

Franklin Zoning Board of Appeals
Meeting Held at 355 East Central Street, Franklin, MA 02038
Meeting Minutes for
Thursday, October 25, 2018

Members Present: Bruce Hunchard, Robert Acevedo, Philip Brunelli.

Members Not Present: Mickey Whitmore.

Chairman Hunchard called the meeting to order at 7:30 PM.

16 Northgate Road – James Owens

Abutters: None

7:30 pm: Applicant is seeking to construct a covered porch that is 32.6' from the front setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicant present: James Owens, owner. Mr. Owens stated he is seeking relief for the installation of a covered porch. The existing residence is non-conforming in that the right corner of the house structure is 37.5' where 40' is required. The house was built in 1960. He would like to remove the 5' x 5' existing porch and concrete stoop and replace it with an approximately 10' x 7.5' covered porch which will encroach on the setback as it will be only 32.6'. Mr. Acevedo confirmed the size of the existing porch. Mr. Owens reviewed the provided photo and proposed drawings.

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 16 Northgate Road for James Owens to construct a covered porch giving 7.4' of relief to 32.6' from the front setback where 40' is required as shown on a drawing entitled '16 Northgate Road, Franklin, MA' dated September 6, 2018, by Jacobs Driscoll Engineering, 50 Oliver Street, Suite W3, North Easton, MA. Seconded by Philip Brunelli. Unanimous by Board.

39 Peck Street – Michael and Patricia Mezzadri

Abutters: None

7:35 pm: Applicant is seeking to construct an extension of the front porch 10.6' from the front setback where 30.0' is required, retain a carport that is 4.0' from the new addition where 10.0' is required, and increase the impervious coverage on the lot to 61.5% where 35% is required. The building permit is denied without a Variance from the ZBA. Applicant present: Michael Mezzadri, owner. Mr. Mezzadri stated he is seeking to redo his front porch; he has been remodeling the entire house. He stated the front porch is going out 10.6' from the front setback where 30' is required. The carport will be 4.0' from the new addition where 10.0' is required. Therefore, he is requesting a variance. He stated that impervious coverage would extend to 61.5% where 35% is required; he is currently at 54.2%. Chairman Hunchard confirmed the applicant needed relief for the tent which is considered an accessory structure. Mr. Acevedo asked about the existing porch. Mr. Mezzadri explained the existing conditions and referenced the provided pictures. He stated the stoop will stay the same; it will be from the edge of the door to the windows. Under the windows will be a wood deck area. Chairman Hunchard asked if the applicant found out if the existing tent was fireproof. Mr. Mezzadri stated he has a picture of the fire rating tag on the tent. Chairman Hunchard mentioned the zoning setback for the tent is 10'; the new building code for setback from structures for fire code is 3'. He stated his caveat for this decision is that if anything happens to the tent, such as if it comes down, blows away or tears up, that it not be replaced.

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

148 Brook Street – Andrew Bissanti**Abutters: Kevin and Theresa Gates, 18 Short Street**

7:40 pm: Applicant is seeking to convert a single-family home to a two-family home. The building permit is denied without a Special Permit from the ZBA. Applicants present: Andrew Bissanti and Christina Bissanti, owners. Mr. Bissanti stated they were seeking to convert a single-family to a two-family by Special Permit. He stated the lot is split by zones Residential III and Residential II. However, even deferring to the stricter guidelines of Residential II, it does not prohibit conversion to two-family, according to the Franklin bylaws. He stated this is part of his plan; if they ever downsize, he would like to leave the house to his children and each could have a unit. The house lends itself easily to conversion; there will be no change to the footprint or impervious coverage. He noted the house is totally buffered and cannot be seen from the street. Mr. Bissanti read aloud his Supporting Statement for a Special Permit from his ZBA application form. He stated he is not applying for an accessory unit dwelling. Mr. Gates, abutter in the back, asked what would happen if there was construction and what would happen to the land. Chairman Hunchard stated there will not be any construction. Mr. Bissanti stated he loved having the trees in the back and nothing was going to happen. Mr. Gates confirmed that there would be no change to the structure at all. Chairman Hunchard noted that the change would be done within the structure and all building codes and regulations would have to be met. Mr. Acevedo asked what kind of house it was. Mr. Bissanti noted the home was a two-story cape with a central staircase; he explained the layout. He stated he would need an architectural set of plans to go forward.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to take this under advisement. Seconded by Philip Brunelli. Unanimous by Board.

19 Hayward Street – Reidar Davies**Abutters: None**

7:45 pm: Applicant is seeking to convert a single-family home to a two-family home. The building permit is denied without a Special Permit from the ZBA. Applicants present: Mr. Edward Cannon, attorney of Doherty, Ciechanowski, Dugan & Cannon, P.C., on behalf of the applicant; Mr. Reidar Davies, applicant; and, Mr. Paul Frederick, architect. Mr. Cannon stated this is a request to convert a single-family dwelling to a two-family dwelling located in the single-family RIV zoning district; it is permitted by Special Permit by the ZBA. He reviewed the provided maps and discussed the location on Hayward Street. He stated this is the last house in the RIV district before the Industrial zone. The current house was built in 1900 and sits on .202 acres. He read aloud the applicant's Supporting Statement for a Special Permit from the ZBA application form. Although affordable housing was mentioned in his Statement, in response to Chairman Hunchard's question, he reported that the proposal for this property was not for affordable housing. Mr. Cannon stated there would be no change to the current footprint of the dwelling. He stated there are currently two and three-family dwellings in the neighborhood. He stated that because this is a pre-existing non-conforming lot, in theory, the change from a single-family dwelling to a two-family dwelling could be a change to the existing non-conforming use; this Board has the authority to grant a Special Permit if it makes a finding that the change will not be substantially more detrimental to the neighborhood than the existing non-conforming building. He stated that for the reasons provided, he asks the ZBA to grant the special permit. The resident currently residing at 19 Hayward Street stated he has two cars; there is plenty of parking and there is not a lot of traffic coming in and out. He would love to have some neighbors. Mr. Acevedo stated his concern was parking. The lot is 50' wide. He asked to see how the parking was situated. The resident stated it was a large driveway and more cars could fit in. Chairman Hunchard confirmed the provided plans do not show the driveway dimensions. He noted that if the shed were taken out, there would be plenty of room for parking. Mr. Davies stated he bought the house in March; he believes it was once a two-family as it is set up as a two-family. He stated that during the permitting process to renovate the home, he and Building Commissioner Gus Brown agreed the applicant would not have a second tenant until this ZBA hearing occurred. He stated that if the criteria is to have the shed taken down, he will take it down. He stated he believes a plot plan with the driveway dimensions was submitted. Mr. Cannon stated that revised plans showing the driveway

could be submitted to the ZBA if they would like to continue the hearing to the next ZBA meeting. He noted the plot plan did not have driveway dimensions, but it shows that the driveway takes up about half of the frontage. Chairman Hunchard stated he sees no lines that show the dimensions. Mr. Acevedo stated he would like to see revised plans with the driveway and four parking spots. Mr. Brunelli asked if the family room/den in the basement was communal. Mr. Frederick stated the house is currently split into two houses; the basement area is for the rear unit. No construction is proposed except a second egress from the front unit; everything else is already set. Mr. Cannon asked if the ZBA could make a conditional approval to grant the relief if the applicant provided a plot plan showing dimensions of the driveway and adequate parking for four cars. Chairman Hunchard stated Franklin uses a 9' x 19' parking space. Mr. Cannon stated the dimensions for four spaces would be shown on a plan.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to take this under advisement. Seconded by Philip Brunelli. Unanimous by Board.

215 Daily Drive – John and Caroline Sturges

Abutters: None

7:50 pm: Applicant is seeking to construct a breezeway and a two-car garage 18.8' from the front yard setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicant present: Josh Sturges, owner. Chairman Hunchard stated that they were here to come to a compromise on the size. Mr. Sturges stated the original proposal was a 10' breezeway with a 24' x 26' two-car garage off the left side of the house. They were approximately 18.8' from the property line. He stated he has prepared two new options. Option 1 is an 8' breezeway which he prefers. The change will look more uniform with other similar houses with additional garages in the neighborhood. Option 2 is a 6' breezeway. He stated they discussed with the builder rotating the garage 90 degrees to the back of the house; but, based on the other requirements to do this, it was monetarily not preferable. He confirmed the breezeway would be 8' x 24' as it would go the length of the house. Chairman Hunchard stated the 8' x 24' breezeway would get the applicant down to half the setback distance. He stated he has driven by and the deck for the pool is still there. The applicant confirmed it will be taken down. Chairman Hunchard confirmed there is no wetlands concern and noted that by putting this in, it would not be a detriment to sight distance on the road. Chairman Hunchard stated his preference would be the 8' mudroom as opposed to the 6' room.

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 at 215 Dailey Drive to Josh and Caroline Sturges for a two-car garage and 8 foot mudroom, the garage being 24 feet wide X 26 feet deep with a setback of 20.8 feet where 40 feet is required, giving them 19.2 feet of relief as shown on a drawing by River Hawk Civil & Environmental Engineering of Marshfield, MA titled 'Site Plan – With 8' Breezeway, 215 Dailey Drive' dated October 9, 2018. Seconded by Philip Brunelli. Unanimous by Board.

General Business

Motion made by Robert Acevedo to accept the Meeting Minutes as presented for Thursday, September 27, 2018. Seconded by Philip Brunelli. Unanimous by Board.

Motion made by Robert Acevedo to grant the Special Permit for 19 Hayward Street for Reidar Davies to convert the existing single-family residence to a two-family residence subject to the applicant providing the ZBA with a proper parking layout showing a minimum of four vehicles, two per unit. Seconded by Philip Brunelli. Unanimous by Board.

Motion made by Philip Brunelli to grant the Special Permit for 148 Brook Street for Andrew Bissanti to convert the existing single-family residence to a two-family residence. Seconded by Robert Acevedo. Unanimous by Board.

10/25/18

Motion made by Philip Brunelli to grant the Variance for 39 Peck Street for Michael and Patricia Mezzadri to construct an extension of the front porch giving relief of 19.4' front yard setback to 10.6' where 30' is required, and retain a carport that is 4.0' from a new addition where 10.0' is required under zoning, and to allow the increase in impervious coverage on the lot not to exceed 61.5% where 35% is required, with the understanding and proviso that if anything ever happens to the existing tent/carport, such as it becomes dilapidated or the tent itself rips off, blows off, or burns down, it is not to be replaced. Seconded by Robert Acevedo. Unanimous by Board.

Motion made by Philip Brunelli to adjourn. Seconded by Robert Acevedo. Unanimous by board. Meeting adjourned at 8:24 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature *Leeanne Herwin*

Date 11-29-18