

Town of Franklin



Zoning Board of Appeals

**Thursday, October 22, 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. Members absent: Mickey Whitmore. Also in attendance: Casey Thayer, 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. The Zoom Meeting link and the Zoom Meeting call-in number are provided on the agenda. The meeting is being televised and recorded for the public's information.

**23 Sunset Road - Mark and Diane Ellis**

Abutters: None.

**7:30 p.m.** Applicant is seeking to construct a deck that is 36.1' from the front yard setback where 40' is required. The building permit is denied without a variance from the ZBA. Applicant present: Mr. Mark Ellis, owner/applicant, and Mr. Paul Beau, designer. Mr. Ellis reviewed the proposed construction of the deck; he stated the porch will be 8' off the house for the entire width of the house. He stated they are looking for relief of 3.9' for the front setback and 7.0' for the side setback. Chair Hunchard stated that regarding the side setback, it is already an existing non-conforming that is not going to be further extended. Chair Hunchard noted support letters from neighbors Jay and Brandi Mullen, 25 Sunset Road; David and Terri Hassell, 24 Sunset Road; Jorge and Paula Rodriguez, 20 Sunset Road; Carol Munro, 21 Sunset Road; Ralph Bouzan, 15 Sunset Road; and James McCann, 22 Sunset Road. Mr. Stickney confirmed the porch will be uncovered, and there will be some new footings in the front but not a new foundation poured. Mr. Ellis stated yes.

***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 Mark and Diane Ellis, for 23 Sunset Road, for a deck that is 36.1' from the front yard setback where 40' is required giving 3.9' relief, the front yard deck expands the width of the home, is 8' deep, and is uncovered, the side yard setbacks will not change and will stay/be maintained with the house at 18', as shown on a drawing dated August 11, 2020, titled "Variance Plot Plan, 23 Sunset Road, Franklin, MA" prepared by Guerriere & Halnon, Inc. Seconded by Philip Brunelli. Unanimous by Board.***

**13 Old Chestnut Street - Christopher Gagne**

Abutters: None.

**7:35 p.m.** Applicant is seeking to construct an addition with an accessory dwelling unit. The building permit is denied without a Special Permit from the ZBA. Applicant present: Mr. Christopher Gagne, owner/applicant. Mr. Gagne stated that his in-laws are retired. He would like to construct an addition

with the first floor being an in-law apartment with bedroom, bathroom, kitchenette with dining area. The second floor of the addition would be a master suite. As there would be another kitchen added to the house, it is considered an accessory dwelling; therefore, he needs a permit for the accessory dwelling. He read aloud his Supporting Statement for a Variance and his Supporting Statement for a Special Permit which were provided as part of the application. He noted that as provided on the application the addition will have a stormwater management system for the roof water runoff to minimize the impervious surface footprint. He noted he received approval from the Board of Health, and the current septic system can handle the two additional occupants. The final configuration of the home will be four bedrooms. Chair Hunchard noted his concern with the septic system is the number of bedrooms; he confirmed the Board of Health signed off. He questioned what the variance application was for. Mr. Gagne noted he was not sure if he needed it so he filled it out as part of the application. He stated he did not know if he was in a Water Resource District. He noted his calculations for impervious surfaces were provided including the pool area. He reviewed the access to Chestnut Street to bring the construction equipment in and out only.

***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 Old Chestnut Street with the conditions of the special permit being that the in-laws, Debbie Henderson and Russell Thomas Henderson, Jr., reside at the property along with the owner Christopher Gagne and that the special permit for the second dwelling unit become 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. The 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 and also that this special permit be recorded at the Registry of Deeds, as shown on a drawing dated September 15, 2020, titled "Gagne Addition" prepared by Scott M. Adams, Civil, Innovation Home Improvement Construction, Inc. Seconded by Philip Brunelli. Unanimous by the Board.***

**General Business – Meeting Minutes October 8, 2020**

***Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, October 8, 2020. Seconded by Philip Brunelli. 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 8:05 p.m.***

Respectfully submitted,

Judith Lizardi  
Recording Secretary

Signature



Date

