.)
	Depth				(min)
Setbacks in Feet:	Front	<u>34 feet</u>	<u>31 feet</u>	<u>40 feet</u>	(min.)
	Rear	<u>64 feet</u>	<u>64 feet</u>		(min.)
	Left Side	<u>33 feet</u>	<u>28 feet</u>		(min.)
	Right Side	<u>61 feet</u>	<u>56 feet</u>		(min.)
Building Height:	Stories	<u>2</u>	<u>2</u>		(max.)
	Feet	<u>23 feet</u>	<u>23 feet</u>		(max.)
NO. of Dwelling Units:		<u>1</u>	<u>1</u>	<u>1</u>	(max.)
NO. of Parking Spaces:		<u>4</u>	<u>4</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.

SMALL PERSONAL WOOD SHED STANDING SINCE 2000 (approx)  
ABOVE GROUND POOL STANDING SINCE YEAR 2001 (approx)



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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 ORIGINAL STAIRS WERE BUILT WITH AN EXTREMELY HIGH STEP TO ENTER HOUSE. DUE TO MEDICAL REASONS THE STEP HAS CAUSED HARDSHIP TO ENTER/EXIT THE DWELLING FOR BOTH OWNERS. ONE WILL UNDERGO TWO ADDITIONAL SURGERIES THIS YEAR. ONE COMPLETED SURGERY IN THE FALL OF 2020, BOTH ARE HEALTHY. WORKERS STILL EMPLOYED.

- 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:

THIS CHANGE WILL NOT AFFECT THE GENERAL ZONING DISTRICT IN WHICH IT IS LOCATED. THE HARDSHIP IS NOT DUE TO SOIL CONDITIONS SHAPE OR TOPOGRAPHY OF CURRENT LAND / STRUCTURES.

- C) Desirable relief may be granted without either:

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

THE DWELLING ADJACENT TO THE KELLER/SULLIVAN SCHOOL ON THE RIGHT AND WILL NOT IMPACT THE SCHOOL IN ANY WAY, IT ADJACENT A SINGLE FAMILY HOME ON THE LEFT AND WILL NOT IMPACT THE HOME NOR DETRACT FROM IT IN ANY WAY.

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

RELIEF WILL NEITHER NULLIFY OR SUBSTANTIALLY DEROGATE FROM THE INTENT OR PURPOSE OF THE ZONING BYLAWS.

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

1  
25

NOT QUITCLAIM DEED NOT  
AN AN  
OFFICIAL OFFICIAL  
COPY COPY

RICHARD SIPPEL and BETTINA TONELLI-SIPPEL of Franklin, Norfolk  
County, Commonwealth of Massachusetts, for consideration paid  
and in full consideration of Two Hundred Nineteen Thousand Nine  
Hundred Dollars (\$219,900.00) grants to DAVID A. BOWMAN and  
TERESA M. BOWMAN, husband and wife, as tenants by the entirety,  
with QUITCLAIM COVENANTS,

The land with the buildings thereon, now known as and numbered  
478 Lincoln Street, Franklin, Norfolk County, Massachusetts,  
shown as Lot 6 on a plan entitled "Plan of Land in Franklin,  
Mass. Owned by Harkey Realty Trust", dated February 14, 1956, by  
MacCarthy Engineering Service, Inc., Natick, Mass., recorded  
with the Norfolk Registry of Deeds as Plan No. 488 of 1956, in  
Plan Book 202.

For a more specific description of Lot 6, reference is hereby  
made to said plan.

Subject to Order of Taking for the layout of Lincoln Street, as  
recorded in Norfolk Deeds, Book 2648, Page 484.

For title, see deed from Douglas R. Scott and Marjorie A. Scott  
to Richard Sippel and Bettina Tonelli-Sippel, dated May 31, 1995  
and recorded in the Norfolk County Registry of Deeds in Book  
10908, Page 649.

Property Address: 478 Lincoln Street, Franklin, MA 02038

075561

00 AUG - 1 AM 10:22

DEEDS RECORDED  
NORFOLK  
28/01/00 10:26AM  
00000 \$193  
FEE \$1007.20  
CASH \$1007.20

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA  
CERTIFY  
Barry T. Hannon  
BARRY T. HANNON, REGISTER

BK 14314 PG 567

NOT NOT  
WITNESS my hand and seal this 31<sup>st</sup> day of July, 2000.  
OFFICIAL OFFICIAL  
COPY COPY

  
RICHARD SIPPEL

  
BETTINA TONELLI-SIPPEL

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

July 31, 2000

Then personally appeared the above-named Richard Sippel and Bettina Tonelli-Sippel and acknowledged the foregoing instrument to be their free act and deed, before me,

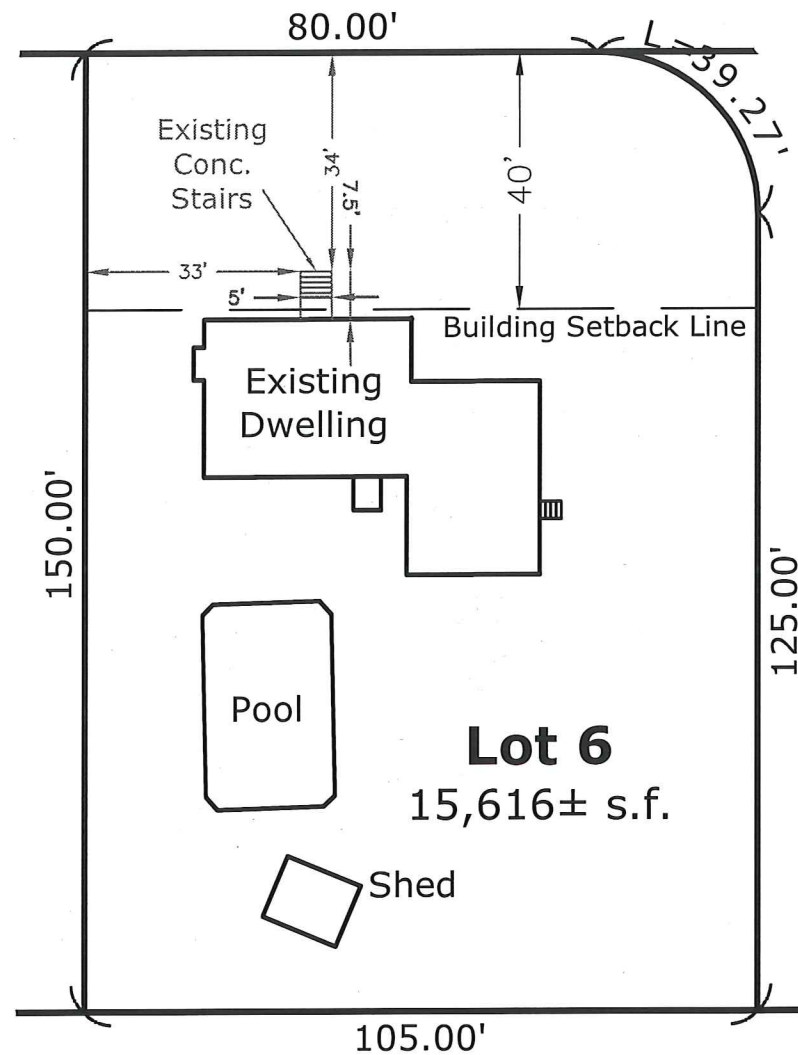
  
NEIL J. ROCHE, NOTARY PUBLIC  
My commission expires:  
April 12, 2002

FRANKLIN-LINCOLN-478.TK/DEED



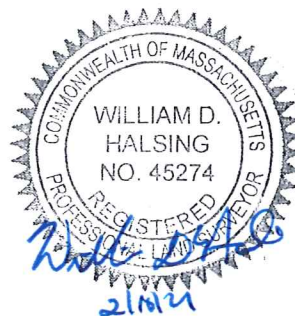
# Lincoln Street

(County Layout of 1946)



**Existing Conditions**

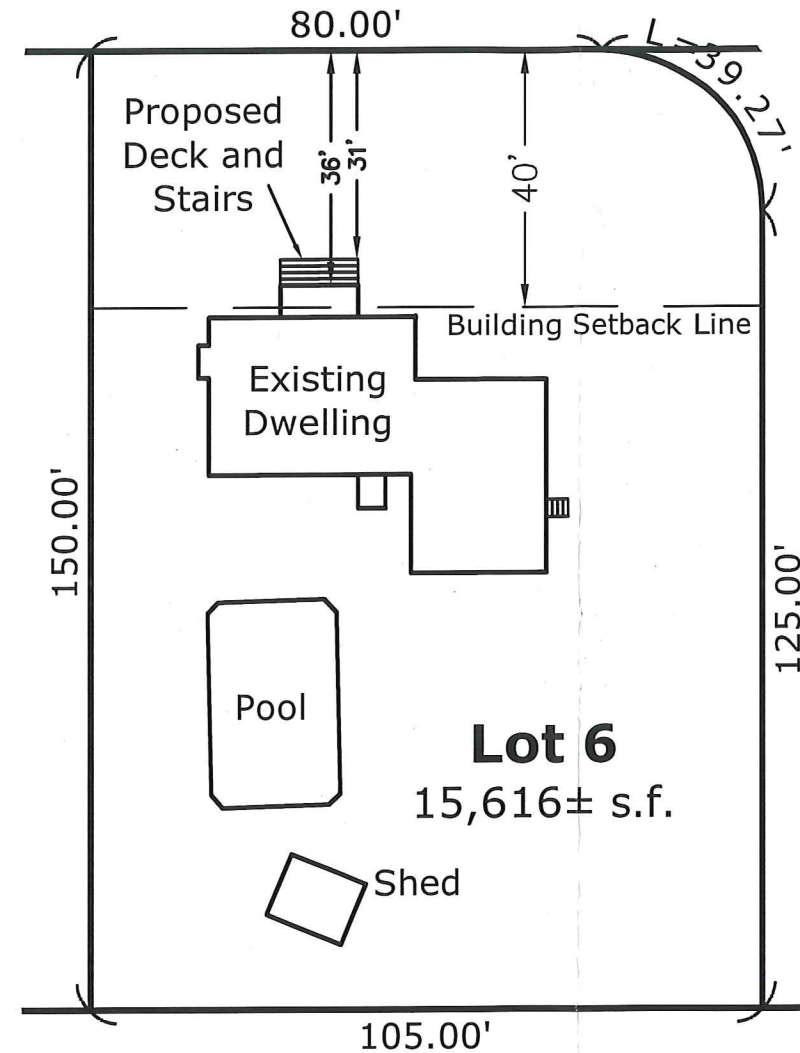
**ZONING DATA**  
 ZONE: RURAL RES II  
 MINIMUM REQUIREMENTS  
 FRONT YARD: 40'  
 SIDE YARD: 35'  
 REAR YARD: 35'



THE PROPOSED DECK  
 (12'X5') WILL BE FRAMED  
 WITH PRESSURE TREATED  
 LUMBER AND HAVE AZEK  
 DECKING AND RAILS

# Lincoln Street

(County Layout of 1946)



**Proposed Conditions**

**Plot Plan**  
 Located at  
 478 Lincoln Street  
 Franklin, MA  
 Owned by  
 David Bowman

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 ZONING BOARD OF APPEALS

**Land Planning, Inc.**  
 167 Hartford Avenue  
 Bellingham, MA 02019  
 508-966-4130  
 bellingham@landplanninginc.com

Date 2/1/21	Scale 1"=30'	Job B2663
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