

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, February 3, 2011
355 East Central Street
Franklin, MA 02038**

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

**7:30pm–444 West Central Street-Van Roon Chiropractic Dan F Van Roon
No Abutters Present**

Applicant is seeking a building permit to construct an addition 5.65' from sideline where 30' is required. Lot and building are also preexisting non-conforming, applicant will be altering the structure. This building permit is denied without a variance/special permit from ZBA.

Appearing before the board is Don Neilson representing Guerriere & Halnon along with Dan Van Roon the applicant. Don Neilson presented a revised plan, the footprint of the building changed slightly from the position we had. On the right hand side of the addition there was a jog and we took the jog out. We made the building one foot deeper, so the offset we are proposing is 5'5 feet, where on the plan that we submitted to the board was 5.65 feet. So we are approximately two inches closer. There is another dimension that we are 5.28 feet as well so we are actually further away than the closest dimension. Board- You know what that means? I'm going by what was advertised 5.65'. The original plan showed 5.65'. Response: If we have to we will move the building two inches. The proposed will be used for a chiropractic office with exam and treatment rooms, reception area and therapy area. Board-You going to enter from the back instead of the front? Response: Side and front which is handicapped, we don't have a proposed rear. Have you been to Planning Board? Response: Yes, they are waiting for your decision. They have approved this plan as a Limited Site Plan Modification so that in tow we basically need to go back with any modifications that you might have on the plan and basically the site plan will stay, as limited site plan not go thru a full site plan review. Also, been to Conservation Commission and we had the commission determine that if that existing ditch was a resource area. They did not determine it to be a resource area so they issued a negative determination for building a storm water structure to the rear of the site. So the issue is that the special permit for the non-conforming lot and structure and the variance for the purpose of not complying with the 30' side setback. Board-That will be the special permit to alter the existing structure on a non conforming lot and a sideline setback variance for the proposed one story addition. One-story addition, any architectural drawings? Response: No I did not bring anything. I have a picture of the building. Motion by Philip Brunelli to close the public hearing. Seconded by Bernard Mullaney. Unanimous by the board. Motion by Philip Brunelli to grant a "Special Permit" for alternation of non conforming structure and non conforming lot and grant a "Variance" of 24.35 sideline foot variance not to exceed 5.65 as shown on a plan entitled Site Plan Modification for Van Roon Chiropractic of 444 West Central Street in Franklin, Massachusetts by Guerriere & Halnon, Inc. dated December 8, 2010. Seconded by Bernard Mullaney. Unanimous by the board.

**7:40pm –14 Corbin St–Debra and Richard DeFilippo
18 Corbin St-Gail and Brian Jabbour**

Applicants are seeking a special permit/variance to subdivide a lot with two existing dwelling units.

No Abutters Present

Appearing before the board is Chris from Boston Survey with Richard DeFilippo with a revised plan showing four feet. Motion by Philip Brunelli to close the public hearing. Seconded by Bernard Mullaney. Unanimous by the board. Motion by Philip Brunelli to grant a "Special Permit" to subdivide a lot with two existing dwellings at 14-18 Corbin

Street as shown on a plan entitled Subdivision Plan Located at No. 14 & No. 18 Corbin Street Franklin, MA by Boston Survey, Inc. dated February 3, 2010. Note: The board comments to the representative from Boston Survey that the date shows February 3, 2010 (typo should be February 3, 2011) but above where the signature and date are it shows February 3, 2011. Seconded by Bernard Mullaney. Unanimous by the board.

General Discussion:

Motion by Philip Brunelli to accept the minutes of December 9, 2010. Discussion: The board discusses approving the minutes of December 9, 2010 but Bernard Mullaney request that the public record state that he had mentioned and requested a four foot setback for 14 and 18 Corbin Street. Seconded by Bernard Mullaney. Unanimous by the board.

Motion by Philip Brunelli to accept the minutes of January 20, 2011. Seconded by Bernard Mullaney. Unanimous by the board.

Return Unused Funds:

- Motion by Philip Brunelli to return unused funds of 632.50 to Eastern Management Development, LLC for an application for Eagles Nest. Seconded by Bernard Mullaney. Unanimous by the board.

Motion by Philip Brunelli to adjourn. Seconded by Bernard Mullaney. Unanimous by the board.

Signature _____

Date _____