

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, September 16, 2010  
355 East Central Street  
Franklin, MA 02038**

**Members Present  
Bruce Hunchard  
Bernard Mullaney  
Robert Acevedo  
Philip Brunelli  
Tim Twardowski**

**7:30pm – 763 Lincoln Street – Leonard & Jennifer Gavelis**

**Applicant is seeking a demolition and building permit to remove and construct a new SFR on a pre-existing non-conforming lot. This building permit is denied without a special permit and variance to construct the home 30.14 ft from front lot line where 40' is required.**

**Abutters Present**

**Appearing before the board is Jennifer & Leonard Gavelis proposing to demo existing house and build a new house but need relief in the front. Will tear down existing house after new house is built. Board – Do you have the right to pass and repass on the easement there, are you going to abandon that? Response: We still need that easement to get up to the barn. Will make a new driveway coming in off of Skyline. Board-Why not make it 40'? Response: It would only be 13' from the barn if we push the house back from Lincoln Street. Board states the code is 10' from structure to structure. Response: It's for function being too close to the barn. Board suggest some alternatives. Abutter (not identified) states as long as it does not impact easement abutter is fine with it. Board gives some options to the applicant and feels that they can relocate the proposed new house in a manor that would satisfy all of the setback requirements. Applicant provides a new plan showing that the frontage fits. Board-The front step does it have a roof over it? Response: No, it's just the front landing. 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" to tear down existing house and rebuild new single family residence as shown on a plan entitled Plot Plan of Land in Franklin, MA by Colonial Engineering Inc. for Leonard & Jennifer Gavelis for the property located at 763 Lincoln Street, Franklin, MA dated June 29, 2010. Seconded by Bernard Mullaney. Unanimous by the board.**

**7:40pm – 25 Baron Road – Thomas & Linda Fritts**

**Applicant is seeking a building permit to construct a porch 32.1 from sideline where 35' is required. This building permit is denied without a variance/special permit from the ZBA.**

**No Abutters Present**

**Appearing before the board is Thomas Fritts requesting a variance to construct a roof over an existing landing and stairway to our rear deck. Our garage and the main house is separated by a porch that is also fully covered by a second story extension of the master bedroom so there is a coved deck. The existing landing and stairway has recently been replaced due to disrepair but what we would like to do for safety purposes because during the winter we get water and ice that drips onto the landing and freezes. So we would like to cover the existing porch with approximate 4½ by 9½-foot roof over the landing and the approach to. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a 2.9 foot sideline setback "Variance" down to 32.1 where 35 feet is required for the property located at 25 Baron Road as shown on a plan entitled Certified Plot Plan Located At 25 Baron Road by Continental Land Survey dated August 16, 2010. Seconded by Bernard Mullaney. Unanimous by the board.**

**7:50pm – 3 Reagan Ave – John P Donahoe III**

Applicant is seeking a building permit to construct an addition with an accessory dwelling unit by conversion. This building permit is denied without a special permit/variance from the ZBA.

**Abutters Present**

No one appeared before the board.

Motion by Bernard Mullaney to continue the public hearing for 3 Reagan Ave till after the 8:00pm hearing. Seconded by Robert Acevedo. Unanimous by the board.

At this time no one appeared for the property located at 3 Reagan Ave.

Motion by Robert Acevedo to continue the public hearing till 8pm on September 30, 2010. Seconded by Bernard Mullaney. Unanimous by the board.

**8:00pm – 26 Beech Street – Donald Williamson**

Applicant is seeking a building permit to construct an addition with an accessory dwelling unit by conversion. This building permit is denied without a special permit/variance from the ZBA.

**Abutters Present**

Appearing before the board is Donald Williamson and James Thornhill the contractor.

Intent is to build an addition with an inlaw above the garage to be constructed. Asking for no waivers or setbacks. Donald Williamson owns the property but does not reside at the property but will be moving in. Currently occupied by my girlfriend along with her sister, the husband and their daughter. I will live there, my future fiancé, her sister and her husband and child occupy the house now. Board-They rent from you? Response:

Basically. Board-They are not related to you? Response: Not related to me directly but

are related to the woman who will be co-owner once we do build. How are you going to

incorporate the proposed addition back into the house? It shows a wall here more like a two family. Response-If you look at the first floor you can see that the first floor level has

stairs and a common area attached to like a mudroom. Connecting area between the garage and the house. Board-The second dwelling unit is only on the second floor so the

only way to the second dwelling unit is through the mudroom to the stairs to the second floor. Board-How big is the existing house? Response-28 by 28. Board-The proposed

addition is? Response: The addition will be 33 feet, it's a large addition. Abutter James

McAvoy 28 Beech Street I abutt this property and as long as I've owned my property for the last six years there's always been a tenant at this property. He uses this as a rental

unit and that's the intent of this other residence and that's the problem we all have with it. This is single family residential. He is putting in a second unit and he calls it an inlaw

apartment but plans to collect rent on it now and in the future. He is not related to these people. Board states there is nothing to say that a person can't put a second dwelling unit

in, even if it was his parents he could charge rent. As long as the applicant meets the required setbacks he can apply for a building permit, build the addition but the only thing

he couldn't do was put in another kitchen. Patricia Swift Bobcock 24 Beech Street this is a multi family house the way it's being currently designed, that's what he would like, that's

the intent. If it's not zoned for that. Board-We have the ability to issue a special permit for a second dwelling unit in any zone in the Town of Franklin as long as they meet the

criteria. Mary Ellen Santelices 32 Beech St how does this effect the water table, we have problems there now? Response: The plan he has now does not show any river, it shows

Beech Street and the sewer easement in the back. Minebrook runs behind there. With the beaver population we are having flooding there. Board-If the applicant is within a certain

distance to the river or wetlands he will need to go before Conservation Commission, that's not under ZBA. Contractor states they are working with Conservation and have filed

a Notice of Intent. Jeannie Seyfarth 22 Beech Street do you go and look at the property? Response: We do sometimes. Feel if you walked the property you will see the issues.

Request that the Board go look at the property before you make a determination.

Contractor states don't feel it will impact her property. The board has the

applicant/contractor review the special permit criteria. Board member states nothing is being converted, this is being constructed. Conversion is you have existing living space

in a single family over a garage or in a basement or elsewhere and you want to convert that space to a second dwelling unit. That's not what is going on here, this is new

construction of a second dwelling unit. This to me is no different than if someone was to apply for a building permit to construct a two family structure on raw land. Board-How do you have access on the second floor of both areas? Response: There is no access between the second floor in both areas. The board would like access to the second floor. Contractor states we will put access in on the second floor if asked. The applicant request a withdrawal without prejudice. Bring plans showing the 2<sup>nd</sup> floor connection and plan to change the deed. One member has an issue with not being married. Ownership is enough for some members of the board. The applicant request to withdraw the petition. Board-Will need it in writing. The Board is in receipt of a letter requesting "Withdrawal Without Prejudice". The board suggest the applicant redo the plans to show how the house is going to incorporate into the existing house, show the tie-in to the second floor. Motion by Bernard Mullaney to allow the applicant to "Withdraw Without Prejudice" for the application at 26 Beech Street. Seconded by Robert Acevedo. Unanimous by the board.

**General Discussion:**

The board is in receipt of a letter from William Yadisernia Town Engineer dated September 14, 2010 in regards to Eaton Place bond release. Some members of the Zoning Board of Appeals visited the site, which appears to be substantially complete. Motion by Bernard Mullaney to release the \$5,000.00 bond for Eaton Place at Veterans Memorial Park. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to accept the minutes of August 19, 2010. Seconded by Philip Brunelli. Unanimous by the board.

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

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Signature \_\_\_\_\_

Date\_\_\_\_\_