

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, April 1, 2010
355 East Central Street
Franklin, MA 02038**

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

**7:30PM – Lot 6A Miller St – Miller Street Realty Trust, Edward Kaiser, Trustee
Applicant is seeking a building permit to build a single family home on a lot that has 109.19 feet of street frontage where 125' is required and lot width of 56' where 112.5' is required. This building permit is denied without a variance/special permit from the ZBA.
Abutters Present**

Appearing before the board is Rick Goodreau Engineer with United Consultants Inc. with Attorney Sack and Mr. Bruce Johnson proposing to construct one single family dwelling that will be serviced by a single paved driveway, onsite septic but water serviced by town. Located approximately 10' to 15' below the abutting property. With that grading and work no additional clearing of trees or any work proposed within the buffer zone. Requested a variance to allow for reduction in the required frontage from the 125 for the SFR III zone, which is situated in the 200-foot distance. The Miller Street 125' requirement and we have approximately 109.19 and we also have an issue with respect to the lot width circle bylaw where 112.5 feet is required and we have 56' as the lot narrows down. Board - Service by septic system, going out the rear? Response: Correct. Board - Water coming in from where? Response: Along the driveway area, septic system with a reserve area is situated in the back portion of the property. Attorney Sack states we are prepared to abandon the earth removal permit if we get this variance and go forward with a single family home. Board-Talk about the access permit that's already been granted, are you going to abide by that? Response: For construction certainly. Will abide by the access permit that was previously issued. Per Mr. Johnson - The original agreement was anything that goes in or out of the property larger than a pickup truck during the whole construction up to occupancy of the house would have police detail. Board - Are you going to bring in fill? Response: Some material for the driveway will be brought in, some loam if not enough loam to build a house. Board – Do you show landscaping? Response: No. Board- Concerned about the slopes with the abutters. Response: Certainly be amendable to a condition in the variance if the Board grants that, that those side slopes would be vegetated with loam and seed. Board questions no after grading in the driveway coming in? Rick Goodreau explains there will not be much grading in that area, already 3 to 1 slopes there, they will be straightened up, maybe slightly steeper but we did not micro grade that area. Abutter Mr. DiGiorgio 66 Miller Street what zone is this? Response: Zoned residential. Another question what would prevent them from subdividing this again, can something be put in the deed? Response: The decision from this board will state it can only be used for one house lot. Attorney Sack states once the building permit is issued and the appeal period for challenging a building permit expires the earth removal permit will be withdrawn. Abutter Mike Gaffney 39 Miller Street, presently there is a proposed easement running thru my property to access that property in the back so if in fact they are going to use that driveway to cut in for the earth removal, farm or whatever we call it I'd like to see that removed off of the proposed easement. There's two of them, my neighbor has one also. Attorney Sack states we will extinguish the easements once the building permit is issued and appeal period has passed. Abutter Karina Thompson 35 Miller Street concerned about how much gravel will have to go out when building this house? Response: When the building commissioner issues a building permit they are entitled to ask for a permit not to exceed 1,000 yards of material they can take out for excess grading. Whether he would or not at this point because he has already issued them a little bit to get started. Concern about trees and stumps. Response: Mr. Johnson

states -No more trees being removed. Board states they will have to submit a grading plan for the building permit. The abutters are allowed to discuss with the engineer their concerns. The lawyer presents an extension in time till May 31, 2010 for the application for earth removal. Abutter Michael Gaffney 39 Miller Street – how will I know that the easement is withdrawn and the deed been changed? Response: Attorney Sack states he will prepare an extinguishment of easement and send to you. Mr. Johnson states they will record it at the registry of deeds for both abutters.

Note: The Board is in receipt of a letter dated April 1, 2010 from Jepsky & Sack Attorneys At Law in regards to Special Permit for Earth Removal from Lot 6 Miller Street an extension in time till May 31, 2010. 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. The lawyer will draw up a draft.

During General Discussion: The lawyer will draw up a decision in favor to approve the “Variance” for frontage requirements down to 109.19 feet where 125’ is required and to grant a “Variance” for the circle by-law down to 56’ where 112.5’ is required for the construction of only one single family residence on that particular lot shown as Lot 6A Miller Street as shown on a plan entitled Site Plan Lot 6A Miller Street Franklin, Massachusetts for Miller Street Realty Trust by United Consultants Inc. dated Jan. 26, 2010 subject to the applicant “Withdrawal” of his application for a special permit for earth removal and to turn over the easements back to the homeowners on the two lots on Miller Street. Also, submit a landscaping plan for the driveway entrance, slopes, and the disturbed areas behind the abutting lots on Miller Street acceptable to the building commissioner. Also, during construction more than two wheel pickup the applicant hire police detail for trucks and equipment entering and leaving the proposed site.

7:40PM - 691 East Central Street - Dan VanRoon

Applicant is seeking a special permit/variance to increase impervious coverage from 18.4% where the max of 15% is allowed in a water resource district. The by-law only addresses industrial and commercial zones up to 60% with a special permit. This building is in a Residential I zone and the coverage will be 19.6%. A variance/special permit will be needed from the ZBA for relief.

Abutters Present

Appearing before the board is Dan VanRoon, Lawyer Peter Padula representing Dan VanRoon and Rick Goodrea with United Consultants. Proposal consists of the existing single-family residence and detached garage to remain but converted to a doctor’s office which is allowed with a special permit by the Planning Board. Looking to make some changes to the lot, which those changes would be to remove some concrete area and lay-up to parking spaces and expand the pavement, and add six parking spaces to accommodate the 10 necessary spaces for the doctor’s office. Also, incorporated a rain garden retention area to pickup and treat the runoff of these six additional parking spaces. The removal of pavement has basically created the situation where we would be reducing the pavement from 19.6 to 18.6% coverage on this lot. This lot is located in a water resource district in a residential zoned property, the maximum amount of covered allowed is 15%. We are proposing to decrease the percentage of pavement but also add a bio retention area, which would provide for ground water recharge. Existing house currently has a bounce out system that goes into and under the ground and ultimately discharges this water from the roof collection into the ground as well. The site currently has recharge of the existing house in that fashion. Abutter Matthew Dolitka 206 Jordan Rd states years ago there was some proposed zoning changes in the area and we as a community were against those zoning changes and it would open up the end of Jordan Rd to commercial development. Understand under the special permit rules for single family zoning that the building he is proposed is allowable but however we have a concern about the traffic issues with some blind spots so in general against the proposed change. Board – have some of those concerns but he is not here for that issue, that special permit to allow the use is generated thru the Planning Board not ZBA. This is better than what currently exist.

The Planning Board will put some conditions on it. Two years ago that was half the driveway, that driveway was just added on. Board – How many patient visits? Response: About 159 patient visits, about 32 a day, not all at this location. Attorney Padula in exercising caution we are here in front of the ZBA, the bottom line is we are reducing the impervious from 19.6 down to 18.4. In addition to reducing impervious we have this retention pond in the front that we put in to try and deal with the water issues. Abutter (no name given) - It's a residential house and they are trying to make it commercial, where is the hardship? Abutter states 30 cars each day, it impacts the neighborhood. 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 3.4 % "Variance" for an increase to 18.4 where maximum 15% is allowed in a water resource district zoned residential as shown on a plan entitled Site Plan 691 East Central Street and Existing Conditions & Site Layout Plan Prepared for Dan VanRoon dated February 18, 2010 by United Consultants Inc. Seconded by Robert Acevedo. Unanimous by the board.

7:50PM - 56 Pine Street - Hope Hotchkiss and John Shea

Applicant is seeking building permits for three additions to a SFR home. The building permits are denied without variances from the ZBA for constructing an addition on the front of the house with a side setback of 20.1 where 25' is required and a front setback of 36.5 where 40' is required. Construct an addition on the side of the house 23.7' from side setback where 40' is required. Construct an addition on rear of house 37.6' from front setback where 40' is required.

No Abutters Present

Appearing before the board is Hope Hotchkiss and John Shea. When we came a year ago we did not have an architect then we changed our ideas. The board requests a copy of the previous plan. Motion by Bernard Mullaney to continue the public hearing April 22, 2010 at 8:10pm. Seconded by Robert Acevedo. Unanimous by the board.

General Discussion:

Homeowner from 10 Greenfield Road ask for some guidance for a farmers porch. Board - provide the dimensions of the farmers porch and have an engineer show setbacks then apply to ZBA for a hearing.

Robert Moore proposing to put on a two-car garage at Ivy Lane, which is an open space subdivision. Will need dimensional relief or special permit for the 40' setback. Here to get an idea what would be acceptable. Come back at 24', don't encroach any closer to the road, depth not a concern. File an application for a hearing with the ZBA.

Letter DPW (Wm Yadisernia) dated 3/29/10 – Ref: Eaton Place Bond Release. Eaton Place acknowledges they have a problem so the bond will not be released.

Motion by Bernard Mullaney to accept the minutes of March 18, 2010. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to accept the minutes of March 24, 2010. Seconded by Robert Acevedo. Unanimous by the board.

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

Signature: _____

Date: _____