

Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, April 10, 2014  
355 East Central Street  
Franklin, MA 02038

TOWN OF FRANKLIN  
TOWN CLERK  
2014 APR 25 AM 9:17  
RECEIVED

Members Present  
Bruce Hunchard  
Robert Acevedo  
Timothy Twardowski

107 Conlyn Ave – Peter and Carla Drakeunderkoffler

Abutters: See attached

Applicant is seeking to modify an existing variance decision that was granted for a farmer's porch. The front yard setback variance that was granted in 2008 was 25' and is now 24.01' where 30' is required. In addition the side yard setback is now 19.84' where 20' is required. The final building inspection modified building permit and final approval is denied without a variance from ZBA. The building permit is denied without a variance from ZBA. Appearing before the board is Peter and Carla Drakeunderkoffler. Applicant: When the original variance was granted the project went underway and was then completed, upon calling the engineer to come out to do the as built we found that construction was off. So we are here requesting the overbuild that took place be amended. Board: So you are here to amend the first variance that was granted? Applicant: Yes, correct. Marty Parlon (abutter and builder) I am taking full responsibility for the error. We pulled the measurements from the wrong spot. Board: How long after you started did you realize? Marty: 6 years. The as-built was just done now. (See attached pictures) Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to accept the modification of the existing variance giving the frontyard setback from 25 and is now 24.01' and a sideyard setback from 20' down to 19.84' on a drawing dated May 6, 2013 entitled "Plan of Land" for property at 107 Conlyn Ave, Franklin, Ma by Colonial Engineering Inc., Medway, MA. Second by Timothy Twardowski. Unanimous by board.

648-652 Old West Central Street – Franklin Retail LLC and Rossini Development Corp.

Abutters: See List

Applicant is seeking to construct a commercial building with a vehicular service establishment (drive- thru) containing 20 or more parking spaces; where the exit or entrance center lines are less than 150' to the center line of any other parking area located on the same side of the street if serving 20 or more spaces. The building permit is denied without a variance from ZBA.

648-652 Old West Central Street – Franklin Retail LLC and Rossini Development Corp.

**Abutters: See List**

**Applicant is seeking to construct a commercial building with a vehicular service establishment (drive-thru) containing 20 or more parking spaces that has less than 400' of visibility in either direction for egressing vehicles. The building permit is denied with out a variance from ZBA.**

**Board: We are in receipt of a letter dated April 9, 2014. (See attached) Atty Cornetta representing – Franklin Retail LLC and Rossini Development Corp. requesting a continuance to Thursday, April 24, 2014. Motion by Timothy Twardowski to continue public hearing to April 24, 2014 at 7:30PM. Second by Robert Acevedo. Unanimous by board.**

**656 King Street – Columbia/ Wegman Franklin, LLC.**

**Abutters: See attached.**

**Applicant is seeking to relocate shrubs that were previously intended to be located per the plans and approved ZBA decision dated November 3, 2011 and April 19, 2012. The modification is denied without a variance from ZBA. Appearing before the board is Don Neilson of Guerriere & Halnon and also representing Columbia/ Wegman Franklin, LLC. Don Neilson approached board with a revised plan dated April 8, 2014 (see attached) Don: After discussing the plan dated March 21, 2014 with the Planning Board we made a change to move the shrubs to the top of the slope and rotating the shrubs that were along the Murphy's property basically to the North. During the meeting the Murphy's requested that I flip the Oaks and Arborvitaes. We put the Oak along the property line and the Green Giants at the bottom of the slope so they are in the same location that we talked about at the last meeting. The 24 shrubs that were relocated are now placed at the top of the slope. Board: Recap of last meeting and Mrs. Murphy's request as to where she would like shrubs and trees placed. Board: The Board is in receipt of a letter from George Russell, Town of Franklin Conservation Agent (see attached). Board: We also are in receipt of a letter from Mrs. Murphy dated April 9, 2014 (see attached) Abutter: I do not feel that you have any jurisdiction in the landscape plan or location. The ZBA jurisdiction is for the use of the land. Board: Are you happy with the proposed landscape plan? Mrs. Murphy: No, I am not. Board: You are the one that presented it. Mrs. Murphy: Not interested in discussing the landscape plan with you. Board: There was never an agreement by anyone on this board regarding the water table as presented in your letter. Motion by Timothy Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Timothy Twardowski to approve to modify the variance originally issued by the board dated November 3,2011 and then modified by our decision of April 19,2012, also revised March 21, 2014 relative to the relocation of trees and shrubs as shown on a plan prepared by Guerriere and Halnon, dated February 19, 2014 with revisions dated April 8, 2014 plan entitled "Limited Site Plan Modification, Landscape Alternatives" for Emeritus at Franklin Assisted Living Facility, 656 King Street, Franklin, MA . Second by Robert Acevedo. Unanimous by board.**

**General Discussion:**

- **Motion by Robert Acevedo to approve minutes of March 20, 2014. Second by Tim Twardowski. Unanimous by board.**
- **Motion by Tim Twardowski to grant "Withdrawal Without Prejudice" for Brian Quick of 18 Opal Circle in a letter dated April 8, 2014. Second by Robert Acevedo. Unanimous by board.**
- **Motion by Robert Acevedo to grant a 6 month extension for 58 Elm St., by Thomas and Angela Fleischer on a previous decision dated June 21, 2013. Second by Tim Twardowski. Unanimous by board.**

**Motion by Timothy Twardowski adjourn. Second by Robert Acevedo. Unanimous by board.**

---

Signature

*Nancy S. [unclear]*

Date

*4-24-14*