

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, February 27, 2014
355 East Central Street
Franklin, MA 02038

Members Present
Bruce Hunchard
Robert Acevedo
Timothy Twardowski

352 Partridge St – Jeff and Jen Dumas

Abutters: None present

Applicant is seeking a building permit to construct an addition and deck 30.4 feet from the westerly side where 40 feet is required, 36.3 feet from the easterly side where 40 feet is required and 38.4 feet from the front lot line where 40 feet is required. The building permit is denied without a variance from the ZBA. Appearing before the board is Jeff and Jen Dumas. Applicant: The previous design wasn't noticed at first but, it was impeding on the bathroom window. We wanted to try to increase the size of the bathroom window and try to put the bulkhead in a more practical spot. Board: So the size of the proposed addition hasn't really changed all that much then? Applicant: No. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a front yard setback variance of 1.6 feet down to 38.4 feet where 40 feet is required, sideline setback of 9.6 feet down to 30.4 feet where 40 feet is required and another sideline setback of 3.7 feet down to 36.3 feet where 40 feet is required on a drawing entitled "Certified Plot Plan" for 352 Partridge St., dated January 13, 2014 by Rod Carter Associates Land Surveyors, 15 Pleasant St., Upton, MA. Second by Timothy Twardowski. Unanimous by board.

41 Crescent Street – Michael D. Dubois

Abutters: See List

Applicant is seeking a building permit to construct a garage with a room above in an existing location where a pre-existing non-conforming carport was located but was torn down less than two years ago. The building permit is denied without a Special Permit from the ZBA. Applicant: I would like to add a garage with a room above where an existing carport was. The carport failed during a storm and was removed for safety reasons. The room above the garage would be attached to the house through a second level walkway. As part of the design process I met with several of the abutters to garner their support and consider any concerns. Several of the abutters preferred this proposal over a direct carport replacement to maintain the neighborhood character. Board: This is connected by a second level walkway? There is nothing underneath? Applicant: Yes sir, correct. Board: What do you plan to do with the second floor? Applicant: A family room, it is not to be a second family home of any kind. Just extra living space. Several abutters spoke up in favor of the addition. Board: Do you have a way to access your backyard? Applicant: I do, barely. Board: Are you even going to be able to use

the garage for your car? Applicant: Yes, not for an exceptionally large vehicle of course, the driveway itself is narrow. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a special permit for the building of a 1 ½ story garage to be a one car garage with a finished space above, as shown on a drawing by Guerriere and Halnon, dated January 16,2014 Second by Timothy Twardowski. Unanimous by board.

616 Pond Street – Yury and Natalia Menaker

Abutters: None present

Applicant is seeking a building permit to add a second story to a preexisting non-conforming structure. The building permit is denied without a special permit from the ZBA. Appearing before the board are Yury and Natalia Menaker and Ron Melanson, contractor. Applicant: Our house burned down and we would like to rebuild, we are building on the same foundation and would like to change it from a split entry to a colonial. Board: You are not changing the existing footprint at all? Just going up? Ron: Yes. Board: Was it totally destroyed or is the frame still there? Ron: The frame was still there but the water damage destroyed it. Board: So there was a carport there before? Ron: Yes, Correct. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a “Special Permit” to add a second story to a preexisting non-conforming structure at 616 Pond St., as shown on a drawing by Colonial Engineering, 11 Awl Street, Medway, MA dated January 12, 2014. Second by Timothy Twardowski. Unanimous by board.

4 Forge Hill Road – Benchmark Investments XI LLC

Abutters: See attached.

Applicant is seeking a building permit to construct an addition to an independent living facility that was previously granted a use variance from ZBA. The building permit is denied without a variance from the ZBA. Appearing before the board is Don Neilson representative of Guerriere & Halnon and Bill Cook of Benchmark Senior Living. Applicant: We recently acquired this property as of November 1,2013 the current building has their Alzheimer’s unit on the third floor of the building and we are proposing to relocated that unit to the ground floor of that building. There are several reasons for this. The first is by doing this would gain access to the exterior of the building which is a much preferred scenario for the residence in the Alzheimer’s unit and also from an overall safety perspective of just keeping the more secure unit on the ground floor as opposed to the third floor in the event of any kind of emergency. As a result of this relocation we are proposing to add a 462 sq. ft of a bump out one story addition of the building to gain additional dining space. We are also proposing to add approximately 2600

sq ft of an enclosed courtyard at the end of the building. That would be a secured fenced in area that would have a walking path and direct access to the end of the unit. Don Neilson: This site was approved by a variance back in 1996 and at that time it was permitted for independent/assisted living. It has had a number of uses up to this point. Board: It has been the same use. Don Neilson: Yes, same use. Different owners. This is the only time that there has been a change to the configuration of the building. In our discussions with the Town Officials it was recommended because we are changing the footprint of the building that we come before the Zoning Board of Appeals, to confirm the variance for the relocation of the unit as well as the addition to the walking area outside. Very minor changes to the site. It is an improvement to the neighborhood. Board: The number of beds isn't going to change is it? Don Neilson: No they were approved for 100 and they are only at 80. Board: O.k. So there is no new construction in the walking area no addition of square footage? Don Neilson: No. Board: It is a very minor change 462 sq. ft. not doing anything outside except changing some landscaping. Don Neilson: We do have to go in front of the Planning Board to do a Site Plan modification. Board: To the extent that they are not adding bedrooms or beds to the facility to the extent that this board originally granted a use variance as opposed to a dimensional variance, I don't think this needs to be here for a variance or a special permit. Abutter: are they adding to the building? Board: In one of the corners a little more than 400 sq. ft. nothing you will see. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to amend the previous use variance to allow the construction of the proposed 462 square feet and the proposed courtyard as shown on a drawing by Guerriere & Halnon, dated January 29,2014. Second by Timothy Twardowski. Unanimous by board.

76 Chestnut Street - Wise Eye Care, Inc.

Abutters: None present

Applicant is seeking a building permit to alter a preexisting nonconforming building to a professional/medical building the alteration is denied without a special permit from the ZBA. Appearing before the board is Don Neilson of Guerriere & Halnon. Board: You are not here for use, correct Don? Don Neilson: We are changing use. It is zoned Commercial II. It is a permitted use but we are changing use in a nonconforming lot. When the original plan was submitted we anticipated designing a drainage system for a ten year storm. In the process it was decided that we do a 100 year storm so that we have no runoffs leaving the site. We have been to the Design Review Commission and they wanted lighting a very low foot candle and very condensed. We are proposing a parking lot with drainage with the lighting and with that change of use we now have to have handicapped accessibility. We have added a handicap ramp to the rear of the building. Board: So you don't need any dimensional relief just a permit to change the use from residential to a permitted use. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a special permit to change the properties use from residential to a permitted commercial use in a commercial II zone a shown on a plan entitled "76 Chestnut St, Franklin, MA" revised February

25, 2014 and February 28, 2014 by Guerriere & Halnon. Second by Timothy Twardowski. Unanimous by board.

General Discussion:

- **Motion by Robert Acevedo to approve minutes of February 6, 2014. Second by Tim Twardowski. Unanimous by board.**
- **Motion by Tim Twardowski to approve letter to Lakeview Terrace, Earth Removal Permit confirming that the Special Permit approved in 2008 will expire on March 18, 2016. Second by Robert Acevedo. Unanimous by board.**
- **The Board is in receipt of a letter from Sean Slater, Associate member of the ZBA resigning from the board.**

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

Signature _____

Date _____