

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, March 19, 2015
355 East Central Street
Franklin, MA 02038**

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

**36 Pinehurst St. – Tom & Debbie Taylor
Abutters: See attached**

Applicant is seeking to construct a new home 22.1 feet from the front yard setback where 30 feet is required. Appearing before the board is Tom Taylor (applicant) and Bruce Wilson, Surveyor for the applicant. Bruce: The property currently has a house on the lot that is 9.6 feet away from the street line of California Ave., We are proposing to take that house and the existing garage down and construct a new single family home. We feel that this would be better suited for this lot we are pushing the house back and centering it on the lot. The other setbacks are fine. Board: So it is just the front yard setback because you are on a corner lot and you have two frontages. What is the overall dimensions of the new proposed dwelling? Bruce: It is 58 feet with a 28 foot garage. It is a front entrance garage, so the garage is placed in the approximate location where the existing driveway is. We would be utilizing the same curb cut. The house will be facing California Avenue. Tom Taylor: The design of the house is designed to appear to have a front entry on both streets. Board: Why didn't you decide to build something smaller that may meet the setbacks, you are not that far off? Tom: We designed the house based on our needs. It is designed for empty nester living with a first floor master bedroom. Board: Why can't the house be moved further back? Bruce Wilson: We could have pushed it back but then we would be seeking a rear yard setback variance and where it is already non-conforming in the front I thought it was just better to ask for a front-yard variance. Board: It looks like you can easily shift the house back and not need any relief. Bruce: Yes, if you were to take the deck off. Board: I think it's a great design but it's really big. Overall size is 86' X 47'. I don't see a hardship that you can't fit that within the setbacks of this lot. Tom: Technically yes, we could move the house but livability wise it would be very difficult to sustain privacy with the house being directly behind us. This is the most creative way to make the property enjoyable and livable and worth doing for us. Board: There is not a lot of room for multiple cars in the driveway a good size pickup would be hanging out on the street. The Town bylaws for parking spaces in a parking lot are 9 X 19 you are only 22 feet before you get to the street. Tom: there will be plenty of room in the driveway for 2 cars and we are not planning on any extended length vans, trucks. Board: Did you consider a patio as opposed to a deck? Tom: Yes, I have and I very well may do that. My intent is to maintain the maximum of privacy without

wiping out the natural shrubbery. Abutter: Could I see the plot plan? Motion by Tim Twardowski to recess to the end of the agenda. Seconded by Robert Acevedo. Unanimous by board. Applicant has proposed a compromise in the plan referred to as option 2. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a variance for 36 Pinehurst Street on option 2. Second for the purpose of discussion by Tim Twardowski. Board: The proposal is still not a hardship. The house can be built with no relief in just changing the plan slightly. Motion by Tim Twardowski to deny the request. Motion by Chairman, Bruce Hunchard to approve request. Application has failed based on not receiving a unanimous vote.

300 East Central St. – Franklin MA Properties, LLC

Abutters: See attached

Applicant is seeking relief to allow for the location of an entrance/exit to a parking area having 20 or more parking spaces to be located within 150' of a center line of any other parking entrance/exit located on the same side of the street.

Together with the next application

300 East Central St. – Franklin MA Properties, LLC

Abutters: See attached

Applicant is seeking to allow for a change, extension or alteration of a nonconforming building. This is denied without a special permit from ZBA. Applicant is alternatively seeking relief from the front setback, in this case 26.75' where 40' is required.

Appearing before the board is Atty. Richard Cornetta representing the applicant, Wayne Morrill, Consulting Engineer and Tim Tobin from Phase 0, Architect. Atty. Cornetta: The property is a 7 ½ acre site in a Commercial II zoning district and within the water resource overlay district, zone II. The property has 3 access drives unrestricted on E. Central St., presently there is a single story building on the property that is about 21,500 sq. ft. It is the home of Ficco's Bowladrome that has been around for quite some time. If you look up and down E. Central St and W. Central as well there are a number of these driveways that have been located within 150 feet, it is an issue in the bylaw that seems to be coming up quite frequently we have directed the Town Administration and the Planning office to take a look at it. The second point is the front yard setback. In this zone the required front yard setback is 40 feet, the present building is located 26.75 feet from East Central Street. We will also be seeking a special permit for a shopping center with the Planning Board and site plan approval as well as the Conservation Dept. for a notice of intent. The entire project will also include the adjacent Keegan site, the two lots will not be consolidated they will remain as two separate lots. Board: Does the applicant own both lots? Atty. Cornetta: No, they are under separate ownership. They will remain that way. Wayne Morrill

(Jones and Beech Engineers): Description of the existing condition plan for both the Ficco and Keigan property, the existing building is 26.75 feet from the front line and from the side line is 5.09 feet, the side closest to CVS, the parking lot itself is just up front for the bowling alley and then has a large wooded area in the back. The Keigan piece also has a large parking area that was a car dealership. There is an access easement through the Keigan site to access the town well systems. We would like to reduce the amount of curb cuts on route 140 right now there are three curb cuts to the bowling alley the first is approximately 93 feet away from the center line of CVS driveway the second one being a right in only which is very close to the pylon site that exists on the site, the third driveway will be on the Keigan piece that currently has three other existing driveways on that site also. As we are proposing our driveway on the back side of the building will be 108 feet from the center line of the CVS to the center line of this exit only.

Board: So technically the only exit from the Ficco site would be to go through the Keigan site and there is a proposed light there. Wayne: That is exactly right. This whole development is paved right now. We are going to be adding a substantial amount of green space in the front of this building as well as the Keigan site. Each site conforms to the 80% maximum coverage allowed in the regulation. We are proposing some mixed retail spots, restaurants, gas station and also utilizing the Keigan building for a few more retail buildings.

Board: The present building (Bowling Alley) has multi-level flooring in it now. Wayne: Yes, it has three or four different levels inside the building. Board: The proposed will be just one level.

Tim Tobin (Phase 0 Design): Description of why the existing building would not work for the proposed National Chains proposed on the site.

Atty. Cornetta: What we are proposing would be a much more efficient and much safer traffic design. Our hardship is in part being the shape of the lot. We are proposing to work within the confines of an existing building that has been there since the fifties, we are actually moving it further away from the sideline so that it will now comply with the 30 foot setback but we are maintaining that front 26.75 foot off of East Central Street. Most business on East Central do not meet the setbacks because these properties predate the zoning. It very much fits in with the character and the architecture of the neighborhood.

Board: The part that I am struggling with is the need for a 13 foot variance from the front setback when you actually have a 1000 foot deep lot. You can't spare 13 feet along frontage?

Atty. Cornetta: We have discussed this numerous times with our development team. The concern that we have is that these buildings are being stacked and this proposal is very much dependent on this program what we are proposing here with all of the national retailers that we have lined up. To lose 13 feet means that we are going to be taking it from the last building which we anticipate to be a daycare center which absolutely needs that square footage based on the program that they plan to run there. It is by statute the square footage that they require indoor and outdoor so we are really tight on that.

Board: You didn't have a problem meeting the 40 foot setback on the Easterly building or any other building. I think you are trying to take advantage of the existing building. Now is the time to fix these nonconformities at the time the property is being redeveloped. I am not hearing a hardship. Motion by Tim

Twardowski to close the public hearing for 300 East Central St. – Franklin MA Properties, LLC seeking relief to allow for the location of an entrance/exit to a parking area having 20 or more parking spaces to be located within 150' of a center line of any other parking entrance/exit located on the same side of the street. Seconded by Robert Acevedo. Unanimous by board. Motion by Tim Twardowski to close the public hearing for 300 East Central St. – Franklin MA Properties, LLC seeking relief for a change, extension or alteration of a nonconforming building. Seconded by Robert Acevedo. Unanimous by board. Motion by Tim Twardowski to take under advisement. Seconded by Robert Acevedo. Unanimous by board. Board voted to deny the application seeking relief from the front setback, in this case 26.75' where 40' is required and voted in favor of the application for relief to allow for the location of an entrance/exit to a parking area having 20 or more parking spaces to be located within 150' of a center line of any other parking entrance/exit located on the same side of the street.

1312 and 1330 – 1342 West Central Street - Acme Jazz, LLC

Abutters: See attached

Applicant is seeking a building permit to construct a 280 unit multi-family development. The building permit is denied without a comprehensive permit from ZBA. Appearing before the board is Atty. Mark Vaughn, representing the applicant Acme Jazz, LLC. Along with Michael Eagan, principal with Acme Jazz, Michael Pompili with World Tech our Traffic Engineer, Phil Cordeiro, of Allen & Major is our Civil Engineer, and Chris Santoro, Cube 3, the Architect Firm. Atty. Mark Bobrowski, representing the Town of Franklin and Peter Williams, GZA. Atty. Vaughn: Primarily, We would like to address the concern of the board regarding the comment letter from GZA. Board: If they are incorporated into the decision I think we are fine with that. Peter Williams: They will have to redesign one on the detention basin. Phil Cordeiro: There are some things that need to be cleaned up on the plan and that is one of the items that will be addressed. Robert Michaud (MDM Transportation): The applicants have addressed most of our concerns. The two points that are of significance are the emergency circulations which will be easy to address. Board: We have a letter from the Fire Chief and he has no concerns. Robert Michaud: They have done a nice job at reconfiguring the plan. The second would be the point of parking. We concur the ratio of parking are appropriate. My concern is the remote lot. It is a substantial hike to get to. Atty. Vaughan: That will not change. Chris Santoro: We have addressed the concern of the board regarding the view of the proposed project. We have images going up and down the street and have placed our buildings into the view. We are using images that are a little more dramatic than a typical photograph. Mark Vaughan: We have tried to be very responsive since this project has started. We have had multiple meetings to be sure everyone is happy with the plans. Abutter: Spoke in favor of project. Abutter (Mr. Laplante) submitted letter and exhibit to the board (See attached). Tim Twardowski:

Motion to close public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to direct consulting attorney to prepare a favorable decision subject to all conditions and departmental comments. Second by Tim Twardowski. Unanimous by board. Atty. Mark Bobrowski: We have 40 days to come back and vote the permit. Board: We will meet again on the 30th @ 7:30PM.

North Berwick Trust: Franklin Heights Estates: 36 acres off Daniels/Lincoln Streets: revision of plans. Appearing before the board is Atty. Richard Cornetta, representing North Berwick Trust along with Mark Fantasia, of North Berwick Trust. We are here seeking what we feel is an unsubstantial change to the Franklin Heights Comprehensive Permit that was approved in 2005. We are requesting the board consider and approve the revised plan dated January 19, 2015 prepared by Guerriere and Halnon (see attached) looking at the plan focusing on unit #19, we would like to change the distance to 7.5 feet and it was a little under 10. Board: Did you change the size of the building? Mark: Yes, we are trying to match the existing buildings to build the same. We are only requesting an alteration to the corner. Motion by Tim Twardowski that this is an unsubstantial change to the plan. Second by Robert Acevedo. Unanimous by board. Motion by Tim Twardowski to approve change in plan dated January 19, 2015 prepared by Guerriere and Halnon. Second by Robert Acevedo. Unanimous by board.

Motion by Robert Acevedo to approve the minutes of January 22, 2015. Second by Tim Twardowki. Unanimous by board.

Motion by Robert Acevedo to approve the minutes of January 29, 2015. Second by Tim Twardowki. Unanimous by board.

Motion by Robert Acevedo to approve the minutes of February 26, 2015. Second by Tim Twardowki. Unanimous by board.

Motion by Robert Acevedo to adjourn. Second by Tim Twardowski. Unanimous by the Board.

Signature _____
Date _____