

Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, April 26, 2018  
355 East Central Street  
Franklin, MA 02038

Members Present: Bruce Hunchard  
Robert Acevedo  
Timothy Twardowski  
Philip Brunelli  
Mickey Whitmore

TOWN OF FRANKLIN  
TOWN CLERK

23 Newell Drive – Bechera & Michelle Fren

Abutters: None

2018 JUN 11 P 3:02

RECEIVED

**7:30 pm:** The applicant is seeking to construct a detached garage 8.7' from the side yard set-back where 10' is required, a variance for impervious coverage from 25% to 29.09% and a height variance from 8.7' to 15'. The building permit is denied without a variances from the ZBA. Owner, Michelle Fren, reads his 'Supporting Statement for Variance' and explains that they have multiple vehicles, but only a 2-car garage. They are looking for more storage space for tools and supplies. It would be consistent with all the other homes in the neighborhood. Chairman asks about a shed seen on the plans and Bechera Fran explains that it will be demolished. The height variance is questioned as it pertains to the by-law and Tim Twardowski feels that the application is written incorrectly – it should be a side-yard variance as opposed to a height variance. Chairman asks why the proposed garage isn't able to be put behind the pool. Owners explained that topography is an issue and that it would not be possible. Timothy Twardowski feels that the dimensions are missing in order to calculate the amount of relief needed. Chairman suggests that the applicants come back on June 7<sup>th</sup> at 7:35 pm and bring pictures of the back yard as well as an architectural rendering of the building with height dimensions so that the proper set-backs can be calculated.

**Motion made by Timothy Twardowski to continue the public hearing until June 7, 2018 at 7:35 pm, seconded by Robert Acevedo. Unanimous by board**

1 Heather Lane – Bryan Favara

Abutters: None

**7:35 pm:** Applicant is seeking to convert an existing addition into an accessory dwelling unit. The building permit is denied without a special permit from the ZBA. Applicants present: Bryan Favara (owner) and his father, Francis Favara. Brian reads the 'Supporting Statement for a Special Permit'. He would like his parents to live in the accessory dwelling to help them as they get older and to have them remain in the neighborhood that they have lived in for 21 years. Chairman asks how many bedrooms in the current home and how many in the addition. There are three bedrooms in the existing home and one in the addition. Chairman asks if anyone has mentioned a deed restriction on a home with four bedrooms regarding septic systems. Francis explains that he went to the Board of Health and signed a letter stating that there would be no additional bedrooms added ever. Chairman notes that there is a garage between the original house and the new addition and reminds the applicants that the accessory dwelling can never be used as an apartment.

**Motion made by Timothy Twardowski 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 1 Heather Lane with the conditions of the special permit be that the parents, Francis and Patricia Favara, reside at the property along with Brian Favara 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 at 1 Heather Lane. 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. Seconded by Timothy Twardowski. Unanimous by the board.**

**18 Sherman Avenue – Carol and Michael Giordini**

**Abutters: None**

**7:40 pm:** Applicant is seeking to construct an addition that is 23.1' from the rear set-back where 30' is required. The building permit is denied without a variance from the ZBA. Chairman reads a letter dated 04/22/18. 'To: The Zoning Board. Would you please withdraw my application without prejudice to 18 Sherman Avenue. I intend to make some changes on this application and come back at a future date. Thank you. Dave Constantino, Remodeling Contractor'.

**Motion made by Timothy Twardowski to let the applicant withdraw without prejudice. Motion seconded by Robert Acevedo. Unanimous by board.**

**6 Midland Avenue – Steve and Samantha Florest**

**Abutters: None**

**7:45 pm:** Applicant is seeking to construct a second story addition, mudroom and garage. The garage is 26.97 feet from the front yard setback where 40 feet is required and the addition is 39.81 feet from the second front yard setback where 40 feet is required. The building permit is denied without both variances from the ZBA. Applicants present: Clay Reeder, Contractor; Samantha Florest and Steven Florest, owners of the property. Chairman understands that some new plans were submitted and asks if any of the setbacks have changed. Clay explains that the front-yard setback is 6' shorter. Chairman then reads three letters from neighbors in favor of the addition (attached).

***Motion made by Timothy Twardowski to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by board. Motion made by Robert Acevedo to grant the variance for 6 Midland Avenue for Steve and Samantha Florest for a front yard set-back at Gerard Circle of 7.3' and a front yard set-back at Midland Avenue of .2' for a two story addition and mudroom as shown on a drawing dated August 15, 2017 with a revised date of April 23, 2018 by Colonial Engineering. Seconded by Timothy Twardowski. Unanimous by board.***

**General Business – 725 Union Street – 4SQ Development, LLC**

Public hearing was closed on 03/29/18 and continued for deliberations until tonight for vote as the 100-day requirement to take action on this particular plan is running out. Robert Acevedo took the time to drive by the area and into the lot and feels that the lot is set back enough that he does not see an issue with the building being built there with the four stories. He sees no reason why this project should not be approved. Philip Brunelli agrees with Robert Acevedo. Mickey Whitmore also agrees with Robert Acevedo. Timothy Twardowski does not agree and states that the issue is not so much the development itself and the impact relative to the height of the building as it is the case that they presented for a hardship. The applicant tried to tie the hardship to lot shape, topography, soil conditions, etc. They also stated that they need four stories in order to make the hotel project work and as a he doesn't disagree with that. From a legal perspective the fact that one specific use and one specific project cannot be done without four-stories is not grounds for the granting of a variance. They did not show a different type of use, several of which are possible on this property. Chairman feels that a hotel is a perfect use for that location with minimal traffic impact. There have been other proposals that have come forward, one of which was an assisted living facility and they were granted a height variance. Timothy Twardowski agrees that the use itself is not an issue, it is the height.

***Motion made by Chairman to grant the proposal as presented for 4 SQ Development, LLC at 725 Union Street for the proposed relief of 7.5 feet and the requirement of three stories to four, where the building would be 47.5 feet where a maximum of three stories and 40 feet is required under the schedule of Lot, Area, Frontage and Yard Requirements, 185 - Attachment 9. Seconded by Robert Acevedo.***

***Vote: Bruce Hunchard, Yes; Robert Acevedo, Yes; Timothy Twardowski, No.***

***Motion made by Robert Acevedo to accept the Minutes as presented for Thursday, March 29, 2018. Seconded by Timothy Twardowski. Unanimous by board.***

***Motion made by Robert Acevedo to accept the 2019 Meeting Minutes schedule as presented. Seconded by Timothy Twardowski. Unanimous by board.***

***Motion made by Timothy Twardowski to adjourn. Seconded by Robert Acevedo. Unanimous by board.***

**Signature** Leanne M. Kerwin

**Date** 6-7-18