

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, July 19, 2018
355 East Central Street
Franklin, MA 02038

Members Present: Bruce Hunchard
Robert Acevedo
Philip Brunelli
Mickey Whitmore

TOWN OF FRANKLIN
TOWN CLERK

2018 AUG 27 P 3:21

RECEIVED

Prior to the start of the meeting, Chairman Hunchard appoints Philip Brunelli to sit in the vacant seat of prior sitting member, Timothy Twardowski.

60 Earl's Way – First Class Marble and Granite

Abutters:

7:30 pm: The applicant is seeking to construct an addition 31.6' from the rear lot line where 52.5' is required. The building permit is denied without a variance from the ZBA. Applicants present: James Suci, United Consultants and owners Leandro Dos Santos and Angelica Dos Santos. James Suci explains the scope of the project at 60 Earl's Way. The site is in an industrial zone as is the property behind them. The proposed addition meets all of the setback requirements. The issue is that, although the property behind 60 Earl's Way is industrial zoned, it is a residential use and, therefore, requires a 50' setback instead of the required 30'. The new construction will be the same type as the existing building. Chairman asks what the purpose is for the new addition. It is to expand the production area inside the building. Chairman reiterates that the reason they are here before the Board is not because they don't meet the setbacks, it is because the property next door is being used as residential in an industrial zone, so a 50' setback needs to be maintained.

Motion made by Philip Brunelli to close the public hearing. Seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to grant the variance for First Class Marble and Granite to construct a 22' X 79' addition at 60 Earl's Way giving them 20.9' of relief to 31.6' where 52.5' is required as shown on a drawing entitled 'Variance Plan – 60 Earl's Way, Franklin, MA' dated June 20, 2018, by United Consultants, Inc. 850 Franklin Street, Suite 11D, Wrentham, MA 02093. Seconded by Philip Brunelli. Unanimous by Board.

General Discussion – 122 Chestnut Street

Request for amendment to original Decision dated March 30, 2017

Lawrence Benedetto explains that he has spoken to seven developers in the last fifteen months and, of those, six have wanted to build apartments and one was agreeable to build condominiums that would be rented. The good news is that every one of the potential buyers were amenable to the provision that includes 20% to be set aside for veteran housing. According to Dale Kurtz, Franklin Veteran Agent, there is a significant demand for rentals and many of the veterans prefer to rent as opposed to buying a home. Unfortunately, the document - Article 9 specifically - states that the property use can only be for sale or for purchase. Nowhere does it that anyone who buys this property and develops this property can rent it. Mr. Benedetto requests to amend the original Decision to include the possibility of renting. Chairman Hunchard feels that the ZBA could not put any type of restriction as to whether it is for sale or rent anyway. He feels that it was just an oversight that wasn't done originally. It still includes 20% for veterans. The only thing that is different from the original decision is that it should have said 'for sale or rent'.

Motion made by Philip Brunelli to amend the Decision where it says "for sale" we add "or rent" under Article 9A. Seconded by Robert Acevedo. Robert Acevedo motions to Grant the amendment. Seconded by Philip Brunelli. Unanimous by Board.

Motion made by Robert Acevedo to accept the Meeting Minutes for Thursday, June 7, 2018 as presented. Seconded by Mickey Whitmore. Unanimous by board.

Signature Deanne M. Kerwin

Date 8-27-18