

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, August 4, 2011
355 East Central Street
Franklin, MA 02038**

**Members Present
Bruce Hunchard
Timothy Twardowski
Philip Brunelli**

7:30pm – 12 King St – Robert R Catalano Represented by F&P Molla Inc.

Applicant is seeking a building permit to construct an addition 19' from the sideline where 20' is required. This building permit is denied without a variance/special permit from ZBA. No Abutters Present

Appearing before the board is Paul Molla from F&P Molla, Inc. Not sure if you're familiar with the property, there is a driveway on the left hand side of the house, concrete bounds on the driveway say 11' wide. Everyone thought that was the lot line that in fact there's an easement that was bought by Mr. Catalano in 1973. The land was never purchased, just the easement was purchased. In 1980 he bought a piece of land behind the driveway area, again he thought when he bought that piece of land that part of the driveway went with it, again it did not. So he has been under the understanding all this time that he actually owned the land, he does not, he owns the easement in perpetuity, so again we were under the impression that it was 25' from the house when in fact the lot line was 19' from the house. We put a 6' addition on there, went to do the as-built and found out it was short a foot. We put in the foundation and at that point stopped. Complete oversight on my part. Motion by Philip Brunelli to close the public hearing. Seconded by Timothy Twardowski. Unanimous by the board. Motion by Timothy Twardowski to grant a one foot sideline setback "Variance" down to 19' where 20' is required for the proposed addition located at 12 King Street, Franklin, MA as shown on a plan entitled Variance Plan of Land in Franklin Massachusetts dated July 6, 2011 by Guerriere & Halnon, Inc. Seconded by Philip Brunelli. Unanimous by the board.

7:40pm-101 Forge Hill Rd–New Cingular Wireless PCS by AT&T Mobility Corp., its Manager Applicant is seeking a building permit to add wireless communication equipment to an existing wireless tower and additional ground equipment. This building permit is denied without a special permit/ variance from the ZBA.

No Abutters Present

Appearing before the board is Michael Davis attorney with Brownrudnick along with Gerry Squires from J Lee Consulting representing the applicant. We have nothing to add from our presentation at the last meeting. Motion by Timothy Twardowski to close the public hearing. Seconded by Philip Brunelli. Unanimous by the board. Motion by Timothy Twardowski to "Take Under Advisement". Seconded by Philip Brunelli. Unanimous by the board.

General Discussion: Motion by Philip Brunelli to approve the draft decision to add wireless communication equipment to an existing wireless tower and additional ground equipment for AT&T located at 101 Forge Hill Road. Seconded by Timothy Twardowski. Unanimous by the board.

7:45pm - 855 Upper Union St (Town's Water Tank)

New Cingular Wireless PCS by AT&T Mobility Corp., its Manager

Applicant is seeking a building permit to install new wireless communication equipment to the town's water tank and site and additional ground equipment. This building permit is denied without a special permit/variance from the ZBA.

No Abutters Present

Appearing before the board is Michael Davis attorney with Brownrudnick along with Gerry Squires from J Lee Consulting representing the applicant. We have nothing to add from our presentation at the last meeting. On the draft decision the board would like to strike

out 2nd page #8 in regards to structural analysis data. The board asks the applicant if required by the Building Commissioner you will provide a structural analysis or a letter from the Town Engineer? Response: If and when requested will provide the necessary documents. Motion by Timothy Twardowski to close the public hearing. Seconded by Philip Brunelli. Unanimous by the board. Motion by Timothy Twardowski to "Take Under Advisement". Seconded by Philip Brunelli. Unanimous by the board.
General Discussion: Amend the draft decision to strike out 2nd page #8. Motion by Philip Brunelli to approve the draft decision to install new wireless communication equipment to the town's water tank and site and additional ground equipment for AT&T located at 855 Upper Union Street. Seconded by Timothy Twardowski. Unanimous by the board.

7:50pm-106-108 Hayward St/Corner of West Central St & Hayward St – Moseley Realty LLC Applicant is seeking a building permit to install an off premises sign at the corner of West Central Street and Hayward Street. This building permit is denied without a special permit/variance from the ZBA.

No Abutters Present

Appearing before the board is Donald Neilson with Guerrieri & Halnon stating he provided the Board with some plans that we thought represented some of the issues you mentioned last meeting. Visibility, directional indication on the sign as well, we did maintain the brick character of the site but I understand there was some correspondence from Mr. Nutting regarding the sign itself. I think what we would like to do at this time is to allow us to continue till next meeting so we can have some time to discuss issues with Mr. Nutting and see if we can move forward. The board is in receipt of a memo from William Yadisernia and read into the minutes (see attached). Motion by Robert Philip Brunelli to continue the public hearing till August 25, 2011 at 7:40pm. Seconded by Timothy Twardowski. Unanimous by the board.

General Discussion:

Homeowner at 140 Maple Street has a single family home and trying to put an addition on the home and have my father live at the property. Have approvals for septic and conservation. Board provides some suggestions.

Village Ski & Snowboard – Appearing before the board is Don Neilson representing Guerrieri & Halnon along with Rick Brachold the owner of Village Ski & Snowboard located at 345 West Central Street. We have been before the town's department heads to discuss the potential expansion of this building. This building has been before this board for some relief back when it was constructed. Since then and fortunately for Mr. Brachold the business is expanding and he does need additional space. Here to see how the board would feel about the expansion. Board–You did not put any sideline setbacks in?
Response: No. Proposing a one story shed roof to enclose the area. The board suggest file the proper documents and in regards to variances be prepared to address the variance standards and explain how each and every one of them are met.

Appearing before the board is Don Neilson representing Guerrieri & Halnon and Joe MacIntee with Wegman Company out of Rochester NY. Looking at a property on King Street, two doors down from the existing fire station. Have had some discussion with town department heads and they suggested I visit the ZBA for some guidance. Would propose a two story building with 84 units and 50 parking spaces. This site has wetlands and the zone does not permit multi-family use. Board suggest file an application with ZBA.

60 Earl's Way–New Cingular Wireless PCS by AT&T Mobility Corp., its Manager Applicant is seeking a building permit to add wireless communication equipment to an existing monopole tower and additional ground equipment. This building permit is denied without a variance/special permit from the ZBA.
Motion by Philip Brunelli to approve the draft decision to add wireless communication equipment to an existing monopole tower and additional ground equipment at 60 Earls

Way for New Cingular Wireless PCS by AT&T Mobility Corp., its Manager. Seconded by Timothy Twardowski. Unanimous by the board.

Motion by Philip Brunelli to adjourn. Seconded by Timothy Twardowski. Unanimous by the board.

Signature _____ **Date** _____