

Town of Franklin



Zoning Board of Appeals

Thursday, August 5, 2021
Meeting Minutes

Chair Bruce Hunchard called the above-captioned Remote Access Zoom Virtual Meeting to order this date at 7:30 p.m. Members in attendance: Philip Brunelli, Robert Acevedo, Christopher Stickney. Members absent: Meghan Whitmore. Also in attendance: Casey Thayer, Administrative Assistant.

This meeting is being conducted as a Remote Access Zoom Virtual Meeting as allowed by Governor Baker's signing into law An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. 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.

50 Oak Street - Kristen Alexion-Zocoli and Fabricio Zocoli

Abutters: None.

7:30 p.m. Applicant is to construct a 24' x 24' detached garage that is 19.06' in height. The garage is proposed to be 10.1' from the right-side line where 19.06' is required. The building permit is denied without a Variance from the ZBA. Applicants present: David Jackowitz, attorney for the applicants; Kristen Alexion-Zocoli; Fabricio Zocoli. Mr. Jackowitz stated that they are seeking a 9.5' variance from the left-side line for the proposed garage; the garage will be conforming in all other respects. He reviewed the location of the property and noted it was next to the Franklin Senior Center on the abutting lot. He showed the existing conditions Site Plan, the proposed location of the garage, and a rendering of the proposed garage. He stated that the property is oddly shaped and the homeowner faces a hardship by being precluded from meeting their growing family needs. Chair Hunchard asked for clarification on the exact amount of the variance and what the second floor of the garage would be used for. Building Commissioner Gus Brown stated that the applicant needs a variance of 8.96'; therefore, a 9' variance would do. Mr. Zocoli stated that the second floor of the garage would be used for storage.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Motion made by Robert Acevedo to grant a 9.0' relief Variance for Kristen Alexion-Zocoli and Fabricio Zocoli for 50 Oak Street to construct a 24' x 24' detached garage that is 19.06' in height. The garage is proposed to be 10.1' from the right-side line where 19.06' is required giving them a variance of 9' as shown on a plan titled "Plan Showing Proposed Garage, 50 Oak Street, Franklin, MA" dated March 22, 2021, prepared by D. O'Brien Land Surveying. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

3 Mary Jane Road - David and Lorraine Handley

Abutters: None.

7:35 p.m. Applicant is seeking to construct an addition with an accessory dwelling unit. The building permit is denied without a Special Permit from the ZBA. Applicants present: David Handley. Mr. Handley stated that the addition will be used as an in-law apartment for he and his wife. He stated that they have a multigenerational household and they are running out of space. The benefits of this include affordability as they pool their resources. He reviewed his Supporting Statement for a Special Permit, and he reviewed the porch area and outside entrance.

Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Motion made by Robert Acevedo to grant a Special Permit for a second dwelling unit for the property located at 3 Mary Jane Road with the conditions of the Special Permit being that the in-laws, son Michael Handley and girlfriend Ariela Wodka, reside at the property along with the owners David and Lorraine Handley 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 at 3 Mary Jane Road. 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, the proposal is consistent with the neighborhood character, and social structure as it exists now and the quality of natural environment will stay intact. There is no potential fiscal impact for the Town of Franklin by the issuance of the Special Permit. Also, the Special Permit will be recorded at the Registry of Deeds. The proposed accessory dwelling unit is shown on the Plot Plan titled "Proposed Addition Plan of Land in Franklin, MA" prepared by Colonial Engineering Inc., dated July 2, 2021. Seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

19 Dean Ave- Dean Development Partners LLC

Abutters: Kevin Geoffe, President of Dean Bank, 21 Main Street; Brian Grimes, 59 Milliken Avenue

7:40 p.m. Applicant is seeking to construct a mixed-use building that needs a Special Permit or Variance for up to 50' in height. Needs a Special Permit to demolish a preexisting non-conforming building and reconstruct. Needs a Special Permit or Variance to waive the 15' setback on frontage. Needs a Special Permit or Variance to construct residential units ½ story above street level. Variance or other relief to allow usage without off street parking. Needs Variance, Special Permit or other relief to reduce rear setback to 1.2' where 15' is required. The building permit is denied without a Special Permit and or a Variance from the ZBA. Applicants present: Mike Khoury, attorney representing the applicant; Marc Fantasia, manager of Dean Development Partners LLC; Hazem Dani, applicant's engineer of CHA. Mr. Khoury described the existing building of approximately 3,400 sq. ft. which serves as office and retail space. The property was built in 1900 without dedicated off-street parking. He stated that Dean Development Partners bought the building about one year ago. They are proposing to demolish the building, keep the existing foundation, build a four-story 16-unit residential apartment or condominium, and maintain the existing Guys & Dolls Salon at the rear location. He stated that mixed-use residential and commercial is allowed within right. To accomplish what is proposed on this small lot, they require special permits, variances, and other dimensional relief. He reviewed the information on existing conditions, requested conditions, and ordinance requirements, as listed on page three under ZBA application Form Dimensional Information, as provided in the meeting packet. He discussed the proposal for a 4.5-story building and stated that the new building would be no more than 50' above street level. He reviewed that there are zero dwelling units and six retail/office units currently. They propose 16 residential units and one commercial unit in the rear garden level of the property. He explained that there

are currently zero parking spaces, and they propose to maintain that; the building predates the parking requirements. He stated that the property is in need of revitalization. He noted that the property is located within 136' of the train station; this would add badly needed commuter housing. He stated that as noted in the application, the downtown areas of Norwood and Walpole have had a growth of residential development within proximity to a train station, and both towns have thriving downtown business districts.

Mr. Dani, applicant's engineer, reviewed the provided Site Plan explaining the existing footprint and new footprint of the building. He noted that it is an existing non-conforming lot making it difficult to conform to required setbacks. Mr. Khoury reviewed the specific requests for Special Permits and Variances as outlined on pages 9 to 16 of the application under Specific Relief Requested. He discussed that this would be a major improvement for the neighborhood. He discussed the relief sought to allow the development to be rebuilt without meeting the code requirements for the dimensional limitations. He discussed the relief requested to allow residential units above the commercial unit on the garden level, one-half story above street level. He explained that the current building is 2.5 stories; they are proposing 4.5 stories. He explained the access is from the side for the garden-level commercial unit. He discussed the proposed height of the redevelopment to a maximum of 50' waiving the requirement of a 15' front setback. He reviewed the request for a rear setback of 1.5'. He reviewed the request for relief to permit continued exploitation of the building without dedicated off-street parking. He discussed that they could continue to use the building as office and retail space; however, that does not make any sense. The downtown area does not need more commercial, but rather residential units are needed. He discussed the available on-street parking exceeds the current need in the neighborhood. He reviewed the Special Permit Standards as outlined on pages 16 to 17 of the application.

Mr. Brian Grimes asked how common it is for developers to request variances. Chair Hunchard stated that it is very common and that is why the Zoning Board of Appeals exist. Mr. Grimes noted that Mr. Khoury mentioned the status quo; however, there were few cars in the 1900s. He noted that with the 250 residential units on Dean Avenue only half rented, and other new residences in the area, why would there not be a need for commercial. He asked if there is really a need for more apartment residences in downtown. He noted concern about adding residences without parking. He asked if since there is not any in-town transportation, is it reasonable to expect people who will live in those units to not have cars. Chair Hunchard noted that GATRA bus runs in Franklin. Mr. Khoury stated that the building was built in 1900; it predated zoning. He discussed the current parking requirements of the building being commercial. He discussed that more office space and retail is not good for the town; having 16 units that people could live in is good. They would use parking principally at night when other people are not using the spaces. He reiterated that Norwood and Walpole's downtowns are thriving. He stated that no one would be harmed by these variance requests.

Ms. Jane Callaway-Tripp, 607 Maple Street, discussed that putting new units in that area would tax the water and sewer. Chair Hunchard noted that the Dean Avenue system has been upgraded. Ms. Callaway-Tripp asked about parking. She noted that 16 one-bedroom units are proposed. The idea is that these will be taken by people who commute; it is assumed they will not have cars. However, they could actually have two vehicles and they cannot use on-street parking in the winter. She noted that it is already difficult to find a parking space in downtown. If they are allowed to do this, then the people who currently use the spaces will be impacted. She stated that she does not want to live in Norwood or Somerville. She does not want downtown Franklin to look like these other towns. Franklin is supposed to be a quaint homey center. She asked if for this location it would be better to do something for the kids; they leave Franklin because there is nothing to do.

Mr. Kevin Geoffe, President of Dean Bank and direct abutter, stated that Dean Bank has no objection to the height of the proposed building and/or the demolition and reconstruction of the existing property as

long as it does not create an impact for Dean Bank. However, Dean Bank does object to the parking variance for the 16-residential units and commercial unit. The 16-residential units will need some places to park. He stated that the petitioner has indicated this 16-residential unit development would be good for the neighborhood and has repeatedly referred to the abundantly available parking spaces. However, the petitioner has not quantified the available spaces nor indicated where the spaces are located. Mr. Geoffe reviewed the few two-hour parking spaces in the area. He stated that this one development would consume all the available parking in the downtown area. He requested that the ZBA require the petitioners to provide on-site or off-site parking for each of the proposed units as provided by the code. He asked if the ZBA or the Planning Board has the authority to approve such relief. He stated that Dean Bank supports projects to increase housing; however, to exacerbate a parking shortage will be more detrimental to the downtown neighborhood. He noted that the Franklin School for the Performing Arts and the many restaurants in Town need the parking spaces; public parking cannot be tied up with private vehicles. He stated that the petitioners should not just assume residents will be able to find parking downtown as it does not exist; this will be a detrimental impact to the business community. Chair Hunchard reviewed the private parking available in the area of the proposed development which could be available to the developers.

Mr. Grimes asked if the proposed units would be rental or condominiums. Mr. Khoury stated this is being determined. Mr. Grimes asked if any would be affordable housing units. Mr. Khoury stated that they have not proposed any of this to be under a 40B structure.

Mr. Stickney stated concern with the access to the commercial unit and noted that he believes there would be commercial interest in a newer building. He stated that he would like the proposed units to be one bedroom. He recommended that there be some guaranteed parking before the proposal is approved. He noted that there is not proposed bicycle parking outside or available space in the units for bicycles. Mr. Fantasia discussed that they had looked into underground parking. He stated that parking does not seem to be an issue with the current office/retail businesses. Mr. Khoury discussed that people who live there will be looking for parking at night. He stated that there will be opportunities for the residents for emergencies. Mr. Brunelli stated that rendering number three is false. He asked how are people going to walk around the building. They will have to walk on Dean Bank's property. He stated that he would like to see a better rendering. He asked where is the handicap access on the front of the building. Mr. Hakem said there will be handicap access; the architect will have to work out the details. Mr. Brunelli asked where roof drainage will go. He asked why the applicant did not go to the Planning Board first. Mr. Khoury stated that in March they sat with the Town Administrator, Building Commissioner, and Town Planner who suggested the applicants get the ZBA permits first.

Ms. Callaway-Tripp reiterated that if the proposed residents of the units take the train to work, their cars will be parked all day in spaces. Mr. Grimes asked about the possible bylaw change in Franklin to change the parking bylaw. Chair Hunchard stated that it will be voted on by the Town Council.

Chair Hunchard read aloud a Letter in Support of Dean Development Partners LLC ZBA Application, 19 Dean Avenue, Franklin, dated August 5, 2021; he read aloud the names of the seven community members who signed the letter.

***Motion made by Philip Brunelli to continue the public hearing to September 2, 2021 at 7:35 PM.
Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES.
Unanimous by the Board.***

Meeting Minutes July 22, 2021

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, July 22, 2021. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

General Business:

Chair Hunchard noted that the applicant of 920 Washington Street requested the ZBA conduct a site visit due to outcropping of ledge. Mr. Brunelli, former Town of Franklin Tree Warden, was selected to perform the site visit. Mr. Brunelli reviewed his site visit; he stated that due to the outcropping, the applicant is going to move the trees down which will be more beneficial to the neighbor.

Chair Hunchard stated that he was approached a few weeks ago by the counsel the ZBA uses as a consultant who said he received a call from a developer who was interested in picking up Franklin Heights which is off Lincoln Street. Chair Hunchard stated that there is a second phase of that development which was left unbuilt. The developer would like to come before the ZBA to determine if it would be a minor modification or insubstantial change or a major modification or substantial change. Chair Hunchard stated that he emailed the Town Attorney and Town Administrator; they are both onboard and have cleared it so the ZBA can hire Attorney Mark Bobrowski to represent the Town.

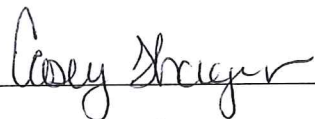
Motion made by Philip Brunelli to have Attorney Mark Bobrowski to represent us in the substantial or insubstantial change for Franklin Heights as proposed by an unknown developer who may come forward, and the developer would have to provide \$5,000 as a retainer for Mr. Bobrowski's services. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

9/8/21