

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, December 1, 2011  
355 East Central Street  
Franklin, MA 02038**

**Members Present  
Bruce Hunchard  
Robert Acevedo  
Timothy Twardowski**

**7:30pm - 3 Bent Street – Bourne Realty Trust**

**Applicant is seeking to add a tenant space to a non conforming use with a special permit. The additional tenant use is denied without a new special permit/variance from ZBA.**

**Abutter Present**

**Appearing before the board is Ron Bourne from Bourne Realty Trust. Basically, you should have received several submissions from us the first one November 17<sup>th</sup> provides an update of “Additional Information Submission” of things that we have changed in our application in response to some of the issues that were raised at the last meeting. That was followed up by a submission November 28 by an Engineer Consultant Report and a “Summary of Recent Information Provided”. We revised the operating hours to limit to 2pm to 9pm only Monday thru Saturday. Review other items showing the improvements the proposed tenant will be making, along with parking and traffic relative to the original approved use. Again there will only be two tenants to the building, there would be no other room for additional tenants. Also, Town Engineer William Yadisernia provided a letter dated November 21, 2011 (see attached) to the Zoning Board of Appeals with no issues. The reports are reviewed. Abutter Will Gagne 813 Lincoln Street concerned with noise but Mr. Bourne states if there is any problem he will get a meter and measure to see if it’s what we really thought it would be. If need be the tenant will provide additional coverage in the ceiling or walls so that we can get down to what’s acceptable. Also, concerned with the traffic and customers going into the wrong driveway. Mr. Bourne will in the short term put a sign out attached to the present sign that says private drive and will attach an arrow directing visitors to the Encore Music Academy. Motion by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Timothy Twardowski to “Take Under Advisement”. Seconded by Robert Aceveo. Unanimous by the board.**

**During General Discussion: Motion by Timothy Twardowski to approve based on the foregoing documentary evidence and testimonial and other evidence received during the public hearing, the Board hereby grants the petition to modify the original Special Permit dated November 2, 2006 to permit a second tenant, namely Encore Music Academy, to occupy the first floor (ground floor level) of the existing nonconforming use/structure at 3 Bent Street, subject to the following conditions.**

- (1) The space to be occupied by Encore Music Academy shall be improved and operated in accordance with the plan entitled, “Tenant Space Layout” Encore Music Academy & Recording Studios, LLC dated May, 2009 Drawing No 26628, Drawn 11/14/11, prepared by Bourne Consulting Engineering, and the recommendations and modifications for mitigating sound produced by the Encore Music Academy use by the Report on Noise Analysis dated November 28, 2011, including but not limited to isolation booths, interior sound proof walls, and interior ¼ inch glass.**
- (2) Encore Music Academy hours of operation shall be limited to 2:00 pm through 9:00 pm Monday through Saturday (closed on Sunday).**
- (3) Petitioner shall install a temporary directional sign at the entrance to the private driveway sign that directs visitors to the correct entry way and parking area.**

- (4) This approval is limited to the proposed occupancy by Encore Music Academy. Any change to the approved tenants or any new additional tenants subject to review and approval by the ZBA.
- (5) Except as otherwise modified by this decision, all conditions of the November 2, 2006 special permit shall remain in full force and effect.
- Seconded by Robert Acevedo. Unanimous by the board.

**General Discussion:**

- Appearing before the board is Paul Stoico from 249 Lincoln Street. Purchased the property a few years back and there is a one room pool house on property with kitchen sink and full bath. I've received a letter dated November 22, 2011 (see attached) from the Building Commissioner Dave Roche in regards to someone living in the pool house. Board-Is the person a family member? Response: No. Board-It's not permitted to have someone living there unless you apply to ZBA for a special permit for a second dwelling unit. The individual would need to be a family member/in-law otherwise it looks more like an apartment. You are in violation of the zoning by-laws. Mr. Stoico will have the individual move out.
- The Board of Appeals considered the Special Permit Extension Request from Blue View Construction for the Special Permit dated March 18, 2010 to grant an extension in time for a "Special Permit" for earth removal not to exceed 72,000 cubic yards. In accordance with the Commonwealth's "Land Use Permit Extensions" it states if an eligible "approval" was "in effect" or "in existence" from August 15, 2008 through August 15, 2010, its original duration will be extended automatically by two years. The "Special Permit" for Lakeview Terrace dated March 18, 2010 which was due to expire on March 18, 2012 will now expire on March 18, 2014 in accordance with the above ruling.

Motion by Timothy Twardowski to approve the minutes of November 17, 2011. Seconded by Robert Acevedo. Unanimous by the board.

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

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Signature \_\_\_\_\_

Date\_\_\_\_\_