

Town of Franklin



Zoning Board of Appeals

**Thursday, August 17, 2023
Meeting Minutes**

Chair Bruce Hunchard called the above-captioned Remote Access Zoom Virtual Meeting to order this date at 7:30 PM. Members in attendance: Bruce Hunchard, Robert Acevedo, Meghan Whitmore, Christopher Stickney. Members absent: Philip Brunelli. Also in attendance: Casey Thayer, Administrative Assistant.

This meeting is being conducted as a Remote Access Zoom Virtual Meeting. 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.

865 Upper Union Street - Sean Pisani Abutters: None.

7:30 p.m. Applicant is seeking to construct a single-family home that has 153.56' of lot frontage where 200' is required and has 153.9' of lot width where 180' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Sean Pisani and Kathryn Salemme.

Mr. Pisani stated that he would like to build a single-family residence, two story, wood frame, of roughly 2,200 sq. ft. at 865 Upper Union Street. He stated that they are aware that the zoning requires 200' frontage and 180' width and they are looking to seek a variance for that to make it a buildable lot. He stated that they do not have any architectural designs at this time. He stated that Mr. Anthony Pisani, who is his father and is currently the lot owner, is present on the Zoom meeting.

Chair Hunchard reviewed the lot deed. He asked how the lot came to be. Mr. Anthony Pisani explained he purchased the lot 23 years ago. It was two lots side by side. He stated that he built his house at 867 Upper Union Street. He stated that his son is trying to build a house on the adjoining lot. He stated that he did not subdivide the lot; it was already subdivided. He noted the right of way for the antenna.

Mr. Stickney asked about the easement for the cell tower access. Mr. Anthony Pisani stated that the plan would be to make the driveway over the right of way and move the gate to the back of the lot. Chair Hunchard explained that the easement exists and there is really nothing the applicant can do about it. The applicant has to provide them the right of access over it, but they can use it too. He stated that the only thing the applicant cannot do is to build on the easement.

Chair Hunchard stated that Ms. Whitmore is being activated for this meeting as Mr. Brunelli is not in attendance.

Mr. Acevedo asked why the variance should be supported. Mr. Sean Pisani reviewed his reasons that the variance should be supported including that he was born in Franklin and has lived in Franklin for his entire life. Mr. Anthony Pisani reviewed some items from the Supporting Statement for a Variance which was provided in the meeting packet. Ms. Salemme reviewed additional answers from the Supporting Statement for a Variance.

Chair Hunchard explained that the ZBA has nothing to do with the right of way. He asked Mr. Anthony Pisani if the zoning has changed since he bought the lot. Mr. Pisani explained that the zoning did change. Chair Hunchard stated that it is Rural Residential I. He discussed the lot and noted that similar situations have come up twice in the last year; the ZBA has to be consistent. He stated that if the land is owned and controlled by the same person, and the zoning did change, there is a certain amount of time that the owners have to do something with it, otherwise, zoning goes away. He stated that Mr. Pisani's lot complies, but this lot does not, and Mr. Pisani has no way to add to it. Chair Hunchard explained that there is an accessory dwelling unit (ADU) definition that just became available. He stated that you could combine the lots back into one and then you could build another house on it as an accessory dwelling unit and you could come for a special permit to do that. He stated that there are some limitations on it. He stated that he is not comfortable approving the same thing that came before the ZBA before and it was turned down for the same reason that they did not have enough frontage.

Mr. Acevedo stated that he feels the same and that the ZBA has to stick to its guns and we did turn one down a few months ago. Chair Hunchard stated that he understands that Mr. Pisani would like his son to live next door to him. He said that rather than taking a vote, they could continue this and the applicant could speak to the building commissioner and ask about an ADU. He stated that they can close the public hearing and take a vote or continue it to September 14, 2023. Mr. Anthony Pisani asked about an ADU. Chair Hunchard stated that an ADU is a special permit. He encouraged the applicant to speak to the zoning enforcement officer. He stated that if the applicant needs more time, the applicant can write the ZBA a letter granting additional time as the ZBA is supposed to make a decision within 100 days. Chair Hunchard stated the applicant would be put on the September 14, 2023, ZBA agenda. He explained that if the ADU were to be sought, the applicant would have to combine the lots into one; the applicant may have to go to the Planning Board for this. He noted that this would not have to be done prior to the September 14th meeting.

Motion made by Robert Acevedo to continue the public hearing to September 14, 2023, at 7:35 PM. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

General Business

Meeting Minutes July 20, 2023

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, July 20, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Motion made by Robert Acevedo to adjourn the Remote Access Zoom Virtual Meeting. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting adjourned at 8:00 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

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Signature _____

Date _____