

Town of Franklin



Zoning Board of Appeals

TOWN OF FRANKLIN
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**Thursday, July 9, 2020
Meeting Minutes**

Chair Bruce Hunchard called the above-captioned **Remote Access Zoom Virtual Meeting** to order this date at 7:30 p.m. Members in attendance: Philip Brunelli, Robert Acevedo, Christopher Stickney, Mickey Whitmore. Members absent: None. Also in attendance: Melissa Kiriacopoulos, Administrative Assistant.

This meeting is being conducted as a **Remote Access Zoom Virtual Meeting** as allowed by the Governor's Order relating to the COVID-19 outbreak emergency. Chair Hunchard noted the Zoom Meeting link and the Zoom Meeting call-in number are provided on the agenda. He announced the meeting is being televised and recorded for the public's information.

81 Park Road – Steve Keene

Abutters: Bob and Diane Simpson, 83 Park Road; Rod and Marsha Crochiere, 1 Summit Road

7:30 p.m. Applicant is seeking to construct a 22' x 12' addition that is 12.4' from the right setback whereas 20' is required. The building permit is denied without a Variance from the ZBA. Applicant present: Mr. Steve Keene, representing David and Ianthe McCarthy, homeowners. Mr. Keene stated they would like to build a one-story addition off the side of the home to expand the first floor. With the limitations of this being a duplex, the septic system in the front of the house, and ledge at the rear of the house, they are requesting a variance to build the addition on the side of the house. Chair Hunchard confirmed the proposed addition is shown on the Plot Plan. Mr. Simpson asked how far out on the side the addition will go, what would be done with the large tree that overhangs onto his yard, if the addition will have a foundation, and how long the project would take. Ms. Simpson asked if they would have to move their fence and if the crumbling ledge has been investigated. Mr. Keene stated he believes the intent is to take down the tree, all work would be done on the McCarthy's property, the addition will be on a foundation, the ledge area is outside of the work zone for the addition, and the work will take approximately three months. Ms. Crochiere asked what is the plan to access the property to build the addition as their home is directly behind the McCarthy's property. Mr. Keene confirmed the addition is going on the side of the house, not in the back. Chair Hunchard noted that this was a condo and asked if the homeowners had permission to construct this. Mr. Keene stated he has not heard of any issues.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board.

Motion made by Robert Acevedo to grant the Variance for Steve Keene, for 81 Park Road, to construct a 22' x 12' single-story addition that is 12.4' from the right setback where 20' is required, giving relief of 7.6' as shown on a drawing dated February 3, 2020, titled "Plan for Proposed Addition 79/81 Park Road, Franklin, MA" prepared by D. O'Brien Land Surveying. Seconded by Philip Brunelli. Unanimous by Board.

22 Charles Drive – Karen Pucel

Abutters: None.

7:32 p.m. Applicant is seeking to construct a garage that is 17.3' from the right setback whereas 40' is required. The building permit is denied without a Variance from the ZBA.

Motion made by Philip Brunelli to continue the public hearing until the end of tonight's meeting agenda as the applicant was not present. Motion seconded by Robert Acevedo. Unanimous by Board.

300 East Central Street – Planning Board of Franklin

Abutters: None.

7:35 p.m. Hearing an Appeal of the Building Commissioner's Decision to issue a Building Permit, #98107, dated April 10, 2020, for 300 East Central Street. Applicants present: Planning Board Chair Anthony Padula, Planning Board Vice Chair Joseph Halligan, and Planning Board member William David. Mr. Padula stated the reason for this appeal is that there was an unauthorized meeting between the Town Administrator, Town Counsel, and the counsel for the applicant for 300 East Central Street in which they made a decision to direct the Building Inspector to issue the building permit for 300 East Central Street. These negotiations took place while there was still a public hearing open which is his appeal. There were no negotiations at the Planning Board public hearing and he believes this is not consistent with the way a Site Plan is handled. He stated the Building Commissioner gave the Planning Board a letter requesting that 300 East Central Street produce a Site Plan before a building permit or before occupancy. The Planning Board went through numerous meetings for a Site Plan which was never produced or completed. During this time, the applicant refused the direction of the Planning Board and refused to produce anything for drainage where the site is in a Water Resource District. Lighting, parking, and public safety issues should have been addressed as well as protection of the Town wells for drainage which the parking lot has none of. He requested the Building Commissioner be directed to rescind the building permit/occupancy permit because it violates two of the zoning requirements which he read aloud. He questioned why the Building Commissioner was redirected by the Town Administrator and circumvented the Planning Board as it is not consistent with the rules and regulations of the Town, and why administrative employees can overrule an elected official board. Chair Hunchard stated he received a letter that the Planning Board addressed this at a Planning Board meeting and voted to appeal. Mr. Padula noted that the Administration denied the Planning Board any help in filing this appeal with the Town Clerk. Chair Hunchard stated he asked the Town Administrator if they could hire representation and was turned down. He discussed the drainage situation on the site and noted that it is close to a Town well. He confirmed there is no Site Plan that exists for this site. Mr. Stickney requested clarification on the request/appeal. Chair Hunchard stated there is question as to whether the permit should have been issued. Anyone aggrieved as to the issuance of a building permit can appeal the building permit to the ZBA. He summarized that in this case, the applicant of 300 East Central Street was only willing to provide an As-Built plan. Chair Hunchard noted the Building Commissioner or anyone was in attendance at tonight's ZBA meeting to represent the Town's side of this. Mr. Acevedo asked why no Site Plan was produced. Mr. Padula reviewed possible reasons that the applicant of 300 East Central Street did not want to produce a Site Plan and only wanted to provide an As-Built plan. Mr. Brunelli asked about the drainage system on Rt. 140. Mr. Padula stated all drainage must be kept onsite and contained on the property; therefore, they would have to put some kind of Cultec system into the parking lot. ZBA members reviewed reasons why they agree with the applicant/Planning Board.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board.

Motion made by Robert Acevedo that the Zoning Board of Appeals during a hearing on July 9, 2020, upholds a request with the applicant, the Planning Board, to ask the Building Commissioner to rescind the issuance of a building permit for 300 East Central Street because the Site Plan was denied by the Planning Board. Seconded by Philip Brunelli. Unanimous by Board.

General Business – Franklin Heights Estate

Applicant was not present.

General Business – Reorganization

Chair Hunchard congratulated Mr. Acevedo for his three-year reappointed to the ZBA.

Motion made by Philip Brunelli to keep the organization of the ZBA as it currently is: Mr. Hunchard as Chair, Mr. Acevedo as Vice Chair, and Mr. Brunelli as Clerk. Seconded by Robert Acevedo. Unanimous by Board.

General Business – Meeting Minutes

Motion made by Philip Brunelli to approve the Meeting Minutes as presented for Thursday, May 7, 2020. Seconded by Robert Acevedo. Unanimous by Board.

Motion made by Philip Brunelli to continue the public hearing for 22 Charles Drive-Karen Pucel to July 23, 2020, at 7:40 PM. Motion seconded by Robert Acevedo. Unanimous by Board.

Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Seconded by Robert Acevedo. Unanimous by Board. Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

7-22-2020