

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, September 22, 2016
355 East Central Street
Franklin, MA 02038**

TOWN OF FRANKLIN
2016 DEC -7 PM 12:25
RECEIVED

**Members Present
Bruce Hunchard
Timothy Twardowski
Robert Acevedo**

**58 Elm Street – Thomas and Angela Fleischer
Abutters: None Present**

Applicant is seeking a building permit to construct a family room 36.60' from the rear lot line where 40' is required and 28.37' from the side lot line where 40' is required and construct a garage 7.89' from the side lot line where 40' is required. The building permit is denied without a variance from the ZBA. Appearing before the Board is Thomas and Angela Fleischer. Angela: We would like to add on to our house and we need a variance. We have been living there for 13 years, we have been looking for a house that is within our price range. Thomas: It is a preexisting nonconforming lot so it is very difficult to work with. Board: So what do you want to do? Angela: We want to add a garage and a family room off the back, nothing with the kitchen just a little more living space. We have some elevation drawings. Board: Is the Garage one story or two story with a room above? Angela: Just a garage. Board: When you were here before, didn't we give you some relief? Angela: Yes, but we had complaints from our neighbors so we asked for continuance and took the garage off and was going to do just the back room, but since we have to go through Conservation, it would have been ideal to do both. While the neighbors were still living there we were looking for another house, long story short they moved. Board: Okay, it appears you set the garage back a little bit more than what was proposed before? Thomas: Yes, we set it back because the electrical meter wouldn't have to be moved. Board: It takes you further away from the sideline. Board: I am curious to take a look at the elevation plans. (Thomas brings the plans to the Board) Thomas: The garage would not go past the driveway. Board: The changes in terms of the design and location of the garage are an improvement from what we saw in 2013 and also we do appreciate you bringing in the elevations, it's helpful to us when reviewing the application. Timothy Twardowski motions to close the public hearing. Seconded by Robert Acevedo. Unanimous by Board. Timothy Twardowski motion to open meeting for additional comment from Conservation. Seconded by Robert Acevedo. Unanimous by Board: Board: We are in receipt of a letter from Conservation dated September 19th. (SEE ATTACHED) It is standard procedure for the Conservation Department to receive the agendas for the land use boards and commission so that we can ascertain if any upcoming agenda items may involve areas under the jurisdiction of the Conservation Commission. In reviewing the agenda for the upcoming meeting of the Zoning Board of Appeals, it appears that your request for an addition to your house will in fact involve land that will require a permit from the Conservation Commission. In order to determine the level of permitting necessary, I will need to review a site plan which depicts the location of the proposed addition relative to the wetlands jurisdictional areas as well as exactly what the work on site will entail; e.g. will there be a new foundation. It is my opinion that a Notice of Intent is most likely going to be required. Since I cannot sign-off on the building permit until the conservation issues have been resolved, I hope that these issues can be worked as soon as possible. Please feel free to contact me so that this process can be started and with any questions you may have. Signed by George Russell, Conservation Agent. Thomas: Yes, we

received a copy of this letter as well. Board: whatever we give you doesn't relieve you of your obligation of the Conservation Commission. Timothy Twardowski motions to close Public Hearing. Seconded by Robert Acevedo. Unanimous by Board. Robert Acevedo motions to grant the variance to Thomas and Angela Fleischer to construct a 32.11 foot sideline setback to 7.89 feet where 40ft is required for a one story garage on the Westerly side (right) and a 11.63 foot sideline setback to 28.37 feet where 40feet is required for a proposed one story family room addition on the back side as shown on a plan dated August 10, 2016 Colonial Engineering, Medway, MA 02053.

**21 Peck Street and 180 Cottage Street-Madalene Village-MV Cottage Development LLC
Abutters: None Present**

Applicant is seeking a building permit to construct a 40 Unit townhome style development. The building permit is denied without a comprehensive permit from the ZBA. Board: We are in receipt of a letter dated September 15, 2016 from the applicant MV Cottage Development, LLC. Dear Mr. Chairman: We respectfully request a postponement of MV Cottage Development, LLC next appearance, originally scheduled for September 22nd, before the Zoning Board of Appeals. We would kindly request to be placed on the agenda for October 20th 2016 public hearing. We anticipate providing materials to the Board and its consultants well in advance of that meeting. Sincerely, Geoffrey Engler, Consultant to MV Cottage Development, LLC. (SEE ATTACHED) Motion made by Timothy Twardowski to continue the public hearing until October 20th at 7:30pm. Seconded by Philip Brunelli. Unanimous by Board.

General Discussion

- Motion by Timothy Twardowski to approve minutes of September 8, 2016. Second by Bruce Hunchard. Abstained by Robert Acevedo. Unanimous by Board.

Signature *Geoffrey Engler*

Date 12-17-16