

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, June 2, 2011  
355 East Central Street  
Franklin, MA 02038**

**Members Present**

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

**7:30pm – 407 Pond St – Roxanne Bournazian**

**Applicant is seeking a building permit to construct a sundeck 14.0' from front lot line where 40' is required. This building permit is denied without a variance/special permit from the ZBA.**

**Abutter Present**

**Appearing before the board is Roxanne Bournazian who lives on a corner lot on Pond Street and Oak Street. Presently, on the Oak Street side of my property I have a door with a landing that I would like to remove and place with something a little bit bigger.**

**Proposing an open deck, just a landing with stairs on either side to go out into the yard and toward the driveway. I came previously for general discussion. Abutter Glenna Richards 372 Pond Street questions the lot line and on what street is the lot line?**

**Response: It's Oak Street lot line. What is it currently to the lot line? Response: It's going to be six feet bigger than what the current size is. The abutter reviews the plan and requests a copy which the secretary will provide. Motion by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a 26 foot front yard setback "Variance" down to 14' where 40' is required for the proposed sundeck, property located at 407 Pond Street, Franklin, MA as shown on a plan entitled Deck Plan 407 Pond Street, Franklin, MA dated May 3, 2011 by United Consultants Inc. Seconded by Timothy Twardowski. Unanimous by the board.**

**440 East Central St - 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**

**Applicant is not present. Motion by Timothy Twardowski to continue the public hearing till the end of the ZBA agenda. Seconded by Robert Acevedo. Unanimous by the board.**

**Applicant arrives – Appearing before the board is Dr. Alan Berlin Chief Associate of Dermatology Associates, Julia Bowers, and Tracey a nurse and clinical manager for Dermatologist Associates. Dr. Berlin states Julia Bowers does a medical tattooing process so we have patients who have certain cosmetic defects like burn scars, lose of eyebrows, things like that. She does semi permanent tattooing and these are patients of our practice that were sent to Julia. Board-What's the definition of cosmetic or medical tattooing? Response: It's different on who's doing it, Julia is not using a gun to do it, she does it by hand so it looks very natural so people when they come in they can get things fixed that they may be self conscious about. Board-Does the state of Massachusetts in their licensing bureau have a definition of medical tattooing or cosmetic tattooing, as opposed to artistic tattooing? Response: No. Board-So tattooing is tattooing, so I can understand the problem this poses for us, for use variance to do that it runs with the property. If the owner of the building was to sell the building or the practice was to move out which happens from time to time, now we are stuck with someone that can do tattooing. I understand you think we can probably say medical tattooing or cosmetic tattooing but because there is no definition. Spoke with the town attorney and first question was what is the definition of medical tattooing? I don't know, that's why I'm asking you. I understand what the procedures are, I understand the benefits from it, but you have to look from our point of view, you are asking for something that the council**

decided they wanted to place this in the Industrial Park in the adult entertainment zone, Board-What we give for variances run with the property. Julia Bowers is licensed in five different towns. Our patients are not someone off the street; no one is getting the procedure done unless a clinician sends that patient in. Board-If you ordered the procedure done and it was done in your office I would consider it medical and you would not need anything from us to do it, as long as you bill for it. If you're a licensed doctor in the state of Massachusetts and you put down in your report that I'm going to have her come in and do some sort of medical procedure maybe it doesn't come under definition of medical but then to me you would not need any relief. In order for the patients to see Julia they have to go thru one of our clinician for a consultation, they can't go from the outside directly to her. They can't call and try to book an appointment with Julia Bowers to do such and such. Board-To me that comes under a medical procedure that is ordered by a medical doctor. Board directs the applicant to speak with the building commissioner. If the building commissioner is in agreement with the interpretation that is being put forward here that to the extent that it's coming direct thru the clinicians and is done independent of the medical facility then maybe it falls under the umbrella of a medical procedure and you don't need zoning relief to do it. I would recommend having that conversation with the building commissioner who is also the zoning enforcement officer. Board-What's the hardship other than the patients coming in, you don't have a hardship. Board suggests the applicant have an appointment with the Building Commissioner/Zoning Enforcement Officer Dave Roche since you are not doing tattooing, we are doing medical procedure to replace hair that has fallen out either thru cancer treatment or some other kind of condition that someone has, this is not permanent but is ordered by a doctor and it vanishes after three years if you don't go back, very superficial. Motion by Timothy Twardowski to continue the public hearing till June 23, 2011 at 7:40pm to allow the applicant an opportunity to speak with Building Commissioner/Zoning Enforcement Officer Dave Roche and if no action is needed by the Zoning Board of Appeals the applicant will provide a letter to the ZBA requesting a "Withdrawal Without Prejudice". Seconded by Robert Acevedo. Unanimous by the board.

**126 Washington St – 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

No Abutters Present

No one appeared before the board. Motion by Timothy Twardowski to continue the public hearing till the end of the ZBA agenda. Seconded by Robert Acevedo. Unanimous by the board.

The applicant did not appear before the board. Motion by Robert Acevedo to continue the public hearing till June 23, 2011 at 7:50pm with the understanding if the applicant does not appear before the board the board will vote to deny. Seconded by Timothy Twardowski. Unanimous by the board.

**General Discussion:**

The board is in receipt of a letter dated May 26, 2011 from Attorney Richard R. Cornetta, Jr. requesting a "Withdrawal Without Prejudice" for the applicant Double J Development, LLC subject property located at 278 West Central Street for the special permit application for earth removal in excess of 1,000 cubic yards. Motion by Timothy Twardowski to allow the applicant to "Withdraw Without Prejudice". Seconded by Robert Acevedo. Unanimous by the board.

Appearing before the board is Cathy and Joseph Maguire property owners of 32 Wampanoag Drive just beginning the process for an in-ground pool. Unfortunately we have a difficult, challenging lot. Seeking some suggestions from the board since the back yard is a hill and to the left we are too close to the next door neighbor. The board states that 11.4 feet to the road is pretty close. The board understands there is a hill but they have to come in and dig a hole to put the in ground pool in anyway. The board suggests

some alternatives such as going on the other side or in the back. Board states the relief you would need is a variance, basically you have to show it's virtually impossible for you to put it in the backyard or elsewhere on the lot, anywhere in compliance.

Motion by Robert Acevedo to accept the minutes of May 19, 2011. Seconded by Timothy Twardowski. Unanimous by the board.

Due to vacations and lack of quorum the Zoning Board of Appeals will reschedule the July 14<sup>th</sup> meeting to July 21, 2011.

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

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Signature \_\_\_\_\_

Date \_\_\_\_\_