

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: G. David Iverson, Trustee

LOCATION: 33 Elm Street

ZONING DISTRICT: RR I

TYPE OF PROJECT: Construction of a New Single Family Residence

DATE: 02/21/2025 **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 single family home that has 123.92' of frontage where 200' is required and with right side yard setback of 26.5' 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 BA _____ **DATE** 02/21/2023

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

RECEIVED
TOWN OF FRANKLIN

FEB 13 2025

ZONING BOARD OF APPEALS

TOWN OF FRANKLIN
TOWN CLERK

2025 FEB 13 P 1:30

ZBA APPLICATION FORM
GENERAL INFORMATION

RECEIVED

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

Special Permit: _____ Variance: Appeal: _____

PETITIONER: G. David Iverson, Trustee

PETITIONER'S ADDRESS: 24 Gilder Road, Bourne MA 02532 PHONE: 617-750-1981

LOCATION OF PROPERTY: Elm Street (Lot 2), Franklin MA 02038

TYPE OF OCCUPANCY: Res Dev Land ZONING DISTRICT: Rural Residential I

ASSESSORS MAP & PARCEL: 214-111-000-000

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>Variance - Frontage</u> | |

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner is requesting variance relief to create a buildable lot.

SECTIONS OF ZONING ORDINANCE CITED:

Article _____ Section Table IV-B - Schedule of lot, area frontage, yard &

Article _____ Section height requirements from 1960 Bylaw.

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):

EDWARD V. CANNON, JR.
(Print Name) *Attorney for Trustee*

Address: 24 Gilder Road, Bourne MA 02532

Tel. No.: 617-750-1981

E-Mail Address: staciemadden@yahoo.com

Date: 1/30/25

**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.

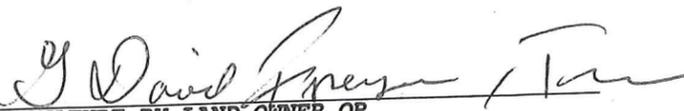
I/We G David Iverson, Trustee
(OWNER)

Address: 24 Gilder Road, Bourne MA 02532

State that I/We own the property located at Elm Street (Lot 2), Franklin,
which is the subject of this zoning application.

The record title of this property is in the name of George G. Iverson, Jr.

*Pursuant to a deed of duly recorded in the date March 28, 1988, Norfolk
County Registry of Deeds at Book 7913, Page 522; 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: G. David Iverson, Trustee PRESENT USE/OCCUPANCY: Res Dev Land

LOCATION: Elm Street (Lot 2), Franklin MA 02038 ZONE: Rural Residential I

PHONE: 617-750-1981 REQUESTED USE/OCCUPANCY: _____

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>Lot Area:</u>		57,015	57,015	40,000	(min.)
<u>Continuous Frontage:</u>		123.92	123.92	200'	(min.)
<u>Size of Lot:</u>	Width	123.92	123.92	N/A	(min.)
	Depth	478.20	478.20	200'	(min)
<u>Setbacks in Feet:</u>	Front	_____	40	40'	(min.)
	Rear	_____	40	40'	(min.)
	Left Side	_____	40	40'	(min.)
	Right Side	_____	40	40'	(min.)
<u>Building Height:</u>	Stories	_____	2.5	2.5	(max.)
	Feet	_____	35	35'	(max.)
<u>NO. of Dwelling Units:</u>		_____	1	1	(max.)
<u>NO. of Parking Spaces:</u>		_____	2	2	(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.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

Zoning By-law, Franklin, Massachusetts

IV - B. Schedule of Lot, Area, Frontage, Yard and Height Requirements

DISTRICT	Minimum Lot Dimensions		Minimum Yard Dimensions in feet				Maximum Height of Building		Max. % of Coverage including accessory Building
	Area	Continuous Frontage in ft. in ft.	Depth	Dimensions in feet			Stories	Feet	
				Front	Side	Rear			
RURAL RESIDENTIAL I	40,000 sq. ft.	200'	200'	40'	40'	40'	2½	35	20
RURAL RESIDENTIAL II	30,000 sq. ft.	150'	200'	40'	35'	35'	2½	35	20
SINGLE FAMILY RESIDENTIAL III	20,000 sq. ft.	125'	160'	40'	30'	30'	2½	35	25
SINGLE FAMILY RESIDENTIAL IV	15,000 sq. ft.	100'	100'	30'	20'	20'	2½	35	30
GENERAL RESIDENTIAL V	10,000 sq. ft.	100'	100'	20'	15'	20'	3	40	30
COMMERCIAL I	10,000 sq. ft.	100'	100'	20'	10'	20'	3	40	55
COMMERCIAL II	40,000 sq. ft.	175'	200'	40'	30'	30'	3	40	50
LIGHT INDUSTRIAL I	40,000 sq. ft.	175'	200'	40'	30'	30'	3	40	50
INDUSTRIAL II	10,000	100'	100'	20'	10'	20'	3	40	50

**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:

See attached supplemental.

- 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:

See attached supplemental.

- C) Desirable relief may be granted without either:

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

See attached supplemental.

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

See attached supplemental.

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

COMMONWEALTH OF MASSACHUSETTS

Zoning Board of Appeals

Town of Franklin

In Re:

G. David Iverson, Trustee

MEMORANDUM OF G. DAVID IVERSON, TRUSTEE IN
SUPPORT OF HIS APPLICATION FOR A VARIANCE

ISSUE:

Whether the applicant's request for a variance can be properly granted to the applicant where the applicant presents evidence to demonstrate that the statutory requirements for a variance set forth in Massachusetts General Laws Chapter 40A, Section 10 are met.

BACKGROUND:

Locus is a vacant parcel of land, containing 57,015 square feet of land, with 123.02 feet of frontage on Elm Street and is located in the Rural Residential 1 zoning district. Locus is shown as Lot 2 on the plan recorded with the Norfolk County Registry of Deeds as Plan No. 401 of 1960 in Book 3807, Page 100. Locus is one of three lots created by said plan. Both Lots 1 and 3 have been built upon, and of the three lots, Locus has the most frontage. Locus was created in its present state by deed from Dav-Mar, Inc. recorded December 15, 1964 when Locus stopped being held in common ownership. Accordingly, Locus is subject to the zoning bylaws then in force, which were the 1960 zoning bylaws. The home on Lot 1 was built in 1989 and the home on Lot 3 was built 1997. The applicant is an elderly disabled veteran who is hoping to realize more value for Locus as a buildable lot.

ARGUMENT:

Request for a Variance:

Massachusetts General Laws Chapter 40A, Section 10 authorizes local zoning boards to grant variances where:

- 1) “owing to 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”;
- 2) “a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner...”; and
- 3) “desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

Unique Conditions Affect Locus But Not Zoning District

Of the three lots created on said plan, Locus is unique because it is the only lot that has not been improved. The Franklin Board of Assessor’s Office has the locus assessed as residential developable land and the applicant pays taxes based upon that assessment and has paid taxes on the land as a buildable lot for many, many years. These circumstances result in conditions that are unique to this site, but which do not affect other properties in the zoning district generally.

Literal Enforcement Would Involve Substantial Hardship

“No one factor determines the question of what is practical difficulty or unnecessary hardship, but all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be reasonably put to a conforming use....”¹

In the instant case, if the locus is not granted a variance, the value of the land will drop dramatically as the applicant will be unable to build on the lot or sell it as a buildable lot. In addition, the applicant will have paid increased tax revenue to the town for years without realizing the benefit of the increased value of the lot, which will result in further financial hardship.

Variance Will Not Substantially Harm Public Good or Substantially Derogate from Bylaw's Purpose

The Appeals Court has indicated that a variance can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning when:

The proposed use of the locus would not reduce the value of any property within the zoning district but would, rather, tend to increase property values.²

In addition, where a modest dimensional variance is sought courts are more willing to find that there has been no substantial derogation from the intent of the bylaw or ordinance.³

¹ *Brckett v. Board of Appeals of Boston*, 311 Mass. @ 60, 39 N.E.2d @ 961; see also *Boyajian v. Board of Appeals of Wellesley*, 6 Mass.App.Ct. 283, 374 N.E.2d 1237 (1978).

² *Boyajian v. Board of Appeals of Wellesley*, 6 Mass.App.Ct. 283, 286 374 N.E.2d 1237, 1238-39 (1978).

³ *Boston Edison Co. v. Boston Redevelopment Auth.*, 374 Mass. at 66 n. 22, 371 N.E.2nd at 747-48 n. 20 (1969).

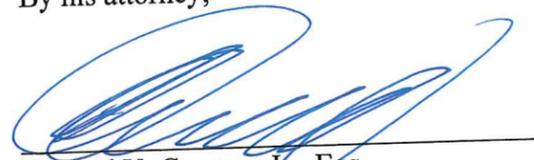
In the case before the Board, the locus has not changed in either size or shape since the said plan was created in 1960. The applicant is not proposing that the lot be subdivided, but rather that it be classified as a single buildable lot so that a structure can be built on the back land, away from the street. Having a new structure constructed on this lot would not harm the public good or substantially derogate from the intent or purpose of the zoning by-laws.

In fact if the relief is granted the resulting single family lot will blend in with the other single family homes in the neighborhood as Locus is of similar size. On the other hand, if relief is denied, the applicant will have to seek a subsidized housing development, which could result in multiple units being constructed on Locus. This result would substantially derogate from the intent or purpose of the zoning bylaw.

CONCLUSION:

For the reasons set forth above, the applicant respectfully requests that the Board determine that a variance for the required frontage is appropriate to allow Locus to be classified as a buildable lot.

Respectfully submitted,
G. David Iverson, Trustee
By his attorney,



Edward V. Cannon, Jr., Esq.
Doherty, Dugan, Cannon, Raymond & Weil, P.C.
124 Grove Street, Suite 220
Franklin, MA 02038
Tel (508) 541-3000
BBO#561137

Dated: January 30, 2025

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 12 / 18 / 2024

Assessors Parcel ID # (12 digits) 214 - 111 - 000 - 000

Property Street Address Elm Street, Franklin

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 Iverson George David Trust

Property Owner's Mailing Address 24 Gilder Rd

Town/City Bourne State MA Zip Code 02532

Property Owner's Telephone # 617 - 750 - 1981

Requestor's Name (if different from Owner) Edward V. Cannon Jr., Esq.

Requestor's Address 124 Grove Street, Suite 220, Franklin MA 02038

Requestor's Telephone # 508 - 541 - 3000

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

Paid by Check \$ Check # Town Receipt #

RETURN TO LEEANNE



ELM ST [214-111-000-000] - 300' ABUTTERS

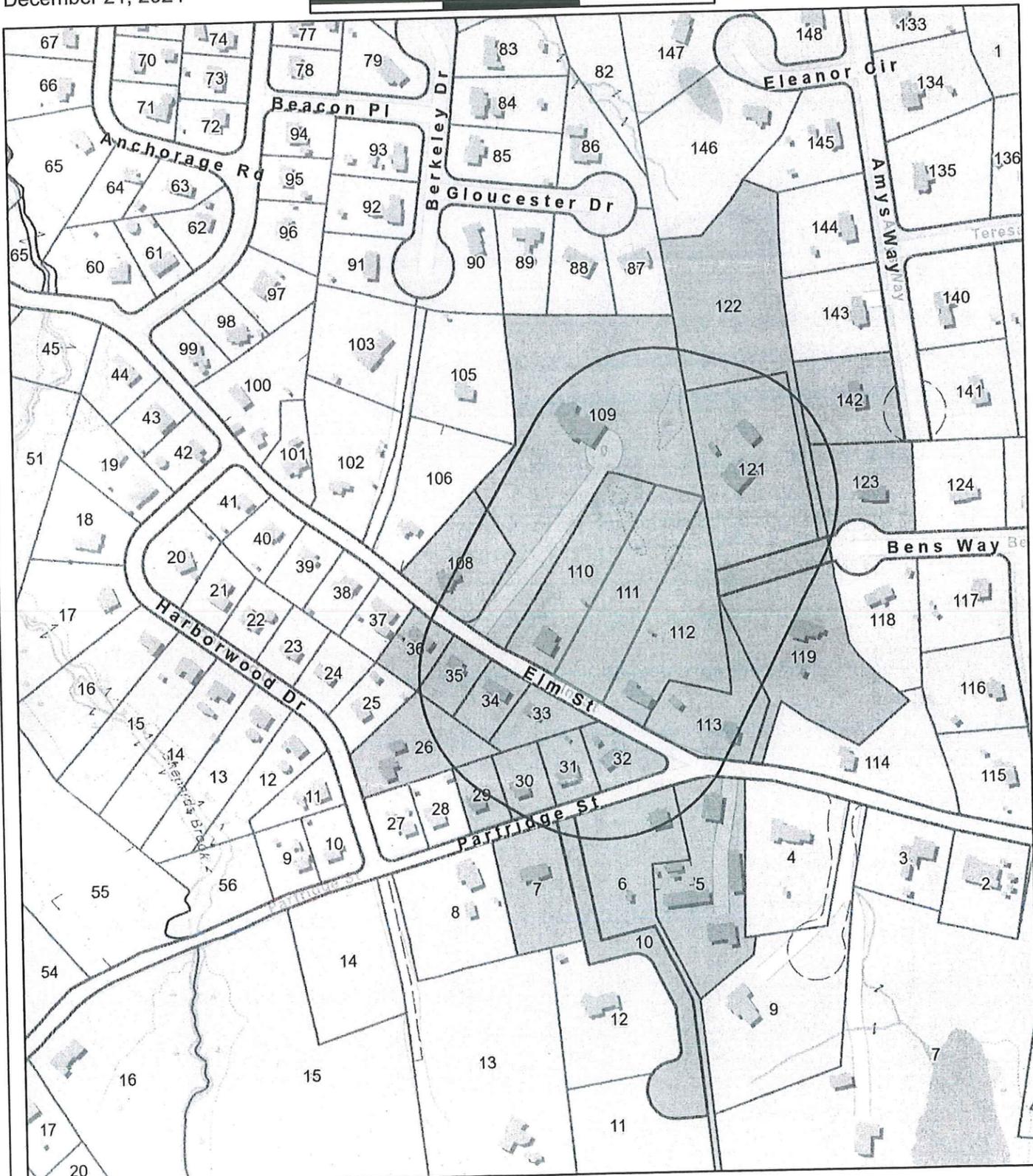
Town of Franklin, MA

1 inch = 300 Feet



www.cai-tech.com

December 21, 2024



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



300 feet Abutters List Report

Franklin, MA
December 21, 2024

Subject Property:

Parcel Number: 214-111-000
CAMA Number: 214-111-000-000
Property Address: ELM ST

Mailing Address: IVERSON GEORGE DAVID TRUST
24 GILDER RD
BOURNE, MA 02532

Abutters:

Parcel Number: 214-005-000
CAMA Number: 214-005-000-000
Property Address: 28 ELM ST

Mailing Address: SYNGAY STANLEY B SYNGAY DONNA B
24 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-006-000
CAMA Number: 214-006-000-000
Property Address: 15 PARTRIDGE ST

Mailing Address: JOHNSON MICHAEL F JOHNSON AMY S
15 PARTRIDGE ST
FRANKLIN, MA 02038

Parcel Number: 214-007-000
CAMA Number: 214-007-000-000
Property Address: 35 PARTRIDGE ST

Mailing Address: SHERWOOD JOSHUA V
35 PARTRIDGE ST
FRANKLIN, MA 02038

Parcel Number: 214-026-000
CAMA Number: 214-026-000-000
Property Address: 3 HARBORWOOD DR

Mailing Address: WARD JAMES T & SHARON J TRS
HARBOR REALTY TRUST
3 HARBORWOOD DR
FRANKLIN, MA 02038

Parcel Number: 214-029-000
CAMA Number: 214-029-000-000
Property Address: 40 PARTRIDGE ST

Mailing Address: PISO CAROL-ANNE L TR CAROL-ANNE L
PISO REVOC TRUST
40 PARTRIDGE ST
FRANKLIN, MA 02038

Parcel Number: 214-030-000
CAMA Number: 214-030-000-000
Property Address: 32 PARTRIDGE ST

Mailing Address: BARBA JENNIFER BARBA LOUIS
32 PARTRIDGE ST
FRANKLIN, MA 02038

Parcel Number: 214-031-000
CAMA Number: 214-031-000-000
Property Address: 20 PARTRIDGE ST

Mailing Address: MACASKILL HEATHER S
20 PARTRIDGE ST
FRANKLIN, MA 02038

Parcel Number: 214-032-000
CAMA Number: 214-032-000-000
Property Address: 16 PARTRIDGE ST

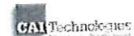
Mailing Address: MELLONI KAREN E
16 PARTRIDGE ST
FRANKLIN, MA 02038

Parcel Number: 214-033-000
CAMA Number: 214-033-000-000
Property Address: 32 ELM ST

Mailing Address: EGAN LAUREN E
32 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-034-000
CAMA Number: 214-034-000-000
Property Address: 34 ELM ST

Mailing Address: JALBERT ALYSSA M
34 ELM ST
FRANKLIN, MA 02038



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 feet Abutters List Report

Franklin, MA
December 21, 2024

Parcel Number: 214-035-000
CAMA Number: 214-035-000-000
Property Address: 36 ELM ST

Mailing Address: GILL JOHN J GILL CHRISTY A
36 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-036-000
CAMA Number: 214-036-000-000
Property Address: 38 ELM ST

Mailing Address: GUZZETTI RALPH JR WOOLFORD
PAMELA
38 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-108-000
CAMA Number: 214-108-000-000
Property Address: 39 ELM ST

Mailing Address: BALLARINO JEREMY BALLARINO
JACQUELYN
39 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-109-000
CAMA Number: 214-109-000-000
Property Address: 37 ELM ST

Mailing Address: STEINHARDT KENNETH J STEINHARDT
EVA M
37 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-110-000
CAMA Number: 214-110-000-000
Property Address: 35 ELM ST

Mailing Address: DITMORE KINSEY A KNOSPINS SUSAN
35 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-111-000
CAMA Number: 214-111-000-000
Property Address: ELM ST

Mailing Address: IVERSON GEORGE DAVID TRUST
24 GILDER RD
BOURNE, MA 02532

Parcel Number: 214-112-000
CAMA Number: 214-112-000-000
Property Address: 31 ELM ST

Mailing Address: RUBENSTEIN ANDREW RUBENSTEIN
LYNNE
31 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-113-000
CAMA Number: 214-113-000-000
Property Address: 29 ELM ST

Mailing Address: ROSS WILLIAM
29 ELM ST
FRANKLIN, MA 02038

Parcel Number: 214-119-000
CAMA Number: 214-119-000-000
Property Address: 14 BENS WAY

Mailing Address: MARTIN HEATHER
14 BEN'S WAY
FRANKLIN, MA 02038

Parcel Number: 214-120-000
CAMA Number: 214-120-000-000
Property Address: BENS WAY

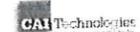
Mailing Address: GROZIER BRIAN & MARK
3 STONEBRIDGE CIRCLE
NATICK, MA 01760

Parcel Number: 214-121-000
CAMA Number: 214-121-000-000
Property Address: 15 BENS WAY

Mailing Address: LAURELLO CHRISTOPHER P LAURELLO
CARA T
15 BEN'S WAY
FRANKLIN, MA 02038

Parcel Number: 214-122-000
CAMA Number: 214-122-000-000
Property Address: BENS WAY

Mailing Address: FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038



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 feet Abutters List Report

Franklin, MA
December 21, 2024

Parcel Number: 214-123-000
CAMA Number: 214-123-000-000
Property Address: 11 BENS WAY

Mailing Address: GILLIES JAMES IV GILLIES KRISTEN K
11 BEN'S WAY
FRANKLIN, MA 02038

Parcel Number: 214-142-000
CAMA Number: 214-142-000-000
Property Address: 25 AMYS WAY

Mailing Address: ZATKOWSKI STANLEY E JR
ZATKOWSKI DEBORAH W
25 AMY'S WAY
FRANKLIN, MA 02038

Parcel Number: 220-010-000
CAMA Number: 220-010-000-000
Property Address: RIDENOUR WAY

Mailing Address: DONOVAN JOHN E JR CLARIZIO
ANTHONY F & CHERYL L
47 PARTRIDGE ST
FRANKLIN, MA 02038

Kevin W. Doyle, 12-21-24



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.

12/21/2024

Page 3 of 3

BALLARINO JEREMY
BALLARINO JACQUELYN
39 ELM ST
FRANKLIN, MA 02038

IVERSON GEORGE DAVID TRUS
24 GILDER RD
BOURNE, MA 02532

SHERWOOD JOSHUA V
35 PARTRIDGE ST
FRANKLIN, MA 02038

BARBA JENNIFER
BARBA LOUIS
32 PARTRIDGE ST
FRANKLIN, MA 02038

JALBERT ALYSSA M
34 ELM ST
FRANKLIN, MA 02038

STEINHARDT KENNETH J
STEINHARDT EVA M
37 ELM ST
FRANKLIN, MA 02038

DITMORE KINSEY A
KNOSPINS SUSAN
35 ELM ST
FRANKLIN, MA 02038

JOHNSON MICHAEL F
JOHNSON AMY S
15 PARTRIDGE ST
FRANKLIN, MA 02038

SYNGAY STANLEY B
SYNGAY DONNA B
24 ELM ST
FRANKLIN, MA 02038

DONOVAN JOHN E JR
CLARIZIO ANTHONY F & CHER
47 PARTRIDGE ST
FRANKLIN, MA 02038

LAURELLO CHRISTOPHER P
LAURELLO CARA T
15 BEN'S WAY
FRANKLIN, MA 02038

WARD JAMES T & SHARON J T
HARBOR REALTY TRUST
3 HARBORWOOD DR
FRANKLIN, MA 02038

EGAN LAUREN E
32 ELM ST
FRANKLIN, MA 02038

MACASKILL HEATHER S
20 PARTRIDGE ST
FRANKLIN, MA 02038

ZATKOWSKI STANLEY E JR
ZATKOWSKI DEBORAH W
25 AMY'S WAY
FRANKLIN, MA 02038

FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

MARTIN HEATHER
14 BEN'S WAY
FRANKLIN, MA 02038

GILL JOHN J
GILL CHRISTY A
36 ELM ST
FRANKLIN, MA 02038

MELLONI KAREN E
16 PARTRIDGE ST
FRANKLIN, MA 02038

GILLIES JAMES IV
GILLIES KRISTEN K
11 BEN'S WAY
FRANKLIN, MA 02038

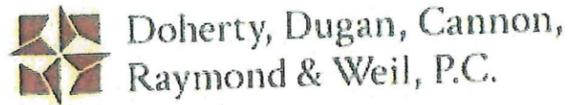
PISO CAROL-ANNE L TR
CAROL-ANNE L PISO REVOC T
40 PARTRIDGE ST
FRANKLIN, MA 02038

GROZIER BRIAN & MARK
3 STONEBRIDGE CIRCLE
NATICK, MA 01760

ROSS WILLIAM
29 ELM ST
FRANKLIN, MA 02038

GUZZETTI RALPH JR
WOOLFORD PAMELA
38 ELM ST
FRANKLIN, MA 02038

RUBENSTEIN ANDREW
RUBENSTEIN LYNNE
31 ELM ST
FRANKLIN, MA 02038



Doherty, Dugan, Cannon,
Raymond & Weil, P.C.

Edward V. Cannon, Jr., Esq.
evc@ddcrwlaw.com

124 Grove Street, Suite 220
Franklin, MA 02038
Tel. (508) 541-3000
Fax (508) 541-3008
<https://ddcrwlaw.com>

October 29, 2024

HAND DELIVERED

Lloyd Brown, Building Commissioner
Town of Franklin
Building & Inspections Department
355 East Central Street
Franklin, MA 02038

RE: Lot Freeze – M.G.L. c. 40A, s. 6
Lot off Elm Street
Parcel ID: 214-111-000-000

Dear Gus:

This office has been retained by the owner of the above-referenced lot to provide you with all of the supporting documentation necessary to demonstrate that said lot meets the requirements set forth in the first sentence of the fourth paragraph of M.G.L. c. 40A, s. 6 to qualify as a buildable lot because the lot complied with the zoning requirements at the time it was created.

The lot is shown as Lot 2 containing 57,015 square feet of land, more or less, as shown on the plan entitled, "Plan of Land in Franklin Mass., Scale 1" = 40', Oct. 1, 1959, Bowie Engineering Co.," which plan is recorded with the Norfolk County Registry of Deeds as Plan No. 401 of 1960 in Book 3807, Page 100 (the "Plan").

The three lots shown on the Plan were held in common ownership at that time by Davmar, Inc., a Massachusetts corporation at that time ("Davmar"). Enclosed for your reference are the current Assessor's cards plus all deeds for each of the three lots from the time they were held in common by Davmar until the present time. In particular, please note the deed from Davmar to Charles W. Brunt recorded on December 15, 1964 at 12:32 p.m. (the "Critical Moment") with said Registry in Book 4220, Page 374. At the Critical Moment, Lot 2 ceased to be held in common ownership with any adjoining land.

At the Critical Moment, said Lot 2 was located in the "Single Residence District "B" zoning district per the then current zoning map which had been approved on August 28, 1959. Per the Table of Area Regulations in effect at the Critical Moment the area requirements for a valid lot in the SRD "B" district were 10,000 square feet of area; and 75 feet of frontage. As you can see from the Plan, said Lot 2 contains 57,015 square feet of land and 123.92 feet of frontage, making Lot 2 a valid lot as of the Critical Moment.

Lloyd Brown, Building Commissioner
October 29, 2024
Page 2,

The first sentence of the fourth paragraph of M.G.L. c. 40A, s. 6 states:

Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage.

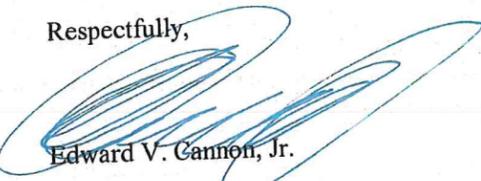
Accordingly, so long as the owner of Lot 2 uses the land for "single" or "two-family residential use", Lot 2 enjoys the benefit of the zoning freeze protection afforded by M.G.L. c. 40A, s. 6 because at the Critical Moment it was "not held in common ownership with any adjoining land", contained more than "five thousand square feet of area and fifty feet of frontage".

As you know I have the utmost respect for your zoning analysis, so I am happy to discuss the zoning freeze status of Lot 2 at your convenience.

Otherwise, upon your receipt of a proper application for a single or two-family residential dwelling to be located on Lot 2, please issue the proper building permit for the same without delay.

Thank you for your cooperation and your time and attention to this matter.

Respectfully,



Edward V. Cannon, Jr.

cc: Kyle McNamara

Enclosures

F24-151

§ 6. Existing structures, uses, or permits; certain subdivision plans;..., MA ST 40A § 6

 KeyCite Red Flag - Severe Negative Treatment
Enacted Legislation Amended by 2024 Mass Legis Serv Ch 150 (H.B 4977) (WEST).

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title VII. Cities, Towns and Districts (Ch. 39-49a)
Chapter 40A. Zoning (Refs & Annos)

M.G.L.A. 40A § 6

§ 6. Existing structures, uses, or permits; certain subdivision plans; application of chapter

Effective: August 10, 2016
Currentness

Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. This section shall not apply to establishments which display live nudity for their patrons, as defined in section nine A, adult bookstores, adult motion picture theaters, adult paraphernalia shops, or adult video stores subject to the provisions of section nine A.

A zoning ordinance or by-law shall provide that construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more.

Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. Any increase in area, frontage, width, yard or depth requirement of a zoning ordinance or by-law shall not apply for a period of five years from its effective date or for five years after January first, nineteen hundred and seventy-six, whichever is later, to a lot for single and two family residential use, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy-six, and had less area,

frontage, width, yard or depth requirements than the newly effective zoning requirements but contained at least seven thousand five hundred square feet of area and seventy-five feet of frontage, and provided that said five year period does not commence prior to January first, nineteen hundred and seventy-six, and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the zoning ordinances or by-laws in effect in a city or town.

If a definitive plan, or a preliminary plan followed within seven months by a definitive plan, is submitted to a planning board for approval under the subdivision control law, and written notice of such submission has been given to the city or town clerk before the effective date of ordinance or by-law, the land shown on such plan shall be governed by the applicable provisions of the zoning ordinance or by-law, if any, in effect at the time of the first such submission while such plan or plans are being processed under the subdivision control law, and, if such definitive plan or an amendment thereof is finally approved, for eight years from the date of the endorsement of such approval, except in the case where such plan was submitted or submitted and approved before January first, nineteen hundred and seventy-six, for seven years from the date of the endorsement of such approval. Whether such period is eight years or seven years, it shall be extended by a period equal to the time which a city or town imposes or has imposed upon it by a state, a federal agency or a court, a moratorium on construction, the issuance of permits or utility connections.

When a plan referred to in section eighty-one P of chapter forty-one has been submitted to a planning board and written notice of such submission has been given to the city or town clerk, the use of the land shown on such plan shall be governed by applicable provisions of the zoning ordinance or by-law in effect at the time of the submission of such plan while such plan is being processed under the subdivision control law including the time required to pursue or await the determination of an appeal referred to in said section, and for a period of three years from the date of endorsement by the planning board that approval under the subdivision control law is not required, or words of similar import.

Disapproval of a plan shall not serve to terminate any rights which shall have accrued under the provisions of this section, provided an appeal from the decision disapproving said plan is made under applicable provisions of law. Such appeal shall stay, pending either (1) the conclusion of voluntary mediation proceedings and the filing of a written agreement for judgment or stipulation of dismissal, or (2) the entry of an order or decree of a court of final jurisdiction, the applicability to land shown on said plan of the provisions of any zoning ordinance or by-law which became effective after the date of submission of the plan first submitted, together with time required to comply with any such agreement or with the terms of any order or decree of the court.

In the event that any lot shown on a plan endorsed by the planning board is the subject matter of any appeal or any litigation, the exemptive provisions of this section shall be extended for a period equal to that from the date of filing of said appeal or the commencement of litigation, whichever is earlier, to the date of final disposition thereof, provided final adjudication is in favor of the owner of said lot.

The record owner of the land shall have the right, at any time, by an instrument duly recorded in the registry of deeds for the district in which the land lies, to waive the provisions of this section, in which case the ordinance or by-law then or thereafter in effect shall apply. The submission of an amended plan or of a further subdivision of all or part of the land shall not constitute such a waiver, nor shall it have the effect of further extending the applicability of the ordinance or by-law that was extended by the original submission, but, if accompanied by the waiver described above, shall have the effect of extending, but only to extent aforesaid, the ordinance or by-law made then applicable by such waiver.

Credits

Added by St.1975, c. 808, § 3. Amended by St.1977, c. 829, § 3D; St.1979, c. 106; St.1982, c. 185; St.1985, c. 494; St.1986, c. 557, § 54; St.1994, c. 60, § 67; St.1996, c. 345, § 1; St.2000, c. 29; St.2000, c. 232; St.2016, c. 219, § 29, eff. Aug 10, 2016.

§ 6. Existing structures, uses, or permits; certain subdivision plans;..., MA ST 40A § 6

Notes of Decisions (582)

M.G.L.A. 40A § 6, MA ST 40A § 6

Current through Chapter 129 of the 2024 2nd Annual Session. Some sections may be more current, see credits for details.

End of Document

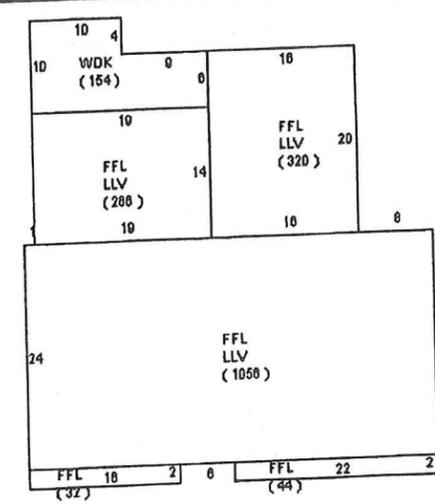
© 2024 Thomson Reuters. No claim to original U.S. Government Works



1

CAI Property Card

Town of Franklin, Massachusetts

GENERAL PROPERTY INFORMATION	BUILDING EXTERIOR
LOCATION: 35 ELM ST ACRES: 1.223 PARCEL ID: 214-110-000-000 LAND USE CODE: 101 - ONE FAMILY CONDO COMPLEX: OWNER: DITMORE KINSEY A CO - OWNER: KNOSPINS SUSAN MAILING ADDRESS: 35 ELM ST FRANKLIN, MA 02038 ZONING: MassGIS LocID #: M_207772_875292	BUILDING STYLE: RAISED RANCH YEAR BUILT: 1989 FRAME: WOOD EXTERIOR WALL COVER: VINYL ROOF STYLE: GABLE ROOF COVER: ASPHALT SHGL
	BUILDING INTERIOR
SALE INFORMATION SALE DATE: 8/31/1990 BOOK & PAGE: 8731-576 SALE PRICE: \$153,000 SALE DESCRIPTION: SELLER: IVERSON G DAVID	INTERIOR WALL: DRYWALL FLOOR COVER: CARPET HEAT TYPE: FORCED H/A FUEL TYPE: GAS PERCENT A/C: 100 SOLAR HOT WATER: NO CENTRAL VACUUM: NO # OF ROOMS: 6 # OF BEDROOMS: 3 # OF FULL BATHS: 2 # OF HALF BATHS: 1 # OF ADDITIONAL FIXTURES: 0 # OF KITCHENS: 1 # OF FIREPLACES: 2 # OF WOOD STOVE FLUES: 1
PRINCIPAL BUILDING AREAS GROSS BUILDING AREA: 3,514 FINISHED BUILDING AREA: 1,718 BASEMENT AREA: 1,642 # OF PRINCIPAL BUILDINGS: 1	OTHER FEATURES
SKETCH	ATTACHED GARAGE: 0 # OF BASEMENT GARAGES: 2 DETACHED GARAGE: POOL: YES
	PHOTO
	

CAI Technologies
www.cai-tech.com

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

1

8731

576

NOT OFFICIAL COPY
NOT OFFICIAL COPY

G.D.I., Inc.
a corporation duly established under the laws of Massachusetts
and having its usual place of business at 148 Grove Street, Westwood
Norfolk County, Massachusetts, for consideration paid,
ONE HUNDRED FIFTY-THREE THOUSAND AND NO/100 (\$153,000.00) PAID
grants to KINSEY A. DITHORE AND SUSAN L. KNOSFINS, as joint tenants

of 35 Elm Street, Franklin, Massachusetts 02038 with quitclaim warranties
the land in

[Description and encumbrances, if any]

8731-576
BARRY MANN, REGISTER

The land in Franklin, Norfolk County, Massachusetts, bounded and described as follows:

- SOUTHWESTERLY by Elm Street, as shown on the plan hereinafter referred to, 123.91 feet;
- NORTHWESTERLY by land now or formerly of Peter and Anna Bukis, as shown on said plan, 451.46 feet;
- NORTHERLY by land now or formerly of Peter and Anna Bukis, as shown on said plan, 116.43 feet; and,
- SOUTHEASTERLY by Lot 2, as shown on said plan, 478.26 feet.

Said parcel is shown as Lot 1, containing 53,309 square feet of land on the Plan of Land in Franklin, Mass. dated October 1, 1959 by Bowie Engineering Co., Civil Engineers and Land Surveyors, recorded with Norfolk Deeds as Plan No. 401 of 1960 in Book 3807, Page 100.

Being the same premises conveyed to Grantor by deed of G. David Iverson dated March 22, 1989 recorded with Norfolk County Registry of Deeds at Book 8267, Page 253.

This conveyance does not constitute a sale or transfer of all or substantially all of the assets of the Grantor corporation.

In witness whereof, the said G.D.I., Inc.
has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by George G. David Iverson, President and Treasurer
as hereto duly authorized, this thirty-first
day of August in the year one thousand nine hundred and ninety

Signed and sealed in presence of
G.D.I., Inc.
by George G. David Iverson, President and Treasurer

The Commonwealth of Massachusetts

Norfolk ss. August 31 1990

Then personally appeared the above named George G. David Iverson, President and Treasurer
and acknowledged the foregoing instrument to be the free act and deed of the

G.D.I., Inc. before me

097-68
FAX 097-68
8/31/90
RECEIVED
AUG 31 1990

Joseph H. Fidler
Notary Public - Justice of the Peace
My commission expires Feb. 22, 1991

RECEIVED
AUG 31 AM 3 50

LOCUS: 35 Elm Street, Franklin, Norfolk County, Massachusetts 02038

8267

1

NOT
OFFICIAL
COPY

NOT
OFFICIAL
COPY

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 601

22020

25-

253

I, G. David Iverson
of Medfield, Norfolk County, Massachusetts,

being unmarried, for consideration paid, and in full consideration of One Dollar

grant to G.D.I., INC., a Massachusetts corporation organized under the laws of
the Commonwealth of Massachusetts and having its usual place of business at
148 Grove Street, Westwood, Norfolk County, MA with quitclaim warranties

thereunto

[Description and encumbrances, if any]

A certain parcel of land with the buildings thereon situated in Franklin, Norfolk
County, Massachusetts and being shown as Lot 1 Elm Street on a plan entitled
"Plan of Land in Franklin, Mass.", Oct. 1, 1959, Bowie Engineering Co., Civil
Engineers & Land Surveyors, Plain Street, Millis, Mass., filed with Norfolk Registry
of Deeds as Plan No. 401 of 1960 in Book 3807, Page 100.

Containing 53,309 square feet of land, according to said plan.

For title to said premises, see deed from Davmar, Inc. dated November 21, 1988
and recorded with Norfolk Deeds in Book 8196, Page 735.

NOTARY PUBLIC
GARRY HANCOCK REGISTERED

1988 MAR 22 PM 2:22

ADDRESS OF PROPERTY: Lot 1 Elm Street, Franklin, MA

Witness my hand and seal this 22nd day of March, 1988.

G. David Iverson

The Commonwealth of Massachusetts

Suffolk ss.

March 22, 1988

Then personally appeared the above named G. David Iverson
and acknowledged the foregoing instrument to be his free act and deed before me

Dean P. Plakias - Notary Public

My commission expires July 29, 1994

PLAKIAS

1

112162 NOT AN OFFICIAL COPY
 NOT AN OFFICIAL COPY
 Davmar, Inc. a corporation duly established under the laws of Massachusetts
 and having its usual place of business at 177 Washington Street, Dedham,
 Norfolk County, Massachusetts, for consideration paid.

grants to G. David Iverson 301 WILKINS GLEN ROAD
MEDFIELD, MASS. 02052
 with quitclaim covenants

of
 in consideration of \$25,000.00
 the land in Franklin, Norfolk County, Massachusetts bounded and described
 as follows:

- SOUTHWESTERLY by Elm Street, as shown on the plan hereinafter referred to, 123.91 feet;
- NORTHWESTERLY by land now or formerly of Peter and Anna Bukis, as shown on said plan, 451.46 feet;
- NORTHERLY by land now or formerly of Peter and Anna Bukis, as shown on said plan, 110.43 feet; and,
- SOUTHEASTERLY by Lot 2, as shown on said plan 479.20 feet.

Said parcel is shown as Lot 1 containing 53,309 square feet of land on the Plan of Land in Franklin, Mass. dated October 1, 1959 by Bowie Engineering Co. Civil Engineers and Land Surveyors recorded with Norfolk Deeds as Plan No. 401 of 1960 in Book 3807, Page 100.

For title reference see Norfolk Deeds, Book 3798, Page 512.

12/28/88
 RECEIVED
 3350A17 09:06
 TAX 57.00
 CHRG
 EXCISE TAX

DEC 31 1988

In witness whereof, the said Davmar, Inc. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by George G. Iverson, Jr. its Treasurer hereto duly authorized, this 21st day of November in the year one thousand nine hundred and eighty-eight.

Signed and sealed in presence of
 DAVMAR, INC.
 by George G. Iverson, Jr.
 George G. Iverson, Jr., Treasurer

The Commonwealth of Massachusetts ss. November 21, 1988
 Norfolk Then personally appeared the above named George G. Iverson, Jr., Treasurer as aforesaid and acknowledged the foregoing instrument to be the free act and deed of the Davmar, Inc.

before me

Justin C. Barton
 Justin C. Barton Notary Public
 My commission expires February 23 1990

522

NOT AN OFFICIAL COPY 21726 NOT AN OFFICIAL COPY

I, CHARLES W. BRUNT formerly of Dedham, Norfolk County, Massachusetts being unmarried, for consideration paid \$3,000.00, grant to GEORGE G. IVERSON, JR. of 148 Grove Street, Westwood, Massachusetts 02090, with QUITCLAIM COVENANTS the land in Franklin, Norfolk County, Massachusetts being:

LOT 76, ELM STREET on the plan by Bowie Engineering Co. recorded with Norfolk Deeds as Plan No. 400 of 1960 in Plan Book 208.

LOT 144, SOUTHGATE ROAD on the plan by Bowie Engineering Co. recorded with Norfolk Deeds as Plan No. 394 of 1960 in Plan Book 208.

LOT 2, ELM STREET on the plan by Bowie Engineering Co., Inc. dated October 1, 1959 and recorded with Norfolk Deeds as Plan No. 401 of 1960 in Book 3807, Page 100.

Being the same premises conveyed to me by deed of Davmar, Inc. dated December 1, 1964 recorded with Norfolk Deeds in book 4220, Page 374.

LOT 29, HARBORWOOD DRIVE on the plan by Bowie Engineering Co. dated September 25, 1959 recorded with Norfolk Deeds as Plan Nos. 395 and 396 of 1960 in Plan Book 208.

LOT 74, ELM STREET on the plan by Bowie Engineering Co. recorded with Norfolk Deeds as Plan No. 399 of 1960 in Plan Book 208.

Being the same premises conveyed to me by deed of Davmar, Inc. dated November 30, 1964 recorded with Norfolk Deeds in Book 4219, Page 400.

LOT 78, ELM STREET on the plan by Bowie Engineering Co. recorded with Norfolk Deeds as Plan No. 400 of 1960 in Plan Book 208.

Being the same premises conveyed to me by deed of Davmar, Inc. dated December 5, 1964 recorded with Norfolk Deeds in Book 4221, Page 120.

Witness my hand and seal this 28th day of November, 1987.

Signature of Charles W. Brunt, dated March 18, 1988, with a crossed-out date of November 1987.

They personally appeared the above named Charles W. Brunt and acknowledged the foregoing instrument to be his free act and deed, before me,

My commission expires... Notary Public



Vertical stamp: COM. OF MASSACHUSETTS DEEDS & RECORDS, CANCELLED

RECEIVED RECORDED 1988 MAR 24 AM 9:59



NOT
AN
OFFICIAL COPY

4220

NOT
AN
OFFICIAL
COPY

374

DAYMAR, INC.

a corporation duly established under the laws of Massachusetts

and having its usual place of business at Dedham

grants to CHARLES W. BRUNT

of Dedham, Norfolk County, Massachusetts with quietum regards

to a certain parcel of land situated in Franklin, Norfolk County, Massachusetts,
the same shown as lot numbered 144 on a plan by Bowie Engineering Co. recorded
with Norfolk Deeds, Plan Book 208 Plan 394, bounded and described as follows:

NORTHERLY by Southgate Road, as shown on said plan, 132.96 feet;
EASTERLY by land now or formerly of Cassidy, as shown on said plan, 146.76 feet;
SOUTHERLY by land now or formerly of Bishop, as shown on said plan, 145.90 feet; and
WESTERLY by lot numbered 143, as shown on said plan, 139.98 feet.

Containing 20270 square feet, according to said plan.

For title reference see deed of Omer LaFleur dated December 5, 1958 and recorded in Norfolk Deeds, Book 3969 Page 292.

Also another parcel of land situated in said Franklin and being shown as lot numbered 76 on a plan by Bowie Engineering Co. recorded in Norfolk Deeds, Plan Book 208 Plan 400, bounded and described as follows:

SOUTHWESTERLY by Elm Street, as shown on said plan, 100 feet;
NORTHWESTERLY by lot numbered 75, as shown on said plan, 262 feet;
NORTHEASTERLY by Shepard's Brook, as shown on said plan, 200 feet; and
SOUTHEASTERLY by lot numbered 77, as shown on said plan, 213 feet.

Containing 28000 square feet, according to said plan.

For title reference see deed of McCleary, dated October 29, 1959 and recorded in Norfolk Deeds, Book 3772 Page 448.

Also another parcel of land situated in said Franklin and being shown as lot numbered 7 on a plan by Bowie Engineering Co. dated October 1, 1959 and recorded with Norfolk Deeds, Book 3807 Page 100 and bounded and described as follows:

4220

NOT AN OFFICIAL COPY
NOT AN OFFICIAL COPY
375

SOUTHWESTERLY by Elm Street, as shown on said plan, 123.92 feet;
NORTHWESTERLY by lot numbered 1, as shown on said plan, 478.20 feet;
NORTHEASTERLY by land now or formerly of Bukle, as shown on said plan, 110.43 feet; and
SOUTHEASTERLY by lot numbered 3, as shown on said plan, 505.48 feet.
Containing 57015 square feet, according to said plan.

For title reference see deed of Charles W. Spencer et ux dated February 23, 1960 and recorded with Norfolk Deeds, Book 3798 Page 512.

In witness whereof, the said DAYMAR, INC. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by George G. Iverson, Jr. Treasurer hereto duly authorized, this first day of December in the year one thousand nine hundred and sixty-four.

Signed and sealed in the presence of DAYMAR, INC. by George G. Iverson, Jr. Treasurer



The Commonwealth of Massachusetts
Norfolk, December 1, 1964.
Then personally appeared the above named George G. Iverson, Jr., Treasurer and acknowledged the foregoing instrument to be the free act and deed of the Daymar, Inc.

before me, Andrew G. Gelshecker, Notary Public, My Commission expires March 31, 1967.



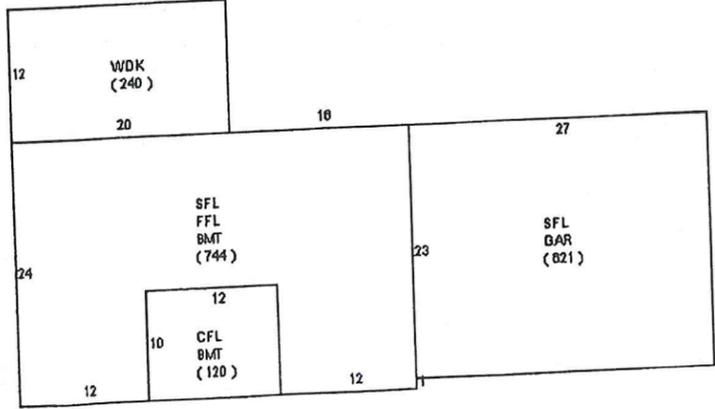
Recorded Dec. 15, 1964 at 12:32 P.M.

CAI Property Card

Town of Franklin, Massachusetts



3

GENERAL PROPERTY INFORMATION	BUILDING EXTERIOR
LOCATION: 31 ELM ST ACRES: 1.432 PARCEL ID: 214-112-000-000 LAND USE CODE: 101 - ONE FAMILY CONDO COMPLEX: OWNER: RUBENSTEIN ANDREW CO - OWNER: RUBENSTEIN LYNNE MAILING ADDRESS: 31 ELM ST FRANKLIN, MA 02038 ZONING: MassGIS LocID #: M_207836_875250	BUILDING STYLE: COLONIAL YEAR BUILT: 1997 FRAME: WOOD EXTERIOR WALL COVER: VINYL ROOF STYLE: GABLE ROOF COVER: ASPHALT SHGL
SALE INFORMATION SALE DATE: 10/19/2005 BOOK & PAGE: 23021-206 SALE PRICE: \$512,000 SALE DESCRIPTION: SELLER: MAPLE, KEVIN M & KIM M	BUILDING INTERIOR INTERIOR WALL: DRYWALL FLOOR COVER: HARDWOOD HEAT TYPE: FORCED H/A FUEL TYPE: OIL PERCENT A/C: 100 SOLAR HOT WATER: YES CENTRAL VACUUM: NO # OF ROOMS: 7 # OF BEDROOMS: 4 # OF FULL BATHS: 3 # OF HALF BATHS: 1 # OF ADDITIONAL FIXTURES: 1 # OF KITCHENS: 1 # OF FIREPLACES: 1 # OF WOOD STOVE FLUES: 0
PRINCIPAL BUILDING AREAS GROSS BUILDING AREA: 3,954 FINISHED BUILDING AREA: 2,229 BASEMENT AREA: 864 # OF PRINCIPAL BUILDINGS: 1	OTHER FEATURES ATTACHED GARAGE: 621 # OF BASEMENT GARAGES: 0 DETACHED GARAGE: POOL: NO
SKETCH 	PHOTO 

CAI Technologies
www.cai-tech.com

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

DK 16287PG237
MASSACHUSETTS QUITCLAIM DEED

25
20 3

We, Kevin M. Maple and Kim M. Maple f/k/a Kim M. Farren of 31 Elm Street, Franklin, Massachusetts 02038, for consideration paid, and in full consideration of ONE AND 00/100 Dollars (U.S. \$1.00) grant to Kevin M. Maple and Kim M. Maple, husband and wife, Tenants by the Entirety, of 31 Elm Street, Franklin, Massachusetts 02038 with quitclaim covenants the following property in Norfolk County, Massachusetts.

COPY COPY

See Exhibit A-Legal Description attached hereto and made a part hereof

Witness my hand(s) and seal(s) this 22nd day of February, 2002.

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

Kevin M. Maple
Kevin M. Maple

Kim M. Maple f/k/a Kim M. Farren
Kim M. Maple f/k/a Kim M. Farren

Commonwealth of Massachusetts

February 22, 2002

Norfolk, ss:

Then personally appeared the above-named Kevin M. Maple and Kim M. Maple f/k/a Kim M. Farren and acknowledged the foregoing instrument to be his/her/their free act and deed before me

Kevin G. McLean
NOTARY PUBLIC
My commission expires Dec. 15, 2006

Notary Public: Kevin G. McLean, Attorney
My Commission Expires: 12/15/2006

PROPERTY ADDRESS: 31 Elm Street Franklin, Massachusetts 02038

035752

02 FEB 27 AM 11:19

BK 16287PG238

NOT
EXHIBIT A-LEGAL DESCRIPTION
OFFICIAL OFFICIAL

COPY COPY
The land situated on the Northeasterly side of Elm Street, Franklin, Norfolk County, Massachusetts and being shown as Lot 3 on a plan entitled, "Plan of Land in Franklin, Mass." dated October 1, 1959, prepared by Bowie Engineering Co., Civil Engineers & Land Surveyors and recorded with Norfolk County Registry of Deeds as Plan No. 401 of 1960 in Book 3807, Page 100 to which reference may be had for a more particular description.

Lot 3 contains 62,387 square feet according to said plan.

For reference to title, see deed recorded in Book 11990, Page 573.

Property Address: 31 Elm Street, Franklin, MA

BK 11990PG573

RECOR. NORFOLK COUNTY REG. DEEHAM, MA

253

95410

NOT QUITCLAIM DEED NOT A N A N

CERTIFY [Signature] BARRY T. HANNON, REGISTER

CRYSTAL HOMES, INC., a Massachusetts corporation having its usual place of business at 174 Pleasant Street, Franklin, Massachusetts COPY

for consideration paid of Two Hundred Two Thousand Fifteen and 50/100 Dollars (\$202,015.50)

Grants to KEVIN MAPLE and KIM M. FARREN, as Joint Tenants, both of 31 Elm Street, Franklin, Massachusetts with QUITCLAIM COVENANTS

The land situated on the Northeasterly side of Elm Street, Franklin, Norfolk County, Massachusetts and being shown as Lot 3 on a plan entitled, "Plan of Land in Franklin, Mass." dated October 1, 1959, prepared by Bowie Engineering Co., Civil Engineers & Land Surveyors and recorded with Norfolk Registry of Deeds as Plan No. 401 of 1960 in Book 3807, Page 100 to which reference may be had for a more particular description.

Lot 3 contains 62,387 square feet according to said plan.

For title see Norfolk Registry of Deeds, Book 111796, Page 197.

This conveyance does not represent all or substantially all of the assets of Crystal Homes, Inc.

IN WITNESS WHEREOF, the said CRYSTAL HOMES, INC. has caused its corporate seal to be hereto affixed and in these presents to be signed, acknowledged and delivered in its name and behalf by Christine Molla, its President and Treasurer of Davmar Inc. this 15th day of September 1997

RECEIVED REGISTER NORFOLK COUNTY 97 SEP 15 PM 12:57

CRYSTAL HOMES, INC.

[Signature] Christine Molla - Pres & Treas. Christine Molla President and Treasurer

DEEDS REC-17 NORFOLK COUNTY MASS EXCISE TAX 923.40 923.40 4531A017 11:44

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. September 15, 1997

Then personally appeared the above named Christine Molla, President & Treasurer of Crystal Homes, Inc., and acknowledged the foregoing instrument to be its free act and deed, before me

[Signature] Janet M. Vignone, Notary Public My commission expires 06/08/2001

DeedDavmarLot3D3

42085

BK 11796PG197

25-3

NOT QUITCLAIM DEED NOT
AN AN
OFFICIAL OFFICIAL

DAVMAR INC., a Massachusetts corporation having its usual place of business at 177 Washington Street, Dedham, Massachusetts

for consideration paid of Seventy Thousand Dollars (\$70,000.00)

grants to CRYSTAL HOMES, INC., a Massachusetts corporation having its usual place of business at 174 Pleasant Street, Franklin, Massachusetts with QUITCLAIM COVENANTS

The land situated on the Northeasterly side of Elm Street, Franklin, Norfolk County, Massachusetts and being shown as Lot 3 on a plan entitled, "Plan of Land in Franklin, Mass." dated October 1, 1959, prepared by Bowie Engineering Co., Civil Engineers & Land Surveyors and recorded with Norfolk Registry of Deeds as Plan No. 401 of 1960 in Book 3807, Page 100 to which reference may be had for a more particular description.

Lot 3 contains 62,387 square feet according to said plan.

Being a portion of the premises conveyed to grantor by deed of Charles W. Spencer et ux dated February 23, 1960 and recorded with Norfolk Registry of Deeds, Book 3798, Page 512.

This conveyance does not represent all or substantially all of the assets of Davmar Inc.

IN WITNESS WHEREOF, the said DAVMAR INC. has caused its corporate seal to be hereto affixed and in these presents to be signed, acknowledged and delivered in its name and behalf by Mark W. Iverson, its President and Treasurer of Davmar Inc. this 1st day of May 1997

RECEIVED RECORDED
NORFOLK COUNTY
97 MAY - 1 PM 2:27

Property Address: Lot 3, Elm St., Franklin, MA

CANCELLED

DEEDS REG 17
NORFOLK

05/01/97

TAX 319.20
CHECK 319.20

8204017 13:22
EXCISE TAX

DAVMAR INC.

Mark W. Iverson
Mark W. Iverson
President and Treasurer

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

Sarry T Hannon
SARRY T HANNON, REGISTER

BK 11796PG198

NOT
AN
OFFICIAL
COPY

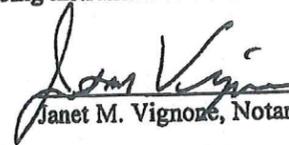
NOT
AN
OFFICIAL
COPY

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

May 1, 1997

Then personally appeared the above named Mark W. Iverson, President & Treasurer of Davmar Inc. and acknowledged the foregoing instrument to be its free act and deed, before me

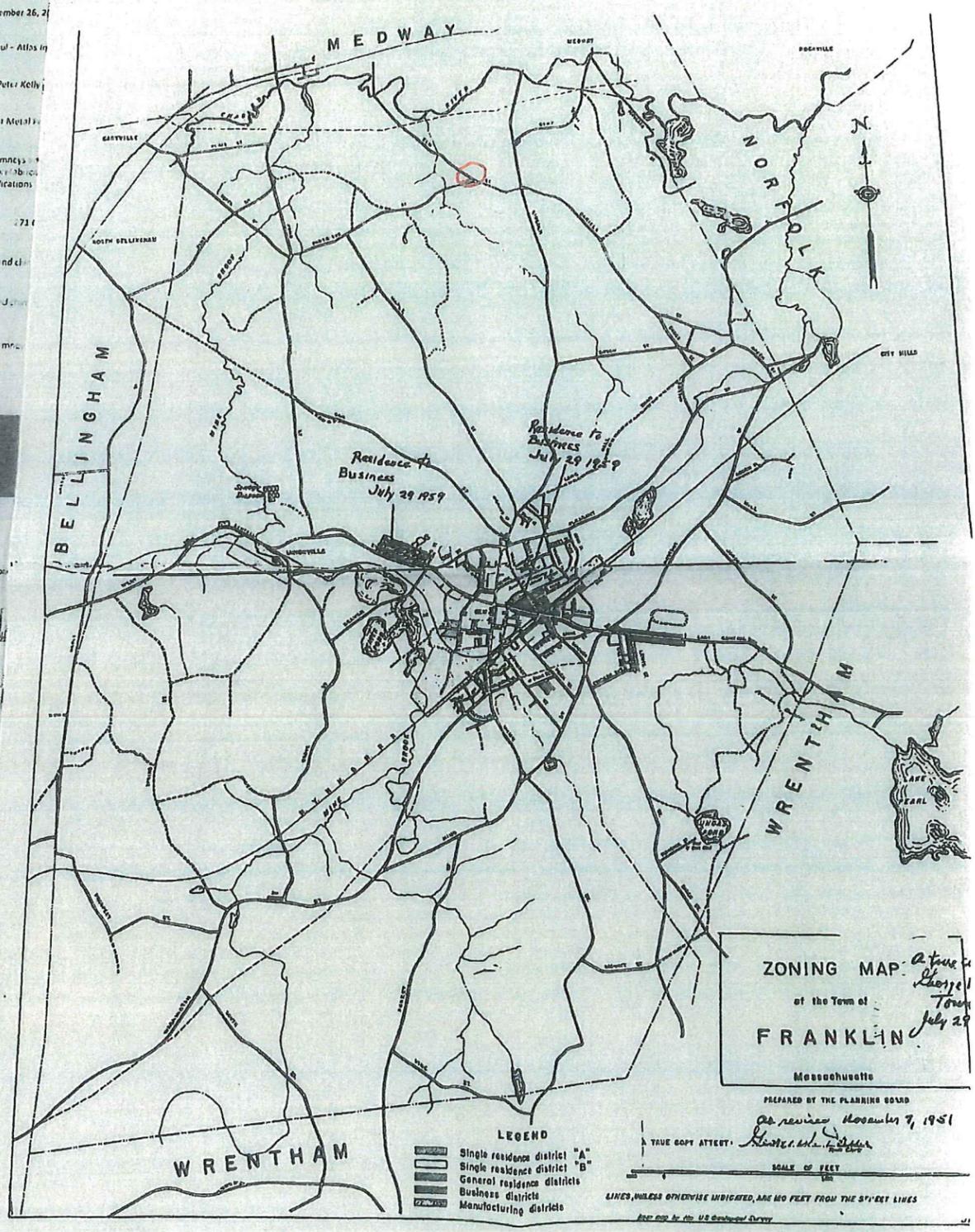

Janet M. Vignone, Notary Public

My commission expires 06/08/2001

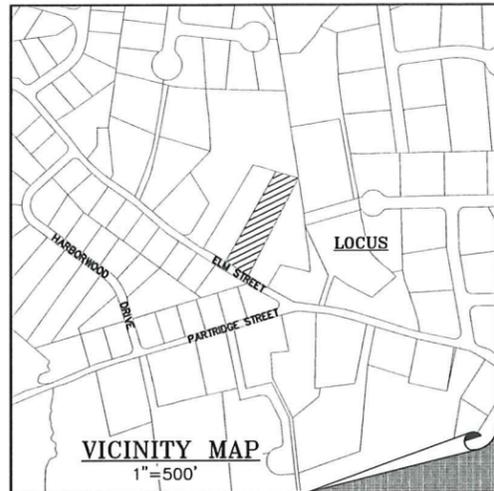
SUBJECT: **REVISIONS**
 DIVISION: **PROFESSIONAL LICENSURE**
 DIVISION OF PROFESSIONAL LICENSURE
 BOARD OF EXAMINERS OF SHEET METAL WORKERS
 1000 WASHINGTON STREET - SUITE 710
 BOSTON, MASSACHUSETTS

September 26, 1959
 To: Paul - Atlas
 From: Peter Kelly
 Re: Sheet Metal
 • Chimneys
 • In public
 • applications
 • 273
 • Files and cl
 • Plans and J
 • Plans and J

for APA ports' frame bracing witho
 150 500 1000
 1400
 you disturb more than 2 adju
 feet of palat



Boston, Mass., August 28, 1959
 The within zoning map is hereby approved.
James M. Kelly
 Secretary General



NOTES:
 1. THIS LOT IS NOT LOCATED IN A WATER RESOURCE DISTRICT PER WATER RESOURCE DISTRICT MAP DATED 4/11/2019
 2. THIS LOT IS NOT LOCATED IN A FEMA FLOOD ZONE PER FEMA FLOOD ZONE MAP 25021C0144E DATED 7/17/2012

SINGLE RESIDENCE DISTRICT "B"
 FRANKLIN ZONING BYLAW SECTION 185
 PER TABLE OF AREA REGULATIONS IN
 EFFECT AS OF DECEMBER 15, 1964*

	REQUIRED*	PROVIDED
MINIMUM LOT AREA	10,000 SF	57,015 SF
MINIMUM LOT FRONTAGE	75'	123.92'
MINIMUM LOT DEPTH	N/A	504.8'±
MINIMUM LOT WIDTH	N/A	180'
MINIMUM YARDS		
FRONT	30'	94.0'
SIDE	15'	26.5'
REAR	30'	333.8'
% OF LOT UPLAND COVERED BY:		
STRUCTURES	N/A	4.3%
STRUCTURES+PAVING	30%	7.9%

* "CRITICAL MOMENT" WHEN THIS LOT CAME INTO EXISTENCE REFER TO CORRESPONDENCE DATED OCTOBER 29, 2024 PREPARED BY DOHERTY, DUGAN, CANNON, RAYMOND & WEIL, P.C. FOR ZONING COMPLIANCE INTERPRETATION, ON RECORD WITH BUILDING/ZONING OFFICE.



F4686

RECEIVED
 TOWN OF FRANKLIN
 FEB 13 2025
 ZONING BOARD OF APPEALS

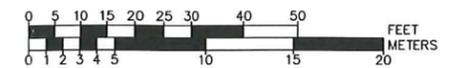
OWNER/APPLICANT
 GEORGE D. IVERSON TRUST
 24 GLDER ROAD
 BOURNE, MA 02532
 DEED BOOK 7913 PAGE 522
 PLAN No. 401 OF 1960 PLAN Bk. 3807 PAGE 100
 A.M. 214 LOT 111

**BUILDING PERMIT
 PLOT PLAN
 33 ELM STREET
 FRANKLIN, MASSACHUSETTS**

FEBRUARY 10, 2024

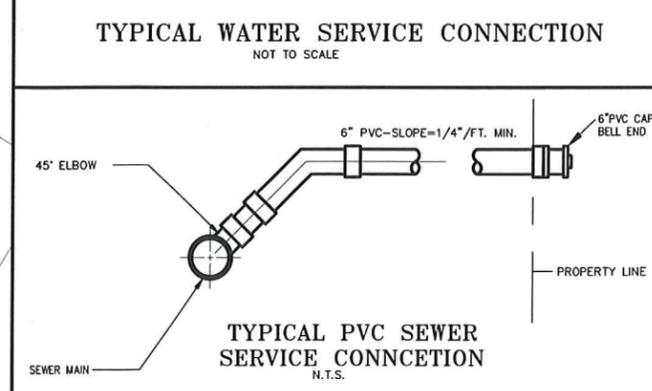
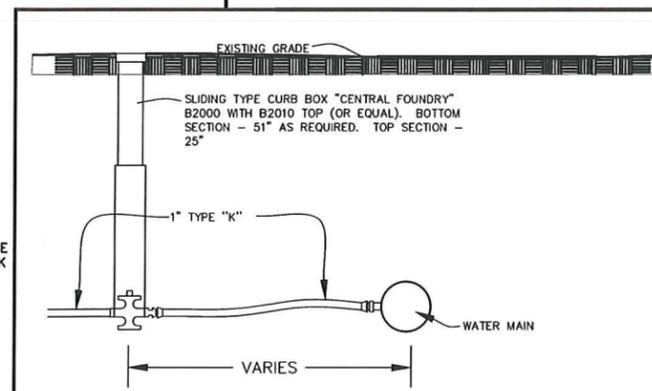
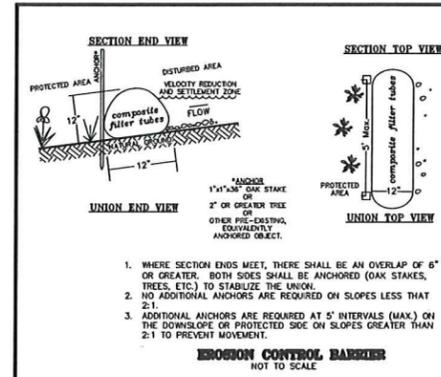
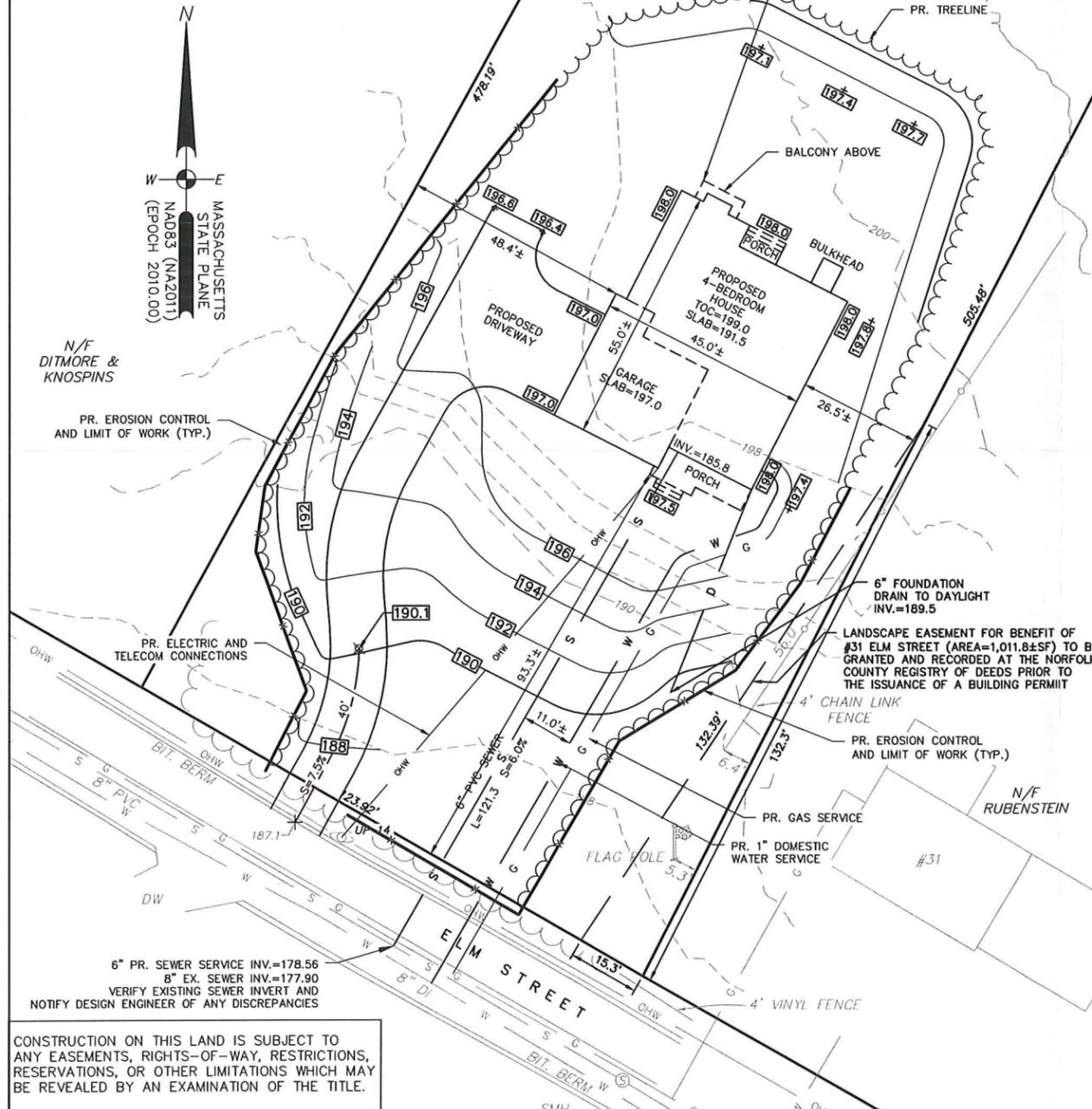
DATE	REVISION DESCRIPTION

GRAPHIC SCALE: 1"=20'



Guerriere & Halnon, Inc.
 ENGINEERING & LAND SURVEYING
 55 WEST CENTRAL ST. PH. (508) 528-3221
 FRANKLIN, MA 02038 FX. (508) 528-7921
 www.gandhengineering.com

SHEET 1 OF 1 JOB NO. F4686



C:\GH-Sync\Guerriere & Halnon\Franklin - C3DProjects\F4686\DWG\F4686-BPPP rev2.dwg - 2/10/2025 11:18:01 AM. DWG To PDF.plt