

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: Mrinal Malhotra

LOCATION: 920 Washington Street

ZONING DISTRICT: RR 1

TYPE OF PROJECT: CONSTRUCTION OF A GROUND MOUNTED SOLAR TRACKER

DATE: 02/24/2021 **DENY**

VARIANCE

ZONING BY LAW SECTIONS: 185-19 E. (3)

REASON FOR DENIAL: Applicant is seeking to site a ground mounted solar tracker that is 22' in height where 15' is allowed. The final inspection 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

RECEIVED
TOWN OF FRANKLIN

FEB 24 2021

ZONING BOARD OF APPEALS

TOWN OF FRANKLIN ZONING BOARD OF APPEALS

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

TOWN OF FRANKLIN
TOWN CLERK

2021 FEB 24 P 1:50

ZBA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: X Appeal:

PETITIONER: MRINAL MALHOTRA

PETITIONER'S ADDRESS: 920 WASHINGTON ST PHONE: 857 991 7686

LOCATION OF PROPERTY: 920 WASHINGTON ST FRANKLIN MA 02038

TYPE OF OCCUPANCY: SINGLE FAMILY ZONING DISTRICT: RR1

ASSESSORS MAP & PARCEL: 339-002-000-000

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input 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 checked="" type="checkbox"/> Other: <u>SOLAR STRUCTURE HEIGHT</u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Requesting a variance to the height of the solar tracker structure in it's operating position.
Max height of 15 ft from common grade to max height of 22 ft

SECTIONS OF ZONING ORDINANCE CITED:

Article V Section 185-19B E 3

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):

Mrinal
(Petitioner(s)/Owner)

MRINAL MALHOTRA
(Print Name)

Address: 920 WASHINGTON ST FRANKLIN, MA

Tel. No.: 857 991 7686

E-Mail Address: malhotramrinal@gmail.com

Date: Feb 13th 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 MRINAL MALHOTRA
(OWNER)

Address: 920 WASHINGTON STREET FRANKLIN MA

State that I/We own the property located at 920 WASHINGTON ST FRANKLIN MA
which is the subject of this zoning application.

The record title of this property is in the name of MRINAL MALHOTRA
& VALENTINA DJALEVA-MALHOTRA

*Pursuant to a deed of duly recorded in the date March 1st 2016, Norfolk
County Registry of Deeds at Book 33885, Page 21; 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

DIMENSIONAL INFORMATION

APPLICANT: MRINAL MALHOTRA PRESENT USE/OCCUPANCY: SINGLE FAMILY

LOCATION: 920 WASHINGTON ST FRANKLIN MA ZONE: RR7

PHONE: 857 991 7686 REQUESTED USE/OCCUPANCY: SINGLE FAMILY

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u>
<u>Lot Area:</u>	<u>5.8+ACRES</u>	_____	_____ (min.)
<u>Continuous Frontage:</u>	_____	_____	_____ (min.)
<u>Size of Lot:</u>			
Width	_____	_____	_____ (min.)
Depth	_____	_____	_____ (min.)
<u>Setbacks in Feet:</u>			
Front	<u>245'</u>	_____	_____ (min.)
Rear	<u>271'</u>	_____	_____ (min.)
Left Side	<u>83'</u>	_____	_____ (min.)
Right Side	<u>122'</u>	_____	_____ (min.)
<u>Building Height:</u>			
Stories	_____	_____	_____ (max.)
Feet	<u>22</u>	<u>22</u>	<u>15</u> (max.)
<u>NO. of Dwelling Units:</u>	_____	_____	_____ (max.)
<u>NO. of Parking Spaces:</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.

The tracker is set on a stone ledge, with anchors drilled into the rock, a rebar frame then holds a concrete base on which a steel frame is mounted. The solar panels are installed on the steel frame.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**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:

The system was specified and a permit approved. Had the permit pointed out the discrepancies we would have strategized to an alternate design. Alternate designs would also have been around \$3000 cheaper. Any modification to the current construction is restarting the project and the cost would never be recovered. To disable the system by introducing synthetic angle restrictions poses a loss of production (up to 1.3 MWh) and in the winter months doesn't allow snow to clear which is a safety hazard not to mention weakens the structure.

- 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 limit of fifteen feet. The trackers need to be high enough to gather as much sun as possible. To accommodate the system, we have paid \$5500 to National Grid to upgrade our transformer. The cost of installation is \$57,000 and to restart the project against an approved permit is the same amount. To add to that; loss of production is another \$1000/year bringing total loss to an unbearable amount.

- C) Desirable relief may be granted without either:

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

The tracker is in my backyard on a dead end st of a 6-acre parcel. Its purpose is to help us reach our goal of energy independence and also limit the carbon footprint our family has on the environment.

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

Per MGL Chpt 40A, Section 9B: - Solar energy systems may be exempted from setback, building height and roof and lot coverage restrictions. Some section also cautions aesthetically to not be used as matter of welfare. No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy system. If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

or building of structures that facilitate the collection of solar energy, except when necessary to protect the public health, safety, or welfare.



COUNTY OF NORFOLK
COUNTY OF PRESIDENTS
REGISTRY OF DEEDS

NORFOLK REGISTRY DISTRICT OF THE LAND COURT

WILLIAM P. O'DONNELL
REGISTER OF DEEDS
ASSISTANT RECORDER OF THE
LAND COURT

March 15, 2016

Mrinal Malhotra
920 Washington Street
Franklin, MA 02038

Dear Friend of the Registry:

Enclosed please find a copy of the deed to your property recently recorded at the Norfolk County Registry of Deeds. Please keep this copy as part of your records for personal reference. For further security and convenience, your original deed has been digitally scanned and is contained in our computer system for instant retrieval.

Please note the Norfolk County Registry of Deeds is one of the registries that still mails back original documents. Your original will be sent back to the address requested at the time of recording by the filer of this document. The Norfolk County Registry of Deeds produces record books that are available at the Registry building from these original documents.

If you would like to stay up to date on upcoming Registry of Deeds events, programs and real estate information you can sign up for our Registry email updates at www.norfolkdeeds.org, like us on Facebook® at www.facebook.com/norfolkdeeds or follow us on Twitter® at www.twitter.com/norfolkdeeds. Our Customer Service Center is also available to assist you at 781-461-6101.

It is a pleasure to serve you as Register of Deeds of Norfolk County.

Sincerely yours,

William P. O'Donnell
Register of Deeds

Enclosures – 33885-21

649 HIGH STREET, DEDHAM, MASSACHUSETTS 02026

TELEPHONE: 781-461-6116 FAX: 781-326-4246

EMAIL: registerodonnell@norfolkdeeds.org

www.norfolkdeeds.org

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QUITCLAIM DEED

PROPERTY ADDRESS: 920 Washington Street, Franklin, MA 02038

SCOTT F. DALEY and BROOKE A. DALEY of 920 Washington Street, Norfolk County, Franklin, Massachusetts 02038 for consideration paid and in full consideration of Four Hundred and Thirty Five Thousand Dollars (**\$435,000.00**), grants to **MRINAL MALHOTRA and VALENTINA A. DJALEVA-MALHOTRA**, as Tenants by the Entirety, of 920 Washington Street, Norfolk County, Franklin, Massachusetts 02038, Husband and Wife

with Quitclaim Covenants,

The land with the buildings thereon situated in Franklin, Norfolk County, Massachusetts, on the southerly side of Washington Street, being shown as Lot 2 and Parcel "A" Plan of Land in Franklin, Mass., dated September 5, 2000, drawn by Salvetti, Surveying and Engineering, Inc. said Plan being recorded with Norfolk Deeds as Plan No. 528 in Plan Book 478, and to which Plan reference may be had for a more particular description.

Said Lot 2 contains 256,488 square feet of land, more or less, according to said plan. Said Parcel A contains 11,400 square feet of land, more or less, according to said Plan.

Subject to the Rights of the owners, their heirs and assigns of Lot 1A on said Plan to pass and repass over Parcel A.

Included in said conveyance is the right to pass and repass over Parcel B.

The owners, their heirs and assigns, shall be jointly obligated with owners of Lot 1A to maintain, repair and plow the shared driveway located on Parcel A and Parcel B.

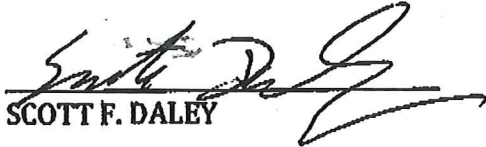
Subject to an Access and Electrical Easement as shown on said Plan.


Subject to a fifty-foot wide Massachusetts Electrical Company easement as shown on said Plan.

Being the same premises conveyed to herein named Grantors by Deed dated December 21, 2005, and recorded with the Norfolk County Registry of Deeds in, **Book 23247, Page 170**, on December 21, 2005.

The Grantors hereby releases any and all homestead rights they have in the premises and declare that they have no former spouse, partner or former partner in a civil union who can claim the benefit of The Homestead Act under M.G.L. c.188.

IN WITNESS WHEREOF, SCOTT F. DALEY and BROOKE A. DALEY, have hereunto set their hands and seals this 19 day of February, 2016.

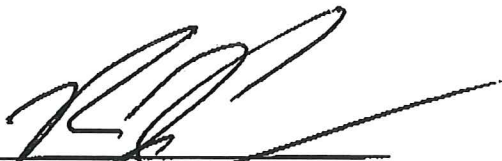

SCOTT F. DALEY


BROOKE A. DALEY

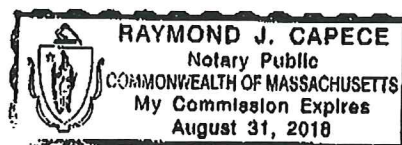
STATE OF MASSACHUSETTS

County: Norfolk

On this 19 day of February, 2016, in Franklin before me, the undersigned Notary Public, personally appeared SCOTT F. DALEY and BROOKE A. DALEY, proved to me through satisfactory evidence of identification, which were Driver's Licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for this stated purpose and was their free act and deed.


NOTARY PUBLIC: RAYMOND J. CAPECE
My Commission Expires: 8/31/2018

GRANTEES ADDRESS:
920 Washington Street
Franklin, MA 02038



920 WASHINGTON ST

Map, Block, Lot:	339-002-000-000
Category:	Solar
Permit #:	103682
Est. Cost	39360
Type of Construction:	
Use Group:	
Zoning:	ONE FAMILY
Issued:	October 22, 2020
Expires on:	October 22, 2021



11/25/20, 6:43 AM
Franklin Building Permit# 103682

Commonwealth of Massachusetts
Town of Franklin
Building Permit

To perform the following work:

installing a 24 panel, 7.68 kW, dual axis tracking array with battery back up

Permission is hereby granted to:

Jeffrey Herman License type: - Lic # CS-096135 (exp: 07/28/22)

Issued To:

Applicant: Jeffrey Herman

Location: 920 WASHINGTON ST

Owner Name: MALHOTRA MRINAL DJALEVA-
MALHOTRA VALENTINA A

Electric	Gas	Plumbing	Building
Underground:	Underground:	Underground:	Excavation:
Service:	Meter:	Rough:	Footings:
Rough:	Rough:	Final:	Foundation:
Final: <i>OK</i>	Final:	Health	Rough Frame:
D.P.W.	Fire Oil:		Fireplace/Chimney:
Water:	Smoke:	Assessor	Insulation
Sewer:	Alarm:	Final:	Final:
	Sprinklers:		