

Franklin Zoning Board of Appeals
Meeting Held at 355 East Central Street, Franklin, MA 02038
Meeting Minutes for
Thursday, January 10, 2019

Members Present: Bruce Hunchard, Robert Acevedo, Philip Brunelli, Christopher Stickney, Mickey Whitmore.

Members Not Present: None.

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

36 Jordan Road – Beth and Michael Allard

Abutters: See attached.

7:30 pm: Applicant is seeking to construct an attached deck that is 13.3' from the side yard setback where 25' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Beth and Michael Allard, homeowners, and Jim Susi, United Consultants, Inc. Mr. Susi reviewed the construction of a 12' x 12' deck that was constructed over an existing patio. He stated he believes it was a typical homeowner oversight; they had the patio and assumed they could put a deck above it. It is about 2' off the ground; it is about 13.3' from the property line where 25' is required. He stated that it was a Special Permit to construct the house as it was a preexisting non-conforming lot. The house itself complies with all the setbacks of the zone. Robert DeBenedictis, 22 Jordan Road, stated he does not have a problem with anything. Mr. Acevedo asked the applicants how this item came before the ZBA. Mr. Allard stated the Building Commissioner stopped at their home on approximately July 3, 2018 and told them to stop building and call him the next week; Mr. Allard then began this process with the ZBA. He stated that he did not know that he could not build a deck over the existing slab. There was a very small deck which was rotting. They wanted to construct a new deck with the same dimensions as the original existing concrete slab. It is about 90% finished. Chairman Hunchard reminded the applicants that they will need a building permit. James Ray, 38 Jordan Road, stated he has no issue with the deck.

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 Beth and Michael Allard, for the property located at 36 Jordan Road, to construct an attached deck that is 13.3' from the side yard setback where 25' is required giving them 11.7' relief, as shown on the drawing by United Consultants, Inc., 850 Franklin Street, Suite 11D, Wrentham, MA, titled "Deck Plan, 36 Jordan Road, Franklin, MA" dated August 29, 2018. Seconded by Philip Brunelli. Unanimous by Board.

672 East Central Street – Franklin Country Club, Inc.

Abutters: None

7:35 pm: Applicant is seeking to remove tanks totaling 1,800 gallons of fuel storage and replace them with a 2,000 gallon above-ground fuel storage tank. The building permit is denied without a Variance from the ZBA. Applicants present: Amanda Cavaliere of Guerriere & Halnon, Inc.; Tom Ketchum, President, Franklin Country Club; Michael Luccini, Greens Superintendent, Franklin Country Club. Ms. Cavaliere stated the project is in a Water Resource District. The Franklin Country Club is proposing to do some site improvements by the Operations and Maintenance Building. Part of those improvements as shown on the plans is to remove a preexisting below ground 1,800-gallon fuel storage tank that is aging and remove an above ground 300-gallon storage tank also located within the Water Resource District. They are seeking a Variance. She reviewed and read aloud the Town of Franklin Zoning Regulations §185-40 Water Resource District (D)(1)(d)(i). She stated

that the proposed above-ground tank to be installed is a 2,000 gallon double walled dual-compartment concrete encased tank to hold 1,000 gallons gasoline and 1,000 gallons diesel to assist in the fueling of golf equipment. It will be installed on a 16' x 12' concrete pad with positive limiting barrier spill grooves to contain any small spills and bollards will be installed to protect the area. The main focus is to improve the area. She stated it is a preexisting and non-conforming use at the present time. The hardship is it being in the Water Resource District; there is really no place outside of the District to move it. Chairman Hunchard stated it is his understanding that this is in the Water Resource District in Wrentham, not Franklin. Ms. Cavaliere stated it is in Franklin. She explained the leak detection features of the tank. Chairman Hunchard asked if they had considered a Special Permit rather than a Variance as they are really only reconstructing something that they already have. Ms. Cavaliere stated she was told to obtain a Variance. She stated they would be going before the Planning Board and Conservation Commission. They had stopped the process for the Limited Site Plan Modification to get this Variance. Mr. Stickney asked if there was any required outside certification for the tanks. Ms. Cavaliere stated they have an environmental consultant to inspect the tanks and take a soil sample as part of the process. Mr. Acevedo asked if the neighbors will be able to see this new tank. Mr. Ketchum stated some neighbors may see it from a second-floor window. Ms. Cavaliere reviewed regulations for spill containment.

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 672 East Central Street, Franklin Country Club, Inc., to install an above-ground 2,000 gallon fuel storage tank that is replacing an underground 1,800 gallon fuel storage tank as shown on the drawing by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA, titled "Limited Site Plan Modification for Rinse Area & Site Improvements, Franklin Country Club, Franklin, MA" dated November 19, 2018. Seconded by Philip Brunelli. Unanimous by Board.

13 Mary Anne Drive – Pamela Kuphal

Abutters: None

7:40 pm: Applicant is seeking to add an accessory dwelling unit to their property. The building permit or use is denied without a Special Permit from the ZBA. Applicants present: Pamela Kuphal, homeowner; Anthony Carlucci, contractor; Roy Kuphal, father. Mr. Carlucci stated they are seeking a Special Permit to finish the basement with the intent of having Ms. Kuphal's mother and father move into the full finished basement. There will be a full kitchen, bedroom, and bathroom. Ms. Kuphal stated she did not have a Plot Plan. She read from her Supporting Statement for a Special Permit. She stated the property remains residential with no exterior changes to the building, the driveway is large enough to accommodate three cars so there is no change in the driveway unless they expand, nothing changed on the street, there is no impact to the neighborhood, no trees or landscape were changed as it is all done inside the building, and she has a building permit. She stated that her parents Roy and Jacqueline Kuphal will be living in the house along with herself and her two daughters; there will be five people in the house. Mr. Stickney asked about the egress and driveway parking. Mr. Carlucci stated it is a walkout basement. Ms. Kuphal stated the parking is three cars in tandem. Chairman Hunchard noted that with the plan provided it was unclear where the street or the back of the house are. Audience member asked about the external footprint and stated that if it is all internal, then it is wonderful.

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 13 Mary Anne Drive with the conditions of the special permit being that the in-laws, Roy and Jacqueline Kuphal, reside at the property along with the owner, Pamela Kuphal, 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. 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. Chairman Hunchard stated another condition is that the applicant provide the Board with a Plot Plan that shows where the house is. Seconded by Philip Brunelli. Unanimous by Board.

General Business

Motion made by Robert Acevedo to accept the Meeting Minutes as presented for Thursday, November 29, 2018. Seconded by Philip Brunelli. Unanimous by Board.

Mr. Acevedo stated that the Board should not be receiving any packet for review without a certified Plot Plan regardless of whether or not the work is inside the footprint of the house.

*Motion made by Philip Brunelli to adjourn. Seconded by Robert Acevedo. Unanimous by Board.
Meeting adjourned at 8:03 PM.*

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature Leanne Kervon

Date 2-21-19