

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, April 25, 2013
355 East Central Street
Franklin, MA 02038**

Members Present

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

67 Deerview Way - Todd and Colleen Cassler being represented by Stephen Erickson of Perkins & Anctil.

Applicant is seeking a special permit for an accessory dwelling unit. This unit was an existing accessory dwelling unit prior to the present property owner. This building permit is denied without a Special Permit from ZBA.

Abutters Present – None

Mr. & Mrs. Cassler purchased this property that has an existing in-law apartment. They are proposing that Karen Warren, mother of Mr. Cassler reside at the property with Todd and Colleen Cassler. Board: No questions. Motion by Timothy Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Timothy Twardowski to grant a special permit for the second dwelling unit at property located at 67 Deerview Way, Franklin, Ma. with the condition that the in-law Ms. Karen Warren reside at the property along with the owners Todd and Colleen Cassler 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 67 Deerview Way. The board also determines that the social, economic and 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 in tact. There is no potential fiscal impact for the Town of Franklin by the issuance of this Special Permit and also this special permit will be recorded at the registry of deeds. Motion seconded by Robert Acevedo. Unanimous by Board.

Lawrence Drive – Kamy Corp/ Paul Dellorco, represented by Atty. John Vignone.

Applicant has amended agreement with the Town of Franklin dated 12/27/05 to “buy out” from having to provide four affordable units. Applicant seeks to amend decision of 12/15/05 to do so. The building permits are denied without a variance from ZBA.

Abutters present: See List.

Appearing before the Board is Paul Dellorco and Atty. John Vignone.

Atty. Vignone: We are seeking to amend the decision that this board voted on in 2005. This board granted a variance in 2005 from having to build the affordables, regarding an agreement that Kamy Corp. had with the Town of Franklin having to do with the buy-out provision. We are here before you again seeking to amend the decision having to do with the agreement that we have with the town. We have met with the Town Administrator and the Housing Committee, and we have come to an agreement to amend the existing

agreement providing a different amount for the affordables. The amount is now \$200K per affordable. We will also be paying off on the 22nd unit instead of the 24th unit that will be built. We would ask for the 2005 decision to encompass the new agreement with the Town of Franklin (see attached) Board: We should have something in writing from the Administrator or the Housing Partnership to say we have reached an understanding or we are completely behind this. Atty. Vignone: That can be provided. Abutters: We would like an explanation as to what is happening. Atty Vignone: Mr. Dellorco is proposing that instead of building 2 affordable units, he will be paying the Town a sum of money. We are just changing the sum of money from what it was in 2005. Board: Are there any affordables that are built? Paul Dellorco: No. I paid in lieu of building the affordables. Board; How many units do you have left to do? Mr. Dellorco: Seven. Board: What one are you on right now? Paul: 18. Board: Right now Kamy Corp has an approval to build a certain amount of lots and there has to be so many affordable houses. They are opting to buy-out. In other words instead of building an affordable house they want to give the town \$200,000.00 in lieu of building. Abutter: Is it 55 and over? Paul: Yes. Can you vote on it subject to getting information from the Town Administrator? Motion by Timothy Twardowski to continue the public hearing till May 9th @ 7:40 pm. Second by Robert Acevedo. Unanimous by Board.

462 Pleasant St, Lot 17 & 16 – Sophie K. Swenson, represented by Atty. John Vignone.

Abutters: See List

Applicant is seeking relief for existing dwelling on Lot 17 to have 100' of frontage where 125' is required, a sideline set back of 15.6' where 25' is required and a lot width of 100' where 112.5' is required. The relief is denied without a variance from ZBA.

Applicant is seeking a variance to construct a dwelling on Lot 16 with 100' of frontage where 125' is required and with a lot width of 100' where 112.5' is required. The building permit is denied without a variance from ZBA

We are here tonight looking for relief on two lots on Pleasant St. One has an existing home on it. These lots were purchased in 1951. Swenson's bought the two lots in order to construct a home for themselves and also to have another lot as an investment for their retirement. Lot 16 is the only lot on the street that does not have a house on it. The building of a home on that lot would fit right into that neighborhood, the character, the area. All the lots are about the same size. We are requesting relief on both lots of 25 feet from the frontage and 12.50 feet from the circle (which is the width) also an additional relief is a little under 10 feet on the sideline on the existing home. The lot was granted prior to zoning. Abutters: Confirming that a house will be built on lot and not a commercial building. Board: It is not zoned commercial. It could be conditioned that just a single family house go there. Motion by Timothy Twardowski to close public hearing on Lot 17. Second by Robert Acevedo. Unanimous by board. Motion made by Timothy Twardowski to Take Under Advisement for Lot 17. Second by Robert Acevedo. Unanimous by board. Motion by Timothy Twardowski to close public hearing on Lot 16. Second by Robert Acevedo. Unanimous by board. Motion by Timothy Twardowski to Take Under Advisement for Lot 16. Second by Robert Acevedo. Unanimous by board.

Discussion of 462 Pleasant St, Lot 17 & 16 – Sophie K. Swenson, ZBA will contact Assessors Office to get history of the lots to see how they have been taxed over the years. Motion by Timothy Twardowski to reopen public hearing. Second by Robert Acevedo. Unanimous by board. The Board continued the public hearing till May 9th @ 7:50 and 7:51 PM

14 Ruggles Street – Franco Ruggles Street Realty Trust – Dana Franco

Abutters: See List

Applicant is seeking a variance to construct a multi-family dwelling on a lot that has 50' of frontage where 100' is required. The building permit is denied without a variance from ZBA

Property at 14 Ruggles Street is zoned Commercial I. I want to construct a 4 unit apartment building on my lot. I would like to stay strictly residential. I meet all the setback requirements and I have this little footnote that says, if you are doing strictly residential you have to follow some of the General Residence V requirements. One of those is 100 feet of frontage where I have 50 feet of frontage, so I am seeking relief of that 100 foot of frontage. Board: What is the size of the building and how many units on each floor? Dana: The size is 44 X 40 and I am putting 2 units in basement and 2 units each on 1st and 2nd floor. Board: What is the approximate height of the building when you are done? Dana: Approximately 35-38 feet from the mean of the gable. Board: What would be the height of the windows for the 2nd floor windows? Dana: approximately 18 feet. Board: What is the reason that you are not doing commercial? Dana: Because it is off the beaten path, it is off of Route 140. I really couldn't put say a coffee shop or something that people could walk in off the street. Board: What about mixed use? Dana: I could put an office. I figured it is all residential. So I figured I would just stick with all residential. Dana: The lot is over 13,000 sq. ft. If I had the parking I could put 13 units of mixed use. Board: And you wouldn't need any relief from the ZBA. Abutter: Concern that what is built would not be blocked by the trees. Issue with a 4 family in my backyard. I am strongly opposed to a 4 family. Dana: By the zoning that the lot is zoned, I could put in 3 units or 4 units with an office in there and I wouldn't need any relief. Board: Do you have a proposed sketch or elevation of what the building is going to look like after you do it? Dana: No they are being done now. The building is going to be 2 ½ stories. Abutter: I wouldn't be opposed to commercial. With residential there would be people 24 hours a day. I would not be opposed to a business going there. When I bought my property there was a business there and I understood that. But, to have a 4 family home behind me I'm sorry I would not like that. Board: Is this the proposed parking you are going to do for that unit? Dana: Yes. Board: There are no dimensions on the plan, nor topography. Where is drainage going to go? Drainage in that area is very bad. Dana: I am putting a 100 year storm drain system in the parking lot. Board: This plan shows us nothing. Dana: What do you want architectural drawings? And drawings for storm drain? Board: I don't think we need full architectural drawings but at least elevations and what the building is going to look like. Board: The actual request is really a question of use. If he was proposing to build mixed use, he could do it by right. He could build 3 stories up to 40 feet without asking us for anything. What the building looks like or where the parking goes etc. I think those are issues for the planning board. The issue for me is whether or not there is a hardship on the basis of the lot being unable to be developed for mixed use. I haven't heard anything yet that says that it can't be. Maybe that is ideal for what he wants but I don't know that there is a hardship here that prevents that from happening. Dana: The hardship I was going for is the fact that it is located right behind a gas station and not right on Route 140 and it is off a side street. Board: The gas station was there when the property was purchased as well as a commercial use building that you tore down. Dana: Correct. Board: So if there is any hardship you created your own. Dana: Well no I can still put a commercial building there. Board: That's what we were alluding to. We haven't heard a reason why you couldn't do what you are permitted by right to do. Motion made by Timothy Twardowski to continue public hearing for May 9th @ 7:45PM. Second by Robert Acevedo. Unanimous by board.

General Business

- **119 Dean Ave: Global Tower Assets LLC – Withdrawal of Special Permit regarding impervious coverage in a water resource district. Prior to advertising and mailing notifications. Global Tower Assets LLC requested in writing (see attached) a “Withdrawal Without Prejudice.” Motion made by Timothy Twardowski to accept letter of “Withdrawal Without Prejudice” Second by Robert Acevedo. Unanimous by Board.**
 - **119 Dean Ave: Global Tower Assets, LLC - Acceptance of Decision for 150’ Wireless Communication Facility with an antenna array for MetroPCS and AT & T. Application was presented to the ZBA on April 11, 2013. Motion by Timothy Twardowski to approve 119 Dean Ave. Second by Robert Acevedo. Unanimous by board. building permit to install a**
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- **Motion by Timothy Twardowski to approve minutes of April 11, 2013. Second by Robert Acevedo. Unanimous by Board.**
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Signature _____

Date_____