

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, March 30, 2017
355 East Central Street
Franklin, MA 02038**

**Members Present: Bruce Hunchard
Robert Acevedo
Timothy Twardowski
Philip Brunelli
Ian Luke**

**Parcel 280-077-000-000 - 122 Chestnut Street, Lawrence Benedetto
Abutters: See attached**

Applicant is seeking a building permit to construct a multi-family building that has a lot area of 22,858 sq. ft. where 40,000 sq. ft. is required, 120' of lot frontage where 157.5' is required, 150' of lot depth where 200' is required, 20' of front yard setback where 40' is required, 21.30' of side yard setback where 30' is required and to allow for a multi-family residential use in a Commercial II district which is otherwise prohibited. The building permit is denied without a variance from ZBA. Applicant present: Lawrence Benedetto, 213 Chestnut Street. The original plan for commercial use on this property was not desirable or practical and he has since abandoned the plan for this proposal. There is no developer providing housing in Franklin for the market which includes older adults, single adults, empty nesters or persons down-sizing. In lieu of a 40-B, after many meetings with town administrator and Dale Kurtz, we decided to provide housing to include 20% 'Veteran's Preference'. Applicant consulted not only with Mr. Kurtz, but also Jeff Nutting, Jeff Roy (Chair of the Master Plan committee and a supporter of veteran's housing), Chris Vericker and Judith Pfeffer (both from the Housing Partnership) and all were agreeable to support this type of housing. Chairman reads three letters from: Chris Vericker dated 3/27/17, Jeff Roy dated 3/29/17, and Jeff Nutting dated 3/30/17 – all in support of the plan (see attached). Chairman opens the floor to the public: Rick Ciccone (185 Chestnut Street) speaks in support of the project; Dale Kurtz (Franklin Veteran's Officer) supports this project and asks the board to consider that, in the past two months, he has had three homeless vets who can't find suitable housing here in Franklin. He asks not only to accommodate the veterans but also the seniors that he sees over at the Senior Center; Matt Kelly (Chairman of Franklin Town Council) speaks in support of veteran's housing and, as a realtor, he considers this plan to be the highest and best use for this parcel; Andrew Bissanti speaks in favor of the plan and also agrees that it is highest and best use and meets all criteria of the Master Plan for Franklin. Phil Brunelli, Associate Member of the Zoning Board, speaks in support of the project as he feels it is in the town's best interest. Robert Acevedo confirms that the units will be considered condos. A lengthy discussion ensues as to how 20% of the condos would be guaranteed for veterans in perpetuity. Larry's plan was to work with Dale Kurtz to find veterans for the units. Timothy Twardowski raises the same concerns regarding how the 20% 'Veteran's Preference' would be implemented. He wants an enforceable covenant or some mechanism to make sure that the 20% 'Veteran's Preference' is more than just a label that is being put on the project... a deed rider? Mr. Kurtz explains that VA loans are a financial mechanism that could be used to keep the process going for veterans. Bruce Hunchard speaks in support of the project as well.

Motion made by Tim Twardowski to continue until the end of the agenda to discuss with Attorney Bobrowski. Seconded by Robert Acevedo. Unanimous by Board.

Chairman calls for a 2 minute recess.

Discussion

Chairman reads two letters from Sunnie Johnson (Colson & Colson on behalf of Hawthorn Development LLC), dated 03/23/17 and Gus Brown, (Building Commissioner), dated 03/27/17. Both letters request release of a \$25,000.00 cash bond for the earth removal work at the Franklin Retirement Residence on 485 East Central Street as the work has been completed satisfactorily. Motion made by Tim Twardowski to release the \$25,000 cash bond for 485 East Central Street. Seconded by Robert Acevedo. Unanimous by Board.

General Business

21 Peck Street and 180 Cottage Street - Madalene Village-MV Cottage Development LLC – Discussion and Vote

The board has been provided with a draft copy of the Decision. Some stuff has been added and needs to be added. Chairman is concerned with two things: Cottage Court paving as well as sewer stubs to the property line at Cottage Court. Cottage Court being a private way that the town has maintained for many years. The town wants to relieve itself of their obligation to spend public money on a private road. Attorney Mark Bobrowski walks the Zoning Board and audience members through the entire Decision. At end, Mark discussed the pricing of the affordable units (8 of the 32 units) as they pertain to pro-rating condo fees and the concern regarding possible animosity within the condominium association. Some towns make the owners pay the same condo fee whether they are the affordable units or not. Franklin has not ever pro-rated a 40B before according to the Chairman. Mark explains that MassHousing can make the decision and the board agrees.

Motion made by Bruce Hunchard to approve the Decision as written with the changes discussed during this meeting and that Mark Bobrowski will make the very minor edits that the board has asked for and that the board has until 04/18/17 to sign and file with the Town Clerk's office. Seconded by Robert Acevedo. Unanimous by Board.

Motion made by Timothy Twardowski to approve minutes as presented for Thursday, 03/02/2017. Seconded by Robert Acevedo. Unanimous by Board.

At end of the meeting there was a discussion with Mark Bobrowski regarding the 'Veteran's Preference' stipulation for 122 Chestnut Street. Mark stated that Franklin residence should get a preference for up to 70% of the affordable units. He suggested: "Veterans can have a preference of 20% of the units subject to applicable Federal and State Law".

Motion made by Robert Acevedo to grant a Special Permit for 122 Chestnut Street, owner Lawrence P. Benedetto, to modify, revise, extend the Special Permit granted by the board on or about 05/14/09 as extended to allow the removal of non-confirming building construction of non-confirming residential building on a non-confirming lot 185-18 or in the alternative request the following variance relief to with: (1) lot area of 22,858 square feet where a minimum of 40,000 square feet is required (Schedule of Lot, Area, Frontage, Yard and Height Requirements, 185 Attachment 9); (2) lot width of 120 feet where a minimum of 157.5 feet is required (Schedule of Lot, Area, Frontage, Yard and Height Requirements, 185 Attachment 9); (3) lot depth of 150 feet where a minimum of 200 feet is required (Schedule of Lot, Area, Frontage, Yard and Height Requirements, 185 Attachment 9); (4) front yard setback of 20 feet where a minimum of 40 feet is required (Schedule of Lot, Area, Frontage, Yard and Height Requirements, 185 Attachment

9); (5) side yard setback of 21.30 feet where a minimum of 30 feet is required (Schedule of Lot, Area, Frontage, Yard and Height Requirements, 185 Attachment 9); and (6) multi-family residential use in the Commercial II (CII) district which is otherwise prohibited (Use Regulations Schedule Part VI, 6.1, 185 Attachment 7). The proposal is subject to 20% Veteran's Preference (20% of the ten units or 2 units) subject to applicable state and federal law. Seconded by Timothy Twardowski. Unanimous by Board.

Motion made to adjourn by Timothy Twardowski. Seconded by Robert Acevedo. Unanimous by board.

Signature _____

Date_____