

Franklin Zoning Board of Appeals
Meeting Held at 355 East Central Street, Franklin, MA 02038
Meeting Minutes for
Thursday, November 29, 2018

TOWN OF FRANKLIN
TOWN CLERK
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Members Present: Bruce Hunchard, Robert Acevedo, Philip Brunelli, Mickey Whitmore.
Members Not Present: None.

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

167 Conlyn Avenue – Elizabeth Bertoni

Abutters: None

7:30 pm: Applicant is seeking to convert an addition into an accessory dwelling unit. The building permit is denied without a Special Permit from the ZBA. Applicants present: Elizabeth Bertoni, owner, and Dave Constantino, builder. Mr. Constantino stated he constructed the addition on the house. He read aloud the Supporting Statement for a Special Permit. Ms. Bertoni would like to convert an addition with two bedrooms, kitchen, bathroom, and living room into an accessory dwelling unit. He stated they went through Conservation Commission and erosion control is in place. It is a single-story. Ms. Bertoni stated the in-law apartment was for herself to stay in residence; her son and his family would be living in the house. Mr. Constantino stated the access from the addition to connect to the existing house is through the screen porch. Chairman Hunchard confirmed it was in single-family IV and the setback required was 20'.

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 a special permit for a second dwelling unit for the property located at 167 Conlyn Avenue with the conditions of the special permit being that the in-law, Kenneth Bertoni, reside at the property along with the owner, Elizabeth Bertoni, and that the special permit for the second dwelling unit becomes null and void if either party moves or transfers ownership. No separate utilities shall be permitted unless required by the DPW. Upon completion of a foundation, a certified as-built will be submitted and verified to meet setbacks before continuing construction. 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 also that this special permit be recorded at the Registry of Deeds. Seconded by Philip Brunelli. Unanimous by Board.

8 Addison Avenue – Scott Orr

Abutters: None

7:35 pm: Applicant is seeking to increase the impervious coverage to 26.40% where 25% is allowed. The increase in impervious coverage is denied without a Variance from the ZBA. Applicant present: Scott Orr. Mr. Orr stated they are seeking to complete construction of a pool patio. The square footage of the patio exceeds the impervious coverage to 26.40%. Incomplete construction of the pool patio will leave an unfinished surface between pool and pool structure that will collect water and make the space unusable due to standing water. He stated the soil present at this address has a high level of clay making the area semi-impervious to water absorption. This has typically left standing water on the surface making the area unusable after heavy perception. They are seeking a roof recharge system to prevent runoff to public roadways. He stated he has been to Conservation Commission. He confirmed the pool and pool house are already in.

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 to Scott Orr at 8 Addison

Avenue to install his roof recharge system to allow the installation of his pool patio, giving him 1.4% relief to 26.4% where 25% impervious coverage is allowed, as shown on the drawing by Colonial Engineering, Inc., 11 Awl Street, Medway, MA, titled "Owner: Scott & Cynthia Orr, 8 Addison Avenue, Franklin, MA" dated April 18, 2017, and revised September 25, 2018. Seconded by Philip Brunelli. Unanimous by Board.

17 Sherman Avenue – Steven and Laura Keene

Abutters: None

7:40 pm: Applicant is seeking to construct a 20' X 5' covered porch that is 35.6' from the front setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Laura Keene and Steven Keene, owners. Ms. Keene stated their home does not include a covered entry. They would like to build a covered entry for ingress into the home and is large enough to sit and monitor their children's safety in the front yard and neighborhood. The proposed covered porch addition will only increase the current front landing footprint by 3". She stated the proposed plan is consistent with the style of the neighborhood.

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 to Laura and Steven Keene, 17 Sherman Avenue, to construct a 20' X 5' front porch with a second story dormer. The variance would decrease the front yard setback to 35.6' feet where 40' is required, giving them 4.4' of relief, as shown on the Certified Plot Plan by Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA, dated September 21, 2018. Seconded by Philip Brunelli. Unanimous by Board.

205 West Central St. – Yard Works Mulch & Loom, LLC

Abutters: None

7:45 pm: Applicant is seeking to construct a 24' X 28' detached garage that is replacement for a pre-existing non-conforming shed and garage. The building permit is denied without a Special Permit from the ZBA. Applicants present: Michael Lang; owner, and William Yadisernia, engineer. The engineer stated they are seeking to construct a 24' x 28' detached two-car garage to replace an existing 12' x 18' garage and a 14' x 18' attached shed in the back. Both the existing shed and garage are slightly less than 2' from the property line. They are proposing to build the new garage at the same property setback. He stated it should enhance the look of the neighborhood. He provided pictures of the existing shed and garage and a drawing of the proposed new garage. He stated the current roof is 11' whereas the proposed roof is 15'. He stated this would be a Special Permit under code which allows to construct a building at the same side yard setback; it is located in Residential IV. Chairman Hunchard confirmed the location of the property and stated the garage would be behind the house and no one would probably see it. Mr. Lang stated the property is a rental at this time; he is hoping his mother will move into the house in two years.

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 Special Permit for Yard Works Mulch & Loam, LLC, 205 West Central Street, to remove the existing 12.7' x 18.3' garage and attached 14.5' x 10.5' shed and construct a new 24' x 28' garage as shown on the drawing titled "205 West Central Street, Franklin, MA" stamped by William Yadisernia, dated October 12, 2018. Seconded by Philip Brunelli. Chairman Hunchard noted that the applicant may have a fire code issue as code is 3' and they are still closer than that; it will be up to the Building Department. The engineer confirmed the decision is for no closer than 2' as shown on the plans. Unanimous by Board.

26 Pine Street – David Lane
Abutters: None

7:50 pm: Applicant is seeking to construct an attached two-car garage that is 7.50' from the side lot line where 25' is required. The building permit is denied without a Variance from the ZBA. Chairman Hunchard read aloud a note from Janet Alberti, owner/abutter at 28 Pine Street, stating she had no objection to David and Tracy Lane at 26 Pine Street building a two-car garage that may be close to her property. Applicants present: Tracy Lane and David Lane. Ms. Lane stated they are seeking a variance to build a two-car garage for vehicles, yard equipment, and storage to the existing structure with conversion of the current small garage to be a second entrance to the house, mudroom, and storage. She confirmed it will be a single-story garage. She stated the driveway is wide at the end so she does not think they need to increase the driveway; however, if they need to, they will. Chairman Hunchard stated that 7.5' is a very close side yard setback; 25' is required. He asked the applicants if they would consider a 22' wide garage, and if they had thought about moving it back a little to get it further from the line. Mr. Lane said it would get into the pool area. Chairman Hunchard stated that with only 7.5', the way the fence is now they could not get anything in the backyard unless they went over someone else's property. Ms. Lane said the fence would have to come down. Chairman Hunchard and the applicants reviewed the plans; Chairman Hunchard, Board members, and the applicants discussed how the proposed garage could be moved back a little to increase the side setback. Chairman Hunchard explained that the Board tries to keep setback variances to approximately half the required distance, which would be 12.5'. He suggested the applicants show the abutter's garage and setbacks on the plans. He noted a standard garage is 24' x 24'. He asked the applicants how soon they wanted to get started as the next ZBA meeting is January 10, 2019. He suggested they line up the new garage with the current garage and go back from there; the depth does not make any difference. He suggested the applicants have the engineer lay it out with the garage pushed back and return to the January 10, 2019, meeting with a few options to add additional sideline distance. Or, the ZBA can put in the decision that it can be no closer than 10' and the applicants can work it out. Mr. Gus Brown, Building Commissioner, entered the meeting. Chairman Hunchard discussed the proposed variance with Mr. Brown and the applicants. He asked Mr. Brown if the ZBA's approved decision stated it had to be a minimum of a 10' setback, would he be happy with that. Mr. Brown stated as long as the plot plan came in like that it would be fine.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board. Motion made by Chairman Hunchard to approve the proposed 24' x 30' garage with a 15' sideline setback variance to be a minimum of 10' off the lot line, for David and Tracy Lane, 26 Pine Street, with the plan to be redrawn, for the drawing titled "Proposed Addition Plan of Land in Franklin, MA" prepared by Colonial Engineering, Inc., 11 Awl Street, Medway, MA, dated November 1, 2018, with revision date to be November 29, 2018. Seconded by Philip Brunelli. Unanimous by Board.

General Business

Motion made by Robert Acevedo to accept the Meeting Minutes as presented for Thursday, October 25, 2018. Seconded by Philip Brunelli. Unanimous by Board.

Motion made by Philip Brunelli to adjourn. Seconded by Robert Acevedo. Unanimous by board. Meeting adjourned at 8:23 PM.

Respectfully submitted,

Judith Lizardi
 Recording Secretary

Signature Leeanne M. Brown

Date 1-10-19