

Town of Franklin



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Zoning Board of Appeals

Thursday, September 12, 2019
Meeting Minutes

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.

21 Corbin Street – CBB Ventures, LLC

Abutters: See attached.

7:30 pm: Chairman Hunchard stated the applicant provided an email requesting a continuance until after the 7:35 PM scheduled public hearing on tonight's agenda.

Motion made by Philip Brunelli to continue the public hearing until after the conclusion of the 7:35 PM scheduled public hearing on tonight's agenda. Motion seconded by Robert Acevedo. Unanimous by Board.

General Business

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, August 1, 2019. Seconded by Philip Brunelli. Unanimous by Board.

Veterans Memorial Drive – John Juhl, JNJUHL & Associates

Abutters: None.

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 requesting a continuance that was granted to the November 7, 2019 meeting at 7:45 pm.

Chairman Hunchard called a two-minute recess.

5 Forge Parkway – New England Treatment Access, LLC

Abutters: See attached.

7:35 pm: Applicant is seeking to remove earth in excess of 1,000 cubic yards. The building permit is denied without a Special Permit from the ZBA. Applicant present: Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., on behalf of the applicant. Ms. Cavaliere stated they are requesting an earth removal permit in accordance with Chapter 185, Zoning, Article V. Special Regulations §185-23 in excess of 1,000 cubic yards. The proposed project is for site modifications and odor mitigation. They have appeared before Conservation Commission and Planning Board. The Planning Board voted to approve the proposed project and endorse the plans on August 5, 2019. The proposed project is to expand the existing parking facilities by adding 86 parking spaces throughout the site,

drainage improvements and an odor mitigation system with a biobed. No existing buildings will be modified and no additions are proposed. No work is proposed within the land under easement to the New England Power Company. They are estimating 8,200 cubic yards of fill to be removed to accommodate the parking modifications and the biobed. In the permit application, they have included the estimated number of trucks at 328, for 16 to 17 days, for about 20 trucks per day. The estimated hours of operation are 7:00 AM to 5:00 PM, Monday through Friday. The direction of travel is to exit the location onto Route 140 to Route 495. She reviewed the contents of the Supporting Statement for a Special Permit provided in the application packet. She stated a negative determination was received from the Conservation Commission as it was a previously disturbed area. Mr. Acevedo asked questions about the odor treatment. Ms. Cavaliere stated the proposed odor system is being designed by others. It is a biobed filtration system. Chairman Hunchard noted the company doing the work made a presentation to the Planning Board. Mr. Stickney asked if there would be any modifications to the entrance or exit to the lot, and if there are any plans for controlling the dirt from the truck tires. Ms. Cavaliere stated only the existing paved parking area would be modified and there is a plan for reducing the dirt coming off the site. The contractors will be cleaning and sweeping on a daily basis.

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

Motion made by Robert Acevedo to approve the Special Permit for New England Treatment Access, LLC, for 5 Forge Parkway to remove in excess of 1,000 cubic yards of earth removal to approximately 8,200 cubic yards with the conditions that the hours of operation are Monday through Friday, 7:00 AM to 5:00 PM, the roadway being used is Route 140 northbound to Route 495, and any dirt or debris that extends into the main thoroughway of Forge Park is cleaned up on a daily basis. Chairman Hunchard added the condition that a certified weekly report be provided by the engineer on the earth removal. Seconded by Philip Brunelli. Unanimous by Board.

21 Corbin Street – CBB Ventures, LLC

Abutters: See attached.

7:30 pm (Continued): Applicant is seeking to demolish an existing single-family structure and construct a four-unit townhouse in conformance with zoning with the exception of existing lot frontage. The building permit is denied without a Variance from the ZBA. Applicants present: Nick Facendola, Level Design Group, and John Marguerite, Manager of CBB Ventures, LLC. Mr. Facendola stated they are requesting a zoning variance under the bylaw regarding density regulations for non-conforming lots. He provided an overview of the project. He stated the existing four-bedroom single-family dwelling is on 15,850 sq. ft. lot with a footprint of approximately 1,175 sq. ft. with a freestanding garage, driveway, shed and gravel pad, and residential lawn area. The applicant is proposing to demolish the structure and construct a 3,218 sq. ft. multi-family townhouse-style structure with four residential units with a single driveway off Corbin Street with individual driveways connecting off the single driveway to the proposed four units. The units will have garages. The site will have parking amenities. A Site Plan and Special Permit application was submitted to the Planning Board. It is currently being reviewed. This lot was created about 100 years ago prior to the current zoning. The parcel has 80 ft. frontage and is located in General Residential V zoning district which requires 100 ft. frontage for new conforming construction. The variance requested is specific to the referenced bylaw section regarding non-conforming lots which stipulates the lot is not to be used for multi-family use. Other than the lot frontage requirement, the proposed development complies fully with all zoning and density regulations. He discussed the provided aerial photograph of the neighborhood and the zoning in the area. He noted there are two-family and single-family dwellings within a short distance from some multi-family dwellings, as well as some commercial. He stated the proposed multi-family use is in line with the general residence bylaw for this zone. This

zone allows for one unit per 1,000 sq. ft. Chairman Hunchard confirmed it was the applicant's contention that other than the lot frontage requirement, they could build this building. He stated that in looking at the materials and the aerial photograph, there are more two-family than single-family structures. Mr. Facendola reviewed the aerial photograph pointing out individual two-family, multi-family, and commercial units in the area.

Abutters' comments: ► Kerry McCormack, 27 Corbin Street, stated he submitted a letter to the ZBA earlier this week; he reviewed the concerns outlined in his letter. He noted the proposed project poses an adverse impact to the neighborhood including that it exceeds the height limit, poses challenges to the drainage swale, impacts the old stone foundations and water infiltration from hammering and blasting the ledge, adds a significant number of cars parking on the narrow street, and is out of character for Corbin Street. ► Jim McMahon, 15 Corbin Street, expressed concerns about the requested frontage relief and water drainage issues related to his property. He stated the proposed driveway and access would be extremely close to his structure. ► Andrew Plante, 33 Corbin Street, expressed concerns about the drainage and water issues; he already has water in his basement. ► James Lyons, 8 Corbin Street, expressed concern about the frontage issue. He stated the building is proposed to be put in sideways with the front of the building not facing the street. This speaks to the size of the development which is out of character with the neighborhood. Traffic flow will also have a negative impact on the neighborhood. He noted the majority of the residents on the street are in opposition to this project. ► Christine Symmes, 20 Ruggles Street, stated she is opposed to this. A property lot should not be purchased if the project cannot be built on it and the developer must come in for a variance. ► Martha Hill, 36 Corbin Street, stated she is opposed to this as it is a very large project on a very small and narrow street; it will impact the character of the neighborhood. She suggested a two-family home would be fine. She asked about the five-year moratorium on the roadway.

Chairman Hunchard stated the applicant is only here for the 20 ft. they are lacking on frontage. He noted the applicant is technically allowed to put one unit per 1,000 sq. ft. He reviewed the required width of a driveway and parking space. He stated that Site Plan approval concerns such as drainage are handled through the Planning Board and water concerns should also be discussed at the Planning Board. He noted that many houses in the neighborhood have the gable end facing the street; so, this proposed project will not look architecturally different. He confirmed the street was recently reconstructed and is under a five-year moratorium. He mentioned the Town Council had rezoned this in 1998 stating one unit per 1,000 sq. ft. could be built; this lot does not conform to current zoning. The question posed is whether the ZBA gives the applicant a variance for relief of 20 ft. lot frontage to build a four-family home. The ZBA looks at lot shape, topography, and soil conditions. The ZBA grants relief from the local zoning bylaws if they feel it is in order and if a good argument is made for it. Mr. Acevedo stated he has drawings that show a two-family on the property. Mr. Facendola stated the current design and application for a Special Permit before the ZBA is for a four-unit townhouse. Mr. Acevedo stated he does not know that the ZBA has ever given front yard relief to a builder to build extra units on a property. He stated the builder could tear down the current building and build another single-family unit without coming to the ZBA. Mr. Facendola stated the relief is not for the frontage; it is for a specific section in the zoning for pre-existing non-conforming. Relief is needed due to the multi-family use. Mr. Acevedo stated he was opposed to the four-family going on that street in that area; he would consider a two-family. Mr. Marguerite stated they could add to the current structure that is on the property; he could confer with a land use attorney. Chairman Hunchard noted the zoning bylaw stated the lot is not to be used for multi-family which would include if more units were added to the existing structure. Mr. Facendola discussed the zoning guidelines for pre-existing non-conforming regarding lot shape and frontage. Mr. Stickney noted the zoning was in place since 1998 and was there before the applicant acquired the property in 2018. He confirmed from the applicant it would be condominium units for sale. Chairman Hunchard questioned whether the applicant could build a two-family on the property with the current zoning. Mr. Marguerite stated

he would like to have the hearing continued in order to pursue additional information. Chairman Hunchard stated the request for continuance must be made in writing.

Motion made by Philip Brunelli to continue the public hearing to November 7, 2019 at 7:35 PM. Motion seconded by Robert Acevedo. Chairman Hunchard told the abutters they would not get another notice in the mail of the continued public hearing; this is their notice of the continued public hearing. Unanimous by Board.

Chair Comments

None.

Motion made by Philip Brunelli to adjourn. Seconded by Robert Acevedo. Unanimous by Board. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature Deanne M. Kerwin

Date 11-7-19