

Town of Franklin



Zoning Board of Appeals

**Thursday, July 28, 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, Christopher Stickney. Members absent: Meghan Whitmore. 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.

Chair Hunchard called a roll call to confirm members present. Roll Call: Brunelli-HERE; Acevedo-HERE; Stickney-HERE; Whitmore-NOT PRESENT; Hunchard-HERE.

1170 Pond Street- Jimmy Desert

Abutters: None.

7:30 p.m. Applicant is seeking to construct an 18'x 20' addition that is 27.0' from the right-side yard setback where 35' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Amanda Cavaliere of Guerriere & Halnon, Inc., Paul Bernard, representing the applicant. Ms. Cavaliere reviewed the request for relief of the right-side yard setback for a single-story addition on the wood-framed single-family house. Mr. Bernard stated that the addition will be used for a bathroom off the bedroom and an office area. Ms. Cavaliere reviewed the provided Supporting Statement for a Variance. Mr. Stickney asked if there was a prior variance for the pre-existing deck and what is the applicant's type of business. Ms. Cavaliere stated that she is not sure about a prior variance and does not know the age of the deck. Mr. Bernard stated that the applicant works from home; he confirmed the applicant is not creating space for commercial traffic. Mr. Acevedo asked if there is a residential home on the side. Mr. Bernard stated there is, but it is far away.

Motion made by Philip Brunelli to close the public hearing for 1170 Pond Street, Jimmy Desert. 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 an 8ft side line Variance for Jimmy Desert for 1170 Pond Street to construct a single-story 18'x 20' addition that is 27.0' from the right-side yard setback where 35' is required, as shown on a drawing titled "Variance Plot Plan, 1170 Pond Street, Franklin, MA" dated May 25, 2022, prepared by Guerrier & Halnon, Inc. Motion seconded by Philip Brunelli. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.

17 Blue Jay Street - Douglas Felton

Abutters: Bob Patten, 18 Blue Jay Street; Vincent Salvaggio, 22 Blue Jay Street

7:35 p.m. Applicant is seeking to construct a 48' x 72' garage/barn that is 20.3' 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, Silvia Felton, applicants. Mr. Felton reviewed his proposal to construct a garage/barn. He stated that he had not realized the height of the proposed structure is taken into account for the setback requirements. He stated that he spoke to his neighbors about this; he stated they all agreed on the proposed location of the structure for aesthetic purposes. He stated that they could build it without the variance; however, it will look bad. He reviewed that this fits with all the required codes except the height of the building. He stated that this is not for any business; it is for storage for vehicles and more. He stated that when the project is finished, he would like to line the property with arborvitaes or some type of vegetation. Mr. Stickney asked if the width of the proposed structure could be reduced so the request for variance could be reduced from 8' to 4'. Mr. Felton discussed his proposed use of the structure and the need for the proposed width. He reviewed the proposed construction materials; he confirmed that it would not be a pre-fab structure. He stated that there will be clapboards on the front to maintain the aesthetics of the neighborhood; the sides and roof will be metal. He discussed that there is one maple tree in the front of the house; they will plant others as well. He stated that the submitted plot plan included the driveway. He noted the impervious coverage would be 24.2% with 25% allowed. He stated that the proposed garage doors are 12' x 12'. Discussion commenced on the height of the proposed building.

Chair Hunchard stated that the structure could be built without relief. Mr. Felton confirmed that it could be built without relief to the detriment of the neighborhood aesthetics. Chair Hunchard stated that the proposed structure is very large and compared it to the size of the house. He explained that if the location of the proposed building were changed, it could be built by right and no relief would be needed from the ZBA. Mr. Felton stated that to move the building in any way, the driveway would need to be changed in size, which would put him over the allowed impervious percentage. Chair Hunchard stated that it may be easier to reduce the impervious as there are ways to put the water back in the ground. Mr. Brunelli asked the applicant if he thought about shrinking the size of the building. Mr. Felton stated that it is important for him to have the requested space.

Mr. Patten, abutter across the street, stated that he agrees with Mr. Felton that the structure would look better as proposed at the 12' offset. He stated that he does not have a problem with it at all. Chair Hunchard read allowed a letter of support from Clifford Trautman, 11 Mockingbird Drive. Mr. Stickney stated that he hears that the neighbors are in support of the proposed structure; he suggested this should be taken into consideration for the aesthetic of the neighborhood. Chair Hunchard noted that the applicant does not have a septic system, pool, or other factor that needs to be taken into consideration; the proposed structure can be move to fit onto the lot without a variance. He stated that although no other abutters are present at this meeting, when such a large structure goes up, they will notice it. He stated that as the applicant has indicated that the structure can be built without relief, that is what the ZBA looks for or some compromise which the applicant seems not willing to do. Mr. Felton reviewed the retention basin in the backyard; it is not usable yard space. Mr. Brunelli stated that he thinks the applicant is making a good case for himself; if the backyard is as unusable as the applicant states, Mr. Brunelli cannot see penalizing him for a few extra feet. Mr. Acevedo stated that this structure is bigger than the home; the ZBA's job is to review the request for relief and work to compromise as needed. If it can be moved, he would appreciate it. If it can be squeezed down, the applicant would get the right setback. Mr. Brunelli asked the applicant to reduce the width. Mr. Felton stated that he would talk with his architect.

Chair Hunchard stated that the applicant can have the meeting continued and return with some options to the ZBA at their next meeting on August 25, 2022, or the applicant can move the building over, and if he

meets the zoning setbacks, he can build it without any relief needed by the ZBA. Commission members and Mr. Felton discussed the possibilities of cutting back the width from 48' to 40' without shifting the building to the left which would meet the setbacks. Mr. Felton requested hearing the opinions of the Commission members. Mr. Stickney discussed that the building should be reduced by 8' to meet the setback. Mr. Acevedo stated that there is no reason for the applicant to be before the ZBA for relief as the applicant can build the building as is by moving it over. Mr. Felton stated that he is before the ZBA as he wanted to make the building look aesthetically pleasing for the neighbors. Mr. Brunelli stated that he would be willing to compromise with taking off 4'.

Chair Hunchard asked Mr. Patten if it made a difference if the building were 48' or 40' wide. Mr. Patten stated that he believes Mr. Felton wants 48'. He stated that the width would make no difference to him. He discussed that he does not think that many people will even see the proposed building. He stated that if the building has to be moved, it will not look nearly as good; however, if Mr. Felton wants that size building, that is what he should build. Chair Hunchard stated that he believes the building is too big for a residential neighborhood; however, it can be built by right if the applicant can meet the zoning setbacks. Mr. Felton stated that if he has to build it tucked behind the house, it will not look as good, but he may have to do that.

Mr. Vincent Salvaggio, abutter, stated that he agrees the building is very large. He is concerned that although Mr. Felton stated he would not be using the building commercially, what if Mr. Felton moves and the next owner decides to open a shop. Chair Hunchard stated that there are zoning bylaws regarding opening a repair shop in a residential district.

Chair Hunchard stated that there is an option for Mr. Felton to continue the hearing and return on August 25, 2022. If he decides he does not want to, he can send the ZBA a letter requesting to withdraw his application without prejudice. Mr. Felton stated that he would request a continuance.

Motion made by Philip Brunelli to continue the public hearing for 17 Blue Jay Street, Douglas Felton, to August 25, 2022, at 7:30 PM. Motion seconded by Robert Acevedo. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.

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:

Chair Hunchard stated that an email was received requesting the public hearing be continued to August 25, 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 October 14, 2022.

Motion made by Bruce Hunchard to continue the public hearing to August 25, 2022. Motion seconded by Robert Acevedo. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.

2023 ZBA Meeting Schedule and Deadlines

Motion made by Philip Brunelli to approve the 2023 ZBA Meeting Schedule and Deadlines as presented. Motion seconded by Robert Acevedo. Roll Call Vote: Acevedo-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.

Meeting Minutes June 30, 2022

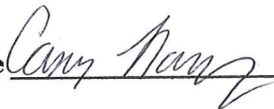
Motion made by Philip Brunelli to approve the Meeting Minutes as presented for Thursday, June 30, 2022. Motion seconded by Christopher Stickney. Roll Call Vote: Stickney-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.

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

Meeting adjourned at 8:40 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature 

Date 9-6-22