

Town of Franklin



Zoning Board of Appeals

**Thursday, July 18, 2019
Meeting Minutes**

**TOWN OF FRANKLIN
TOWN CLERK
2019 AUG -7 A 11:06
RECEIVED**

Chairman Bruce Hunchard called the above-captioned meeting to order this date at 7:30 PM, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Members in attendance: Robert Acevedo, Philip Brunelli, Christopher Stickney. Members absent: Mickey Whitmore.

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

Abutters: None.

7:30 pm: Applicant is seeking to convert an addition into an accessory dwelling. The building permit is denied without a Special Permit from the ZBA. Applicant present: Vernon Yergatian, owner. Mr. Yergatian stated last month the ZBA granted him a variance approval for constructing an addition to the property off the garage for the intended use of an in-law apartment. He is before the ZBA now to apply for a Special Permit for an in-law apartment. He stated George Panidis and Penny Panidis are the in-laws.

Motion made by Bruce Hunchard to close the public hearing. Motion seconded by Philip Brunelli. Unanimous by Board.

Motion made by Robert Acevedo to grant a Special Permit for a second dwelling unit for the property located at 7 Crestwood Drive with the conditions of the special permit be that the in-laws, George and Penny Panidis, reside at the property along with the owners, Vernon Yergatian Trustee, 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. 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. Proposal is consistent with the neighborhood character and social structure as it exists now and that the quality of natural environment will stay intact. There is no potential fiscal impact for the Town of Franklin by the issuance of this special permit and also that this special permit be recorded at the Registry of Deeds as shown on a drawing dated April 25, 2019, titled "Proposed Addition Plan, 7 Crestwood Drive, Franklin, MA" prepared by United Consultants Inc., 850 Franklin Street, Suite 11D, Wrentham, MA. Seconded by Philip Brunelli. Unanimous by Board.

122 Chestnut Street – Lawrence Benedetto

Abutters: Angela Gile

7:35 pm: Applicant is seeking to construct a multi-family structure that is 15' from the side setback where 30' is required. The building permit is denied without a Variance from the ZBA. Applicant present: Lawrence Benedetto, owner. Mr. Benedetto stated this development is a collaboration between himself, the Town Administrator's Office, the Veterans' Affairs Office, and the Master Plan Chairman. It is the first and only housing that will have a 20 percent preference for veterans as opposed to a 20 percent affordable component. They have been working with the plan that shows 15' from the sideline. The developer noted the ZBA had allowed 21'. He stated he thinks this is going forward quickly and it will be an asset to the

community and to veterans. Chairman Hunchard confirmed the applicant is before the ZBA for the additional 6' relief of the side yard setback. Mr. Benedetto stated he originally was planning to go with 10 one-bedroom units. Since then, he has talked with many people and has found that two-bedroom units are desirable. The developer would like to have the discretion to do 5 one-bedroom units and 5 two-bedroom units. He stated he believes the past decision of the Board accommodates that. An abutter stated she had no comments at this time. Mr. Benedetto stated there is a tree line between the properties. The abutter's concern is that the tree line be preserved; he agrees with that. He stated they are going to meet again and that issue will be resolved. Mr. Acevedo confirmed the applicant is requesting an additional 6' relief and that the ZBA previously gave relief off the side yard setback to 21.30'. Mr. Stickney confirmed the air conditioning units would be on the roof. He asked if there was anything else such as utilities on the roof that would need a covering. Mr. Benedetto stated he believes it will all be unobtrusive.

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 122 Chestnut Street for Lawrence Benedetto to construct a multi-family structure with a side setback not to exceed 15' where 30' is required as shown on a drawing dated July 11, 2019, titled "122 Chestnut Street, Franklin, MA" prepared by Spruhan Engineering, P.C., 80 Jewett Street, Suite 1, Newton, MA. Seconded by Philip Brunelli. Unanimous by Board.

15 Highland Street – Nicholas Palmieri

Abutters: None.

7:40 pm: Applicant is seeking to construct a farmer's porch that is 19.2' from the front setback where 30' is required. The building permit is denied without a Variance from the ZBA. Applicant present: Nicholas Palmieri, owner. Mr. Palmieri stated he is proposing to add a farmer's porch to his house that would conform to the style and aesthetics of a typical colonial in the downtown area. He stated the current front entrance is elevated, uncovered from weather conditions and south facing with exposure to full sun that has resulted in significant damage to the siding, lights, steps, and door. The addition of a front porch would provide protection to the front entrance and help prevent weathering. The current structure and lot are pre-existing, non-conforming. He reviewed the additional details of his Supporting Statement for a Variance. Commission members asked questions regarding the location of the property. Mr. Palmieri explained the location. Chairman Hunchard reviewed the plans.

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 15 Highland Street for Nicholas Palmieri to construct an 8' x 20.67' front farmer's porch that is 19.2' from the front setback where 30' is required giving relief of 7.8' as shown on a drawing dated June 11, 2019, titled "Certified Plot Plan Located at 15 Highland Street, Franklin, MA" prepared by Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA. Seconded by Philip Brunelli. Unanimous by Board.

511 East Central Street – Paul Young

Abutters: Mr. Barry Forsythe, 8 Aspen Way

7:45 pm: Applicant is seeking to operate an animal training, daycare, kennel and grooming facility. The building permit is denied without a Special Permit from the ZBA. Applicants present: Paul Young and Jennifer Michaels, a dog trainer who will be at this facility. Mr. Young stated they are looking for a Special Permit to open a pet resort that will consist of retail, dog daycare, dog training facility, mobile grooming, boarding facility, and potentially swimming in the future. This will be internal and located at the current Car Quest on the third level between two other businesses. The hours of operation will be seven days per

weeks and typically 7:00 AM to 9:00 PM. He stated they will possibly be boarding dogs overnight which would be 24/7 coverage. There would be no outdoor except a typical walk on a leash. Mr. Brunelli asked if anyone could board their dog there. Mr. Young explained the dogs would need to be temperament tested and qualified to come to this facility. The dogs they train would be allowed to use the boarding facility. He stated the capacity is about 10 to 20 dogs with 20' x 25' of training facility. The entire area is 2,400 sq. ft. He stated they will put in acoustic panels to reduce the dog barking noise. Ms. Michaels stated the primary objective of the facility is to take the dogs they are training and give them mental and physical exercise. Chairman Hunchard asked for the number of dog handlers for the 10 to 20 dogs. Mr. Young stated two to three. Mr. Barry Forsythe, abutter, 8 Aspen Way, stated they do not want any dogs howling or barking. He questioned the ceiling and the vents regarding potential dog noises going through. He said this is a residential section and it has always been quiet. He asked how they can keep 20 dogs quiet. As well, if they are walking 20 dogs, what about the dog mess? Chairman Hunchard stated the zoning book states kennels. Mr. Brunelli stated there is a law in Franklin that people must pick up after the dogs. He noted this will not be an outside kennel, it is inside. Mr. Stickney asked about the overnight boarding and as the applicant mentioned they will have overnight staff, if there was going to be some kind of living facility such as a bed, shower, etc. Mr. Young stated there are two current bathrooms. The boarding is the last phase and it will be for emergency purposes for clients they are working with. The animals will be crated if there is overnight. He noted the facility would not have to be staffed for overnight boarding, they could check on the dogs every five hours. But, as they are treating every client like a family member, they are going to overdo what they are offering if they do the boarding. He stated they will bag the dog waste; they have been in contact with a dumpster service to collect the waste. During the summer months they would most likely pick up every week; during the winter months, it could go every two weeks. He confirmed the dog training would be behavioral training.

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 Special Permit for 511 East Central Street for Paul Young to operate an animal training, daycare, kennel and grooming facility as shown on a drawing dated February 10, 2017, titled "Cadillac Properties, LLC, 1 Newell Drive, Franklin, MA" prepared by MidPoint Engineering & Consulting, 826 Southbridge Street, Suite 120, Auburn, MA. Seconded by Philip Brunelli. Unanimous by Board.

7 Bacon Street – John Alger

Abutters: None.

7:50 pm: Applicant is seeking to construct a 2-car garage that is 20.02' from the front setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicant present: John Alger contractor, and Rohit Goel, owner. Mr. Alger stated they are requesting a variance to construct a two-car garage with living space above due to increased family size. The owner is requesting the garage and additional living space to care for his aging parents. The existing structure is just over 41' from the road. There is a curve in the road which impacts the setback for the addition. He reviewed the additional details of the Supporting Statement for a Variance. Mr. Goel stated he bought the home in 2012; he thinks it was built in 1996. Chairman Hunchard confirmed Bacon Street is a dead-end road. He read aloud a letter dated June 25, 2019 from Cynthia Mulvey, abutter, 457 King Street; a letter dated June 29, 2019 from Vikas and Monica Bector, 606 Union Street; a letter dated June 22, 2019 from Michael and Geraldine DiPhilippo, 3 Parmenter Way; a letter dated June 30, 2019 from Carol Martin and Jose Fernandez Martin, 6 Parmenter Way; and a letter dated June 30, 2019 from Jim Cardia, 11 Bacon Street. All letters indicated support for the project. Mr. Goel confirmed it would only be a bedroom above the garage.

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

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Motion made by Robert Acevedo to grant the Variance for 7 Bacon Street for John Alger to construct a 24' x 24' two-car garage with living space above that is 20.02' from the front setback where 40' is required giving relief of 19.98' as shown on a drawing dated June 11, 2019, titled "Proposed Addition Plan of Land for 7 Bacon Street, Franklin, MA" prepared by Colonial Engineering, 11 Awl Street, Medway, MA. Seconded by Philip Brunelli. Unanimous by Board.

Veterans Memorial Drive – John Juhl, JNJUHL & Associates - Continued

Abutters: None.

8:00 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.

Chairman Hunchard stated the applicant provided a letter and requested an extension to September 12, 2019.

Motion made by Philip Brunelli to continue the public hearing to September 12, 2019 at 7:30 PM. Motion seconded by Robert Acevedo. Unanimous by Board.

General Business

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, June 27, 2019. Seconded by Philip Brunelli. Unanimous by Board.

Chair Comments

Chairman Hunchard stated the next meeting is August 1, 2019.

Motion made by Philip Brunelli to adjourn. Seconded by Robert Acevedo. Unanimous by Board. Meeting adjourned at 8:09 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature Reanne Kerwin

Date 8-1-19