

Town of Franklin



Zoning Board of Appeals

Thursday, January 18, 2024
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, Christopher Stickney. Members absent: Meghan Whitmore. 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.

Meeting Minutes January 4, 2024

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, January 4, 2024. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Chair Hunchard said that he received an email from Skillburst.com regarding the State Ethics Commission training. He said ZBA members will have to log in to complete the required training to receive a certificate.

465 Lincoln Street - Contractor Realty LLC

Abutters: John Wilhelmi, 13 Brook Street.

7:30 p.m. Applicant is seeking to add a one-bedroom residential apartment. The building permit is denied without a Special Permit/Variance from the ZBA. Applicants present: Krupal Contractor, Manager; Richard Cornetta, Attorney for the applicant.

Mr. Cornetta reviewed the proposal to grant a special permit allowing a change of a pre-existing non-conforming use to permit the addition of a one-bedroom residential studio apartment to be located on the second floor of the existing two-story building in addition to the current commercial convenience store known as Lincoln Street Market. He said this use is typically not allowed in this zone, but the current use predates the current zoning, and it has been going on for an extended period of time. He reviewed a previous special permit for expanded impervious coverage. He said the second floor of the property is currently used for storage and is about 540 sq. ft. He said they would like to use it for a residential apartment, specifically for one of the employees who is looking for a residence. He said because of the interesting pre-existing non-conforming use, and now introducing a residential use to this, Building Commissioner Gus Brown deemed that this would be creating a mixed use at the location, and he wanted the applicant to come before the ZBA for approval. Mr. Cornetta said they are requesting the ZBA to consider the grant of this under Ch. 185 section (B)(1) which is the section that deals with non-confirming uses. He said this section talks about how the ZBA has the authority to alter a pre-existing non-conforming use if they find the proposed use is not substantially different than the current pre-existing

use. He reviewed the language of the bylaw which he read aloud and explained. He said they included an old site plan in the application materials. He said it is about a 2,500 to 3,000 sq. ft. two-story building. He said it is also a filling station with about four gas pumps out front. He said there are 13 parking spaces that service the existing use, and they think that will be enough to service the single bedroom second floor studio apartment of 537 sq. ft. being proposed. He said they suggest there are really no exterior modifications going along with this proposal. He said they will need to add a second egress which will be in the rear of the building as an exterior staircase. He said it will not be visible to anyone except the occupant going up the stairs. He said they believe this proposal will fit in line with the zoning bylaw that would allow the ZBA to grant the special permit. He said they also applied for a variance to make sure they covered themselves. He said if the ZBA felt the special permit was the wrong path, they alternatively would request a variance from the ZBA to allow mixed use. He said the Building Commissioner expressed some concern about the egress on the second floor. He said the architect is not available to be present tonight; however, if this special permit were granted, they would comply with the requirements of the building permit regarding the location of the second egress. Mr. Cornetta read aloud the Supporting Statement for a Special Permit provided in the meeting packet.

Chair Hunchard said he also spoke with the Building Commissioner and reviewed that the owner of the building could have someone called a caretaker live in the apartment if it were built according to standards. He said there was a similar situation in a building on East Central Street. He requested Mr. Cornetta confirm that the applicant's last name is Contractor, and not that he is the contractor. Mr. Cornetta provided the confirmation of the applicant's last name.

Mr. John Wilhelmi, 13 Brook Street, stated that in the meeting packet materials the applicant indicated that this is an economic hardship. Chair Hunchard stated that would be for the variance. Mr. Wilhelmi said the location is currently a convenience store, liquor store, gas station, propane filling station, and now they want to add an apartment. He said he does not see the need for it. He said there are many empty apartments in Franklin, so he disagrees with Mr. Cornetta's statement that there is a need for this. He said as an abutter, when the store is closed, it is closed, and now we are going to add tenants. Chair Hunchard said he thinks if it is someone that is going to work for them, they could have done it anyway; however, we do not know what they are going to do down the road as they could get another tenant.

Mr. Stickney said he has concerns over the placement of the second egress; it looks rather tight back there. He asked if the fire department would be able to get to the second egress out back. Mr. Cornetta discussed the location of the fence and the location of the egress. He said the applicant owns the property beyond the fence. He said if the fire department has a concern, there are options to address that.

Mr. Acevedo asked what the Building Commissioner's concerns were regarding the egress. Chair Hunchard stated that he was told there was already an interior stairway going into the store as a point of egress. He said the Building Commissioner's concern is that the two egresses may not be far enough apart which can be worked out if they build it. Mr. Cornetta said the second floor does not cover the entire footprint of the first floor. He said that the Building Commissioner's concern was the remoteness standard of the two egresses; he said the architect along with the Building Commissioner will be able to come up with the best location. Mr. Acevedo confirmed that the ZBA would be giving a special permit and not a variance.

Mr. Brunelli said that he was looking at the plan and can see what the Building Commissioner is talking about. He said he agrees with everything else, and it looks okay to him.

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.

Motion made by Robert Acevedo to approve the applicant's request for a special permit allowing change, extension, or alteration of pre-existing non-conforming use, to allow the addition of a one-bedroom residential studio apartment to be located on the second floor of an existing building above the pre-existing convenience store/filling station, on the first floor of the subject property as shown on a plan titled "Limited Site Plan Modification of Lincoln Street Market in Franklin, Massachusetts" prepared by GLM Engineering Consultants, Inc., dated November 9, 2007. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

860 West Central Street - Cam Afonso

Abutters: None.

7:35 p.m. Applicant is seeking to install a sign that has an electronic LED message center. The building permit is denied without a Variance from the ZBA. Applicants present: None.

Chair Hunchard read aloud a letter stating the applicant was withdrawing the application for GlenPharmer regarding the approval of an LED sign and may try for approval at a later date which was signed by Cam Afonso.

Motion made by Philip Brunelli to withdraw without prejudice. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Ms. Thayer confirmed the next ZBA meeting will be held on February 15, 2024.

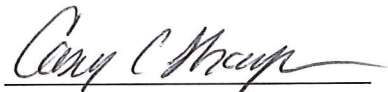
Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting adjourned at 8:08 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

