

Franklin Zoning Board of Appeals
Meeting Held at 355 East Central Street, Franklin, MA 02038
Meeting Minutes for
Thursday, June 6, 2019

TOWN OF FRANKLIN
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Members Present: Bruce Hunchard, Robert Acevedo, Philip Brunelli, Mickey Whitmore, Christopher Stickney.
Members Not Present: None.

Chairman Hunchard called the meeting to order at 7:30 PM.

7 D'Amico Drive – Joseph and Lidia Pulselli

Abutters: None.

7:30 pm: Applicant is seeking to construct an attached garage that is 37.2' from the front yard setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicant present: Joseph Pulselli. Mr. Pulselli stated he is seeking a variance to build a two-car garage with a master bedroom above it. With his increased family size, they need room for additional storage space and to fit two SUVs into the two-car garage. The additional bedroom above the garage is in anticipation of regular care of aging parents. He said the existing structure of the home is 37.9 ft. from the road. The shape of the road curb impacts the setback for the new garage structure. He noted that six of the thirteen homes on the street have added garages during the past 10 years. One abutter, who did not identify himself, stated he had no problem with this; he said he had the same situation a few years ago and had to come before the Board. His variance was granted for the same reason. Mr. Pulselli said when the house was built in 1993 under open space, the setback was 20'; it was later rezoned to 40'. Mr. Acevedo asked why the applicant cannot push the garage back 2.8'. Mr. Pulselli explained he went back as far as he could to not be behind the chimney as he does not like the look of it. As well, he has a deck that will be impacted. And, the further he goes back, it changes the layout of the above master bedroom. Chairman Hunchard stated considering this was originally an open space project, the house is already too close to the street; this is not that much closer. He can understand why the applicant would not want to push it back any further due to the deck and the chimney.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board.

Motion made by Robert Acevedo to grant the variance for Joseph and Lidia Pulselli at 7 D'Amico Drive giving them relief of 2.8' of front yard setback to 37.2' where 40' is required to build a two-car garage with bedroom above with garage size of 26.6' wide x 26.0' back as shown on a drawing dated April 16, 2019, titled "Variance Plot Plan for Garage, 7 D'Amico Drive, Franklin, MA" prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA. Seconded by Philip Brunelli. Unanimous by Board.

7 Crestwood Drive – Seven Crestwood Drive Realty Trust – Vernon Yergatian Trustee

Abutters: None.

7:35 pm: Applicant is seeking to construct an addition that is 27.5' from the side yard setback where 40' is required. A building permit is denied without a variance from the ZBA. Applicants present: Rick Goodreau of United Consultants, Inc. and Vernon Vergatian, owner. Mr. Goodreau stated they also filed for a special permit for the use of the addition for an in-law apartment. Chairman Hunchard confirmed that did not get advertised. Mr. Goodreau stated the applicant is proposing to construct a 13' x 24' addition to the easterly side of the existing house. The conversion of the garage space and the addition would occur resulting in an in-law apartment being completed for the owner's adult mother and father to move into to be provided

with oversight and healthcare. The property is located in a Residential I zone which requires a side yard setback of 40'. The applicant is requesting relief to 27.5'. Chairman Hunchard noted he did not think the Board could incorporate the special permit in this hearing as it was not advertised, but he asked Mr. Goodreau to speak about it. Mr. Goodreau stated they filed for a special permit. They would be asking the Board to grant the special permit for the addition which would be connected to the garage as a second dwelling for an in-law apartment unit that would provide living arrangements for the adult parents of the owner. He read aloud the ZBA Application Form Supporting Statement for a Special Permit. Mr. Yergation stated the in-laws are Penny and George Panidis. Board members asked questions. Mr. Yergation responded that it was a single-story addition. Mr. Goodreau handed out and reviewed the architectural drawing showing how the in-law unit was going to be incorporated into the house and explained the common entry area. Chairman Hunchard reviewed the procedure for advertising for in-law apartments. He reviewed the history of the procedure for adding an in-law apartment.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to take this under advisement. Seconded by Philip Brunelli. Unanimous by Board.

120 Union Street – Madison Place Holdings

Abutters: See attached.

7:40 pm: Applicant is seeking to construct two, single family townhouses that are 14' from the right side yard setback where 20' is required, 14.6' from the left side yard setback where 20' is required, 12.1' from the rear setback where 20' is required and 39.7% of maximum impervious coverage where only 35% is allowed. The building permit is denied without a Variance from the ZBA. Applicant present: Matt Kelly, manager of Madison Place Holdings. Mr. Kelly read a prepared statement. He stated he is a resident, neighbor, and small business owner in Franklin. He stated the property was purchased about six months ago with the intent to restore it to its yesteryear charm. He reviewed other restorations and renovations he has completed in Franklin. He said he works to make sure the properties fit within the neighborhood setting. He stated 120 Union Street is not able to be structurally restored due to damage. Under the zoning regulations, a two-family home is allowed by approval of the ZBA. He said he is requesting approval and relief so he can develop a Victorian-style duplex townhome that will fit into the character of the neighborhood and also follow the guidelines of the 2013 Master Plan. He reviewed the Master Plan goals as related to this property. He reviewed his application for relief of sideline setbacks and rear setbacks. He stated the neighbor on the right side could not be present tonight but has verbally offered to support this. The new structure will be centered on the property allowing the fire department to get around the entire building. Each unit will have three bedrooms and a one-car garage. Ms. Karen Landers, 117 Union Street, expressed concern if there would be enough room to park another car in the driveway and asked for the length of the driveway. Chairman Hunchard reviewed the driveway on the plan and said it looks like two cars will fit; one in the garage and one in the driveway. Ms. Deborah Caldararo, 121 Union Street, said she thought the construction was beautiful but did not want to look at two garages which will be her view as she is directly across. She noted the cars will be backing out into Union Street which has been an issue. She stated it does not fit in aesthetically with the neighborhood as there are no other two-car garages facing the street. She asked why the garages have to be in the front. Ms. Jessica Pisano, 109 Union Street, stated she supports dense housing but does not think three bedrooms of so-called affordable housing achieves that objective. She objects to the override of the impervious coverage for water use and water runoff. It is unconscionable to do anything to decrease the water table and contribute to heat in the neighborhood. She objects to the cutting down of old and diverse trees which contribute to the character of the neighborhood. She stated she disagrees highly with the garages as they will be out of character with the rest of Union Street where garages are primarily set back. She asked if the units will be rented or sold. Abutters discussed the landscaping. Mr. Chris Lavery, 128 Union Street, stated concern about the closeness of Mr. Kelly's property to his property. He stated he and Mr. Kelly have discussed the possibility of establishing a fence between the two properties; he does not see it on the plans. He stated there is a

fence on the property line at this time. He expressed concern about the current trees on the property. If the trees are removed, it reduces screening and shade for his property. He is concerned about the effect on the value of his property. Chairman Hunchard noted the new structure will only be 2' closer than it is now. Mr. Kelly stated that on June 3, 2019, he sent a letter with a copy of the plans to Chris and Karen Lavery. He stated they would be working together to establish a fence along the property line. He stated it is his intention to sell both units. Mr. Acevedo asked how long the building has been vacant. Mr. Kelly stated since he bought it on January 18, 2019. Mr. Acevedo discussed that he has garages on his house which was built in 1790. He stated he does not see the proposed garages on this project to be reason for alarm or drive down the value of the abutters' homes. He thinks what the applicant is trying to do is admirable. Chairman Hunchard stated he thinks the neighborhood has many two-family houses. Mr. Stickney asked relative to the concern about the trees on the property, will there be some kind of replacement vegetation. Mr. Kelly said he does not yet have a landscape architect. His plan is to keep as much as possible although it does need to be thinned out. Mr. Brunelli said he has been by the house. There are many overgrown shrubs. This proposal would be a gem for the area.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to take this under advisement. Seconded by Philip Brunelli. Unanimous by Board.

Veterans Memorial Drive – John Juhl, JNJUHL & Associates
Abutters: See attached.

7:45 pm: Applicant is seeking to construct a 60-unit affordable rent senior housing project. The building permit is denied without a Comprehensive Permit from the ZBA. Applicants present: Richard Cornetta, applicant's attorney, John Juhl, principal of JNJUHL & Associates LLC, and Lucio Trabucco of Nunes Trabucco Architects. Mr. Cornetta reviewed Mr. Juhl's background of over 40 years of experience in senior affordable housing communities completing about 700 units. He stated the property is about 6.5 acres located on Panther Way in the Rural Residential I zoning district. It abuts Eaton Place which is a senior affordable housing development done in 2009. The property is currently undeveloped. He reviewed the abutting properties and the eligibility requirements; they received a project eligibility letter from DHCD in November 2018. The project has been preliminarily approved for funding under the low-income housing tax credit program. He stated the site is owned by the Franklin Municipal Affordable Housing Trust Fund. In May of last year, the applicant and the Town reached a land disposition agreement for the sale of the property and development of the site. Chairman Hunchard asked about the Town and applicants' ownership of the land. Mr. Cornetta reviewed the parcel ownership and subdivision of the parcel. Special Counsel, Mark Bobrowski, stated the Board assumes the power of the Planning Board when a 40B application is filed; this Board can actually subdivide the land themselves. Mr. Juhl provided an overview of the project. He stated he worked on Eaton Place, as well. He stated this a 100% affordable housing project. It is 60 units; Eaton Place was 50 units. The financing is different from Eaton Place. But it has the similar goal of being kept for a long-term affordable asset for the Town's residents to use. They are looking at using a local preference for up to a minimum 70% of the units going to Franklin senior residents. He explained the lottery process and said they will be working with the Town to get the word out. It is targeted at 60% of the Boston median or below for who would live there. He discussed how services can be combined with Eaton Place. He said they had a meeting with residents of Eaton Place. He noted Eaton Place units were all one bedroom and 540 sq. ft. Currently, they can do one bedroom at 700 sq. ft. and two bedrooms at 900 sq. ft. They are proposing that within the 60 units, 45 units to be one bedroom and 15 units to be two bedrooms because that is what the demographics are telling them. He stated the senior population in Franklin is growing. This project will take about five years going from getting approval all the way through construction. They expect they will have to go through three years of financing with the State to secure funding and about 1 to 1 ½ years of construction. Completion is expected in 2025. He stated one person living in a one bedroom could make up to \$51,000. Two persons could make up to \$58,000. That changes every year based on guidelines. He explained the funding they are looking to secure. Mr. Lucio

Trabucco reviewed and discussed the proposed plans including the location, abutters, access road, building, building height, service road, interior design, unit designs, elevators, and amenities. Mr. Juhl explained the community room has a full kitchen for activities. Each apartment is designed with a full kitchen for independent living. He stated all residents must be 60 years or older with no exceptions. He noted the age for Eaton Place is 62 or older. Seniors cannot have their children live with them; that would be a violation of the lease. There will be a property management firm; there are lease requirements. He explained that a younger disability component will not be allowed; it will be 100% seniors. Mr. Trabucco said there are 5% handicap units. He reviewed the details of the exterior and showed color renderings. He discussed the distance from the proposed property to the Franklin Senior Center. Mr. Juhl stated if there was an event, transportation to the Senior Center would be arranged. Mr. Trabucco said there were walking paths all along the building. There are 60 parking spaces for the tenants. He did not know how snow removal is done for the parking lot; he said he could get back to the Board about that. He noted this project is \$21 million. Mr. Juhl gave an explanation about how typical snow removal is done for the parking lot. Ms. Maureen Griffin, 181 Irondequoit Road, asked about the access and service roads, the plan for the remaining eight acres of land, and the possibility of blasting. She stated she is concerned about the way this development may affect her neighborhood. Mr. Trabucco explained and clarified the access and service roads. He said they do not plan to use the access or service roads during the construction process. Ms. Judy Pfeffer, Municipal Affordable Housing Trust member, stated the Town had given all the land to the Housing Trust. Eaton Place used 5.5 acres; this will use 6.5 acres. At some point in time there will be some type of affordable housing put on the remaining 8 acres. It will not be for a long time as it will take four to five years to put this one up. She noted there is a three-year waiting list for seniors for Eaton Place at this time. Ms. Griffin discussed the changes to her neighborhood over the years including losing the two sidewalks on her street. She is concerned that her road may become a cut through if the emergency road was not gated and locked. Mr. Juhl stated there would be no benefit for the population of the proposed development to have it as a cut through for people to get to Rt. 140. Mr. Jamie Hellen, Town Administrator, stated they focus on one project. He stated if the residents see the gate is unlocked, call the police or fire department. A resident spoke stating that where this is going to be built is the second highest point in Franklin. When the leaves are off the trees, he can see the lights from the buildings and the flood light at the dumpster of Eaton Place. He stated they need to have some protection to keep the neighborhood intact. He asked about snow storage and the number of cars that will be at the proposed development. Mr. Juhl discussed the usual number of cars at similar developments. Mr. Trabucco reviewed the property lines and the wooded area that will remain. Chairman Hunchard noted there are certain lighting requirements that have to be met to get the building permits. You may be able to see lights, but they may not affect your property. He suggested the resident contact Eaton Place about the flood light being adjusted. Mr. Juhl discussed that lighting technology has advanced over the past years. For this project, they are proposing shields and directed lighting. Mr. Edward McMahon, 175 Irondequoit Road, noted the five closest abutters are aware they cannot stop this, but he would like the lighting looked at. When someone is travelling up the access road, the vehicle headlights will be right at his and his neighbors' houses. This would affect his property value. Could they put in a fence or evergreens to increase the woods between the properties? Chairman Hunchard noted the fire department is going to take the easiest and quickest route to get there. Mr. McMahon said now they only have one sidewalk in the neighborhood. The number of children in the neighborhood is increasing. He discussed tying in the road to his neighborhood; he noted pedestrian traffic will increase. Resident noted that Presidential Arms may be able to be used to connect. Chairman Hunchard stated that is a private condo development. Resident asked where they would get the water for hydrants and domestic use. They currently have poor pressure. Mr. Trabucco stated that would all be studied. Mr. Juhl stated an extensive survey of the surrounding properties would be done before any possible blasting. He discussed the new blasting techniques. Resident discussed blasting that was done for Eaton Place. Chairman Hunchard and Board members discussed blasting. Mr. Hellen stated the Town Council unanimously approved this project last year and the Town's Municipal Affordable Housing Trust chipped in \$.5 million. He thanked everyone for their support of this project and reiterated the need for the project. A representative of GZA stated he prepared a written report. He said one item he questioned was the wetland delineation as two different delineations were shown. He noted

he did not have the full binder of information for the proposed development when he prepared his report. Mr. Juhl stated Guerriere & Halnon, Inc. will review and respond to the report. The representative from Guerriere & Halnon, Inc. discussed the wetlands delineation done by Goodard Consulting and stated it was done on June 19, 2018; they are using this delineation. Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated the wetlands were reflagged. A member of Guerriere & Halnon, Inc. went out with the consultant from Goodard Consulting after the flagging to verify. The flags shown on the plans were verified in the field. Mr. Paul Swedberg, 10 Lucius Street, said he saw the reflagged wetlands. He asked about the drainage and the financing of the project. If something does not come through, what are the implications for the Town of Franklin? Mr. Juhl stated the Town is not under obligation to cover the costs. He reviewed the application process. Mr. Marc Ethier, 341 Mucciarone Road, stated he and other neighbors met with Mr. Juhl and Mr. Trabucco on May 21, 2019, for a little town meeting. He stated Mr. Trabucco was going to give them a profile of the elevation regarding the concerns about the traffic and lights. Mr. Trabucco said he was going to do that. Mr. Ethier asked if it was unreasonable to ask for fencing or evergreens for a buffer as there are real concerns about the lighting. Mr. Juhl said he thinks it is not unreasonable. They should see what the final product looks like. If the tree line will not do what it is supposed to, then they could look at putting in a fence or some sort of vegetation. There are fast growing evergreens that fill in quickly. They want to be good neighbors. Chairman Hunchard said abutters will no longer be notified; they should check public hearing dates. Mr. Juhl reiterated the financing for this will take approximately three years. When they start to gear up, his goal is to meet periodically with the abutters to get their comments. Special Counsel, Mark Bobrowski, noted that under the Open Meeting Law agendas will be posted on the town's website. Ms. Pfeffer noted the Housing Trust voted unanimously for this and gave them \$500,000. She clarified this is not a typical 40B. This is a comprehensive permit, but this is 100 percent affordable and 100 percent seniors. Ms. Debbie Fradkin, 207 Irondequoit Road, stated she thinks the project sounds great. Her concern is the access road. She sees it as a risk for being taken advantage of. Chairman Hunchard said no one is going to try to go through it and have to unlock it with a key to try to beat traffic. Mr. Hellen stated if folks see the gate open, call and they will lock it. Special Counsel noted there are some items that are still needed. He asked Mr. Trabucco to prepare a photometric plan including Eaton Place's photometrics. He asked for a full copy of the application. Neighbors reiterated that pedestrians and lighting are two of their major concerns. Chairman Hunchard noted Mr. Juhl has been very accommodating since he proposed the project. Mr. Juhl stated these types of projects are very regulated by the State and the lenders. He discussed affordable housing awards they have won. Special Counsel suggested if the abutters are that concerned about the lighting, the abutters might like to submit their own landscape plans from a landscape architect for the developers to look at to provide a concrete idea of what they want before the hearing closes. Ms. Griffin asked about the abutter mailings. Chairman Hunchard stated that would have to be brought up with the assessor's office as they provide the certified abutter's list to the applicant; it is a distance of 300 ft. He stated whether an abutter got a notice or not, they can come to the public hearing.

Motion made by Philip Brunelli to continue the public hearing to July 18, 2019, at 8:00 PM. Motion seconded by Robert Acevedo. Unanimous by Board.

Chairman Hunchard called a five-minute recess.

Chairman Hunchard called the meeting back to order.

Motion made by Robert Acevedo to approve the variance for side yard setback relief of 12.5' down to 27.5' where 40' is required for Seven Crestwood Drive Realty Trust-Vernon Yergation Trustee, 7 Crestwood Drive, as shown on a drawing titled "Proposed Assition Plan, 7 Crestwood Drive, Franklin, MA" dated April 25, 2019, by United Consultants Inc., 850 Franklin Street, Suite 11D, Wrentham, MA. Seconded by Philip Brunelli. Unanimous by Board.

Motion made by Robert Acevedo to grant the variance for relief of 6' on right side yard setback to 14' where 20' is required, relief of 5.4' on the left side yard setback to 14.6' where 20' is required,

and relief of 7.9' rear setback to 12.1' where 20' is required, and increasing the impervious coverage to 39.7% where 35% is allowed for Madison Place Holdings, 120 Union Street, as shown on the drawing titled "Variance Plot Plan, 120 Union Street, Franklin, MA" dated February 15, 2019, by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA. Seconded by Philip Brunelli. Discussion: Chairman Hunchard suggested the applicant work with the neighbor regarding a fence as it was indicated they had already talked and the applicant stated he was willing to work with the neighbor to put in a fence or shrubbery or whatever it takes to be a good neighbor. Unanimous by Board.

General Business

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, May 2, 2019. Seconded by Philip Brunelli. Unanimous by Board.

Motion made by Philip Brunelli to adjourn. Seconded by Robert Acevedo. Unanimous by Board. Meeting adjourned at 9:45 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature Deanne Gerwin

Date 6-27-19