

Town of Franklin



Zoning Board of Appeals

**Thursday, December 15, 2022
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, Meghan Whitmore. Members absent: None. Also in attendance: Casey Thayer, Administrative Assistant.

This meeting is being conducted as a Remote Access Zoom Virtual Meeting as allowed by Governor Baker's signing into law An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. 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.

24 Cross Street - Shaoxian Yang Abutters: None.

7:30 p.m. Applicant is seeking to construct a 25.5' x 28.4' detached garage that is 10.8' from the rear setback where 15.4' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Mr. Sean Yang, owner. Mr. Yang reviewed that he is petitioning for a 4.6' variance from the rear setback to construct a detached garage. He explained that because he needed to change the pitch of the proposed roof to more fully match the house, he needs a variance.

Building Commissioner Gus Brown stated that this is a right-of-way in the back; the applicant has a side yard and a rear yard. ZBA members asked questions. In response, Mr. Yang stated that there is going to be an attic/storage space upstairs. He confirmed that the structure is almost built. Mr. Brown stated that the applicant stopped construction when he realized he made an error. Mr. Brunelli stated that he rode by the structure and talked to a few residents who were in favor of this.

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 Variance for 24 Cross Street for Shaoxian Yang to construct a 25.5' x 28.4' detached garage that is 10.8' from the rear setback where 15.4' is required, giving relief of 4.6', as shown on a drawing titled "Garage As-Built Certified Plot Plan, 24 Cross Street, Franklin, MA" prepared by Continental Land Survey, LLC, dated October 12, 2022. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

237 Pleasant Street - St. John's Episcopal Church of Franklin and The Community Builders Inc.
Abutters: Julie Shea, 27 Monterey Drive; Christi Apicella, 27 Padden Road.

7:35 p.m. Applicant is seeking a building permit to construct a 64-unit multi-family development. The building permit is denied without a comprehensive permit from the ZBA. Applicants present: Attorney

Richard Cornetta on behalf of the applicant; Mr. John Harding of The Community Builders, Inc.; Mr. Peter Freeman of Freeman Law Group; Mr. Frank Holmes, civil engineer of Langan Engineering & Environmental Services; Mr. Maximo Polanco of Langan Engineering & Environmental Services.

Chair Hunchard stated that this is a continuation of a previous hearing held in November.

Attorney Paul Haverty, working with Attorney Mark Bobrowski on behalf of the ZBA, and Mr. Joe Peznola, Director of Engineering Hancock Associates, were in attendance at the meeting;

Mr. Cornetta confirmed that this is the second public hearing. He discussed that the Town hired independent consultant Hancock Associates to review the project. He stated that recently the applicant's development team received a letter from Mr. Joe Peznola of Hancock Associates, dated December 1, 2022. He stated that during the last few weeks, the team has been reviewing the letter and formulating responses which were delivered to the ZBA offices today. He stated that he realizes Hancock Associates has probably not had enough time to review the applicant's responses to their comments. He mentioned that during the first meeting there was some conversation about some traffic impacts. He stated that The Community Builders have commissioned Vanasee & Associates to conduct a traffic impact analysis; he anticipates being able to speak to those matters at a future meeting.

Chair Hunchard explained to the applicant that if there are any documents that the ZBA should consider for a meeting, they cannot be presented the day of the meeting; they should be provided at least by Monday prior to the meeting date, preferably, the Friday before. He stated that he would have preferred holding this meeting until the traffic study was done.

Mr. Harding stated that he would like to provide a few updates. He stated that one of the main concerns was safety and street design, so they met with the Department of Public Works and a few Town staff to discuss safety concerns that they already knew about and discuss potential impacts. He discussed that there was an additional concern around the natural environment in the area and the project's impact on it. As a result, he met with the Conservation Commission to get their comments. He asked the Conservation Commission to provide a letter; however, they seemed to prefer speaking to the ZBA directly. He stated that the Conservation Commission mentioned building additional trails to connect with DelCorte which the applicant was planning to do anyway. He stated that the measurements for the traffic study are underway; they will expect to present in late January.

Mr. Holmes stated that the data collection work for the traffic counts has been completed. He stated that they are working on the study; they should be able to submit that in a couple of weeks. Chair Hunchard asked if January 19, 2023, would work for a next meeting. Mr. Harding indicated agreement with the next meeting date. Mr. Holmes confirmed that the traffic study would be provided at least one week ahead of time to the ZBA and Hancock Associates. Mr. Freeman stated that he has another meeting on January 19, 2023.

Ms. Christi Apicella, 27 Padden Road, stated that she was pleased that a traffic study would be completed. She asked if the full traffic impact analysis (TIA) would be done even if it were not required by MassDOT. Mr. Polanco stated that Vanasse is not doing the traffic study; Langan is doing the traffic study. He stated that they will follow those guidelines just to give the type of scope and type of traffic study that they will conduct. He stated that a full traffic study will be conducted for the site. Ms. Apicella asked what is the role of Vanasse. Mr. Cornetta stated that he misspoke when he mentioned Vanasse & Associates doing the traffic study. He stated that Langan is doing the traffic study; Vanasse is not even involved. Ms. Apicella stated that Langan does not have traffic engineers and asked who will be conducting the TIA. Mr. Polanco stated that Langan does have traffic engineers. Ms. Apicella noted that

she hopes the study will be provided to the public one week ahead of the next meeting so everyone has time to review it.

Ms. Julie Shea, 27 Monterey Drive, stated that she echoed Ms. Apicella's concerns. She stated that it is important to get the data back.

Mr. Peznola stated that the applicant's responses should be put in the form of a letter including a date and addressed to the ZBA. Mr. Freeman stated that is correct and he did not realize the format of the responses did not include a cover letter explaining what it is; that will be corrected. Mr. Peznola stated that there were references by the applicant to plans that will be revised; he is looking for timeframes from the applicant in providing revised plans. Chair Hunchard stated that this hearing will be continued to January 19, 2023. Mr. Holmes stated that any plans that need to be revise will be revised and submitted to the ZBA at least one week before the meeting date. Discussion commenced as to when Mr. Peznola should review the materials/the new plans.

***Motion made by Philip Brunelli to continue the public hearing to January 19, 2023, at 7:30 PM.
Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES.
Unanimous by the Board.***

Meeting Minutes December 1, 2022

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, December 1, 2022. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Chair Hunchard reviewed that the materials from the previous applicant were submitted today; if that happens again, the applicant will get an automatic continuation as the ZBA needs time to review the materials. He wished everyone a happy holiday season.

The was no Motion made or voted on to adjourn the meeting.

Meeting adjourned at 8:02 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

1/9/23