

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, March 18, 2010  
355 East Central Street  
Franklin, MA 02038**

**Members Present  
Bruce Hunchard  
Robert Acevedo  
Bernard Mullaney  
Seth Jackson**

**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.**

**No Abutters Present**

**The board is in receipt of a letter dated March 18, 2010 from Guerriere & Halnon, Inc. requesting a Withdrawal Without Prejudice for the property located at 281 West Central Street, Franklin, MA. Motion by Bernard Mullaney to accept the “Withdrawal Without Prejudice” from Joseph and Elizabeth Silvestri to convert a two family house into a professional medical dental building on a non-conforming lot and building. Seconded by Robert Acevedo. Unanimous by the board.**

**7:40PM – 96 Populatic Street - Thomas O’Connor III**

**Applicant is seeking a demolition and building permit to construct a new single-family residence on a non-conforming lot with non-conforming setbacks. This building permit is denied without a special permit/variance from the ZBA.**

**Abutters Present**

**Appearing before the board is Richard Goodreau from United Consultants, Inc. representing the applicant Thomas O’Connor. Proposing to demolish the existing house and reconstruct a house as shown on the plan. Increasing the side setbacks and the rear setback that currently exist. Decreasing the front setback although we will be maintaining the required 40 feet per the zoning district that the property is located in which is an RRI district. The lot is a pre existing non conforming lot created sometime in the early 1900’s. Approximately 4,886 square feet of land. Board – You all set with Conservation? Response: Yes, we have received the Order of Conditions from the Conservation Commissioner. Board – Is this tied into sewer? Response: Currently not, there is a well and septic to service the house but the connection will be made to the town sewer and water system. Board – Is the new house going to be larger than the old one? Response: The footprint is approximately the same within inches. The new house will have a second floor. Abutter Bob O’Connor who lives next door has no problem with the proposed and is all for it. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to “Take Under Advisement”. Seconded by Bernard Mullaney. Unanimous by the board.**

**During General Discussion: Motion by Bernard Mullaney to grant a “Special Permit” to demolish and build a new house and a sideline setback variance down to 6 feet where 40 feet is required on the northerly side (or the left hand side looking from the street), a 6 foot sideline setback to be no closer than 6’ to the sideline where 40 feet is required and a 7 foot rear yard setback down to 33 feet where 40 feet is required as shown on a plan entitled Site Plan 96 Populatic Street Franklin, MA dated February 4, 2010 by United Consultants Inc. Seconded by Robert Acevedo. Unanimous by the board.**

**7:50PM Eagles Nest Way - Eastern Management & Development, LLC**

**The applicant is seeking to reduce the agreed amount previously granted by the Zoning Board of Appeal for the (buy out) of two affordable units. This is denied without an amendment of the variance agreement from the ZBA.**

**No Abutters Present**

Appearing before the board is Attorney Gary Hogan here on behalf of Eastern Management and Developer LLC owners and developers of the Villas at Eagles Nest. Here tonight to ask this board to grant an amendment to a previously granted variance. We approached the housing authority and made a proposal for a reduction in the balance of 450,000.00 to somewhere in the neighborhood of 220,000.00. We provided what we thought was substantial and verifiable evidence to support that request. The board basically voted to agree to a reduction not as far as we wished but they never the less agreed to a reduction to 316,000.00 as the balance. The board is in receipt of a memo from Maxine Kinhart for the Municipal Affordable Housing Trust dated March 11, 2010 that may memorialize the result of our meeting. We are here to say we are happy with what they have done and encouraged that they were cooperative and we think it may provide some more ability to move this project forward. The one piece we are in disagreement with is the payout schedule. The board voted to keep the payout schedule as currently exist. Our request is that we would like to begin the payment at unit 11 but with just a reduced amount and have it kick up as time went forward. End result it gets paid out over 26 units but the full 316,000.00 gets paid back. We are in agreement with all this and it looks fine and provides the ability to move forward. It is as everyone is well understanding based on the supposition that we will continue to have sales and the market is going to move forward. If this market takes another down turn this year or doesn't move upwards then we are not so sure if in it of itself it's going to be the last visit here. Jeff Nutting Town Administrator and member of the Housing Trust want to say that the Housing Trust is in agreement with reducing the payment to 316,000.00. We do disagree somewhat that I don't believe the committee had a discussion about the schedule but as an individual member I don't have any objection to the proposed schedule as brought forward this evening that would still allow them to make payment on unit 11 and a lesser amount as long as the 316,000.00 was the ultimate contribution if all 36 units were built. I can't speak on behalf of the committee because this proposal did not go before the committee simply because we have not met since this became a recent change. We do support the 316,000.00, as a member of the committee I don't see it as an issue. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney that based upon the evidence that the applicant provided the board, the board amends the original ZBA Decision 2005-0022 August 19, 2004 to adjust the fee down to \$316,000.00 as outlined in the Affordable Housing Committee Proposal 031710 (see attached). The board votes to "Approve" the agreed upon payment between the developer and the Town of Franklin through the Affordable Housing Trust Fund with the amended payout scheduled dated 3-18-2010 as proposed this evening by the applicant Eastern Management & Dev. LLC. Seconded by Robert Acevedo. Unanimous by the board.

8:00PM 18 Coutu Street – George Pellegri Jr

Applicant is seeking a building permit to construct a dwelling unit over a garage in an accessory building. This building permit is denied without a variance/special permit for more than one single-family dwelling unit on one lot.

Abutters Present

Appearing before the board is Bruce Wilson principal with GW Site Solutions and with me this evening is George and Kim Pellegri Jr and sister Nico Pellegri. Here before the board to seek a special permit to construct an in-law type dwelling above the existing barn that is on the property. The house would house Nico and here family and the barn would house George and Kim and their family. The property consist of a lot that has 40,385 sq feet and in a single family residential zone where 20,000 square feet is required and frontage of 125 feet is required and we have 222 feet so we have a larger than required lot that is there so that the use here would not be a major impact to the neighborhood. We have a lot that is twice the size it needs to be. Sewer and town water service the property. As part of the project we are going to put in a well to elevate some of the water issues that are up on Coutu St. the water pressure there is not very good, we want to put in a well to prevent any possible problems in the water pressure up there. The property currently has two driveways, a driveway that would service the house and a large gravel driveway that already services the barn and garage so we would not be doing any more site work.

**Board-What is the living space upstairs? Response-About 1300 to 1400 square feet. This is apparent to George and Nico that this is a use for the family and not be considered a two family structure. At the time or need of Nico if she was to move on this garage would resort back to an accessory building and not be an apartment for rent. This is an in-law not a two family that we are applying for. Board-The only reason why you are here is for a kitchen, if there was not a kitchen you would not be here? Response: Correct. Bruce Wilson reviews the special permit criteria. The board is in receipt of a letter dated March 12, 2010 from Mark and JeanMarie Cataldo and read into the minutes.**

**Abutter John Stickley 11 Zack Lane abuts right behind the beautiful barn. I have a problem with it only because it's 10' off my property line, no privacy. I don't want two family there. John Murphy 25 Coutu St. next door we don't want two houses on one lot, no privacy. Denise Sarazin 27 Coutu St. I don't want two dwellings there, the road is a small private road, tons of children in the neighborhood, it might be one more but if you grant this what does that do in the future if six others want to add on the street? Response: You have the right, he has the right to file an application with the board and have a hearing and receive a determination. Tony Arcaro 16 Gallison St we have three family, two family never any problems, George just asking for sister to live on lot and the structure meets the by-laws and could have been bigger. Mark Lomberto 45 Coutu St only making the neighborhood better and bringing the value of the area up. Jim Colace 55 Coutu St no problem with it, a great neighborhood. Board-Just to make a point to the abutters if the sister moves away he cannot rent it out or if another family member wants to move in he has to come back to the board. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant the Special Permit for a second dwelling unit for the property located at 18 Coutu Street with the condition of the Special Permit be that the relative Nico Pellegrini reside at the property along with George Pellegrini Jr. and that the Special Permit for the second dwelling unit becomes null and void if either party moves or transfers ownership. No separate utilities shall be permitted unless required by the DPW at 18 Coutu Street. The board also determines that the social, economic or community needs, which are served by the proposal, will be met. Traffic flow and safety will not be encumbered, adequate utilities and other public services exist, the proposal is consistent with the neighborhood character and social structure as it exists now and that the quality of natural environment will stay intact. There is no potential fiscal impact for the Town of Franklin by the issuance of the Special Permit. Also, that the Special Permit be recorded at the Registry of Deeds. As shown on a plan entitled Site Plan 18 Coutu Street Franklin, Massachusetts date February 12, 2010 by GW Site Solutions Inc. prepared for George Pellegrini. Seconded by Bernard Mullaney. Discussion: The new building where is the electrical service being feed? Response: It has it's own separate utilities. Amend strike no separate utilities, only for this permit at 18 Coutu Street Franklin MA. Unanimous by the board.**

**8:10PM 46 East Street – John J Hickey Jr. (John N Simons Jr. Exe)**

**Applicant is seeking a building permit to construct a single-family residence on a lot which had a non conforming home that was destroyed by fire. This building permit is denied without a special permit/variance from the Board of Appeals. The restoration period of two years has expired.**

**Abutters Present**

**Appearing before the board is John Hickey the applicant and joined by Paul Molla, and Bruce Wilson the engineer. Looking for a permit to build a single-family home on 46 East Street. It's a pre-existing non conforming as to frontage and lot area. Proposed structure is a 1500 square foot two story wood frame three bedroom with single bay garage attached. The proposed structure will meet all the setback requirements front, side, and rear yard, so no relief is required. Abutter Steven Crandall 35 East Street has no objection. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to grant a special permit for the property located at 46 East Street, Franklin MA as shown on a plan entitled Proposed House Plan 46 East Street Franklin, Massachusetts date February 12, 2010 by GW Site Solutions Inc. Prepared for John J Hickey, Jr. Seconded by Robert Acevedo. Unanimous by the board.**

**General Discussion:**

The board is in receipt of a letter dated February 26, 2010 by Jepsky & Sack requesting that the date be extended till April 30, 2010 for the Zoning Board of Appeals to make a final decision for the property located at Lot 6 Miller Street for the special permit for earth removal. Motion by Bernard Mullaney to extend the extension till April 30, 2010 for the Zoning Board of Appeals to make a decision on the earth removal permit for the property located at Lot 6 Miller Street. Seconded by Robert Acevedo. Unanimous by the board.

In regards to the application for Lakeview Terrace (Blue View Construction) seeking an earth removal permit Section 185-23. Motion by Robert Acevedo to approve the Findings and Decisions for the application for the Special Permit pursuant to 185-23 for the allowance of earth removal for Lakeview Terrace (Blue View Construction) Seconded by Bruce Hunchard. Opposed by Bernard Mullaney.

Motion by Bernard Mullaney to accept the minutes of February 4, 2010. Seconded by Robert Acevedo. Unanimous by the board.

The board is in receipt of a letter dated February 4, 2010 from The Community Builders, Inc. requesting a return of funds from Eaton Place. The board is in receipt of a letter dated February 22, 2010 from Town of Franklin Department of Public Works William J. Yadisernia responding to the boards request for comment in regards to the site. Motion by Bernard Mullaney to table the request for return of funds till the end of April to allow the town engineer to revisit the site and provide comments to the board. Seconded by Robert Acevedo. Unanimous by the board.

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

---

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

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