

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, May 21, 2015
355 East Central Street
Franklin, MA 02038**

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

14 Eldon Drive – Kent and Julia McQuade
Abutters: None

Applicant is seeking to construct a 2nd floor addition 33.7' from the front setback where 40' is required and an addition and deck 20.4' from the side yard setback where 25' is required. The building permit is denied without a variance from ZBA. Appearing before the board is Kent McQuade and Billy Shaunasse, Contractor for homeowner. Mr. McQuade: We are requesting permission to add a master bedroom and bathroom on the second story. The other part of the project will be adding a mudroom and extending the kitchen out off the side with a little farmer's porch. Board: I am confused with the relief that is requested. Looking at the plan it looks like the existing house is 33.7' from the front setback and the closest point of the addition will actually be 36.6' from the front setback. Board: They will still need relief anyway, they are not encroaching any more than the house already is it is actually further back. Kent: Yes, it is further back. Board: What is happening with the existing deck? Kent: Just the small portion that will be replaced by the addition. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a variance to allow to construct a second floor addition allowing for a 6.3' variance to 33.7' where 40' is required, and to add a 10x16 mudroom for a 4.6' variance down to 20.4' where 25' is required on a plan dated April 14, 2015 entitled "Certified Plot Plan" for property at 14 Eldon Drive, prepared by Continental Land Surveyor, Inc. Second by Tim Twardowski. Unanimous by board.

124 Beaver Street – Wayne and Anne Marie Brodsky
Abutters: See List

Applicant is seeking to construct a duplex on a lot that has 18,350 Sq. Ft. where 18750 Sq. Ft. is required. The building permit is denied without a variance from ZBA. Appearing before the board is Wayne and Ann Marie Brodsky along with Paul DeSimone with Colonial Engineering. Paul: Mr. Brodsky is requesting relief of about 400 sq. ft. to construct a duplex on a lot that has a single family home on it right now. The existing house does encroach on the front setback to Beaver St. The proposed structure will actually conform to all zoning regulations. At the

time the lot was created there was enough area for a duplex and now that there was some land taking there is not. The house that is existing on the lot will be taken down if this relief is granted. Board: How many square feet is the proposed building? Mr. Brodsky: It will be 30' deep by 120' wide so 60' X 30' would be the unit. Board: So you anticipate the taking was in 1940? Paul: It was in 1940 yes. Board: When did Mr. Brodsky purchase the property? Paul: 3 years ago. Board: Nothing has changed since you bought it? Same square footage as it has today? Mr. Brodsky: Yes, that is correct. Board: Were you aware of the square footage? Mr. Brodsky: No, when I looked at the town map it showed that I had more land and that is the map I went by when I purchased the property. Board; You mean the Assessor's map. Mr. Brodsky: Yes. Board: The assessor's maps are not accurate. They are used for locating properties. Paul: When they made the taking in 1940 they didn't actually survey the remaining land to tell you what you have left. It is left up to the owner of record to survey the remaining land. Abutter: Will the existing house be torn down if the relief is granted? Board: He will have to tear down the house if he puts a duplex up. He didn't say what he is going to do if he doesn't get relief. Abutter: There is no hardship that justifies a variance. None of the requirements have been met. I would ask that this variance not be granted. Board: If we are so inclined to grant the relief, the way it has been presented they will tear down the single family house and build a duplex. It is one building. They haven't spoken to hardship other than the fact that they are 400 feet short. Mr. Brodsky: The reason that I am requesting this relief is so that my disabled brother can move into one of the sides and I will be in the other. If I don't get the relief there is a single story house that will be built and the existing will be knocked down. I am hoping I get the duplex so that my brother can come back to Massachusetts, he will get better care if he has his own place. We will both be living there. It will look a lot better than what is there now. I really need it for my brother. I am trying to take an old property and make it new. Board: You own another piece of property on the corner? How big is this property? Paul: It is 11,000 sq. ft. It is non-conforming. We were going to try to take some of that but after we surveyed it we found it was undersized. Board: Did you approach any of the abutters to purchase 400 sq. ft? Paul: No, we did not approach any of the abutters. Board: Do you have any architectural renderings of what you will be putting there. Mr. Brodsky: No. If you would like to continue the meeting I would supply a rendering of the building for the next meeting. Board: I would like to see something. My concern is the parking on that driveway. Mr. Brodsky: I have to make the driveway much wider. It is not enough to get in and out. What I propose to do is to have the driveways with two, two car garages facing the street, the driveway will be wider. Motion by Tim Twardowski to continue to June 4, 2015 @ 7:35PM. Second by Robert Acevedo. Unanimous by board. Applicant will provide a rendering of what house will look like and evidence of hardship.

528 Chestnut St. - Corey and Courtney Nappa
Abutters: None

Applicant is seeking to construct an addition 30.43' from the front setback where 40' is required. The building permit is denied without a variance from ZBA. Appearing before the board is Cory and Courtney Nappa. Courtney: We would like to build an addition to the side of our house to add to our existing living room. Our backyard is all septic and leeching field, the front is a driveway. We are on a corner lot so that basically only leaves the right side to be able to expand. Board: So you have two front setbacks. Courtney: Yes. Courtney: We had started the project and poured the foundation thinking that the project was approved by the building inspector via e-mails. There was a communication error and the permit had not been issued. Board: How did you get a building permit for it? Courtney: I communicated with the building inspector by e-mail and I thought that he approved it. Corey: I was away on business and upon returning I communicated with the building dept. and they told us to stop with the project. Until we got approval. Courtney: It is our fault we are the contractors. We messed up and there is no excuse for that. Board: I am struggling to find a hardship. I understand that you can't expand on one side because of septic and the other side you have no room. Did you have to remove any trees for the addition? Courtney: No. We would like to apologize for starting this project without a permit. Board: There looks like there is a shed that is on somebody else's property. Applicants: We can move the shed. Board: Great. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to take the application under advisement. Second by Tim Twardowski. Unanimous by board.

Motion by Robert Acevedo to approve the minutes of April 30, 2015. Second by Tim Twardowski. Unanimous by board.

Motion by Robert Acevedo to approve the 2016 Zoning Board of Appeals Calendar. Second by Tim Twardowski. Unanimous by board.

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

Signature _____
Date _____