



Thursday, November 3, 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.

585 Maple Street - Cleiton Patrocinio

Abutters: Peter Petriello and Kathryn Petriello, 1 Laurel Court; Ashely Hall-Pratt, 589 Maple Street.

7:30 p.m. Applicant is seeking to construct an addition with an accessory dwelling unit. The building permit is denied without a Special Permit from the ZBA. Applicants present: Cleiton Patrocinio and Yaneth Patrocinio, homeowners. Mr. Patrocinio explained that he would like to add a garage and an in-law suite on the second floor of the garage. He read aloud his Supporting Statement for a Special Permit and provided the description of the proposed construction. Ms. Hall-Pratt questioned the size of the addition listed at 782 sq. ft. on one document; however, it appears larger on another submitted document listed as 36' x 34'. Chair Hunchard stated that he saw the site today; they have plenty of room to put on the addition. He stated that the applicant is not here for any setback relief. He stated that they need a second dwelling unit/in-law apartment if they add an area to prepare food. Mr. Patrocinio stated that the new addition is 782 sq. ft. He stated that his children will live in the current house, and he and his wife will live in the new in-law apartment in the upper floor; it will have a separate small kitchen. Ms. Hall-Pratt stated concern about the drainage from the structure that is to be built as her basement already has water issues. Chair Hunchard stated that he rode by there today and did not see a potential drainage problem. Ms. Hall-Pratt stated that she believes the way the windows are placed contradicts item 4 on the supporting statement as the windows will negatively affect the neighborhood character and social structure. She stated that she believes this will be the only property on Maple Street with a fully functioning apartment overlooking her backyard with a bird's-eye view on everything. She stated that she would like them to eliminate the two windows on that side so some amount of privacy will remain. Chair Hunchard stated that he rode by today and does not see that is an issue. He stated that the windows are not an issue for the ZBA; the applicant meets all the setback requirements. He stated that the plot plan is what the ZBA goes by; the ZBA has to vote to grant the applicant a second dwelling unit. Mr. Petriello stated that the back of his property abuts this property. He stated that he knows in the spring it gets flooded back there; he has a sump pump. He asked for the ages of the applicant's children and stated that the children will not be living there forever. He asked what is the plan when the children leave. Chair Hunchard stated that the applicant is before the ZBA asking for a second dwelling unit. If the ZBA is so inclined to approve, they take the names and those are the only people who can live in those two units. Mr. Petriello

asked if it was zoned for a two-family or is this a single-family home with an addition. He asked if the applicant can rent the house or the apartment down the road. Chair Hunchard stated that if any of the people move out of the house, it would have to be another family member to take over the unit. He stated that the ZBA has been doing this for over 15 years and he does not think they have had one complaint. He noted that the Town is considering having accessory dwelling units by right. He stated that the way the ZBA does it, there is more control. He stated that the building commissioner is the zoning enforcement officer. Mr. Petriello stated that he does not want to see the applicant's commercial vehicles there. Chair Hunchard stated that the applicant can park whatever he can legally park in his yard; if Mr. Petriello makes a complaint, the building commissioner will investigate. ZBA members had no questions.

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 a second dwelling unit for the property located at 585 Maple Street with the conditions of the Special Permit being that the family members, sons Matthew and Benjamin Patrocinio, reside at the property along with the owners Cleiton and Yaneth Patrocinio and that the Special Permit for the second dwelling unit becomes null and void if either party moves or transfers ownership. No separate utilities shall be permitted unless required by the DPW at 585 Maple Street. 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 proposed accessory dwelling unit addition is shown on the Plan titled "Proposed Addition, Plot Plan of Land in Franklin, Mass" prepared by RealMapInfo LLC, dated September 8, 2022. Seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

10 Baron Road - Timothy & Jennifer Gaspar

Abutters: Dana Standley, 9 Baron Road; Thomas Benham, 13 Baron Road; Michele Kane, 17 Baron Road.

7:35 p.m. Applicant is seeking to construct an enlargement to an existing deck that is 14.2' from the right-side yard setback where 25' is required. The building permit is denied without a Variance from the ZBA. Applicant present: Tim Gaspar.

Chair Hunchard temporarily left the meeting.

Mr. Gaspar stated that he needs a variance to construct an enlargement to an existing deck that is 14.2' from the right-side yard setback where 25' is required. He stated that the request is due to a child who is ill who needs access from the driveway to the deck without stairs. He stated that he constructed the deck and has a permit. He stated that when he applied for the permit, he provided a sketch; the permit was granted and he started building the deck. However, when they came for the final inspection, he was told to go to the ZBA. Mr. Acevedo reviewed that the house is already in a non-conforming lot. Mr. Standley stated that he lives across the street and supports the variance. He stated that the building department did not do their due diligence, and it put Mr. Gaspar in a tight spot; the Gaspar's need this, and he supports it. Mr. Benham, abutter across the street, stated that he echoed Mr. Standley's comments; he supports this. Ms. Kane stated that she lives a few houses down and supports this as well.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Meghan Whitmore. Roll Call Vote: Brunelli-YES; Acevedo-YES; Whitmore-YES. Unanimous by the Board.

Motion made by Robert Acevedo to grant a Variance for 10 Baron Road for Timothy & Jennifer Gaspar to construct an enlargement to an existing deck that is 14.2' from the right-side yard setback where 25' is required, giving relief of 10.8', as shown on a drawing titled "Plan Showing AsBuilt Deck, 10 Baron Road, Franklin, MA" prepared by D. O'Brien Land Surveying, dated September 13, 2022. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Whitmore-YES. Unanimous by the Board.

Chair Hunchard re-entered the meeting.

Parcel 219-178-002-000 - Bruce Wheeler

Abutters: Diana Deschamps, 24 Shayne Road, unit 216.

7:40 p.m. Applicant is seeking to modify a previously approved comprehensive permit. Applicants present: Attorney Louis Levine on behalf of the applicant. Chair Hunchard stated that the ZBA was in receipt of the letter that they were waiting for from the state. Mr. Levine stated that he did not have any problems with the proposal that is being drawn up by the Town's consulting attorney, Mark Bobrowski. Ms. Diana Deschamps, Chairperson of the Board of Parcel A, stated that the concerns from the association are that they are cutting back on of Parcel A's driveways so they can have their access road; she does not have any definite numbers from them on how much they are cutting back the road, and she does not think they have a fire hydrant at the same point. She stated that they are working through details with the association and the new development; they are not finalized. Chair Hunchard stated that he looked at the site and the current road looks perfect; years ago, it looked terrible. Ms. Deschamps stated that they had some concerns about the deed; all of the units are in one deed and the land for Parcel B is in another master deed. She asked if this impacted the ZBA. Mr. Bobrowski stated that this is a private matter. He suggested that the ZBA make it a condition that when the details of this are worked out, they provide a copy to the ZBA. Chair Hunchard noted that this submission was made in 2021. ZBA members had no questions. Mr. Bobrowski stated that he received a new plan today from Mr. Levine's office; it is the new plan of record. He stated that he added it to the permit as a reference document. He stated that there is a letter of transfer which should be exhibit 1 of the decision as it contains some conditions. He thanked the ZBA's consulting engineer for his recommendations. The ZBA members have all been provided with an approval draft that Ms. Thayer will fine tune.

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 draft decision drawn up by the Town's consulting attorney, Mark Bobrowski, which the ZBA members have been provided a copy of along with the attachments and the letter from Boston that they approved of the name change so the applicants can take over Parcel B. 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: See abutters list.

7:45 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; Rev. Kathleen McAdams, Director St. John's Episcopal Church of Franklin; Mr. John Harding of The Community Builders, Inc.

Chair Hunchard stated that there was some confusion regarding the way some people interpreted the advertisement for this. He stated that it states that the meeting will be held online or in the Council Chambers; they are doing the meeting online. He stated that they have been doing the meetings online for the past two years and will continue to do it online until March 2023. Attorney Mark Bobrowski stated that the governor has extended the order allowing for remote meetings until March 2023.

Mr. Cornetta stated that this is a proposal for residential affordable housing within proximity to the Town's center and train station. He reviewed that there have been discussions about the vision for Franklin's center. He noted the forums for Franklin for All and that there is a direct need for affordable multi-family housing in close proximity to downtown and the train station. He stated that Ms. McAdams of St. John's Episcopal Church of Franklin has entered into an agreement with The Community Builders, Inc. as the applicant of this proposal. He noted that Mr. John Harding is the representative for The Community Builders; he will provide the ZBA with a high-level project overview. He introduced Attorney Peter Freeman of the Freeman Law Group and stated that their law firm focuses on Ch. 40B developments.

Chair Hunchard stated that it is the ZBA's intention to hire Attorney Mark Bobrowski and Mr. Joe Peznola, Director of Engineering Hancock Associates, to review this project for the ZBA. Therefore, money from the applicant is needed to hire them. He asked the applicant if they were willing to produce a check to the ZBA within the next few days in the amount of about \$20,000 which will cover it for a while; if there is anything left over, they will get it back.

Mr. Freeman stated that he was speaking for his client and it was totally appropriate for a 40B to have peer review; that amount would be in escrow. Chair Hunchard confirmed the ZBA could expect a check this week or the beginning of next week. Mr. Bobrowski stated that he looked forward to working with the applicant.

Mr. Freeman discussed the Pleasant Street Affordable Housing Development. He stated that they are a limited dividend organization and not-for-profit organization, the co-applicant with the church is The Community Builders which is a non-profit organization, and there will be a single-purpose entity created that will have to comply with the requirements of the 40B. He stated that St. John's Episcopal Church owns the land, and there is a joint development agreement to develop the project. He stated that the project eligibility letter is a requirement to apply to the ZBA which they have from the DHCD dated September 15, 2022. He stated that there is a list of waivers in their package, and they can go over them at any time.

Chair Hunchard reminded everyone that this is the first statutory obligation that they have to hold a public hearing within 30 days; the ZBA is meeting that now.

Rev. McAdams stated that she has been with the church for nearly five years. She stated that they are pleased to be offering this project as a gift to the community. She stated that there is a huge need for affordable housing in Franklin. She stated that the church has about 20 acres, and this project proposes to use about 4 acres.

Chair Hunchard asked if this would be a tax-free situation as it is 51 percent owned by the church. He asked if they will be waiting for state money and how long they anticipate before it would start. Rev. McAdams stated that she thinks the LLC will be a for-profit and that it will pay real estate taxes. Mr. Harding stated that this would be funded through state programs and they would have to wait for the

funding. He stated that a reasonable estimate for a possible construction start is mid-2024. Mr. Jon Juhl of Franklin Ridge confirmed that Franklin Ridge was approved three years ago. Mr. Juhl stated that they are getting there regarding funding.

Mr. Harding reviewed some of the slideshow presentation. He stated that they are a non-profit organization based out of Massachusetts and they developed and still manage Eaton Place. He stated that the church will remain and will be the majority owner. He stated that they plan to subdivide the parcel. He stated that the main goals of the project are to generate some revenue for the church, build much needed affordable housing, keep most of the site forested, and fit into the surrounding neighborhood. He reviewed that most of the buildings are two stories and the back buildings are three stories. He reviewed the breakdown of units. He stated that the whole building would be affordable and income restricted. He reviewed the project compliance/overview chart. He stated that the parcel is zoned for single-family use and they are proposing a multi-family development. He stated that they have met with Town staff regarding the project. He stated that they have walked around and talked with some of the neighbors and they held a community meeting.

Mr. Kevin Hebard of Langan Engineering & Environmental Services reviewed the existing conditions of the lot and the proposed conditions which include dividing it into two lots, constructing seven (7) two- to three-story residential buildings, and avoiding wetland resource areas and buffer zones. He reviewed the proposed emergency access throughout the site and noted they have worked with the fire department. He discussed the proposed stormwater and utilities and stated that they are proposing to connect to the current sewer and water service on Pleasant Street. He reviewed the plantings that they are proposing including 112 new trees. Representative of DBVW Architects reviewed the site aerial view. She discussed that they wanted to preserve as much of the land area as possible. She reviewed the site section view and site line perspective. She reviewed some of the proposed amenities and proposed infrastructure on the site.

Mr. Harding reviewed the proposed timeline and noted it was dependent on when they can secure funding. He stated that they reviewed some of the letters posted to the ZBA website. He stated one that jumps out to him is the concerns about safety on Pleasant Street and high speeds. He stated that is a good concern and they are working on ways to address it, but do not have any today.

Chair Hunchard asked if anyone on Zoom had a question or comment; he requested the public please keep in mind this is just the first presentation of the plan. He stated that there will be multiple meetings on this before it is all said and done.

Mr. Tim Nelson, abutter at 16 Padden Road, stated that they are all rookies here on how this process works. He stated that it would be helpful if someone would outline the next steps. Chair Hunchard stated that the ZBA's statutory obligation is to hold a public hearing 30 days from the time the applicant presents the petition to the Town. He stated that the applicants have already done quite a bit of work; they have met with the Town team such as planners, engineers, and Town administration. He stated that the ZBA is hearing this for the first time also. He stated they discussed the speed limit on the streets. He stated that the ZBA will continue on with this. He stated that the ZBA needs to get a check to hire the consultants who then go through the proposed project. He stated that Franklin is at 10 percent affordable already. He stated that this is the first 40B project that he has seen that is all affordable. He noted that the new sidewalks on Pleasant Street are on the other side of the road.

Ms. Jennifer Moccia, abutter at 231 Pleasant Street, stated that she has lived there for 28 years, and it is one of the worst intersections; it is difficult to come out of Padden Road. She stated that this proposal has just one means of access which is a great concern.

Ms. Colleen Bond, abutter at 23 Philomena Way in Padden Estates, stated that the report date for the traffic study is July 29th; if it was done in the summertime, it is not a true representation of the traffic on the street during the school year. She stated that the traffic concerns are big. She discussed car accidents and that there are big concerns about traffic. She stated concern with this development trying to be put in a single-family zone; it does not fit in with the neighborhood.

Ms. Christine Apicella, 27 Padden Road, stated that she has lived there for 18 years, and they submitted detailed comments regarding their concerns about the project. She stated that the main point is that Franklin is over the 10 percent threshold for affordable housing; therefore, the ZBA does not have to grant the comprehensive permit since the threshold has been met. She stated that she is asking the ZBA to fully review this development since Franklin is over the 10 percent threshold. She stated that the only benefit highlighted from this proposal is that it is affordable housing; there has been nothing else identified and any determinants have been glossed over. Mr. Jon Apicella stated that it seems like many items may be skipped over because this is affordable housing. He stated that it seems like there are potential impacts that are not being considered. Chair Hunchard noted that the ZBA is also hearing this for the first time. Ms. Apicella stated that Franklin for All identified locations that affordable housing would be appropriate; this is not one of them.

Ms. Moccia continued her comments. She discussed the impact of construction which she said would be a huge impact that they would have to live through combined with the traffic factor. She asked the ZBA to consider this. She noted that this part of Pleasant Street loses power often, so this would be of concern. She noted the water ban. She stated that the applicant said they walked around and talked to neighbors and had a meeting; that does not mean that people are approving it. She noted that Franklin is already at the 10 percent affordable. She noted the impact in the area of the Dean Avenue Station 117 project.

Ms. Karen Landers asked how the Church will get income from this. Chair Hunchard stated that this is not a pertinent question; there are protections built in. Mr. Harding stated that they are planning for this to be a rental property.

Ms. Kaye Kelly stated that she lives across from the church and she is speaking from her vehicle with some other community members. She stated that at times the traffic from St. Mary's comes all the way down to St. John's. She stated that her children were in a multi-car accident on Pleasant Street. She stated that she is upset tonight to hear so many times the words when this goes through. She stated that she supports affordable housing but not on Pleasant Street. She stated that she is upset that this is being considered. She stated to Rev. McAdams that this does not feel like a gift to the community as Rev. McAdams had stated. She stated that it feels like it is taking something away from the community. She stated that she agrees what the other residents have said and she hopes the ZBA takes that into consideration. Chair Hunchard stated that this is not a done deal; the ZBA is put in charge of this by the state.

Mr. Mark Minnichelli, 31 Longfellow Drive, stated that he understands the abutters concerns; he hopes the project developers will take into consideration the abutter concerns such as traffic. He stated that not everyone on the call today is against this; he is a supporter.

Eric stated that he shares concerns of his neighbors. He stated that he stopped sending his children on the school buses due to traffic. He stated that he is disappointed about how blasé the attitude of the ZBA has been at this point.

Ms. Jennifer Godin, 43 Padden Road, stated that this is for the safety of their children. She stated that the ZBA was sent a document from 36 members of Padden Estates that urge the ZBA to not give this waiver because they are really concerned. She stated that she is concerned about the manner in which the ZBA is

acting; it seems as though it is an imposition to the ZBA to have the residents express their concerns. Chair Hunchard stated that he has not heard anyone from the ZBA say that this is a great thing.

Mr. Brian Maguire, 27 Philomena Way, asked that the ZBA consider if there is no other development that would be possible that would fit within the parcel that would be appropriate for the single-family zoning that the applicant can do to achieve their goals. He stated that the church brought forward a plan that suits them, but not the zoning. He stated that we want it to be suitable for the neighborhood. Chair Hunchard stated that the ZBA is aware that everyone is against the traffic.

Mr. Harding stated that the zone is single family with a steep slope on it. He stated that if we did build single family, they would end up tearing up the whole forest which the church and TCB are against; and, they probably would not get enough units on the site that would be financeable.

Mr. Anil Nair, stated that he moved to the neighborhood in 2019 and that he has concerns about the traffic. He stated that they should develop this in alignment with the neighborhood. He stated that his children have to cross the street for the bus and there is much traffic. He stated that he came to this place because of the greenery and nature. He questioned the use of water.

Brendan voice his concerns about wildlife in regard to DelCarte and the impact this development would have.

Ms. Whitmore stated that she had no questions at this time. Mr. Stickney questioned that the proposal indicates there would be an increase in access to DelCarte. He asked if they are granting access through their site. Mr. Harding stated that this came out of a request from Town staff; the goal is to create a few additional parking spaces at the back of the development and a new trail from the new parking spaces to the existing trails in DelCarte. He stated that it would be open to the public to access the trails. He confirmed that there are wetlands on the site. He stated that the development does not touch any of the wetlands and is outside of the buffer zone. He stated that he did not believe it was in a water resource district. Mr. Stickney asked about the 112 trees. Mr. Harding stated that he believes that is the total number of trees to be planted. Mr. Hebard stated that he did not know if there would be a net loss of trees. Mr. Stickney asked about the current bus stop. Mr. Nair reviewed the side of the street that the bus stops in the morning and afternoon. Mr. Acevedo asked about the unit count. Mr. Harding discussed how they arrived at the unit count and said it was a financeable number and noted funding affordable housing at a state level. Mr. Brunelli stated that the engineers will answers a lot of the residents' questions; we have to see what the engineers say.

Chair Hunchard stated that the packets go out to all departments; but the ZBA has not heard from them yet as this is just the first hearing. Mr. Hebard stated that they are anticipating a further traffic study. Mr. Harding stated that it was a safe assumption to make that a full traffic study would be done.

Eric stated that they have to stop referring to this as a done deal; it is a proposed project. He requested a traffic study.

Chair Hunchard stated that he read all the emails that were submitted to him from residents regarding this proposed project. He stated that all the letters he received have names and addresses. He noted that the support letters provided by Mr. Harding were template type letters and not signed with names and addresses; therefore, they could have been from anyone. He confirmed that as soon as a check is received, the ZBA can hire the consultants to start the review. Mr. Freeman stated that he agreed with the December 1, 2022, meeting date, and if they are not ready, they can request a continuance.

***Motion made by Philip Brunelli to continue the public hearing to December 1, 2022, at 7:35 PM.
Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES.
Unanimous by the Board.***

General Business: Franklin Ridge - Jon Juhl email letter request for Comprehensive Permit extension.

Chair Hunchard stated that Mr. Jon Juhl was present before the ZBA for an extension of an approval that was given three years ago. Chair Hunchard stated that he was agreeable to providing a 12-month extension.

Mr. Jon Juhl stated that he appreciated that.

Motion made by Philip Brunelli to give a 12-month extension to December 19, 2023, to Franklin Ridge Comprehensive Permit. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting Minutes October 6, 2022

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, October 6, 2022. Motion seconded by Christopher Stickney. Roll Call Vote: Stickney-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

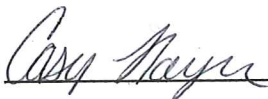
Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting adjourned at 9:52 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

12.4.22

ZBA Meeting Via Zoom November 3, 2022

Abutters List

Tim Nelson	16 Padden Road
Jennifer Moccia	231 Pleasant Street
Colleen Bond	23 Philomena Way
Christine Apicella	27 Paddedn Road
Mark Minnichelli	31 Longfellow Drive
Kaye Kelly	
Karen Landers	
Jennifer Godin	43 Padden Road
Brian Maguire	27 Philomena Way
Anil Nair	