

Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, September 11, 2008  
355 East Central Street  
Franklin, MA 02038

Members Present  
Bruce Hunchard  
Bernard Mullaney  
Robert Acevedo  
Seth Jackson\*

General Discussion:

**7:30pm-182 Pine St – Bill & Elaine Sokol**

**Applicant is seeking a building permit to add a second dwelling by conversion. This building permit is denied without a special permit from the ZBA.**

No Abutters Present - Appearing before the board is the general contractor Costa Konstantinopoulos representing the homeowner. Already have a building permit but now proposing an in-law for the property located at 182 Pine St. Have plans showing the addition. In-law Joanne H. Sokol. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a Special Permit for a second dwelling unit for the property located at 182 Pine Street with the condition of the Special Permit be that the in-law Joanne H. Sokol reside at the property along with Elaine and William Sokol and that the Special Permit for the second dwelling unit becomes null and void if either party moves or transfers ownership and all common utilities to be tied into 182 Pine Street and prior to further commencement of the building the Certified as Built will need to be submitted and verified to meet the setbacks before continuing construction. The board also determines that the social, economic or community needs which are served by the proposal, traffic flow and safety will not be encumbered, adequate utilities and other public services basically consist of the neighborhood character and social structure that is there now as I know it and that the quality of natural environment will stay intact and that there is no potential fiscal impact for the Town of Franklin by the issuance of the Special Permit as shown on a plan entitled (Proposed Addition) Plan of Land in Franklin, MA dated March 3, 2008 by Colonial Engineering, Inc. Seconded by Bernard Mullaney. Unanimous by the board.

**7:40pm-163 West Central St – Lou Critelli**

**Applicant has applied for a building permit for a deck that has been constructed. This building permit is denied without a special permit/variance from the ZBA.**

No Abutters Present – Appearing before the board is Louis Critelli requesting relief for a deck that was built without a permit on a non-conforming lot. Board-What is the size of the deck?

Response: Roughly it will be 20 by 14. The board is not comfortable issuing anything without the dimensions. Need the dimensions of the deck, the dimensions of the other deck that is there and how far the deck is off the line. Also, show all the setbacks, front yard setback, side yard setback, corners of the house, and deck. Motion by Bernard Mullaney to continue the hearing till Sept. 25, 2008 at 7:40pm. Seconded by Robert Acevedo. Unanimous by the board.

**7:50pm - Upper Union St (Town Water Tank)–New Cingular Wireless PCS, LLC**

**Applicant is seeking a building permit to install new cellular communication equipment on the town water tank. This building permit is denied without a variance/special permit from the ZBA.**

No Abutters Present - Upper Union St. Appearing before the board is Martin Cohen from Anderson & Kreiger LLP formally Cingular Wireless. Proposing to change the equipment on the Town of Franklin's water tank located at Upper Union St. There are presently nine antennas and we are changing six and leaving three, two from each sector. We are allowed 14 antennas by the town. Board-In regards to the application there was to be an authorization from the owner, do we

have that? Response: No, you don't, there was an issue with non payment of rent by AT&T. Director of real estates at AT&T corporate headquarters approved the issuance of a check that will be at town hall on Monday. Martin Cohen reviews the application. Also, appearing before the board is town consultant Howard Epstein from Consolidated Spectrum Services. Howard Epstein's comment is that the remote control adds another six inches to the antenna and they sit directly on the back of the antenna. They don't show in the drawing how it will be attached to the handrail. Response: Will request **a diagram showing how the antennas will be attached** from AT&T. Motion by Bernard Mullaney to continue till Sept. 25, 2008 at 7:50pm. Seconded by Robert Acevedo. Unanimous by the board.

**8:00pm 60 Earl's Way-New Cingular Wireless PCS, LLC**

**Applicant is seeking a building permit to add wireless equipment to an existing facility. This building permit is denied without a modification of the variance and special permit from the ZBA.**

No Abutters Present - Appearing before the board is Martin Cohen from Anderson & Kreiger LLP. Proposing to change the antennas. Also, present is the town consultant Howard Epstein from Consolidated Spectrum Services. Howard's concern is what was granted previously and the change of equipment is not necessarily flush mount and the additional weight of the antennas.

**Martin Cohen will provide the structural analysis to the board. Howard is requesting the FCC #.**

Motion by Bernard Mullaney to continue the public hearing till Sept. 25, 2008 at 7:55pm.

Seconded by Robert Acevedo. Unanimous by the board. Board-Applicant provided a letter requesting return of unused funds. Board – We have not closed the public hearing at this time but will bring up the return of funds at a later date.

**8:15pm – Lot 32A, 33A, 35A, 38A, 40A Daniels St-Capital Funding Corporation**

**Applicant is appealing a decision from the Building Inspector to issue building permits based on previous variances issued on Lots 32A, 33A, 35A, 38A, and 40A Daniels St.**

No Abutters Present – Appearing before the board is Attorney Robert Shelmerdine representing applicant and here tonight on an appeal of the building inspector decision. We obtained variances on these lots, received extensions, received building permits but time has lapsed.

Reapplying for building permits had 10 lots and requesting five lots. We did not renew the extension of the building permit, we now have some buyers and we went back to apply for a building permit on several of those lots and the building inspector issued letter indicating that he believes that since the building permit had lapsed, the variance had lapsed. Written a letter to town counsel and now here on an appeal of the building inspectors denial to issue a building permit on those lots. Question have we exercised our rights. We feel we have exercised our rights since we received variances and then building permits. Obtaining a building permit. We agree we need a new building permit. **Attorney Shelmerdine will provide copy of the recorded decisions.** Motion by Bernard Mullaney to continue the public hearing till Sept. 25, 2008 at 8:15pm. Seconded by Robert Acevedo. Unanimous by the board.

Homeowner for Ray Hill proposing a deck. Board-You will need to apply to the ZBA for relief.

Motion by Bernard Mullaney to approve the minutes of August 21, 2008. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board.

\*Seth Jackson arrived during the 7:50pm hearing.