

Franklin Zoning Board of Appeals
Meeting Held at 355 East Central Street, Franklin, MA 02038
Meeting Minutes for
Thursday, August 23, 2018

Members Present: Bruce Hunchard, Robert Acevedo, Mickey Whitmore.
Members Not Present: Philip Brunelli.

Chairman Hunchard called the meeting to order at 7:30 PM.

69 Mill Street – Brian Orlando

Abutters: None

7:30 pm: Applicant is seeking to construct a deck 18.5' from the side setback where 40' is required. The building permit is denied without a variance from the ZBA. Applicant Brian Orlando, owner, explains he would like approval for a new 11.9' x 12' deck constructed at his house; the deck is 75% complete. He states he received approval from the Conservation Commission which required him to remove old metal pieces and not remove or add to the piles currently in the back near the stream. He says he would have gone through proper channels and ZBA, but he was not aware of the requirements. Chairman says the proper channel would have been a building permit first. Mr. Orlando states he returned from vacation and the deck was 75% complete; he had hired a contractor and thought a building permit was approved. He says he only extended the deck 2' longer than the original. He has a close relationship with the contractor; he does not want to hinder that relationship. Chairman says it was 22.9' on the sideline and is now 18.5' which is more than 2'. Mr. Orlando states the original wooden deck was out of code and rotting. He provides pictures of the original deck to the Chairman. Chairman confirms the new deck was built the same way with the stairs down the back and one out the front. Chairman confirms applicant does not have a building permit yet as waiting for ZBA. Mr. Orlando notes this process has been ongoing since February.

Motion made by Robert Acevedo to close the public hearing. Motion seconded by Mickey Whitmore. Unanimous by board. Motion made by Robert Acevedo to grant the variance for 69 Mill Street for Brian Orlando to construct a deck 18.5' from the side setback where 40' is required giving him relief of 21.5'. Deck is to be approximately 11.9' x 12' as shown on a drawing entitled '69 Mill Street, Deck As-Built Plot Plan' dated July 11, 2018 by Continental Land Survey, Beaver Street, Franklin, MA. Seconded by Mickey Whitmore. Unanimous by board.

1 Ashbury Drive – Jamie Van Buren

Abutters: None

7:35 pm: Applicant is seeking to add an accessory dwelling unit to their property. The building permit or use is denied without a Special Permit from the ZBA. Owner, Jamie Van Buren, states she is requesting a special permit to convert the existing unfinished basement to an in-law space for her mother, Louise Flaherty. Ms. Van Buren reads the 'Supporting Statement for a Special Permit.' Mr. Acevedo confirms applicant is not putting an addition onto the home, they are just remodeling the basement. Chairman states a letter dated August 23, 2018, from Michael Pearce, 2 Ashbury Drive, was received; Chairman reads said letter aloud. Mr. Pearce expressed concerns about who could reside in the accessory dwelling and on-street parking. Ms. Van Buren states they are expanding the driveway. Chairman states Ms. Flaherty's name will be put on the special permit along with the Van Buren's name. He notes there is really no way this can be policed unless someone makes a complaint. If people were living there that the special permit was not approved for, the building inspector could issue a zoning violation. Regarding on-street parking, it is a wide street and it is legal to park on it.

Motion made by Robert Acevedo to close the public hearing. Motion seconded by Mickey Whitmore. Unanimous by board. Motion made by Robert Acevedo to grant a special permit for a second dwelling unit for the property located at 1 Ashbury Drive, with the conditions of the special permit be that the in-law Louise Flaherty resides at the property along with Jamie Van Buren and that the special permit for the second dwelling unit becomes 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. 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 Mickey Whitmore. Unanimous by the board.

General Business

Motion made by Robert Acevedo to accept the Meeting Minutes as presented for Thursday, July 19, 2018. Seconded by Mickey Whitmore. Unanimous by board.

Motion made by Robert Acevedo to adjourn. Seconded by Mickey Whitmore. Unanimous by board. Meeting adjourned at 7:51 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature Leanne Kerwin

Date 9-13-18