

Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, December 3, 2009  
355 East Central Street  
Franklin, MA 02038

Members Present  
Bruce Hunchard  
Robert Acevedo  
Bernard Mullaney  
Philip Brunelli

**7:30 PM – Lot 6A Miller St – Miller Street Realty Trust (Edward B Kaiser, Trustee)**

**Applicant is seeking an earth removal permit for approximately 30,000 yards of earth. This permit is denied without a special permit from the ZBA.**

**The board is in receipt of a letter dated December 3, 2009 requesting a continuance till the next available hearing date. Motion by Bernard Mullaney to continue till January 7, at 8:00pm. Seconded by Robert Acevedo. Unanimous by the board.**

**7:40 PM 769 Washington St – Anthony & Maryellen Padula**

**Applicant seeking a building permit to construct a free standing garage 20' from front lot line where 40' is required. This building permit is denied without a variance/special permit from the ZBA.**

**No Abutters Present**

**Appearing before the board is Tony and Maryellen Padula presenting a new plot plan for the proposed garage showing 25' instead of 20' from Sheila Lane. Lived in that house for 61 years and always had frontage on Washington Street. Putting in Sheila Lane in 1985, that created the non-conformance of my home. Board-Does the proposed garage have a second floor? Response: No, second floor. 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. During General Discussion: Motion by Bernard Mullaney to grant a 10 foot front yard setback "Variance" down to 30' where 40' is required and to be no closer than 15 feet to the sideline for the proposed single story garage as shown on a plan entitled Building Permit Plan 769 Washington Street, Franklin, MA by Dunn.McKenzie, Inc. dated November 25, 2009 and the applicant will provide a revised plan to reflect the decision. Seconded by Robert Acevedo. Unanimous by the board.**

**7:50 PM Off Brandywine Road (Lakeview Terrace) – Blueview Construction, Inc.**

**Applicant is seeking an earth removal permit Section 185-23. This building permit is denied without a special permit/variance from ZBA**

**Abutters Present**

**Appearing before the board is Jim Chilson president of Blueview Construction requesting an earth removal for a subdivision called Lakeview Terrace which is a two lot subdivision. Amount of gravel is approximately 71, 72 thousand. Planning to take it by route Populatic to Medway. We have the erosion plan and the subdivision elevation plan. Board ask if the applicants engineer was present? Response: Sorry, the last minute he could not make it. Board-I see this is a definitive plan, is it all signed and nobody appealed it? Response: Think it's all signed because they were waiting for the eroision plan. Board-Storm water report, was this generated for us or was this part of what they were waiting for? Response: For both. Board-Reason you are taking the gravel out? Response: The reason is because of the elevation and in order to get the two lots in the area of the barn on the plan that you have. It will be a private road approved by the Planning Board. Abutters have an opportunity to speak. A lot of these questions will be addressed by the engineer at the next meeting. Board explains to the abuttes that the applicant would not be before the board if he did not have an approved subdivision plan, because we would not give him an earth removal plan just for the sack of taking gravel out. Abutter questions the barn on the plan. Response: Any animals would be under the Board of**

Health. Applicant states I'm not really a live stock. Blasting is under the fire department. Board-I don't understand why we have to take gravel out when these grades look pretty much similar and you could flatten it out and put the slab a little bit higher and drive into it? I can't understand why you are taking all this gravel out for a proposed barn that we are not sure about. When, if after you cut the trees and you regrade it you just raise your elevation of the slab? Response: Because the elevation would be too high, you would be going up over a hill. Board-Looks like it's going to be a gravel operation for a proposed barn that who knows if it will ever be built, so I don't understand it and that will be my question to the engineer. Has he looked at regarding the lot not to remove gravel. Motion by Bernard Mullaney to continue the public hearing till January 7, 2010 at 8:15pm. Seconded by Robert Acevedo. Unanimous by the board.

**General Discussion:**

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

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_