

## Town of Franklin



## Zoning Board of Appeals

**Thursday, August 25, 2022**  
**Meeting Minutes**

Chair Bruce Hunchard called the above-captioned Remote Access Zoom Virtual Meeting to order this date at 7:30 PM. Members in attendance: Bruce Hunchard, Philip Brunelli, Robert Acevedo, Meghan Whitmore. Members absent: Christopher Stickney. Also in attendance: Casey Thayer, Administrative Assistant.

This meeting is being conducted as a Remote Access Zoom Virtual Meeting as allowed by Governor Baker's signing into law An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. The Zoom meeting link and the Zoom meeting call-in number are provided on the agenda. The meeting is being televised and recorded for the public's information.

**17 Blue Jay Street - Douglas Felton**

Abutters: Bob Patten, 18 Blue Jay Street; Cliff Trautman, 11 Mockingbird Drive

**7:30 p.m.** Applicant is seeking to construct a 48' x 72' garage/barn that is 20.03' in height. The structure is proposed to 12.0' from the right-side yard setback where 20.3' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Douglas Felton. Chair Hunchard noted that this is a continuation of a meeting that was held on July 28, 2022. Mr. Felton stated that having considered all the feedback from the last meeting, he went back to his architect and looked at the building and some of the suggestions received from the ZBA. He stated that they tried to make some changes. He stated that he uploaded attachments to the portal for the ZBA members. Chair Hunchard stated that he has not seen any recently uploaded attachments; he has the previous documents. Mr. Felton stated that he uploaded the plot plan and an updated rendering from the architect. Ms. Thayer stated that the ZBA members do not have access to the portal; however, she can provide the documents to the ZBA members within a few minutes. Mr. Felton stated that the original proposal was to have the building squared to the house which required the 12'. After listening to suggestions, he has turned the building to make it square with the side lot. He stated that he is now asking for 15'. He highlighted that in addition to the aesthetics, he is asking for this because of the drainage easement which takes up a significant portion of the backyard. He stated that these few feet would mean a great deal. He stated that he went back to look at all the ZBA meetings since 2021 to now and 17 requests for variances up to 30' have all been granted except for one. He stated that he is hoping that coming back with this compromise is something the ZBA can accept.

Mr. Acevedo stated that he just received the updated plot plan and it is still showing 12'. Mr. Felton stated that is from the surveyor and he did not have that updated; it is just for reference in conversation. He stated that he has turned the building so that it will be an even distance the whole way back. Chair Hunchard stated that for him it comes down to the size of the building. He is not so inclined to grant something that is as big as this is. He stated that he is looking at all the other ZBA relief items that Mr. Felton brought up that were granted relief; that is what the ZBA does is grant relief. He noted that many of the items were before the ZBA because the property had been rezoned at one time and they could not

have met the guidelines. He stated that other items were small additions to a home, garages, decks, or porches. He stated that he does not see anything that is close to what Mr. Felton is proposing.

Mr. Patten, abutter across the street, stated that he is the one who is going to see the building the most and he has no problem with it. He confirmed that he has sent emails to the Town Administrator regarding this.

Mr. Felton stated that he had nothing to add. Ms. Whitmore had no questions. Mr. Brunelli stated that he is looking at another picture and it shows the trees and garage. Mr. Felton stated that it shows what is existing except for one tree. He confirmed the trees and the fence are existing. Mr. Acevedo asked for clarification on the setbacks; they are now looking at 15' sideline setback from the 12' originally proposed. He stated that the ZBA asked Mr. Felton to decrease the size of the building and come to the 20' setback, but he has not. Mr. Felton stated that the ZBA asked him to take 8' off so he would not need a variance from the ZBA. He stated that was not a compromise; that was just telling him to change the building. He discussed the compromise that he was proposing and how he arrived at 15'. Chair Hunchard noted that he still thinks the architect took a little liberty in the drawing regarding the size of the building and the house. The height of the garage attached to the house actually looks higher than the proposed building which he does not believe is the case. He stated that he does not have any problem with Mr. Felton building the garage as long as he does it by what the zoning says for an accessory building. Chair Hunchard reviewed that it is the mid-part of the gable end of the building; he discussed the way the measurement is calculated based on the height of the first floor being 10'. He discussed that Mr. Felton's building is 12' on the first floor. He stated that he still thinks the building is too big. He stated that there is nothing that comes close to the size of this structure that Mr. Felton is proposing in the past relief given by the ZBA.

Mr. Patten stated that he had no problem with the building. He stated that he does not see how you guys have jurisdiction on the size of the building; by right, he can build that. Chair Hunchard stated that by right he is more than welcome to do that. If the ZBA did not have jurisdiction, Mr. Felton would not be here. Mr. Patten stated that the ZBA has jurisdiction over the ask which is side setback relief; the size of the building is irrelevant in this discussion.

Mr. Trautman stated that he is a backyard abutter. He stated that his backyard abuts diagonally to Mr. Felton's backyard. He stated that he will see this a little bit. He stated that he wrote a letter for the last meeting. He stated that the whole thing comes down to a right; he can build this building at 20' off the side yard, and he will still have a 48' x 72' building. So, what the ZBA has authority and jurisdiction over is the amount of setback, not the size of the building. And, Mr. Felton has compromised to go with 15' on the side-yard setback and still construct the building that he wants to put up. He stated that he has a little experience with the height of the trusses.

Mr. Acevedo reviewed the drawing that indicates the truss height. ZBA members stated that they had no further questions. Mr. Felton thanked his neighbors for publicly supporting him. He requested the ZBA take into consideration the support of the neighbors.

***Motion made by Philip Brunelli to close the public hearing for 17 Blue Jay Street, Douglas Felton. Motion seconded by Robert Acevedo. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.***

***Motion made by Robert Acevedo to grant a Variance for Douglas Felton for 17 Blue Jay Street to construct a 48' x 72' garage/barn that is 20.03' in height. The structure is proposed to 15.0' from the right-side yard setback where 20.3' is required, giving relief of 5.3', as shown on a drawing titled "Certified Plot Plan, 17 Blue Jay Street, Franklin, MA" prepared by Continental Land Survey, dated June 14, 2022, which is going to be redone showing the 15' side-yard setback and will have an***



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*amended date of when Continental Land Survey redraws it to show the 15' side-yard setback.*  
 Discussion: Mr. Brunelli requested adding a Friendly Amendment regarding that only Mr. Felton's private use vehicles can have maintenance in the garage, no one else's vehicles. Chair Hunchard stated that he believes the Building Commissioner can go there if someone complains; he noted that the Building Commissioner is the Zoning Enforcement Officer. He stated that he did not think it was necessary to add this friendly amendment; however, if Mr. Acevedo would like to add it, he can. Mr. Acevedo stated that he was not sure how to word it, but he does not think it should become a working garage for other people's vehicles. Mr. Felton stated that he would be happy to sign something that states he would never run a business out of there; it is strictly for his own personal use. Mr. Brunelli confirmed that he would not add the amendment. **Motion (as originally stated) seconded by Philip Brunelli. Chair Hunchard re-stated that he is against this because of how different the building is from everything else in the neighborhood. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-NO.**

**Parcel 219-178-002-000 - Bruce Wheeler**

Abutters: None.

**7:45 p.m.** Applicant is seeking to modify a previously approved comprehensive permit. Applicants present: None.

Chair Hunchard stated that an email was received requesting the public hearing be continued to October 6, 2022. The email stated that the applicant agrees that the time in which the ZBA has to close the public hearing on this matter is extended to November 17, 2022.

**Motion made by Bruce Hunchard to continue the public hearing to October 6, 2022. Motion seconded by Philip Brunelli. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.**

**Meeting Minutes July 28, 2022**

**Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, July 28, 2022. Motion seconded by Philip Brunelli. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.**

**Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Motion seconded by Robert Acevedo. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.**

**Meeting adjourned at 8:05 PM.**

Respectfully submitted,

Judith Lizardi  
 Recording Secretary

Signature 

Date Sept. 16, 2022