

Town of Franklin



Zoning Board of Appeals

**Thursday, April 29, 2021
Meeting Minutes**

Chair Bruce Hunchard called the above-captioned **Remote Access Zoom Virtual Meeting** to order this date at approximately 7:30 p.m. Members in attendance: Philip Brunelli, Robert Acevedo, Meghan Whitmore, Christopher Stickney. Members absent: None. Also in attendance: Gus Brown, Building Commissioner; Casey Thayer, Administrative Assistant.

This meeting is being conducted as a **Remote Access Zoom Virtual Meeting** as allowed by the Governor's Order relating to the COVID-19 outbreak. 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. Chair Hunchard noted that due to some technical difficulties, the commencement of the meeting ran a little later than scheduled.

4 Tam O Shanter Road-Amy and Jason Crouch

Abutters: Jeff Campilio, 2 Tam O Shanter Road; Michelle and Jon Schafer, 20 Country Club Drive.

7:30 p.m. Applicant is seeking an animal kennel to house up to four or more dogs. The use is denied without a special permit from the ZBA. Applicants present: Amy and Jason Crouch. Ms. Crouch stated that they were trying to apply for their annual dog licenses. The requirements indicate that if the applicant had four or more dogs, they had to get a kennel license. She stated that she is not trying to build a kennel or structure; nothing has changed outside. She just needs to get her dogs registered for their annual dog license. She stated that she has two senior-age dogs; she reviewed the ages of her other three dogs. The dogs do not stay out overnight. She stated that she is not increasing the number of her dogs. She stated that at their former home, they never had any complaints about noise. Mr. Crouch stated that they are just trying to follow proper procedures. Ms. Crouch read aloud her Supporting Statement for a Special Permit. She confirmed that she does not own the property; however, the owner provided a letter indicating that she approves this application.

Mr. Jeff Campilio, 2 Tam O Shanter Road, stated that if this is just for the applicants' annual dog licenses, he has no problems with this. He confirmed he did not have a dog. Mr. Jon Schafer, 20 Country Club Drive, stated that he agreed with Mr. Campilio. The applicants do a great job with their dogs. He had concerns that they were going to start a kennel; but he has no concerns if they are just trying to get their dog licenses. He confirmed he did not have a dog.

Mr. Stickney stated that based on what the applicant is looking for, he has no concerns. He suggested that in the approval, the dogs' names be listed, and it be indicated that there will be no net increase in dogs in the future. Chair Hunchard asked if Ms. Crouch's dogs were marked with identification. Ms. Crouch stated that her dogs all had microchips for identification; she can provide the numbers. Mr. Brunelli stated that he received many calls regarding this kennel application. He does not believe a kennel should be in a neighborhood; he thinks five dogs in a small neighborhood is too many. He will only agree to this application if there is a stipulation that after the passing of two dogs, the maximum number of dogs

allowed becomes three dogs; he noted that this applies to any neighborhood. Ms. Crouch agreed and noted that any dog that passes will not be replaced for a maximum of three dogs.

Chair Hunchard read aloud abutters' letters received from the following abutters: Donna Olson, 6 Eighteenth Drive; Rae Bethoney, 7 Tam O Shanter Road; Diane Haskell, 33 Country Club Drive; Gerald and Margaret McGrath, 12 Parkview Road; Jon and Michelle Schafer, 20 Country Club Drive; Janis Iddings, 8 Parkview Road. Ms. Crouch responded to the abutters' letters. She stated that this application is not for a commercial kennel; she is not building a kennel. She stated that she does not even have a dog house in her yard. She stated that she is only applying to license her dogs. This application is only for her current dogs. Mr. Crouch stated that they just moved here; this is not a business. He stated they currently have five dogs; it will never be more than that. They want to make sure they are following all the rules.

Chair Hunchard noted that the applicants do not own the property; he noted that a special permit runs with the property. He noted that he would never approve a kennel in a residential neighborhood. He stated that he thought the applicants had four dogs; he learned tonight they had five dogs. He is going to ask the ZBA members to vote for a continuance to May 13th so he can get clarification from the Town Attorney as to what the ZBA can do. He noted that when the applicants have three dogs, they would be in compliance with Town rules, and any special permit would go away. Mr. Brunelli reiterated that he would agree to the current five dogs; however, after two of the dogs pass, the applicants would be allowed only three dogs. The special permit would go away. He told the applicants at that point, do not return to ask for a fourth dog. The applicants stated that is fair, and they were in agreement with this requirement. Chair Hunchard stated that he has to confirm that the ZBA can do that. He noted that the Town can have a law that is more restrictive than state law. He confirmed that the property address is located in the Rural Residential I zone. Ms. Crouch confirmed they have lived in the house since July 2020 with the dogs. Mr. Campilio stated that since the applicants have been there with the dogs, there have been no issues; there is no issue with noise. He is a yes vote on this. Mr. Schafer stated agreement with Mr. Campilio; he has no issue with what the applicants are trying to do. He is a yes vote for them keeping their existing dogs.

Motion made by Philip Brunelli to continue the public hearing until May 13, 2021 at 7:40 p.m. Motion seconded by Christopher Stickney. Unanimous by the Board.

340 East Central Street- TAJ Estates of Franklin, LLC

Abutters: None.

7:35 p.m. Applicant is seeking to install a free-standing sign that is 120 sq. ft. where maximum of 80 sq. ft. is allowed. The building permit is denied without a Variance from the ZBA. Applicants present: Richard Cornetta, attorney on behalf of the applicant. Mr. Cornetta stated that this is the former Keigan Chevrolet site. Earlier last year this project was approved by the Planning Board. He stated the project will be a mixed use combining residential with 42,000 sq. ft. and commercial with approximately 17,000 sq. ft. As part of the development for the commercial space they had proposed some signage. He stated that recently the sign was relocated, and the project went back to the Planning Board. He explained where the proposed free-standing pylon sign would be located. He stated the size of the sign is the only relief being sought; their proposed sign is 120 sq. ft. where a maximum of 80 sq. ft. is allowed. He mentioned that in 2015, the ZBA granted variance relief to an applicant for the erection of a free-standing sign at the premises totaling 187.5 sq. ft. in area and 26.5 ft. in height. He stated the applicant will go before Design Review after tonight's meeting with the ZBA. He stated they received Planning Board approval for the sign location.

ZBA members had no questions.

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

Motion made by Robert Acevedo to grant a 40' relief Variance for TAJ Estates of Franklin, LLC for 340 East Central Street to install a free-standing sign that is 120 sq. ft. where a maximum of 80 sq. ft. is allowed as shown on a plan titled "Site Plan Proposed Central Square, 340 E. Central Street, Franklin, MA" dated February 10, 2021, prepared by Jones & Beach Engineering, Inc. Seconded by Philip Brunelli. Unanimous by Board.

920 Washington Street- Mrinal Malhotra

Abutters: Wayne and Kirsten Nordstrom, 916 Washington Street.

7:40 p.m. Applicant is seeking to site a ground mounted solar tracker that is 22' in height where 15' is allowed. The final inspection is denied without a Variance from the ZBA.

Chair Hunchard stated that the applicant requested a continuance to June 10, 2021.

Motion made by Philip Brunelli to continue the public hearing to June 10, 2021, at 7:40 p.m. Motion seconded by Robert Acevedo. Unanimous by the Board.

General Business: Meeting Minutes April 1, 2021

Motion made by Philip Brunelli to approve the Meeting Minutes as presented for Thursday, April 1, 2021. Mr. Stickney noted that Mr. Acevedo was absent at this meeting. Seconded by Meghan Whitmore. Unanimous by the Board.

Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Seconded by Robert Acevedo. Unanimous by the Board. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

5/17/21