

Town of Franklin



Zoning Board of Appeals

**Thursday, June 22, 2023
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. Members absent: Christopher Stickney. 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.

435 King Street – Cocasset Aesthetics

Abutters: None.

7:30 p.m. Applicant is seeking to conduct retail services in a SFR III zone. The use is denied without a Variance from the ZBA. Applicants present: Mr. Richard Cornetta, attorney representing the applicant, and Mr. Matt Azulay-LaFever, principal of Cocasset Aesthetics, PC.

Mr. Cornetta stated that they are doing business as H2T Skin and Laser Center. He stated that Mr. Azulay-LaFever is an RN, and he would like to operate a comprehensive day spa in Franklin. He stated that along with the Franklin location, Mr. Azulay-Fever will have three locations and employs about 25 people. He explained that the office building was built in 2006 including the paved parking area; it is located in the Single Family Residential III zone. It was previously used as a medical building; in 2006 they received a special permit from the Planning Board for that use. He stated that after Mr. Azulay-Fever took over the building, there was some misunderstanding about what he planned to do with the location compared to the previous occupant and their special permit. He reviewed Mr. Azulay-LaFever's proposed use including non-medical solutions for those having hair loss which is what is causing some concern about the use. He discussed that a salon use is not permitted in a Single Family Residential III zone. He stated that because of Mr. Azulay-LaFever's unique blend of non-medical, medical, and surgical solutions being offered, the concern has been raised by the Building Commissioner whether Mr. Azulay-LaFever is permitted to do the salon and stylist services at this location. He stated that in order to solve this issue, we believe the definition in the code is a bit cumbersome. He explained that the Town Code provides some guidance. He reviewed various sections of the code that can be applied to this situation. He explained this is a very unique salon proposed. He reviewed the information contained in the ZBA Application Form Supporting Statement for a Variance which was provided in the meeting packet. He reviewed the other businesses located in the area. He explained that no one would really know that this building is in a residential zone. He explained how they applied for this permit and are giving the ZBA the opportunity to determine what the appropriate remedy going forward would be. He stated that they are hoping logic will prevail. He stated that this is a very unique use and that Mr. Azulay-LaFever has done a good job renovating the building.

Chair Hunchard stated that he visited the building today. He stated that they have been open since November 11, 2022, and he has not heard anything such as problems with parking. He asked how many stylists does he plan to have in the building at any one time. Mr. Azulay-LaFever stated that the building is able to

accommodate 21 individual suites; however, those suites would not be operated all at the same time. He stated that on average, there would be about half the number of stylists there at any one time, so about 10. The stylists typically have a three-day work week and work on average six hours per day. So, there is not a lot of crossover of the individuals. He stated that they are open Monday through Saturday from 10 AM to 6 PM on Sundays and to 8 PM on other days. Chair Hunchard stated that the building looks very nice.

Mr. Brunelli asked what a stylist is. Mr. Azulay-LaFever stated that a stylist is essentially someone who styles hair. Mr. Brunelli confirmed it is by appointment only.

Building Commissioner Gus Brown stated that he wanted to bring up some points that Mr. Cornetta brought up. Mr. Brown asked if the door would be locked. Mr. Azulay-LaFever stated that it was a \$16,000 security system including cameras and intercom system. He stated that anyone coming to the building should have an appointment. Mr. Brown asked if the stylists will advertise for hair cutting services. Mr. Azulay-LaFever stated that he does not have control over what the stylists do on their own time. Mr. Brown requested that if this gets into the decision that it is accurate whatever you are telling us or whatever you are asking for. Mr. Azulay-LaFever stated that there are all kinds of advertising. He stated that he has invested \$100,000 in construction and another \$100,000 in equipment and furnishings. Regarding advertising, he stated that in this economic environment, it is hard enough for anyone to make money. Mr. Brown stated that he is saying that if they want to do retail services there, outside of Mr. Azulay-LaFever's operation, he would like it to get in the decision.

Chair Hunchard asked if the stylists working in Mr. Azulay-LaFever's building are going to be advertising in the local paper, emails, or the Milford Daily News. Mr. Azulay-LaFever stated that his advertising and marking is for the skin and laser center. He discussed that the individual who will be in the salon suites have established clients. He stated that they are not stylists coming out of hairstyling school. He stated that he has another of these facilities in Foxboro, and he does not think the stylists have any advertising. Mr. Brown stated that he has no problem with what Mr. Azulay-LaFever wants to do out there, if the ZBA approves it.

Chair Hunchard stated that he had a discussion about a finding as opposed to a variance. Mr. Brown stated that he had no problem with a finding. Chair Hunchard asked the ZBA members their thoughts on granting a finding versus a variance. Mr. Brunelli stated that he had no problem. Mr. Acevedo stated that he had no problem as long as Mr. Brown's verbiage is in there. Mr. Brunelli stated that he has concern about how many people could be there at one time. Mr. Cornetta stated that he wanted to address that. He reviewed the regulations for parking and stated that it is tied to square footage of the building. He discussed that there is more than sufficient parking. He stated the ZBA should rest assured that only the occupants are more concerned about parking. Mr. Brunelli stated that Mr. Azulay-LaFever stated that it would only be half full. Mr. Cornetta explained that it was due to the staggered schedule, and of the 21 suites, because of scheduling, only 10 or 11 of them would be used at one time. Mr. Azulay-LaFever stated that he is basing this off of his Foxboro location.

Mr. Cornetta reviewed the basis for the finding. He noted 185, section 45 D. (2). (c3) and said it empowers this board for a finding. He discussed that there are no specific criteria per se, but he took the criteria applied when going from one use to another to determine if the new use is similar to the previous use.

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 Bruce Hunchard to Grant a Finding for Cocasset Aesthetics, PC, to render a determination that the personal salon and stylist services planned to be offered in addition, connection or ancillary to the medical services being provided at the subject property would be considered a use consistent with, and not substantially different than, the medical use allowed at the subject property previously granted by Special Permit of the Franklin Planning Board on March 6, 2006. The Finding will

go for Cocasset Aesthetics, PC, only; it will run with them and not with the property. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Mr. Brown stated that if Mr. Azulay-LaFever wants to do any other work in Franklin, he should pull a building permit before he starts the job.

5-245 Franklin Village Drive – Red Barn Dog Ops Ma, LLC

Abutters: Ms. Paula Arsenault.

7:35 p.m. Applicant is seeking to operate a dog spa, pet daycare and border business. The use is denied without a Special Permit from the ZBA. Applicants present: Mr. Edward Cannon, attorney for the applicant, and Mr. Jim Riley and Ms. Kayla Seely, operators of the business.

Mr. Cannon stated that they are seeking a special permit to operate an upscale dog spa, pet daycare, and border business.

Mr. Riley stated that he and Ms. Seely are part of a business called Red Barn Dog Holdings. He stated that they are a franchisee for Dogtopia. They own and operate 29 facilities. He described the span of their real estate locations. He showed a slide of the proposed location and explained the former businesses at that location at Franklin Village Drive. He stated that the dog daycare is the biggest part of the business. He explained the grooming services that they perform.

Ms. Seely narrated a slideshow presentation. She reviewed the Dogtopia difference which includes socialization and exercise for the dogs. She reviewed her slides discussing community trust, certification, peace of mind, and good neighbors. She reviewed that Dogtopia has been around for more than 20 years. She reviewed slides outlining what makes them good neighbors, canine health education, canine coach training, pet safe cleaning program, and odor control. She reviewed and showed the design of the facility.

Mr. Riley reviewed the HVAC system for the dogs' playroom areas. He discussed the acoustics and noted that this is a multi-use building and no noise will emanate from the facility. He stated that there is no outdoor facility proposed at this location. Ms. Seely showed an example of the dog playrooms. Mr. Riley explained their location in the shopping center and the parking.

Ms. Whitmore asked about the HVAC system. Mr. Riley stated that it is a dedicated HVAC system independent of any other tenants. Mr. Acevedo asked if any abutters from the building are at the meeting. Chair Hunchard stated no; however, there is an abutter from across the street. Ms. Seely stated that they do not anticipate any parking issues. Mr. Brunelli asked about boarding, walking the dogs, and the training they do. Ms. Seely stated that someone would be at the facility until 10 PM and back at 5 AM. She stated that the facility is monitored remotely. She stated that the dogs would not be walked around the mall; all of the dogs are indoors the entire time. She stated that there is no formal training at this facility, only behavior modification.

Chair Hunchard asked for the number of employees, hours of operation, square footage, number of dogs, and boarding. Ms. Seely stated that at any time there are five or six employees on site. They plan on 20 to 25 employees both full and part time. The hours of operation for drop off and pick up are 7 AM to 7 PM, seven days a week. She stated that they have a curbside service. Mr. Riley stated that the facility is just over 4,800 sq. ft. Ms. Seely stated that on average, the facilities have about 45 dogs per day. She discussed the boarding process. She stated that all of the waste is pick up immediately, double bagged, and put in a container that will be put into the dumpster that is picked up at regular intervals. She stated that they are not proposing any veterinary services. Mr. Brunelli asked how long the dog stays in the crate in an eight-hour day. Ms. Seely stated that their facility is open for 12 hours. She reviewed that between 12 PM and 2 PM is nap time and the

dogs are in the crates. She discussed that from 10:30 PM to 5 AM the dogs would be in the crate if they were going to be boarded.

Ms. Paula Arsenault stated that she is an abutter and lives across the street. She stated that she is concerned about the noise level and had safety concerns for people in the parking lot and for the dogs if one should get away from their owner. She stated concern for the increase in traffic and parking and if they will hear it. Chair Hunchard reviewed that there is the controlled intersection light. He discussed that the applicant uses sound deadening material and the dogs are inside.

Mr. Cannon reviewed the Supporting Statement for Special Permit. Ms. Seely reviewed the water usage. Chair Hunchard asked Mr. Cannon that if the ZBA approved the Special Permit, how soon could he provide a draft decision as they have to get it filed within 14 days. Mr. Cannon stated by the end of next week.

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 the applicant Red Barn Dog Ops Ma, LLC, Units 48 & 50 Franklin Village Drive, to operate a dog spa, pet daycare and border business, no veterinary services to be performed, with pick up and drop off will be 7 AM to 7 PM, seven days a week. Discussion: Mr. Brown asked for confirmation on the address; the suites are one thing and the address is another. Mr. Cannon stated that 5-245 Franklin Village Drive is the assessor's depiction of the site. He stated that he will clarify the units and make sure they are correct in the proposed decision. Discussion commenced on the correct address. Mr. Cannon stated that he would check. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting Minutes June 8, 2023

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, June 8, 2023. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Chair Hunchard noted that Mr. Acevedo got appointed to the ZBA for another three years. He stated that the next meeting is on July 20, 2023.

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 8:50 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

7/26/23