

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, May 19, 2011
355 East Central Street
Franklin, MA 02038**

Members Present

**Bruce Hunchard
Robert Acevedo
Timothy Twardowski
Philip Brunelli**

7:30pm-440 East Central Street – Dermatology Associates, PC

Applicant is seeking permission to conduct a business that involves cosmetic tattoo procedures. This use is not permitted in the CII zone. This use will require a use variance/special permit from ZBA.

No Abutters Present

The board is in receipt of a letter (see attached) requesting a continuance till June 2, 2011. Motion by Timothy Twardowski to reschedule the public hearing till June 2, 2011 at 7:40pm. Seconded by Robert Acevedo. Unanimous by the board.

7:40pm-266 Daniels Street – Corine Minkle

Applicant is seeking a building permit to add a second dwelling unit by conversion. This building permit is denied without a special permit/variance from the ZBA

No Abutters Present

Appearing before the board is Corine Minkle and Jim Fanning proposing to convert the existing two car garage into an in-law. Daughter wants to move into the existing house. So take the existing garage, put a small section to the side of it and add on top of it for living space for the owner of the property. The garage and proposed addition meets all the setbacks. Motion by Timothy Twardowski to continue the hearing till the board finishes the schedule agenda so the applicant can review the special permit criteria. Seconded by Robert Acevedo. Unanimous by the board.

Board-Reconvene the hearing - Applicant reviews the special permit criteria. Will tie into the sewer for the garage on Daniels Street since there is no sewer on that section of Lincoln Street. The daughter and spouse Tracy and Erik Schneider with two children will occupy the house. Motion by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a special permit for a second dwelling unit to the second floor of a detached garage currently on the property located at 266 Daniels Street with the condition of the Special Permit be that the in-law Corine Minkle reside at the property along with Tracy and Erik Schneider 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 266 Daniels Street and upon completion of the foundation a Certified as Built will need to be submitted and verified to meet the setbacks before continuing construction. 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 Timothy Twardowski. Unanimous by the board.

7:50pm-126 Washington Street – Anthony Catalli

Applicant is seeking a building permit for an additional dwelling unit to an existing two family. This building permit is denied without a variance/special permit to allow a multi dwelling in a SFR III zone

Abutter Present

Appearing before the board is Anthony Catalli proposing a third family above the existing garage, turn the two family into a three family and I will be living above the garage. The only change that will be made is the second egress out of the second floor of the garage in the back. Board-So where it says the proposed deck in the back, is all that you want to do? You have a couple of things going on. You have a three car garage; you will live over that, shows an existing pavement, what's this in the front parking over the sidewalk?

Response: No, that's what's there now; we are not proposing to touch anything. Board-If we were so incline to approve this because it's more than two, pretty sure you have to address your issues with the Planning Board. Response: I know that. Abutter Jim Robbins 120 Washington Street has lived there since "97" and have had trouble with some of the tenants had to call the police. Only concern is most of the neighbors are a primary residence in one unit and the police were across the street last night. Board-What's across the street a single family or duplex? Response: A two family. They have been there recently, multiple times. I'm more concerned with what's going to happen when you add a third unit, the noise factor, the traffic and I want to see what his plan was but that's my concern were I have children. I live at 120 Washington Street, which looking at his house I'm the next house. The place looks like it's been un-kempt for quite a while, it is an issue. Board-You don't have any objections or are you in favor or not? Response: Because you can't make a condition of him living there I would oppose. Board-Is there three garage doors there now? Response: There are three doors there now. Can you actually drive a car in there? Response: Yes, two of them, one is part of unit 2 so it will actually be a two car garage when it's all done. One board member states there is no way of stating he will live there. The area is predominately multi family. Board member states that he almost has to agree with the abutter that we can give him the three family then this man can get up, move and there is no way to state that he has to stay there. Plan to put in higher end appliances, cabinets, counter tops, I'm doing the place over really nice because I want to get a higher class of tenant. Board-You can put all the high end stuff you want in there but you're still going to be a three family unit. Board-you talk about doing that whole thing, you just moved into town and have an abutter against you. Did you ever think about doing like you say, doing the existing house, live there for awhile and show respect to the neighbor, get a good tenant upstairs then coming back a year from now? Response: I plan on coming in and cleaning the whole place up. Board-We understand that. You don't even own the property yet? Response: No, closing on the 24th. Board-You are closing on this next week, so the current owner did not sign the application because you are not the owner at this current time, I would not vote in favor of this application on that bases alone. Applicant states the previous owner passed away and it's in a Trust and don't live in the area but they know I'm doing this. Board-We don't know that, and you shouldn't be here without the owner's signature. Board explains it's very important that the owner sign these types of application because under Mass Law a variance runs with the land so if this contract were to fall apart this variance would remain in place so the next property owner who comes down the road may have an entirely different plan but they'd still have the rights to build according to the variance decision and they may not live on the property which is one of the issues that is being raised here tonight and we could have other issues to go along with that. Board not sure how you could have a hardship if you don't own the property. Applicant ask if we continue the hearing till next month I will own the property, I'll be there a month clean the place up and work on it. Board-When you return June 2, 2011 provide a copy of the deed showing that you own the property. Motion by Timothy Twardowski to continue the public hearing till June 2, 2011 at 7:50pm. Seconded by Robert Acevedo. Unanimous by the board.

General Discussion:

In regards to Double J Development LLC at 278 West Central Street seeking a special permit to remove earth in excess of 1,000 yards but not to exceed 5,000 yards. This will be tabled till June 2, 2011 to provide the applicant an opportunity to file a letter requesting a "Withdraw Without Prejudice".

Motion by Robert Acevedo to accept the minutes of April 28, 2011. Seconded by Timothy Twardowski. Unanimous by the board.

Motion by Timothy Twardowski to adjourn. Seconded by Robert Acevedo. Unanimous by the board.

Signature _____

Date _____