

Town of Franklin



Zoning Board of Appeals

**Thursday, May 11, 2023  
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, Meghan Whitmore. Members absent: None. Also in attendance: Casey Thayer, Administrative Assistant.

This meeting is being conducted as a Remote Access Zoom Virtual Meeting. 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.

**19 Vine Street - Andrew and Kristen Mucciarone**

Abutters: None.

**7:30 p.m.** Applicant is seeking to construct a 28' x 32' attached garage that is 35.40' from the right side yard setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Andrew and Kristen Mucciarone.

Ms. Mucciarone reviewed that they are requesting to build a 28' x 32' attached garage that is 35.40' from the right side yard setback where 40' is required. She explained that a variance is required as the way the home is on a hill, and the location of the their well and their septic system is on the left side. She stated that inside the garage will be the chimney and a mudroom as shown in the drawing; therefore, that will require a little larger garage than the typical garage. She stated that they spoke about this with their neighbors. She stated that they like living in Franklin and would like a variance for this. She read aloud their Supporting Statement for a Variance. She stated that it would be a hardship for them to find another home in Franklin so they could have a two-car garage. In response to a question, Mr. Mucciarone stated that the garage will be a little lower than the existing first floor of the house. Mr. Acevedo noted that the set of drawings he is looking at does not look anything like the applicant's house. Ms. Mucciarone stated that they changed the house from a gambrel to a colonial. Mr. Mucciarone stated that there will be a bonus room above the garage. He stated that the access will be from the first floor of the house. Mr. Acevedo stated that it was a tough lot.

***Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.***

***Motion made by Robert Acevedo to grant a Variance for 19 Vine Street for Andrew and Kristen Mucciarone to construct a 28' x 32' attached garage that is 35.40' from the right side yard setback where 40' is required, giving relief of 4.6', as shown on a drawing titled "Proposed Additions Plan, Andrew Mucciarone, 19 Vine Street, Franklin, MA" prepared by GW Site Solutions, Blackstone, MA, dated May 7, 2018. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.***

**General Business: Franklin Height application of D. Bruce Wheeler, Trustee of Oliver Crossing Realty Trust for Insubstantial Change**

Mr. Louis Levine, Attorney for the applicant on the Comprehensive Permit, stated that with him tonight is supposed to be the engineer Mr. Michael Hassett and Mr. Bruce Wheeler. He stated that this is for an insubstantial change to the Comprehensive Permit. He stated that the changes are dictated by adjustments that the Conservation Commission requested in connection with their re-review of the site and their peer review and they asked that certain changes be made to drainage. The net result is that some houses were moved a few feet and one house got flipped to the other side of the pond. The only other changes have been made at the request of the abutting condominium which asked for some curvature in the road.

Mr. Hassett reviewed the differences in the set of plans that the ZBA saw and approved and the new ones. He stated that some of the units shifted around slightly to accommodate changes to the drainage and grading requested during the review by the Conservation Commission. Units 43 and 44 switched places with the pond; the pond was moved downhill to facilitate better grades. Similarly, units 27 through 42 have shifted a few feet left and right to allow for the expansion of the southern pond. The only other changes were to the limit of work and erosion control, and construction phasing was fleshed out. The wetland crossings were detailed, and at the entrance the Parcel A condominium requested that the stop bar originally proposed and was part of the conditions be moved onto the new road. Similarly, they would like to tighten up the rounding at that corner so it does not impact the building 5 driveway quite as much as the original design did. He stated that is the majority and major changes that took place during the process. Mr. Levine said these changes meet the definition of insubstantial change.

Chair Hunchard stated that he received an email from engineer Joe Peznola who was the peer reviewer for the ZBA on this plan. He said that Mr. Peznola reviewed the material and said that his opinion is that the changes are insubstantial. Chair Hunchard stated that he agreed.

*Motion made by Philip Brunelli to grant Franklin Heights the changes requested as an insubstantial change by their submission. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.*

**Meeting Minutes April 13, 2023**

*Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, April 13, 2023. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-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: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.*

*Meeting adjourned at 7:50 PM.*

Respectfully submitted,

Judith Lizardi  
Recording Secretary

Signature



Date

