

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, September 24, 2009
355 East Central Street
Franklin, MA 02038

Members Present
Bruce Hunchard
Robert Acevedo
Bernard Mullaney
Seth Jackson
Philip Brunelli

7:30PM 281 West Central St - Joseph N & Elizabeth M Silvestri

Applicant is seeking a building permit to convert a two family house into a professional medical dental building on a non-conforming lot and building. This building permit is denied without a special permit/variance from the ZBA.

Abutters Present

Appearing before the board is Joseph Silvestri owner of 281 West Central Street and Don Neilson representing Guerriere & Halnon. We are asking for first is the expansion of the existing building 572 square feet. After discussion with the Planning Board and with my client we are willing to eliminate that proposed addition. So there will be no expansion or alteration of this building. What we will do in lieu of that is changing the use criteria to include medical, dental and professional office, which also would include lawyers and real estate brokers. By taking off this addition don't know if the Zoning Board of Appeals has jurisdiction or have a permit to be issued under this. Motion by Bernard Mullaney to continue the public hearing till November 12, 2009 at 7:30pm. Seconded by Robert Acevedo. Unanimous by the board.

7:35PM - 769 Washington St—Anthony & Mary Ellen Padula

Applicant is seeking a building permit to construct a freestanding garage 20' from front lot line where 40' is required. This building permit is denied without a variance from the ZBA. No Abutters Present

Appearing before the board is Tony and Mary Ellen Padula requesting 20' relief from setback for an accessory building. With that clarification of a By-law 185-12. Board-The street line that we use is the actual boundary of the lot line. Proposing a single story garage 35 by 40 garage. Board would like to see the septic system and the garage 40' off of Sheila Lane then you would not have to be here. Board-Any reason why you can't move it somewhere else? Response: I want to keep it symmetrical to my house. Board asks about the hardship. Response: The only hardship I have is to keep it back of the house, keep it symmetrical with the house and I have 4,000 square feet short of making two lots so I don't want to go to the other side of the property. I have a curb cut on Washington St and water coming in, hope to purchase 4000 square feet in the future and have two conforming lots. Board – Why you looking for relief, if you push it back you would not even be here? Response: Coming close to my septic system. Board – You don't have the septic system in the plan so I can't see it. I would like to see the septic system and where in relationship to the 40' setback off of Sheila Drive. You can make it conform but your choosing not to and there is no hardship. Response: Yes, you are absolutely right. Board-Would like to see something from the Building Commissioner that shows that the 15' feet is going to be adequate for the peak of the roof. Do you have a design of the proposed garage? Show where it is from the barn. Show the septic system on a plan that's 2009 not 2001, show where it is in relationship to the barn and if you can go with the forty feet I would like to see the 40'. If the peak of the roof is going to come into play with the 15' on the sideline I would like to see something from the Building Commissioner. The applicant requests a "Withdrawal Without Prejudice". Motion by Bernard Mullaney to allow the applicant to voluntarily "Withdraw Without Prejudice" to construct a free standing garage 20' from front lot line where 40' is required for the property located at 769 Washington Street for the proposed garage. Seconded by Robert Acevedo. Unanimous by the board.

7:40PM 1 Carpenter Drive - K & J Realty Trust

Applicant is seeking a building permit to construct a sundeck 21.1' from side lot line where 40' is required. This home and lot is also pre existing non-conforming. This building permit is denied without a variance/special permit from the Zoning Board of Appeals.

No Abutters Present

Appearing before the board is Don Neilson from Guerriere & Halnon, Inc. along with Steve Clement the owner of 1 Carpenter Drive. Here for purposes of obtaining a variance for 1 Carpenter Drive. Mr. Clement has recently purchased this house, it's a foreclosure and basically revamping it, gutting the inside, trying to bring the house up to a livable standard. Looking for relief to place a deck on the back of the house, it's a preexisting non-conforming lot. Requesting relief of 18.9' where 40' is required. Board-Open deck? Response: Yes, open deck. Board-Split level cape? Response: Split-level cape. Board-So the deck is elevated? Response: The deck is 5' off the ground. Board - Will you live in this house? Response: No, I will not occupy the house. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a 18.9 foot sideline setback "Variance" down to 21.1' where 40' is required for the proposed 12' by 16' open deck for the property located at 1 Carpenter Drive as shown on a plan entitled Variance Plot Plan 1 Carpenter Drive Franklin, MA Date: August 31, 2009 by Guerriere & Halnon Inc., Seconded by Bernard Mullaney. Unanimous by the board.

7:50PM 5 Short St - Estate of Francis E Crandall Jr. Carl Young exe

Applicant is seeking a building permit to remove an existing structure and construct a new single family home on a non-conforming lot. This building permit is denied without a special permit/variance from the ZBA.

Abutters Present

Appearing before the board is Don Neilson, Gary Hogan an attorney with Gilmore, Rees, Carlson and applicant Jack Collella. Property located at 5 Short St dilapidated and burned. Proposing a new dwelling in its place, changing the footprint and tearing down the old structure. Property has town water but does not have municipal sewer. Clearly a significant improvement to the site. No variance is involved but will need a special permit. The house has been flipped; the garage is on the left that's the only change. Contour of the land is why it was changed. Atty. Hogan goes over the Special Permit criteria. Kerry Sweeney Harris 3 Jason Circle agrees anything will be better but states there are a lot of trees. He does not have a landscape plan. Board-How long is that driveway? Response: The driveway is 50'. Chris Stagg 175 Brook street abuts from the side and ask the distance. Response: The end of the garage is 35.5 feet. Board-Who owns the property now? Response: It's in an estate now. A schedule foreclosure auction from the mortgage company for October. Jack does not own it but has a purchase and sales agreement. The transfer of title would be contingent on this board given an approval. 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 Robert Acevedo to grant a "Special Permit" to raise an existing structure and to construct a new single family home on a non conforming lot as shown on a plan entitled Plot Plan 5 Short Street Franklin, MA dated September 1, 2009 Revised 09-14-2009 by Guerriere & Halnon, Inc. Job No. F3566 and the Special Permit is specifically directed to the applicant J Collella and Son, Inc. of 275 Beaver Street, Franklin, MA. Seconded by Bernard Mullaney. Unanimous by the board.

General Discussion:

Motion by Seth Jackson to approve the minutes of September 10, 2009. Seconded by Robert Acevedo. Unanimous by the board.

Roy Blanchard has been running a business out of his home and back in March purchased a property Forest St. Previous owner ran a business out of there. Purchased the house to put the business there and move the business up to the second floor. Board explains a home occupation with no more than 400'. The board gives some guidance, you will need a use variance.

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