

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, September 8, 2016
355 East Central Street
Franklin, MA 02038**

**Members Present
Bruce Hunchard
Timothy Twardowski
Philip Brunelli**

**23 Newell Drive – Michelle and Bechara Fren
Abutters: None Present**

Applicant is seeking to get relief from the ZBA for constructing a gazebo/ pergola 8.5' from the existing pool and to get relief for exceeding the lot coverage from 25% to 27%. Appearing before the Board: Raymond Safi, 11 Berkshire Drive, Michelle's brother-in-law. Raymond: The gazebo was constructed wrong, it needed a 10 foot setback away from the pool and it was constructed by mistake 8.6 feet away from the edge of the pool. They did get letters from both of the neighbors that the structure is not in any way, shape or form bothering them and what we are looking for is your help in providing a variance to allow that structure as is. Board: At the time it was built was there a building permit for it? Raymond: From what I understand, the building permit was not requested at the time but the issue has been address and a permit was pulled after the fact. Board: That was the first part of your application, there is a second part of it, the lot coverage issue. Raymond: I am not aware of that issue. Board: According to the engineers calculation he is at 27.5% when 25% is allowed. Raymond: Ok, I am not aware of that, it could be that he is requesting relief on that end as well. Board: There is a shed that is too close to the lot line, it says on the plot plan that it has to be relocated 10' from the property line. Raymond: That shed, I believe is not that big in size and can be moved. Board: Ok, we have a couple of memos, one from Jeff Beauregard, 19 Newell Drive dated July 28, 2016: I live next door to the Frens, 23 Newell, and I have no objection to the gazebo in the backyard. (SEE ATTACHED) Another one from Denys Gross at 27 Newell Drive, dated July 28, 2016: I live next door to the Frens, 23 Newell Drive, and I have no objection to the Gazebo in the backyard (SEE ATTACHED). Board: Any idea when you think they will be able to move the shed? 3 months? Raymond: Yes, I would imagine within 3 months, it should be doable. Board: The other thing with the lot coverage, it is my understanding there has been some discussion about maybe building a future garage on the lot. Just make note, he may have a problem with that because that will increase the coverage even more than what he is now. Raymond: I will make sure to pass on the message. Timothy Twardowski motioned to close the public hearing. Seconded by Philip Brunelli. Unanimous by Board. Motioned by Timothy Twardowski to approve the 1.5 foot variance down to 8.5 feet where 10 feet is required for the distance between accessory structures, the Pergola/Gazebo from the existing pool, and to grant relief for impervious lot coverage from 25% to 27.5% as shown on a plan entitled Pergola As-Built Plan of Land in Franklin, MA owner Michelle and Bechara Fren of 23 Newell Drive dated June 15, 2016 with the condition the shed shown on the south side of the property be relocated so as to be a minimum 10 feet, or whatever may be required by the Building Commissioner, from the property line within 90 days of this decision becoming final. Seconded by Philip Brunelli. Unanimous by Board.

**21 Peck Street and 180 Cottage Street-Madalene Village-MV Cottage Development LLC
Abutters: None Present**

Applicant is seeking a building permit to construct a 40 Unit townhome style development. The building permit is denied without a comprehensive permit from the ZBA. Board: We are in receipt of a memo dated September 6, 2016 from the applicant MV Cottage Development, LLC. Dear Mr. Chairman: We respectfully request a postponement of MV Cottage Development, LLC next appearance, originally scheduled for September 8th, before the Zoning Board of Appeals. We also hereby grant the Franklin Zoning Board of Appeals a 90 day extension during which it can conclude the public hearing process regarding this application. The Applicant and team of professionals is preparing a more detailed analysis on key issues per the request of the Board and its peer review consultants. We look forward to continuing this discussion with the Board in greater detail at a further public hearing. We anticipate providing materials to the Board and its consultants well in advance of that meeting. Sincerely, Geoffrey Engler. (SEE ATTACHED) Motion made by Timothy Twardowski to continue the public hearing until September 22 at 7:35pm. Seconded by Philip Brunelli. Unanimous by Board.

General Discussion

- Motion by Timothy Twardowski to approve minutes of August 25, 2016. Second by Bruce Hunchard. Abstained by Philip Brunelli. Unanimous by Board.

Signature _____

Date _____