

Town of Franklin



Zoning Board of Appeals

**Thursday, July 20, 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, Philip Brunelli, Robert Acevedo, Meghan Whitmore, Christopher Stickney. Members absent: None. 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.

**38 Raymond Street - Riadh Kandsi and Hoda Ghodbani**

Abutters: Benjamin Colangelo.

**7:30 p.m.** Applicant is seeking to convert an existing detached garage to an accessory dwelling unit. The building permit is denied without a Special Permit from the ZBA. Applicants present: Riadh Kandsi and Hoda Ghodbani.

Ms. Ghodbani stated that they moved to Franklin in 2021 and have children in the schools. They are a family of five with only three bedrooms. She stated her mother and mother-in-law often care for the children and have to share a room with the children. She stated that they would like to extend the house and use the space above the garage for family. She stated that the space is already built. Mr. Kandsi stated that they would be adding another exit/stairway outside of the garage and will follow all regulations of the town. Ms. Ghodbani stated that the first stairs go into the garage. Mr. Kandsi stated that Building Commissioner Gus Brown explained that the previous owner was using this space already. Mr. Kandsi said he would like to follow the regulations of the town.

Chair Hunchard noted that the garage is very close to the house which requires special consideration due to fire codes. He stated that an architect would know.

Mr. Colangelo, abutter, stated that he did not have any questions.

ZBA members asked questions. In response, Chair Hunchard noted that under the town's new bylaw, names of the in-laws do not need to be taken for the motion as the town's new bylaw indicates it does not need to be an in-law anymore, it can be anyone. Mr. Kandsi stated that when they moved here, the apartment was empty and everything was disconnected; there is nothing in the kitchen. He explained that the new stairs would be behind the building, in the backyard.

Building Commissioner Gus Brown stated that this had an apartment that was put in without a building permit many years previous to when the homeowners bought this. He stated that during the sale, we were notified of this, so we had them remove the kitchen and bathroom. He stated that to the best of his knowledge, it was not put back; if it was, there were no building permits.

Mr. Kandsi stated that there was a big space and one bedroom and a bathroom; no one has been living there since he bought it. Ms. Ghodbani stated that there are no utilities there. Mr. Brown stated that an architect would need to provide a stamped plan to design it and make it meet code.

***Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.***

- 1. Motion made to Riadh Kandsi and Hoda Ghodbani, the applicants, to grant a Special Permit for a second dwelling unit for the property located at 38 Raymond Street. Applicants shall be able to convert an existing two story detached garage to an accessory dwelling unit located on the uninhabited second story. No separate utilities shall be permitted unless required by the DPW at 38 Raymond Street. 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 the quality of natural environment will stay intact. There is no potential fiscal impact for the Town of Franklin by the issuance of the Special Permit. Also, the Special Permit will be recorded at the Registry of Deeds. The proposed accessory dwelling unit is shown on the Plan titled "Existing Conditions Plot Plan of Land in Franklin, MA" for 38 Raymond Street, prepared by RealMapInfo LLC, dated March 20, 2023, with the condition that the applicant get an architect rendering and submit a stamped plan from an architect showing fire protection between the garage and the dwelling unit on the second floor as well as showing fire protection between the accessory dwelling and the primary residence exterior walls between the buildings. There shall be no commercial automotive repairs within the detached garage. Seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.***

Mr. Brunelli asked that in regard to taking the names of the in-laws/people moving into the accessory dwelling units, now that the ZBA is no longer taking names, what about all the previous accessory dwelling units. Chair Hunchard stated that he thinks that for previous accessory dwelling units where the names of the in-laws were taken, if either party moves out, they would have to return to the ZBA to amend the special permit. Mr. Brown confirmed that the people would have to return to get the special permit amended. He stated that it no longer has to be a family member; all other parts of the motion are the same, except for the names of the people living in the house.

### **General Business**

#### **2024 File Deadline and Hearing Date for ZBA Hearings**

***Motion made by Robert Acevedo to accept the 2024 File Deadline and Hearing Date for ZBA hearings. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.***

#### **Meeting Minutes June 22, 2023**

***Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, June 22, 2023. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.***

Chair Hunchard confirmed the next meeting is August 17, 2023.

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

*Meeting adjourned at 7:50 PM.*

Respectfully submitted,

Judith Lizardi  
Recording Secretary

Signature

*Cay Han*

Date

8-25-23