

Town of Franklin



Zoning Board of Appeals

Thursday, October 12, 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, Meghan Whitmore, Christopher Stickney. 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.

28 Pine Street – Brian Murphy

Abutters: None.

7:30 p.m. Applicant is seeking to construct an 801 sq. ft. attached addition that is 12.6' from the right side yard setback where 25' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Brian Murphy.

Chair Hunchard noted that Mr. Murphy submitted a plan with the application and since then Mr. Murphy provided a new plan. He stated that the ZBA could use the new plan.

Mr. Murphy summarized the proposed project. He stated that he and his wife love the location and would like to expand the house and grow the family. He stated that they were hoping to go out to the back rather than up. The back addition would be for a master bedroom, living room, extra storage space, and bedroom for a child. He noted the addition is approximately 801 sq. ft. He reviewed the differences between the two submitted plans which are the setbacks and frontage and the total coverage of impervious. He noted the existing garage and house on the plans.

Chair Hunchard noted that Ms. Whitmore would sit in for Mr. Brunelli who was not yet at the meeting.

Mr. Acevedo asked about the dates of the drawings. Mr. Murphy confirmed the August 26, 2023 drawing was the original, and they would be using the September 19, 2023 drawing.

Ms. Whitmore said she had no questions, Mr. Acevedo said he had no problem with the expansion, and Mr. Stickney said the plan looks good.

Mr. Murphy said he was on town sewer. Chair Hunchard confirmed the ZBA would be approving the September 19, 2023 plan. Mr. Murphy explained the existing and proposed addition regarding the setbacks.

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

Motion made by Robert Acevedo to grant a Variance for 28 Pine Street for Brian Murphy to construct an 801 sq. ft. attached addition that is 12.6' from the right side yard setback where 25' is required, giving relief of 12.4', as shown on a drawing titled "Proposed Addition Plot Plan of Land in Franklin, Mass" prepared by RealMapInfo LLC, dated September 19, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Mr. Brunelli entered the meeting.

Christine Wall – 121 Miller Street

Abutters: None.

7:40 p.m. Applicant is seeking to construct a 22' x 38' attached garage with living space above that is 20.5' from the left side yard setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Christine Wall; Bruce Wilson of GW Site Solutions, representing the applicant.

Mr. Wilson reviewed the proposal to add a 22' x 38' attached garage on the left side of the house. He said that the applicant is now working from home due to covid and has had to occupy one of the bedrooms. As such, the applicant is looking to add a bedroom over the garage to house all her children and continue to work from home. He reviewed that the current lot is pre-existing non-confirming. He reviewed the provided plan. He discussed that they have provided an infiltration pit off the back of the building so that there is no additional runoff. He said it is a two-story building; the upper floor would be for a bedroom, and the garage will house two vehicles. He said this is very similar to other homes in the neighborhood.

Ms. Whitmore said it looks pretty good. Mr. Stickney said he agreed the lot is uniquely shaped. Mr. Acevedo said he did not have a problem with the proposed. Chair Hunchard asked about the drainage.

Mr. Wilson explained that the lot is large and meets the percentage; they are only at 4.2% total impervious. He said they are going to recharge any runoff into the ground.

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

Motion made by Robert Acevedo to grant a Variance for 121 Miller Street for Christine Wall to construct a 22' x 38' attached garage with living space above that is 20.5' from the left side yard setback where 40' is required, giving relief of 19.5', as shown on a drawing titled "Variance Application Plan, Christine Wall, 121 Miller Street, Franklin, MA" prepared by GW Site Solutions, dated September 13, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

394 Washington Street – Hallie Wetzell and Nicholas Paone

Abutters: None.

7:45 p.m. Applicant is seeking to construct a detached 24' x 36' garage with an Accessory Dwelling Unit that is 25.3' from the frontage and to render impervious coverage 21.0% where 15.0% is allowed. The building permit is denied without a Special Permit and Variance from the ZBA. Applicants present: Amanda Cavaliere of Guerriere & Halnon, representing the applicant; Hallie Wetzell and Nicholas Paone, applicants.

Chair Hunchard noted this is a continued public hearing.

Ms. Cavaliere shared her screen and reviewed the updated plan. She reviewed the changes including that it is in line with the house, 12' off the rear property line, and 31.4' off the front property line. She said the existing house is 31.4' as well. She said they are 11.4' off the existing house. She noted some existing

pavement that will be added so the circular driveway will still be able to be utilized. She noted infiltration chambers in the front of the house and roof recharge.

Chair Hunchard noted that they need a special permit for the ADU and a variance for the front yard setback. He asked if it was a gravel driveway. Ms. Cavaliere said the impervious coverage is being treated with a stormwater runoff mitigating measure of the Cultec chambers which treats the additional impervious coverage getting it down to 14.5% with the mitigation. She reviewed the pavement that is going to be removed.

Chair Hunchard, Mr. Acevedo, and Ms. Cavaliere reviewed the requested relief.

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

Motion made by Robert Acevedo to grant a Variance for 394 Washington Street for Hallie Wetzell and Nicholas Paone to construct a detached 24' x 36' garage with an Accessory Dwelling Unit that is 31.4' from the front yard setback where 40' is required, giving relief of 8.6' as shown on a drawing titled "Special Permit Plot Plan, 394 Washington Street, Franklin, MA" prepared by Guerriere & Halnon, Inc., dated September 6, 2023, with revision date October 6, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Motion made by Robert Acevedo to grant a Special Permit for 394 Washington Street for Hallie Wetzell and Nicholas Paone to construct a detached 24' x 36' garage with an Accessory Dwelling Unit to render impervious coverage 21.0% where 15.0% is allowed, with the provision of mitigation bringing it to down to 14.5%, as shown on a drawing titled "Special Permit Plot Plan, 394 Washington Street, Franklin, MA" prepared by Guerriere & Halnon, Inc., dated September 6, 2023, with revision date October 6, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board. Hi Casey, you may want to review the part of the motion highlighted above in blue--there were many changes as it was being spoken. It starts around 00:31:00 on the recording for your review.

Motion made by Robert Acevedo to grant a Special Permit for an accessory dwelling unit for the property located at 394 Washington Street for Hallie Wetzell and Nicholas Paone. No separate utilities shall be permitted unless required by the DPW at 55 Daniels Street. The Board also determines that the social, economic, and community needs which are served by this proposal will be met. Traffic flow and safety will not be encumbered, adequate utilities and other public services exist, the proposal is consistent with the neighborhood character, and social structure as it exists now and the quality of natural environment will stay intact. There is no potential fiscal impact for the Town of Franklin by the issuance of the Special Permit. Also, the Special Permit will be recorded at the Registry of Deeds. The proposed accessory dwelling unit is shown on the Plan titled "Special Permit Plot Plan, 394 Washington Street, Franklin, MA" prepared by Guerriere & Halnon, Inc., dated September 6, 2023, with revision date October 6, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

865 Upper Union Street – Sean Pisani

Abutters: None.

7:50 p.m. Applicant is seeking to construct a single-family home that has 153.56' of lot frontage where 200' is required and has 153.9' of lot width where 180' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Amanda Cavaliere of Guerriere & Halnon, representing the applicant; Sean Pisani; Anthony Pisani.

Chair Hunchard stated that Ms. Cavaliere made a presentation at the last meeting and supplied all necessary documentation showing the lot was owned by someone else, the lot was subdivided by the Planning Board in 1993, the ZBA granted a frontage variance in 1993, the owner took action and recorded it with the Registry of Deeds, and then transferred Lot 1A and Lot A2 to Anthony Pisani. He stated that he is prepared to enter a finding to clean this all up. He reviewed that the main thing is that someone has to take action on something.

Ms. Cavaliere stated that information was all correct.

Mr. Acevedo asked if this went to the Town Attorney. Chair Hunchard stated that the Town Attorney wanted them to do nothing and have Building Commissioner Gus Brown issue a permit. Chair Hunchard stated that he wanted to have a finding on it so it would clear it up for the future if anybody else had questions. Mr. Acevedo confirmed the ZBA was just going to make it formal.

ZBA members had no questions or comments. Chair Hunchard noted that at the last meeting Mr. Brunelli recused himself.

Motion made by Robert Acevedo to grant a Finding for Lot 2A (865 Upper Union Street). The lot was subdivided by a vote of the Planning Board on February 22, 1993. On May 13, 1993, the ZBA granted a frontage Variance. The owner acted upon this by recording the decision at the Registry of Deeds and transferred Lots A1 and A2, to Ana and Anthony Pisani. Therefore, it is determined by the Board that there is no action needed by the Board and the Building Commissioner is free to issue a building permit when the owners submit the necessary documents and fees required that meet the Town Building Permit Application and the approval of the Building Commissioner. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

General Business

Meeting Minutes September 28, 2023

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, September 28, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Chair Hunchard stated that the next ZBA meeting will be held on November 9, 2023. He noted the election on October 24, 2023, for the new Tri-County School as Franklin is one of the school's 11 communities. He noted the Town Election is held on November 7, 2023.

No Motion, Second, or Vote made to adjourn the Remote Access Zoom Virtual Meeting.

Meeting adjourned at 8:13 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Tel: (508) 553-4856

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Signature Camryn

Date ~~11/9/23~~ 11/9/23