

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, August 27, 2009
355 East Central Street
Franklin, MA 02038

Members Present
Bruce Hunchard
Bernard Mullaney
Robert Acevedo
Philip Brunelli

7:30PM- 110 Miller St –Elizabeth and Brian Maloney Jr.

Applicant seeking a building permit to construct an addition 5' from accessory structure where 10' is required. This building permit is denied without a variance/special permit from the ZBA.

Applicant is not present. Motion by Bernard Mullaney to continue the 7:30pm public hearing till after the Board finishes the business on the agenda. Seconded by Robert Acevedo. Unanimous by the board.

No Abutters Present - Appearing before the board is Elizabeth Maloney proposing a 10 by 12 foot green house and because of where I want to do this there is not another place to put the green house so it would need to go within 10' of the swimming pool. Board - Your engineer failed to provide the dimensions for the proposed green house on the plan. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to grant a 5' setback "Variance" down to 5' where 10' is required for the proposed 10' by 12' green house addition to be no closer than 5 feet from the existing pool structure on the southerly side of the existing dwelling as shown on a plan Building Permit Plan 110 Miller Street Franklin, Massachusetts Date: July 27, 2009 Prepared for Elizabeth M. Maloney by GW Site Solutions Inc. with the condition that the applicant provide a plan that shows the dimensions of the proposed greenhouse. Seconded by Robert Acevedo. Unanimous by the board. In receipt of a revised plan with dimensions for the proposed 10' by 12' greenhouse as shown on a plan entitled Building Permit Plan 110 Miller Street Franklin, Massachusetts Date: July 27, 2009 Rev. August 31, 2009 by GW Site Solutions Inc. Prepared For Elizabeth M. Maloney 110 Miller Street Franklin, Massachusetts.

7:40PM- 828 West Central St – Unionville GS, LLC

Applicant is seeking approval for building permits to construct a one-story convenient store/gas station. This is denied without the following variances:

- 1. To allow construction within the sixty (60.00') foot set back from the Rt. 140 By-pass, a right-of-way which exceeds seventy-five (75.00') feet or more in width, including a proposed building, with canopy, within twenty-six (26.00' +/-) feet plus or minus, a retaining wall within four (4.00' +/-) feet, plus or minus, and signage within nine (9.00'+/-) feet, plus or minus, where Sixty (60.00') feet is required.**
- 2. To allow construction within the forty (40.00') foot front setback from West Central Street, including the proposed sub-surface fuel storage tanks within eleven (11.00'+/-) feet, plus or minus; a retaining wall within sixteen (16.00' +/-) feet, plus or minus; and a sign within nine (9.00' +/-) feet, plus or minus, where forty (40.00') feet is required.**
- 3. To allow construction within the twenty (20.00') foot side setback requirement from West Central Street of the proposed retaining wall within one (1.00' +/-) feet, plus or minus where twenty (20.00') feet is required.**
- 4. Also, seeking relief from Section 185-30 for tree planting and Section 185-35 from screening requirements.**

No Abutters Present - Appearing before the board is Richard Cornetta attorney representing the applicant Unionville GS, LLC and joining me this evening is Margaret Ranieri Franklin resident and principal of Unionville GS, LLC. along with Don Neilson from Guerriere & Halnon. During our last meeting earlier this month Mr. Neilson was not present but we took you through the over view of the site and our areas of requested relief. Mr. Neilson is here this evening to address a couple

of points that were raised during our last meeting. Specifically there was a question as to the relief as it pertains to the tree planting and screening Section 185-30 and 185-35, as well as there were questions as to the comparison of the two plans, there was a 2005 plan that was submitted along with the variance that was granted by this body or it's predecessor in 2005 and the plan that we have provided. Mr. Neilson: the biggest issue that was raised between the 2005 plan and the 2009 plan is based on changes in the site development process within the Town of Franklin. We thought it was prudent to provide a by-pass lane for the drive up window, which could be potentially a convenient type donut pickup area. The relief between 2005 and 2009 for the building is less today than back in 2005. We went from 20 feet to 30 feet. By doing that by-pass lane we then extended the retaining wall on the northerly side of the site. We eliminated some pervious area in that particular location for the added area we basically had to shift the site by about 10 to 11 feet to the north-northwest so we could incorporate the drive thru. We extended the wall, added the pavement, and with that we slightly reconfigured the interior portion of the site where we have a square area for the pumps in 2005 and we went to a rectangular for 2009. With that we did make some adjustments to the parking based on the shift of the relationship of the building and the pump area itself and the canopy. Basically, the only thing we have done between the 2005 and 2009 is basically we added 820 square feet of impervious area. We went from 58% to 60% so that 2% impervious area allowed us to add that section of pavement to the northwest. That property line that allowed us to again provide the by-pass lane for the potential drive up window. Board-How many trees would that be? Response: About eight trees. Board-Would you put them in, in addition to other plantings? Response: Mr. Neilson says yes, it's something we could do; we do have additional plantings along the southerly side of the retaining wall that was required by DEP. We certainly can make that attempt, yes. Board-How much of this retaining wall is already constructed? Response: The curve line is not constructed. Will be in the same exact place as what was proposed in 2005? Response: Yes. And that's what your order says from DEP? Response: Yes. Board-Looking at the Commonwealth of Massachusetts Environmental statement that states that any change in the plan they would have to go back before them, are you doing that? Response: Yes. Board – Are you planning on going back before our Conservation Commission too? Response: Well, during our technical review meeting we had discussed with the agent Nick that we would come before them to discuss the matter and the ZBA is typically the first step and that's why we are here before you. We certainly want to address those concerns that we see. We would be required to address under the regulations. No further comments. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to "Take Under Advisement". Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to approve the decision as presented and discussed for 828 West Central Street, Franklin, MA. Seconded by Robert Acevedo. Unanimous by the Board.

General Discussion:

Motion by Bernard Mullaney to approve the minutes of August 13, 2009. Seconded by Robert Acevedo. Unanimous by the board.

Dean and Deborah Fish reside on a corner lot on Donato Drive and Catherine Avenue with the right hand side property that has wetlands. Looking for suggestions in regards to a proposed in ground swimming pool. Board: some options since you will need to apply for relief, it's best to apply for relief from the house than from the front yard setback. The plan does not show wetlands so have them delineated on the plan. Board suggests a smaller pool. Response: Possibly we would look at a shape pool or a smaller pool.

Appearing before the board is Mark Ellis in regards to the Franklin Elks at 1077 Pond Street. Like to discuss selling Christmas trees at the Franklin Elks this year. The property is large and will not interfere with anything on the roadway. Have parking and all proceeds will go to charity. Board – You will need to file for a use variance to be able to sell Christmas trees and show the district on the plan.

Motion by Bernard Mullaney to adjourn. Seconded by Robert Acevedo. Unanimous by the board.