

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, June 4, 2015
355 East Central Street
Franklin, MA 02038**

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

**1256 West Central St. – Joan and Jill Godfrey
Abutters: None present**

Applicant is seeking to establish a salon in an industrial zone. The building permit is denied without a use variance from ZBA. Appearing before the board is Jill Godfrey: The reason I am here is to request that the board allow the moving of my salon to 1256 West Central St., zoned for retail, it is only zoned Industrial and I would like to put my salon there. It would be the second floor 3,000 sq. ft. Board: Do you have a floor plan? Applicant: No. Board confirming with the Building Commissioner Gus Brown that the salon would fall under other retail services personal. Gus Brown confirmed. Board: Under zoning table it is prohibited with a footnote that is only allowed as an accessory use to another wise permitted use as detailed in the use regulations. What primary use would a salon be considered accessory to? Gus Brown: The salon would not be an accessory use of anything that is a primary use in that building now. Even though it is not allowed there are some retail accessory uses there and personally the Building Dept. does not have a problem with it. Board: So the retail uses that are there are they there by virtue of a variance similar to what is being requested this evening? Mr. Brown: Originally when the building was built in the Industrial Zone the zoning tables possibly may have different and the use may have been allowed. As we have changed the zoning by-laws the use may have been restricted in that particular building. Board: Some of the uses I believe may have just shown up at the site. Applicant: currently we are right up the street. The location is great but, it is more than I can afford to stay there. I have been looking for a new location for a year now and came across this location that is affordable to me. Board has requested a suite number be supplied by applicant. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to take matter under advisement. Second by Tim Twardowski. Unanimous by board. Gus Brown, Building Commissioner has informed the board that the suite number is Suite 3. Motion by Robert Acevedo to grant a variance for 1256 West Central Street, Suite # 3 for Sage Salon to establish a salon in an Industrial Zone. Second for discussion by Bruce Hunchard. Tim Twardowski: There is absolutely no hardship here what so ever. It is unfortunate that this is classified as a prohibited use. From my prospective we should take a look at the use table to see if we are being overly restrictive here and are we losing out on opportunities for these types of uses at this locations and others. She has not

met the zoning criteria. In favor of application were Robert Acevedo and Bruce Hunchard. Opposed was Tim Twardowski. Application Denied by Zoning Board.

24 Beaver Street - Wayne and Anne Marie Brodsky

Abutters: See attached

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 Brodsky and Paul DeSimone from Colonial Engineering. Board: This is a continuance of a previous meeting. We requested that you submit some representations of the proposed building. Wayne Brodsky: Yes, I have some pictures and a rendering. Board: I believe one of the issues we had at the previous meeting was hardship. Mr. Brodsky: overview of why he is requesting the variance. Would like his brother who is mentally challenged and has been living out of state with sister to occupy the duplex next door to Mr. Brodsky. Abutter: Everyone is sympathetic to Mr. Brodsky's brother's handicap but, a variance is not personal, as you all know you need to prove a hardship for a variance to be approved. I do not think this is a benefit to the neighborhood, it will be detrimental to the neighborhood and it does not meet requirements for the variance. Board: The property that you are proposing to construct is a beautiful structure. I do have to agree that maybe this is more suited for a second dwelling unit as opposed to issuing a variance. Discussion in regards to why this would be a better fit for a second dwelling unit. Explanation of what a second dwelling unit is. Board: This is a very difficult decision we sympathize with your situation. There is a variance criteria that has not been met. The facts are not in support for the granting of a variance. Mr. Brodsky: Submitted to the board a letter of "Withdrawal without Prejudice." Motion by Tim Twardowski to accept Withdrawal without Prejudice. Second by Robert Acevedo. Unanimous by board.

528 Chestnut Street - Corey and Courtney Nappa Motion discussion of previously heard hearing. Applicant started a project prior to receiving a building permit. The foundation was poured to close to lot line. Tim Twardowski: Again there is no hardship. Motion by Robert Acevedo to grant a variance to 528 Chestnut Street to construct an addition 30.43 feet from front yard setback where 40 feet is required for Corey and Courtney Nappa. In favor of application were Robert Acevedo and Bruce Hunchard. Opposed was Tim Twardowski. Application Denied by Zoning Board

Motion by Robert Acevedo to approve the minutes of May 21, 2015. Second by Tim Twardowski. Unanimous by board.

Signature _____
Date _____