

Town of Franklin



Zoning Board of Appeals

**Thursday, March 14, 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, 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.

14 Bens Way - Chris Prince and Heather Martin

Abutters: None.

7:30 p.m. Applicant is seeking to construct an 898 sq. ft. accessory dwelling unit attached to a single car garage. The building permit is denied without a Special Permit from the ZBA. Applicants present: Chris Prince and Heather Martin.

Mr. Prince stated that the application is for an ADU of 898 sq. ft to accommodate both of his parents on this property. He said it will be a single-story building with an attached garage. He read aloud his Supporting Statement for a Special Permit which was provided in the application packet. He stated that the driveway has entrances off Bens Way and off Elm Street. He discussed the primary access for this would probably be off Elm Street. He explained that there is a small shed that would be moved if the construction went forward.

Mr. Acevedo stated that the structure to be built falls under the 900 sq. ft. He asked if the ZBA is certain that the garage which is attached does not fall under the allowed square footage. Chair Hunchard said he thinks they only count living space.

Mr. Brunelli asked about the location of the paved driveway as the diagram was not clear. Mr. Prince said the driveway comes off Bens Way which is the parking pad in front of his home. Chair Hunchard said the dotted line is the 40 ft. required setback; the other dotted lines are the sewer easements. He said they have a garage under.

Building Commissioner Gus Brown said the only question he has with the driveway is that as long as DPW is satisfied with the access onto Elm Street, he does not think it is a problem. But, if it is used on a regular basis, and if it is not going to be paved all the way out to Elm Street, and it is going to create a washout or something like that on Elm Street, it might want to be addressed. Mr. Prince said it is currently paved and not in great shape, and they are planning to fully repave it based on the outcome of this meeting. Ms. Martin said it was fully paved since the house was built. Mr. Brown said DPW would

sign off on the permit; if they have any problems or questions, they will address it at that time. He suggested they vet it out and check with them for safety.

Chair Hunchard said the DPW may require some kind of driveway permit/street entrance permit. He said it exists and may have been there longer than the bylaw. Mr. Brown said he does not think a new permit would be required, but they should take a peek at it. He said that if the owners contact him, he will go out and take a look at it.

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 grant a Special Permit for an accessory dwelling unit for the property located at 14 Bens Way for Chris Prince and Heather Martin to construct an 898 sq. ft. accessory dwelling unit attached to a single car garage. The proposed accessory dwelling unit is shown on the Plan titled "Certified Plot Plan Located at 14 Ben's Way, Assessors Parcel #214-119-000-000, Franklin, MA" prepared by Continental Land Survey, LLC, dated January 11, 2024. The Special Permit for the accessory dwelling unit becomes null and void if the applicant moves or transfers ownership. No separate utilities shall be permitted unless required by the DPW at 14 Bens Way. 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 issuance of the Special Permit is to Chris Prince and Heather Martin who live at 14 Bens Way. Seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

121 Grove Street - Fairfield Grove Street

Abutters/Residents: Bill Gilbert, 2 Old Carriage Lane.

7:35 p.m. Applicant is seeking a building permit to construct a 330-unit multi-family development. The building permit is denied without a comprehensive permit from the ZBA. Applicants present: Richard Cornetta, attorney for Fairfield Residential Development; Mr. Robb Hewitt, Vice President of Fairfield.

Mr. Cornetta said this is a continuation of the public hearing. They last met with the ZBA on February 15, 2024. He said during the last meeting there were issues raised with regard to the traffic peer review, and a memo was provided by Town Engineer Michael Maglio as to the traffic. He stated that both have been addressed by their traffic consultant, Vanasse & Associates; they submitted a response letter on March 8, 2024, to the transportation peer reviewer and a letter on March 12, 2024, addressing Mr. Maglio's traffic-related concerns. He said Mr. Derek Roach, traffic engineer of Vanasse & Associates, is on the call at tonight's meeting. He stated there was an issue with the fire department regarding the latest version of the site plan. He noted the fire department's memo issued on October 12, 2023. He said their engineer had conversations regarding that issue. He said in those conversations it was indicated that the fire department was satisfied. He noted the only issue in the October letter was with the emergency access which is provided in the latest plans. He said he thinks an email was sent to the ZBA in advance of this meeting documenting the conversations with the fire department. He reviewed a recent meeting with various Franklin Town departments regarding potential mitigation matters relative to sidewalks, wetlands, replication, and sewer improvements. He said there is a further conversation scheduled which they hope to resolve all the mitigation issues. He said they hope to present a final package of all these mitigation items to the ZBA at the next meeting. He said there was also some discussion with the waiver list. He said they anticipate that they will reduce the number of requested waivers, and they hope to reach an

understanding of the specific waivers that they will need within a week or so. He stated that there had been some discussions about sewer improvements regarding the capacity and the pumping station that this project would be utilizing. He said Mr. Maglio indicated that there would be a necessity for a consultant to do the analysis. He said he thinks the Town may be looking for a figure from the applicant to complete that analysis which he thinks is \$25,000 which the applicant is willing to proceed with. He said Mr. Maglio referenced something about some language similar to the ZBA's decision for St. John's on Pleasant Street regarding the applicant being responsible for the lesser of any improvements as recommended by the consultant's report or placing a holding tank on the property. He said this has been a summary of what they have been doing over the last few weeks.

Chair Hunchard noted that Mr. Mark Bobrowski, attorney, was on the call. Mr. Bobrowski said that as long as they are willing to live with the option of a holding tank, he does not have a problem writing the condition.

Chair Hunchard said there was a bump in the road regarding parking for two buildings. Mr. Cornetta said Mr. Roach and Mr. Robb Hewitt are on the call and would be appropriate to address that.

Mr. Robb Hewitt said there is a total parking count of 570 spaces which is 1.74 parking spaces per unit across the site. He said there are two buildings, buildings 3 and 5, that have a lower ratio than 1.74. He said these buildings have a ratio just over 1.5 spaces per unit. He said 1.5 is adequate for their needs based on other projects. He said they always like to have lots of parking. He said their target ratio for projects is 1.5 to 1.6. He said they feel 1.5 is adequate. He said he thinks other zoning in Franklin requires 1.5 per unit. He explained that both of these buildings are an easy walk to other parking.

Chair Hunchard confirmed there is at least 1 space for each unit. He said that not everybody who rents is going to have two cars. He said he is fine with it. He said he wanted to get the waiver list cleared away tonight, but that seems like that is not going to happen.

Mr. Cornetta explained that there is the intent on the part of the applicant to work with the players including the conservation agent in dealing with what is really necessary regarding the waivers. Chair Hunchard said this is the same as with any other 40Bs that come in; the ZBA does not give relief from the state wetlands regulations, only the local regulations under the Franklin bylaws.

Chair Hunchard asked if there was any relief request for paying for fees. Mr. Hewitt said there was a small fee with regard to the stormwater management utility fee; they spoke to Mr. Brown about that. Mr. Hewitt said they were told the standard fee was allocated to everyone, so the applicant agreed to drop that waiver request for that.

Mr. Bobrowski said there is a mention of local filing fees for Conservation Commission. Mr. Hewitt said they are well underway with Conservation, so they do not need that waiver request. Mr. Bobrowski confirmed they will be submitting a revised waiver list; he requested they submit it before March 28 as he would like to review it.

Mr. Steven Findlen of Howard Stein Hudson said he is all set as the parking was their only outstanding concern.

Mr. Joe Peznola of Hancock Associates said his only remaining concern was the sewer, and the applicant provided a good idea as a condition with the either/or scenario. Chair Hunchard said he does not think there is any need to hold up anything for this as it is whichever is cheaper as to how it comes out.

Mr. Brown said they met with the proponents. He said there was a list that Mr. Cornetta talked about that Town Engineer Michael Maglio had created as far as his review of the traffic information. Mr. Brown said there were seven items. He said one was about a response from Denise, a Town staff member, regarding the school buses. He said it appears that has been set in motion to handle some sort of bus stop. He said the other six items are still there. He said that Mr. Cornetta said there was a letter that came out from Vanasse & Associates on March 8, but he does not have that letter. Chair Hunchard said they would get that letter to Mr. Brown. He said he thinks everything has been answered.

Mr. Roach said the letter is dated March 12, 2024, which is the response to the town engineer's comments. Mr. Brown asked if the letter was circulated to the building commissioner. Mr. Brown noted a few other items. He noted proposed traffic calming for 237 Pleasant Street and a letter regarding the sewer mitigation. He said he could forward this information to Mr. Bobrowski. Mr. Bobrowski said he would also like to see the March 12, 2024, letter from Vanasse & Associates.

Mr. Brown asked Mr. Hewitt about a waiver for the trees on the apron of the property. He said that when they sit down again, they would go through that waiver. He said with the potential mitigation they are going to present, they can talk about the trees at that time. Mr. Hewitt said that sounds good.

Mr. Brown said the waiver list was discussed in great detail. He said he thinks everyone walked away from the meeting satisfied that everyone was going to work with everyone. He said improvements would be a discussion for another day. Mr. Hewitt said that would be best held for the meeting.

Chair Hunchard asked Mr. Bobrowski if it would be appropriate to take a straw vote to have Mr. Bobrowski start a decision; he is not going to close the public hearing at this time.

Mr. Bill Gilbert, 2 Old Carriage Lane, said it is his understanding that the property is currently zoned in a way that does not allow for the proposed project, and the request is to rezone or provide relief to that. Mr. Bobrowski said it is not a rezone; it is a series of waiver requests that the applicant has made because in the applicant's interpretation, the project would be un-economical without the waivers in the context of a 40B. Mr. Gilbert confirmed the ZBA was not under any obligation to grant this. Mr. Bobrowski said there are rules and regulations on how the ZBA can proceed on this. He explained that the ZBA can deny, approve with conditions, or approve as is. He explained items that the ZBA must be mindful of regarding regulations. Mr. Gilbert said he has not heard what benefit to the Town is this if it is going to be granted. He asked why should it be approved. He said the benefit to the builder and property owner is obvious.

Chair Hunchard said a project similar to this came to the ZBA in 2006/2007. He said at the time, they were considering another project on Lincoln Street, Franklin Heights. He said that project was approved and it proceeded. He said the Town went through the efforts to get some mitigation for the town. He said as that project was approved, this project was turned down. He said that the property sat there since then. He said there are some wetlands in there which make it tough for an industrial use. He said this proposal came back before us now.

Mr. Gilbert said he understands the history, but asked for what benefit is this project for the town. Chair Hunchard said it adds 80 affordable units to the town's housing stock. He said everyone is saying they need affordable housing. He said the applicant has a letter of eligibility from the state. He said he can almost guarantee if the ZBA were to turn this down, the applicant could file an appeal with Housing Court. He said the state is trying to make everyone put in affordable housing. He noted that this property on Grove Street does not have any residential abutters, it is on 32 acres, they are providing some walking trails, and they are working with the Town to mitigate some of the problems they see on Grove Street.

Mr. Gilbert said so to answer the question, this is to add to the affordable housing stock of Franklin. He asked what other benefit is there. Chair Hunchard said he does not know the exact numbers, but what they are going to pay in real estate tax for this project compared to if an industrial building went up there, he thinks this would pay more money, but we are not to take that into consideration.

Mr. Gilbert asked if Franklin's affordable housing stock is under the 10 percent. Chair Hunchard said no; the town is at 10 point something. He said that we are not far and away above it; about 10.5 or 10.6. Mr. Bobrowski said the SHI currently published is 10.86.

Mr. Gilbert said his feeling is that if the only benefit he has heard is adding to affordable housing stock, and we are not below the number, then why are we looking to approve it. He said he would also argue that open space and open land in the Town of Franklin has value. He said just because we can put something somewhere, does not mean we should. Chair Hunchard said tax revenue is a value to the town to keep it running. Mr. Gilbert noted that the ZBA is not responsible for assessing the economic impact. For this board, the only benefit he heard is adding to the 40B stock which we do not currently need.

Chair Hunchard said he sent Mr. Bobrowski the letters he was requesting. He asked if it would be appropriate to take a straw vote so Mr. Bobrowski could start a favorable decision and keep the meeting open for the applicants to come in with an adjusted waiver list.

Mr. Bobrowski recommended against that. He said there are still some open questions on mitigation impact, the sewer, and the waiver list. He said they should wait until the March 28 meeting.

Mr. Cornetta said it was all covered pretty comprehensively. He hopes to get the information for the next meeting.

Mr. Stickney said he thought the notes from Mr. Maglio were great in regard to things to continue to consider. He noted that the applicant has a sidewalk in front of their development and it stops at the end of their property. He said that although they are not obligated to extend it, he would like to hear feedback on their ability to assist with connecting to Beaver Street if this project moves forward. Chair Hunchard said he thinks those talks may have started. He noted this applicant did the Dean Avenue project.

Mr. Acevedo noted the sidewalks and infrastructure. He asked how the improvements the applicant is proposing in the area will be presented to the ZBA. Chair Hunchard said he thinks it will be sum of money donated to the town for any improvements. Discussion commenced on what donated money could be spent on.

Mr. Brunelli said he was concerned about the mitigation.

Mr. Cornetta said he hopes to make these strides for the next meeting.

Motion made by Philip Brunelli to continue the public hearing to March 28, 2024 at 7:30 PM. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

General Business

Meeting Minutes February 15, 2024

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, February 15, 2024. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.


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 8:35 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

4.10.24