

Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, September 10, 2009  
355 East Central Street  
Franklin, MA 02038

Members Present  
Bruce Hunchard  
Robert Acevedo  
Seth Jackson  
Philip Brunelli

**Note: Seth Jackson is activated for the meeting (Bernard Mullaney is absent)**

**7:30PM- 7 Great Pond Rd – Deana Family Trust II, Michael J & Deana M. French, Trs.  
Applicant seeking a building permit for a lot that has 26.6 ft of frontage where 200' is required. This building permit is denied without a variance/special permit from the ZBA.  
No Abutters Present**

Appearing before the board is Don Neilson representing Guerriere & Halnon with Michael French representing the owner of the property requesting a variance. We have 26' of frontage on Great Pond Road, the parcel in its entirety has 6.8 acres and also borders on Uncas Pond Road. Presently, the existing Lot 20 where there is a single family home being occupied by the wife and children of Michael French. The potential is that maybe something might be available for a house over on the location of 20B for the purpose of resale, relocation or that type of thing. The two issues that affect the zoning issue is the frontage 26.6 ft where 200 feet is required and also in the lot width. The lot width has a couple of characteristics, one of the characteristics is that it's suppose to be between the two sidelines but also the second characteristics is that it's suppose to touch and perpendicular to the right of way of the road it's fronting on. This particular case we can put the circle in but we do not contact the roadway so the circle is not perpendicular or the width is not perpendicular to the road. We fit the criteria of the width as far as the circle is concerned. We fit the depth and we have the area of 1.1 acres. Board- You were talking about the width but your just talking about the width in respect to the circle? Response: Yes. The circle needs to touch the right of way and it doesn't touch it in this case. Board-Was there any thought about extending Great Pond Road with like a forty foot easement (forty foot width) or something, then going for an extension on a private road? Response: Great Pond Road is a private road but also public. It's private but a subdivision right of way, it falls under the subdivision regulations. Board-We are not saying to extend the road but to provide a 40 foot width and go onto Lot 20? Response: The issue there is that you have a road that's well over 600 ft. now and you are extending it. Don Neilson states we did approach the Franklin Rod and Gun Club about the potential access off of Florence Street but they were not amendable to that either. We talked about swapping way in for off of Uncas Pond Road giving more frontage on the pond with some rights of access off of Florence but that did not gather any strength with the members. Board – Did you investigate the lot to the west? Response: They have 200 feet. The Board discusses some alternatives and ask the applicant if they would like to continue the hearing to review some suggestions? Response: No, the Board can close the public hearing. Motion by Robert Acevedo to close the public hearing. Seconded by Seth Jackson. Unanimous by the board. Motion by Robert Acevedo to "Take Under Advisement". Seconded by Seth Jackson. Unanimous by the board.

Motion by Robert Acevedo to "Deny" a variance request for a lot that has 26.6 ft of frontage where 200' is required for the proposed property located at 7 Great Pond Road as shown on a plan entitled Variance Plan of Land in Franklin Massachusetts dated July 31, 2009 for Deana Family Trust II, Michael J & Deana M. French, Trs. based on the lack of variance criteria the applicant presented to the Zoning Board of Appeals the variance is denied. Seconded by Seth Jackson. Unanimous by the board.

**7:40PM - 7 Old Forge Hill Rd – Unionville Commercial R.T.  
Applicant seeking a building permit to construct a new commercial building on a pre-existing non-conforming lot. This building permit is denied without a variance/special**

**permit for lot area 15, 920 sq. ft. where 20,000 is required, 26.8' front setback where 40' is required, 10.1' rear setback where 30' is required.**

No Abutters Present

Appearing before the board is Paul Compton owner and applicant of the property with Richard Goodreau from United Consultants. We were here before and received a variance. Proposing the same identical building, the same identical everything except we are pushing the building all the way to the left hand side. Proposing a ground level building, 3600 square feet. Motion by Robert Acevedo to close the public hearing. Seconded by Seth Jackson. Unanimous by the board. Motion by Robert Acevedo to grant an amended variance to change the plan for the property located at 7 Old Forge Hill Road for a "Variance" for lot area 15, 920 sq. ft. where 20,000 is required, a 13.2' front setback "Variance" down to 26.8' where 40' is required, and a 19.9' rear setback "Variance" down to 10.1' where 30' is required for the proposed ground level commercial building as shown on a plan entitled Site Plan 7 Old Forge Hill Road Franklin Massachusetts dated July 31, 2009 by United Consultants, Inc. for Unionville Commercial, R.T. Seconded by Seth Jackson. Unanimous by the board.

**General Discussion:**

Motion by Seth Jackson to approve the minutes of August 27, 2009. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Robert Acevedo to adjourn. Seconded by Seth Jackson. Unanimous by the board.