

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, August 6, 2015
355 East Central Street
Franklin, MA 02038**

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

**6 Bubbling Brook – Ellen Welch
Abutters: None Present**

Applicant is seeking a special permit for a new accessory dwelling unit. Appearing before the board is Ellen Welch and parents Millie and Bob Puorro. We are requesting this special permit to allow my parents to reside with myself and my three children in my home. Board: Is the new septic system designed for a five bedroom home? Applicant: Yes. Ellen Welch: No adverse impact on the neighborhood. Board concurs. Motion by Robert Acevedo to close the public hearing. Second by Phil Brunelli. Unanimous by board. Motion by Robert Acevedo to grant the special permit for the property located at 6 Bubbling Brook, the special permit will become null and void if either family member move. Second by Phillip Brunelli. Unanimous by board.

**71 East Central St. – Bassam Younes
Abutters: None Present**

Applicant is seeking to sell used cars. Appearing before the board is Bassam Younes. Applicant: I am applying for a use variance for the ability to sell cars. Board: This plan is the same as when canopy was put up correct? Applicant: Yes. Board: You have a very limited parking space site. How many cars are you looking to sell? Applicant: I have parking for 23 cars and I would like to sell 4. Board: It is nice to see that someone who is going to sell used cars can repair them as well. I do know that Malloy's sells cars as well and they do have more than 4 cars there. Obviously, we do not issue the license. You have a substantial repair business, and there has always been question as to how many vehicles he can park there. Board: I think in putting a number on how many cars we allow may help Mr. Younes when applying for the license. It is my feeling that anybody that is in the repair business should also have a used car license. Motion by Phillip Brunelli to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a use variance to sell motor vehicles in a Downtown Commercial Zone not to exceed a total of three vehicles. Second by Phil Brunelli. Unanimous by board.

340 East Central Street - Franklin MA II Properties, LLC
Abutters: None Present

Applicant is seeking to erect a free standing sign 17'-7.5" wide where 14'-4.5" is required, 187.2 square feet where 60 square feet is required and is 26'.5" in height where 20' is required. The building permit is denied without a variance from ZBA. The following application is tied into this one so they will be heard together.

300 East Central Street - Franklin MA II Properties, LLC
Abutters: None Present

Applicant is seeking to erect a free standing sign 17'-7.5" wide where 14'-4.5" is required, 187.2 square feet where 60 square feet is required and is 26'.5" in height where 20' is required. The building permit is denied without a variance from ZBA. Appearing before the board is Atty. Richard Cornetta, Council for Franklin MA II Properties. Atty. Cornetta: We are seeking several variances for the property known as "Central Square" which will consist of approximately 109,000 sq. feet of retail/commercial space with approximately 500 parking spaces, it is pretty sizeable shopping center that is being proposed. In doing so we are not at the point that we have applied for any permits with the Planning Board but would like to clean up our requests of the Zoning Board. On the property known as "Ficco's" there is a double sided billboard sign that has been there for a number of years, it is legal non-conforming that predates the current by-law. This is a Commercial II Zone. Rather than have a number of individual free standing signs that seem to be allowed under the by-law as is customary with most Shopping Centers they would propose these large scale free standing structures that are located in a convenient location that would advertise the various tenants in the shopping center. There are a number of larger scale signs in this area, such as across the street. The type of proposal we are suggesting for these two signs may not comport with your present zoning dimensional requirements they certainly fit in with the character of the neighborhood. If this proposal is granted those two nonconforming billboard signs will be taken down, which I suggest that these two signs would be a great improvement of the site from a sign perspective alone. Board: Are the proposed signs going to be smaller in height and width than the current billboard sign that is up now? Atty. Cornetta: Yes. Motion by Philip Brunelli to close the public hearing for 340 East Central St. Second by Robert Acevedo. Unanimous by board. Motion by Philip Brunelli to close the public hearing for 300 East Central St. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to take under advisement. Second by Philip Brunelli. Unanimous by board.

860 Upper Union Street – Jack Henry
Abutters: See Attached

Applicant is seeking to construct a commercial building 30' from the front set back where 40' is required, 138' of frontage where 175' is required, 32,749 of lot area where 40,000' is required and 138' of lot width where 157.5' is required. The building permit is denied without a variance from ZBA. Appearing before the board is Rick Godreau, Engineer with United Consulting representing Mr. & Mrs. Henry the owners of the property. Mr. Godreau: In 2004 this board granted a variance to Mr. Henry in so that he could use the property to house a mobile home as his residence, the variance was approved with conditions and a covenant was recorded by Mr. Henry at that time. The intent was that when the property was not being used as Mr. Henry's residence that it would revert back to an Industrial type property. We are looking to construct a warehouse type building approximately 50 X 120 square feet on a lot that has been in the same ownership since the early 1900's and that zoning has now been created in that district which is Industrial that requires 175' of frontage and 157.5' of lot width and 40,000 sq. ft. of lot area. Board: So this lot was created well before zoning, correct?? Mr. Godreau: Yes, the 1920's. Secondary there is a power company easement on the rear of the property and that is why we are seeking a front setback of 30 feet to allow for the building size due to the power company easement. Abutter: Concerns were raised as to what type of building would be constructed and what would be stored in warehouse. Clarification by Rick Godreau as to where the Industrial Zone begins. Board: How deep is this building? Mr. Godreau: Approximately 120 feet. Board: Why can't you make it 110 feet so you can do away with the front yard setback? Mr. Godreau: The applicant is amenable to that. Board: It is Industrial and I don't have a problem with that but I do have a problem with the frontyard and if you could bring it to 40 feet I would appreciate it. Motion by Philip Brunelli to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to take under advisement. Second by Philip Brunelli. Unanimous by board.

85 West Street – MADABS, LLC c/o Matthew Kelly
Abutters: See Attached

Applicant is seeking to convert a two-family home to a multifamily home. The building permit is denied without a variance from the ZBA. Appearing before the board is Atty. Richard Cornetta, along with Matthew Kelly, applicant. Atty. Cornetta: We are seeking a 3 family use in a Single Family IV residential zoning district, which is not permitted. This is an undersized lot that results in a substantial hardship. The exterior of the structure will not be altered, the setbacks and frontage will remain the same. There are many multi-family homes in this area and the Master plan outlines the downtown area in creating more housing units that would offer amenities within walking distance. We are requesting a use variance so that the structure could simply accommodate one additional family unit. There will be very minimal impact on the neighborhood. Board: Where is

the third dwelling unit going? Atty. Cornetta: in the Basement. Abutters: Concerned with parking. Applicant addressed this with adding two additional parking spots. Abutter: Most people that have the parking spaces do not utilize the parking spaces and they park in the street, it is very congested. Board: If there was a problem the police department would be involved. We cannot regulate peoples parking. Abutter: Is that lot big enough to accommodate 6 parking spaces? Board: It is shown on the plan that it would work. Motion by Philip Brunelli to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a variance for 85 West Street as shown on a plan entitled "Variance Plot Plan" dated August 4, 2015 by Guerriere & Halnon I want to be sure that they adhere to the 6 parking spots that are to be 9 X 19 feet each on this lot. Seconded by Philip Brunelli. Unanimous by board.

**99-101 Union Street - MADABS, LLC c/o Matthew Kelly
Abutters: See Attached**

Applicant is seeking to convert a two-family home to a multifamily home. The building permit is denied without a variance from the ZBA. Appearing before the board is Atty. Richard Cornetta along with Matthew Kelly. Atty. Cornetta: We are seeking a use variance to allow multi-family use in a Single IV District. Much like our last hearing this is also located in the shadows of the downtown area, this is an older section of town that is quite a busy street. The site is 15297 square feet and there is presently a two story structure that serves as a two family home. There are a lot of legal non-conforming lots and on this street that would not comply with today's setbacks. While there will not be any changes to the exterior of the structure there will be some improvements made to the site. The retaining wall, guard rail and a fence which will allow for some changes to the paved area to allow 2 parking spaces per each unit. Parking would be in the rear. Again, this type of housing unit is exactly what the master plan spoke about in terms of improving the downtown area. Mrs. Symmes (Abutter): We are the neighbors that share a driveway. This is considered a Historical part of town, it is a beautiful part of town. It is not a great idea. The driveway is horrible in the winter and is difficult to maneuver in and out of our parking area. Abutter: Concerned with the value of the neighborhood. Maintenance of the property. Atty. Cornetta: I would like to address some of the concerns regarding the driveway. The plan that has been submitted does call for an increase of impervious area in the driveway to address the tight egress that does exist there and as far as the additional paved area in the rear I do not think it is significant enough to impact any view. This would be a great improvement of the site. Board: So you are going to make a bad situation better? Mr. Kelly: Yes, I am trying. Board: Where are you proposing the third unit to go? Mr. Kelly: The third floor. There is already two means of egress to the third floor. Motion by Philip Brunelli to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to take under advisement. Second by Philip Brunelli. Unanimous by board.

General Business: Appearing before the board is Mr. Larry Benedetto. Council Advisory Committee is looking to encourage quality development to do some things that the Master Plan provides which is neighborhood commercial development. We started looking at various areas in the community, South Franklin being one of those area. We were made aware of Mr. Depoto's desire to have a country store, I am not here representing Mr. Depot, I am here to say that the committee met with Mr. Depoto and various department heads. We determined that there certainly is a need for this type of store in that section of town. Mr. Nutting suggested that perhaps a change of use would be more appropriate. The suggestion was that Mr. Depoto come to the ZBA and the Planning Board. We are here today to get your sense and informal opinion as to the process. Board: Under the residential/commercial district, in listening to the Town Administrator he has a problem with rezoning and "spot zoning" the zoning exists just not on a map. The Depoto's run a nice business there and I know they want to do things the right way. If they want to submit an application for relief I do not have a problem in granting the relief. As you know you will need three members to approve and I am just one vote, I cannot speak for the other board members. I think it is a positive for the Town.

Motion by Robert Acevedo to approve the minutes of June 18, 2015. Second by Bruce Hunchard. Mr. Brunelli abstains.

Motion by Philip Brunelli to grant a variance for 340 and 300 East Central Street to erect a free standing sign 17'-7.5" wide where 14'-4.5" is required, 187.2 square feet where 60 square feet is required and is 26'.5" in height where 20' is required. Second by Robert Acevedo. Unanimous by board.

Motion by Robert Acevedo to approve the request of 860 Upper Union Street to construct an Industrial building, 138' of frontage where 175' is required, 32,749 of lot area where 40,000' is required and 138' of lot width where 157.5' is required and to deny the request 30' from the front set back where 40' is required. Second by Philip Brunelli. Unanimous by board.

Motion by Robert Acevedo to grant the request of 99-101 Union Street, based on plans submitted by Guerriere & Halnon, dated August 4, 2015 entitled "Variance Plot Plan" for 99 Union St., Franklin, MA for the conversion of a two family home to a multifamily home. Second by Philip Brunelli. Unanimous by board.

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

Signature _____
Date _____