

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, August 19, 2010
355 East Central Street
Franklin, MA 02038**

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

7:30pm – Woodlands

**Minor Modification to move fire protection water storage tanks for Woodlands Subdivision-
Stonehedge Lane**

No Abutters Present

Appearing before the board is Richard Goodreau with United Consultants here to relocate and revise the fire tank for the Woodlands project. Initially, the fire tanks were proposed to be in an easement on Lot 6 and 10. We have met with the Fire Chief and the Engineering Department and based on those meetings we have revised the proposal to combine the two initial design 3,000 gallon fire tanks into one 5,000 gallon fire tank and to reposition that away from the existing utilities on Lot 6 and 10 which have drain lines and Lot 6 has a sewer line that has been installed. The relocation would take place on Lot 15 as we show on the proposed sketch. On acceptance of that revised location easement plan for recording to accommodate that tank location and future ability to maintain that tank and access that tank. We have provided a letter from the fire chief who as I said has met with me to work close on this as well as the town engineer who both seem to be in favor of this proposal. The board is in receipt of a letter from the G.B. McCarraher Fire Chief dated August 18, 2010 (see attached) regarding the Woodlands fire system and read into the minutes. Also, the board is in receipt of a letter dated August 17, 2010 (see attached) from the William Yadisernia Town Engineer and read into the minutes. Motion by Bernard Mullaney to consider this a minor modification for the Comprehensive Permit known as the Woodlands. Seconded by Philip Brunelli. Unanimous by the board. Motion by Bernard Mullaney to allow the minor modification for the installation of one 5,000 gallon fire system instead of two 3,000 gallon fire systems on the recommendations of the Franklin Fire Chief and the Franklin Town Engineer. Said installation would be done in accordance with the plan entitled Fire Tank Relocation Plan Franklin, Massachusetts dated August 16, 2010 by United Consultants Inc. Seconded by Philip Brunelli. Unanimous by the board.

Minor Modification of Comprehensive Permit–Woodlands Subdivision-Stonehedge Lane

In a letter dated August 18, 2010 (see attached) from Galvin & Galvin requesting a continuation because the Bankruptcy Court has not made a decision whether there is any value to the comprehensive permit in the bankruptcy partition filed by the original owner. Motion by Bernard Mullaney to continue the Woodlands till September 30, 2010 at 7:30pm for the discussion of the Minor Modification Comprehensive Permit Woodlands Subdivision Stonehedge Lane for a name change of the applicant. Seconded by Philip Brunelli. Unanimous by the board.

7:40pm – 11 Eagle Drive – David Cobb

Applicant is seeking to occupy an existing accessory dwelling unit under new ownership. This occupancy is denied without a new special permit/variance from ZBA.

No Abutters Present

Appearing before the board is David Cobb for 11 Eagle Drive for a special permit for in-law. This property previously was granted a special permit but there is a change in ownership and the new owner is applying for a special permit. David Cobb and Stacey Cobb will be living there and the in-laws will be Joseph F. and Nancy DePetrillo. Motion by Bernard Mullaney to close the public hearing. Seconded by Philip Brunelli. Unanimous by the board. Motion by Bernard Mullaney to grant a Special Permit for a second dwelling

unit for the property located at 11 Eagle Drive with the condition of the Special Permit be that the in-law Joseph F. and Nancy DePetrillo reside at the property along with David and Stacey Cobb 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 11 Eagle Drive. 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. Seconded by Philip Brunelli. Unanimous by the board.

7:50pm - 81 Oxford Dr – Robert & Nicole Atkinson

Applicant is seeking a building permit to construct an addition 15' from sideline where 20' is required. This building permit is denied without a variance/special permit from the ZBA. Abutter Present

Appearing before the board is Robert and Nicole Atkinson proposing an addition on the side of the property. Two-car garage with master bedroom and master bath on the second floor. Board - Why 27' wide? Response: Due to the elevation of the house, a bump out in the back, the chimney and the bulkhead. Board member feels it does not need to be 27 feet. Contractor Dave Constantino states we have not designed anything yet so we could possibly come out the rear with a set of stairs cut back a little bit on the width. The board offers a few options. Applicant decides to accept the board's decision. Abutter Kevin Leonard of Oxford Drive is comfortable with the proposed addition. Motion by Bernard Mullaney to close the public hearing. Seconded by Philip Brunelli. Unanimous by the board. Motion by Bernard Mullaney to grant a 2 foot sideline setback "Variance" not to exceed 18 feet from the sideline for the proposed two car garage with master bedroom and bath above for the property located at 81 Oxford Drive as shown on a plan entitled Variance Plot Plan 81 Oxford Drive Franklin, MA dated June 30, 2010 with Rev: July 15, 2010, July 21, 2010 and August 19, 2010. Seconded by Philip Brunelli. Unanimous by the board.

General Discussion:

Unionville GS, LLC – Requesting extension in time for previous Variance issued 8/27/09

The Board explains that the legislation passed in the state that anything approved from August 15, 2008 till August 15, 2010 a tolling period that increases to two years plus whatever the original grant was. Margaret Ranieri is requesting that the Zoning Board of Appeals grant their own extension in time even though the new legislation would extend for a longer period of time. Motion by Philips Brunelli to grant a 6-month extension for the property located at 828 West Central Street known as Unionville Gas Station, LLC.

- To allow the proposed construction of a 2,520 ± square foot single story building, to be used as a self-service gas station with mini mart and coffee shop with vehicle service establishment within the sixty (60.00') foot set back from the Route 140 By-pass, a right-of-way which exceeds seventy-five (75.00') feet or more in width, including a proposed building, with canopy, within twenty-six (26.00'), a retaining wall within four (4.00') feet, and signage within ten (10.00') feet, where Sixty (60.00') feet is required.
- To allow construction within the forty (40.00') foot front setback from West Central Street, including the proposed sub-surface fuel storage tanks within eleven (11.00'); a retaining wall within sixteen (16.00') feet; and a sign within ten (10.00') feet, where forty (40.00') feet is required.
- To allow construction within the twenty (20.00') foot side set back requirement from West Central Street of the proposed retaining wall within one (1.00') feet, where twenty (20.00') feet is required.
- To allow relief from tree planting and screening requirements pursuant to §185-30

and §185-35, however to plant trees and put in proper screening as may be required by the applicable boards, departments and committees from which subsequent approval may be sought as required by the Code of the Town of Franklin.

- Other than the relief set forth above, the proposed signage shall meet all other conditions and receive customary approval as may be required and in accordance with the Code of the Town of Franklin.
- Any construction shall be in accordance with the "Variance Site Plan For 828 W. Central Street in Franklin, MA", prepared by Guerriere & Halnon, Inc., 38 Pond Street, Franklin, MA 02038, dated June 22, 2009, as may be amended by the applicable boards, departments and committees from which subsequent approval may be sought in accordance with the Code of the Town of Franklin.

The Zoning Board of Appeals voted unanimously to grant a six-month extension. In accordance with the Statute, the Variances will now expire on February 27, 2011. Seconded by Bernard Mullaney. Unanimous by the board.

The board speaks with Timothy C. Twardowski requesting committee appointment.

Motion by Philip Brunelli to accept the minutes of July 22, 2010. Seconded by Bruce Hunchard. Bernard Mullaney abstained.

Motion by Bernard Mullaney to close the public hearing. Seconded by Philip Brunelli. Unanimous by the board.

Signature _____

Date _____