

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, August 7, 2014  
355 East Central Street  
Franklin, MA 02038**

**Members Present  
Bruce Hunchard  
Robert Acevedo  
Philip Brunelli**

**512 Pleasant St. – Casey C. Thayer  
Abutters: None Present**

Applicant is seeking a building permit to construct an attached garage 6.53' from the side lot line where 25' is required. Appearing before the board are Casey Thayer, Jerry Thayer and Adam Lola. Jerry: The applicant is looking to build a two car garage on a non-conforming lot the ledge in the back of the yard along with the septic system is preventing us from putting the addition on the back of the house. Board: Room above or just garage? Jerry Thayer: We are going to put a room above also. Motion by Robert Acevedo to close public hearing. Second by Philip Brunelli. Unanimous by board. Motion by Robert Acevedo to grant a 18.47 foot side yard variance down to 6.53 feet where 25 feet is required for a two story attached garage with livable space above as shown on a plan dated June 13, 2014 entitled "Variance Plan of Land" for Casey Thayer of 512 Pleasant Street by Colonial Engineering. Second by Philip Brunelli. Unanimous by board.

**736 King St – Virginia Holland  
Abutters: None Present**

Applicant is seeking to construct a one car garage with a connecting roof that is 20' from the sideline where 25' is required. Appearing before the board is Mark Healey representing Virginia Holland. Mark: This lot is a non-conforming lot as it exists and there is a septic system in the back of the house. Board: This is a 16 X 24 foot garage? Mark: Yes, it is connected to the house with just a covered roof. Board: No room above? Mark: No. Board: Is the covered roof just to escape the rain? Mark: Exactly. She was considering putting a breezeway in but, that is not definitive. Board: I know all those lots are preexisting non-conforming. Motion by Robert Acevedo to close public hearing. Seconded by Philip Brunelli. Unanimous by board. Motion by Robert Acevedo to grant a 5.0 foot variance down to 20 feet where 25 feet is required for the applicant to construct a 16 X 24 foot one story garage as shown on a plan entitled "Proposed Addition" for 736 King Street by Continental Land Survey, dated June 23, 2014. Seconded by Philip Brunelli. Unanimous by board.

**616 Pond St – Yury and Natalia Menaker  
Abutters: None Present**

Applicant is seeking to construct an attached deck 21.4' from the sideline where 25' is required. Appearing before the board are Yury and Natalia Menaker along with Ron Melanson who is the contractor. Ron: We appeared before the board back in February to request a variance for the rebuilding of the home that had burnt down. We inadvertently did not ask for relief for the deck and are seeking it now. Yury: It is the same size deck that stood prior to the fire. Board: So it was just a simple mistake. Motion by Robert Acevedo to close the public hearing. Seconded by Philip Brunelli. Unanimous by board. Motion by Robert Acevedo to grant a 3.60 foot variance down to 21.40 feet where 25 feet is required as shown on a plan dated June 24, 2014 by Colonial Engineering. Second by Philip Brunelli. Unanimous by board.

**19 – 23 Cottage St – Oteri Funeral Home**  
**Abutters: None Present**

Applicant is seeking to construct an off street parking lot with parking spaces of 16' long where 19' is required.

Applicant is seeking to construct an off street parking lot without complying with the screening requirements. Board: Both applications are tied together so will be heard together. Appearing before the board are Atty. Richard Cornetta, Attorney for the applicant and Shawn Oteri, applicant. Atty. Cornetta: We would direct the board to the package submitted. (See application) There are three buildings that are depicted you will see that the 23 Cottage Street and only about 500 Sq. Ft of 19 Cottage that is being acquired with this proposal so it would be 23 and about 500 Sq. Ft. of 19 Cottage St. 33 Cottage St. is Oteri Funeral Home, they have been in operation since 1912. 27 Cottage is owned by the Oteri family there is a 15' easement on the property that is used as an exit back onto Cottage St. What we are proposing is that 23 Cottage St. We want to take that down and taking the back building down that would create some more parking. They will be paving the area to facilitate the parking of about 11 vehicles. There will be spaces that are at an angle, it is a very limited area if it wasn't at an angle they wouldn't be able to get sufficient parking spaces in there to make this entire proposal justified. The by-law requires that any off street parking would have to be 9' by 19' we would request 9' X 16' to make this economically viable. The entryway will not change. The site will be putting in a subsurface infiltration system which will accommodate storm water management that is required. The additional point of relief we would be seeking would be the screening requirements for off street parking lots. There is a number of screening requirements that you need to do in creating a parking area as we are proposing and given the limited width and dimensions that this property provides we would also be seeking relief in that regard so they wouldn't have to create the typical screening and trees at every number of feet. Board: We are in receipt of a memo from the Fire Chief in support of this project (See attached) Board: Is there any call for any plantings? Atty. Cornetta: The full engineering plans have not been done yet. Atty. Cornetta: I would imagine for ascetics there probably would be. Board: Is there a fence going up? Atty. Cornetta: Yes, there is a

fence in the plan. Board: I haven't been a proponent of screening on the street but, where this is a parking lot maybe some screening can be adapted. Atty. Cornetta: They do not want to eliminate if we can do it with the number of spaces shown we will. We will be meeting with our engineers and figure something out. Motion by Robert Acevedo to close the public hearing in regards to size of parking spaces required. Second by Philip Brunelli. Unanimous by Board. Motion by Robert Acevedo to close the 7:46 PM public hearing. Seconded by Philip Brunelli. Unanimous by board. Motion by Robert Acevedo to grant a waiver of the size of the parking spaces for 19- 23 Cottage Street to be 9' X 16' where 9' X 19' is required as shown on a plan entitled "Preliminary Development Plan" for the proposed Parking Lot at 19-23 Cottage Street for Oteri Funeral Home prepared by Land Planning, Inc. dated June 18, 2014. Seconded by Philip Brunelli. Unanimous by board. Motion by Robert Acevedo to allow the parking lot to be constructed without complying with the screening requirements as written in the zoning by-laws, as shown on a plan entitled "Preliminary Development Plan" for the proposed Parking Lot at 19 -23 Cottage Street for Oteri Funeral Home prepared by Land Planning, Inc. dated June 18, 2014. All efforts will be made by the developer to put in any kind of screening in that they see fit. Seconded by Philip Brunelli. Unanimous by board.

### **106 – 108 Hayward St – Moseley Realty**

**Abutters: See attached**

Applicant is seeking to erect a directional sign with a vertical height of 11' where a maximum of 6' is required and 60 sq. ft. of sign facing where 20 sq. ft. is required. Appearing before the board is Attorney Richard Cornetta representing the applicant. Atty. Cornetta: We are requesting a continuance until September 18<sup>th</sup> to deal with the administrative issues. Motion by Robert Acevedo to continue to September 18, 2014. Seconded by Philip Brunelli. Unanimous by board.

- Motion by Robert Acevedo to approve minutes of July 24, 2014. Second by Bruce Hunchard. Philip Brunelli abstains. Unanimous by the Board.
- Modification of Comprehensive Permit for Franklin Heights Estates (See attached letter from Atty. Cornetta) Attached also see memo from Town Administrator in favor of request. Motion to approve comprehensive permit by Robert Acevedo. Seconded by Philip Brunelli. Unanimous by board.

Motion by Robert Acevedo to adjourn. Second by Philip Brunelli. Unanimous by the Board.

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_