

Town of Franklin

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2020 JUL 10 A 10:47

Zoning Board of Appeals

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**Thursday, February 27, 2020
Meeting Minutes**

Chair Bruce Hunchard called the above-captioned meeting to order this date at 7:30 p.m. at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Members in attendance: Robert Acevedo, Mickey Whitmore. Members absent: Philip Brunelli, Christopher Stickney. Also in attendance: Melissa Kiriacopoulos, Administrative Assistant.

138 Wachusett Street – Meghan and Ray McGovern**Abutters: See attached list.**

7:30 p.m. Applicant is seeking to construct an accessory dwelling unit that is 5.6' from the left side yard setback where 20' is required. The building permit is denied without a variance from the ZBA. Also, applicant is seeking relief to create an accessory dwelling unit in the above referenced addition. The accessory dwelling is denied without a special permit from the ZBA. Applicants present: Mr. Stone, brother of Meghan McGovern; Ms. Meghan McGovern, owner. Ms. McGovern stated she would like to build an addition onto the left side of the home with a one-bedroom in law apartment for her parents, Robert and Denise Stone, with an extension to the second floor to accommodate a master suite. Chair Hunchard stated the ZBA gave relief to this property years ago; this would be the second request for lot line relief for this property. Mr. Paul Palumbo, abutter at 136 Wachusett Street, stated he objected to the proposed project. He stated there is approximately 4' from his house to the property line; the proposed garage would be only 5' from the property line. Chair Hunchard confirmed the applicant did not show on the plans how close the abutter's house is to the lot line. Mr. Palumbo explained that there is ledge on that side of the house. He discussed that if the ledge extends into the applicant's property, it would need to be removed by blasting. He stated there were also existing drainage issues with the applicant's in-ground pool; he often gets water in his basement. He stated that the previous owner of the applicant's property stated water was in that basement, as well. Chair Hunchard stated ledge can be blasted or hammered. He noted that as relief was already provided to the other side of the property, if this relief were granted, and there was a problem with something in the backyard, such as with the pool, he does not know how the applicant would get into the back yard. Mr. Stone discussed the existing grade and driveway and noted that they would not have to blast; they would be happy to work with the abutter. Ms. Erika McBride, 28 West Park Street, abutter to the back, asked about the location of the addition. Chair Hunchard stated that according to the proposed plan, there would be no work behind the pool in the back. Mr. Acevedo stated he did not have an issue with the secondary dwelling in-law unit, but it is a very small lot. He stated that he thinks the lot line relief is too overwhelming. He asked if the applicant thought of renovating the garage on the other side. Mr. Stone stated they have looked at options with the architect. Based on the family needs and wheelchair accommodations, this is the best option. He stated they are aware that they are asking for a lot of relief. Chair Hunchard stated he did not have a problem with the in-law apartment; he has a problem with the setbacks. He suggested there should be some way that the applicant could extend out the back. He noted the neighbor's house is very close to the lot line. Mr. Stone asked what relief would be acceptable. Chair Hunchard stated the required setback is 20'; however, if the applicant was granted half of that for relief, it would probably not be enough for the addition. He stated the

applicant's options are to request a continuation to the next meeting scheduled for March 26, 2020, or have the public hearing closed and a vote taken. Chair Hunchard stated that two comment letters were provided on behalf of the applicants indicating the need for the in-law apartment and additional space for the family, and one comment letter was received from an abutter stating she had no objections to the proposed project.

Motion made by Mickey Whitmore to continue the public hearing to March 26, 2020, at 8:05 p.m. Motion seconded by Robert Acevedo. Unanimous by Board.

33 Southgate Road – Robert and Emily Constantine
Abutters: None.

7:35 p.m. Applicant is seeking to construct a 15' x 32' attached garage with room above that is 20' from the right-side setback where 35' is required. The building permit is denied without a variance from the ZBA. Applicant present: Mr. Robert Constantine, owner. Mr. Constantine stated they are proposing to construct a 15' x 32' addition and are requesting 15' relief from the right-side setback. He stated many of the houses in the subdivision are already at a 20' side setback. The proposal is to have a garage at the lower level and expand the bedrooms in the upper level. Chair Hunchard noted that Southgate Road was approved in one zone and then changed to another zone which made the setbacks different. He read aloud a comment letter from Gregory Tobolewski dated January 20, 2020, in support of granting the variance. Mr. Acevedo reviewed the drawing and confirmed the first floor was for the garage. Chair Hunchard stated he does not believe this is an unreasonable request for that neighborhood.

Motion made by Mickey Whitmore to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board.

Motion made by Robert Acevedo to grant the Variance for Robert and Emily Constantine, 33 Southgate Road, to construct a 15' x 32' attached garage with room above that is 20' from the right side setback where 35' is required, granting relief of 15', as shown on a drawing dated January 24, 2020, titled "Variance Plot Plan, 33 Southgate Road, Franklin, MA" prepared by Guerriere & Halnon Inc., 55 West Central Street, Franklin, MA. Seconded by Mickey Whitmore. Unanimous by Board.

General Business – Meeting Minutes

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, January 9, 2020. Seconded by Mickey Whitmore. Unanimous by Board.

Motion made by Mickey Whitmore to adjourn. Seconded by Robert Acevedo. Unanimous by Board. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

