

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, December 14, 2017
355 East Central Street
Franklin, MA 02038

Members Present: Bruce Hunchard
Robert Acevedo
Philip Acevedo

TOWN OF FRANKLIN
TOWN CLERK

2018 FEB 26 A 9:58

RECEIVED

19 Metcalf Street – Chad and Sandra Von Iderstein.
Abutters: None

7:30 pm: Applicant is seeking a Special Permit for an accessory dwelling unit. The building permit is denied without a Special Permit from the ZBA. Applicants present: Chad and Sandra Von Iderstein. Chad explains that he would like to build an in-law apartment for his mother and sister to stay with him so that he can take care of them. His mother is disabled and sister is blind. Their names are Lorraine (mother) and Elizabeth (sister) Von Iderstein. Applicant reads supporting statement for Special Permit. He explains that they have already built the 650 sq. ft. addition and it is weather-tight. Chair asks if the addition could possibly be incorporated into the house in the future. Chair opens floor for questions. Gus Brown, Franklin Building Commissioner, discusses inquiries made to his office regarding the handicap ramp that encroaches on the setbacks for the side lot line. The addition meets the setbacks and under Chapter 40A, Section 3, as defined in section 13A of chapter twenty-two: a handicap ramp is exempt from zoning setbacks.

Motion made by Philip Brunelli to close the public hearing and seconded by Robert Acevedo. Unanimous by board. Motion made by Robert Acevedo to grant a Special Permit for the second dwelling unit for the property located at 19 Metcalf Street as shown on plan entitled "Plot Plan of Land in Franklin, Mass, Map 296, Lot 150" dated August 6, 2017, prepared by PFS Land Surveying, Inc. With the conditions that the Special Permit be that the in-laws, Elizabeth Von Iderstein and Lorraine Von Iderstein reside at the property along with the owners, Chad Von Iderstein and Sandra Von Iderstein and that the second dwelling unit become null and void if either party moves or transfers ownership. No separate utilities shall be permitted unless required by the DPW at 19 Metcalf 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. Proposal is consistent with the neighborhood character and social structure as it exists now and that the quality of natural environment will stay intact. There is no potential fiscal impact for the Town of Franklin by the issuance of this Special Permit and also that this Special Permit be recorded by the Registry of. Motion seconded by Philip Brunelli. Unanimous by board.

105 Pine Ridge Drive – Thomas & Jessica George
Abutters: None

7:35 pm: Applicant is seeking to construct a deck that is 22.4' from the side setback where 25' is required. The building permit is denied without a Variance from the ZBA. Applicants Present: Mike Bassignani, the contractor, and Jessica George, the homeowner. Mr. Bassignani gives a basic statement of the timeline and what happened in the process. The scope of the project was to remove an existing deck on the premises and to construct a new one. At the time of permitting, he requested a copy of the plot plan for 105 Pine Ridge Drive from the Building Department and was mistakenly given a plot plan for 105 Pine Street. He did not see that the plot plan was incorrect. To make matters worse, there were a lot of similarities between the two plot plans. Based on that incorrect plan, he made an assumption that the setbacks were good and further research was not necessary. He submitted the paperwork for permitting and the permit was granted based on the erroneous plan. The deck was built and the final inspection was completed. Once the As-Built was received, there was shock and disbelief. Even though there were several mistakes made along the way, the contractor takes full responsibility for the error and is now here to see if the board will grant this request for a variance on behalf of the homeowners. The Chairman reads a letter from a neighbor, Corrine Moran, in favor of the deck (see attached). Chairman opens the floor to abutters. The Building Commissioner stands and states that he is in favor of granting this variance.

Motion made by Philip Brunelli to close the public hearing and seconded by Robert Acevedo. Unanimous by board. Motion made by Robert Acevedo to grant the Variance for 105 Pine Ridge Drive to Thomas and Jessica George to give them a 2'6" sideline setback of 22'4" where 25' is required for a rear deck as shown on a drawing dated August 23, 2017, entitled "Deck As-Built Plan Located at 105 Pine Ridge Drive, Franklin, MA, Norfolk County" by Continental Land Survey, LLC of Beaver Street, Franklin, MA. Motion seconded by Philip Brunelli. Unanimous by board.

Auburn Road – Marinella Construction Inc.

Abutters: None

7:40 pm: Applicant is seeking to construct a single family home on a lot with 151.8' of frontage where 200' is required. The building permit is denied without a Variance from the ZBA. The applicant has submitted a Formal Request to Withdraw Without Prejudice on 12/14/17. Applicants Present: Anthony Marinella. Chairman reads a letter dated December 14, 2017, from Andrews Survey & Engineering, Inc. on behalf of the applicant, Anthony Marinella, and signed by Stephen J. O'Connell, Vice President (see attached). Chairman asks Mr. Marinella if he would like to say anything and Anthony asks to cancel the withdrawal. Philip Brunelli asks if the applicant can withdraw as he is here in the audience. The Chairman also explains that it was posted in the office and on-line that a withdrawal was in place, most likely causing abutters not to show up and it would not be fair to them. If the applicant wanted to withdraw the withdrawal he would have to continue it to another meeting in fairness to the abutters. The Chairman explains to the applicant the various discussions that he had with the Town Attorney as to the options that were available to the applicant; that there were also discussions between the engineer and the neighbors after the last meeting; and that the engineer also met with the Planning Department. The Town Attorney suggested that the route to go would be to go to the Planning Board and see if they were amenable to approving the extension of the road to make a circle. The applicant agrees to withdraw for now and meet with his engineer.

Motion made by Philip Brunelli to allow the applicant to withdraw without prejudice and seconded by Robert Acevedo. Unanimous by board.

General Discussion: - Maddi North Street Development, LLC – Extension of the Earth Removal Permit for Lakeview Terrace

The applicant has requested an extension for the earth removal permit. Chairman reads a letter dated December 12, 2017, written by Anthony Marinella, Manager of Maddi North Street Development, LLC, formally requesting an extension of the Special Permit which is due to expire March 18, 2018 (see attached). Chairman also reads a letter from the Building Commissioner dated December 14, 2017, informing the board that Maddi North Street Development has met all the requirements for the Earth Removal Special Permit as per the Decision of the Zoning Board of Appeals dated March 16, 2010 (see attached).

Motion made by Philip Brunelli to allow extension of the Special Permit for Earth Removal Permit for another two years and seconded by Robert Acevedo. Unanimous by board.

Motion made by Robert Acevedo to accept the Minutes as presented for Thursday, 11/30/2017. Seconded by Bruce Hunchard. Abstained by Philip Brunelli. Motion made to adjourn by Robert Acevedo. Seconded by Philip Brunelli. Unanimous by board.

Signature Deanne M. Kerwin

Date 2/22/18