

Town of Franklin



Zoning Board of Appeals

Thursday, June 24, 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, Meghan Whitmore, Christopher Stickney. Members absent: None. 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.

**22 Lyons Street - Matthew and Lisa Hurley**

Abutters: Peter D'Orsi, 5 Sarsfield Road.

**7:30 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: Rick Goodreau of United Consultants on behalf of the applicants; Matthew and Lisa Hurley, property owners. Mr. Goodreau stated that the proposed addition will comply with zoning setback requirements. The addition is being proposed for the in-law/parent of the owners to reside on the property. A plot plan has been provided with the existing structure and proposed addition. He read aloud the applicants' Supporting Statement for a Special Permit. Abutter Peter D'Orsi stated that he did not have any questions. Mr. Stickney asked if the septic system was suitable to support the additional family member. Mr. Goodreau stated that the septic system was recently upgraded and was designed for a four-bedroom house. One of the current bedrooms in the existing house will be reconfigured to no longer be a bedroom. Therefore, with the addition of the accessory dwelling unit, the house will have four bedrooms.

***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 22 Lyons Street with the conditions of the Special Permit being that the in-law, Linda Collins, reside at the property along with the owners Matthew and Lisa Hurley 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 22 Lyons Street. 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 addition is shown on a plan title "Proposed Addition Plan, 22 Lyons Street,***

***Franklin, MA" dated May 24, 2021 by United Consultants. Seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.***

**920 Washington Street - Mrinal Malhotra**

Abutters: Wayne and Kirsten Nordstrom, 916 Washington Street.

**7:35 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. Applicants present: Mrinal Malhotra; Stephen Kenney representing the applicant. Chair Hunchard stated that this is a continuation from the last ZBA meeting. Mr. Kenney stated that since they last met, he submitted two proposed decisions: the first decision contained the condition of the granting of the variance being with the spruce trees between 10' and 12'; the second decision dealt with the trees being 8' and the addition of the pergola. Mr. Kenney explained that the reason the trees went from 10' to 12' down to 8' was that the arborist that Mr. Malhotra spoke with said the 8' trees would grow better than the 10' to 12' trees. He stated that he forwarded to the ZBA photographs of the thick growth that is in the area of where the trees would be planted. He stated it would close the 36' gap so that the Nordstrom's cannot view the tracker from their home. Also, the pergola will be between the sight lines from the Nordstrom's home to the tracker. He stated that he thinks it may be beneficial for the ZBA to have a plan of where the trees and pergola would be. Chair Hunchard stated that he remembers there was 241' along the rock wall. There is a picture that shows a brown rock off the corner of the house. That is where they should start the tree line and go 100' back with 6' spacing to fill in the gap. He stated that he sees some growth of trees at this time; however, those trees are all owned by the abutter, Mr. Nordstrom. Why should Mr. Nordstrom be penalized if he ever wanted to cut his trees down and he would then have to look at the tracker as Mr. Malhotra already cut all his trees down. Chair Hunchard stated that the pergola can be seen through. Mr. Malhotra stated that planting the spruce trees for 100 ft. is not a problem. Mr. Nordstrom stated that the foliage on his current trees is only there during spring/summer. Therefore, the trees Mr. Malhotra must plant will be the only thing blocking the view of the tracker. Mr. Nordstrom stated that he agreed with the 8' trees. Mr. Brunelli confirmed the conditions are 100' of trees that are 6' apart and 8' tall. Mr. Kenney confirmed that he understood.

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

***Motion made by Philip Brunelli to grant a 7' relief Variance for Mrinal Malhotra for 920 Washington Street to site a ground-mounted solar tracker that is 22' in height where 15' is allowed as shown on a plan titled "Solar Tracker As-Built Plan of Land, Franklin, MA" dated February 5, 2021, prepared by Colonial Engineering, Inc., with conditions of mitigation to the abutter being to plant fifteen 8' spruce trees, planted 6' apart, along the lot line, along the wall separating lots 1 & 2, going back 100' towards the back lot line from the brown rock shown in the photograph presented. Additionally, the applicant will construct a pergola sited within the sight lines/view of the Nordstrom home so the ground-mounted solar tracker will be blocked from the view of the Nordstrom home on lot 1. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.***

**General Business: Meeting Minutes June 10, 2021**

***Motion made by Philip Brunelli to approve the Meeting Minutes as presented for Thursday, June 10, 2021. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Brunelli-YES; Hunchard-YES. Unanimous by the Board.***

Chair Hunchard stated that Governor Baker has extended virtual/Zoom meetings for local commissions/boards until April 2022. He recommended a motion be made for the ZBA to extend virtual/Zoom meetings until April 2022.

*Motion made by Philip Brunelli to extend virtual/Zoom ZBA meetings until April 2022 as allowed by Governor Baker. 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 8:02 p.m.*

Respectfully submitted,

Judith Lizardi  
Recording Secretary

Signature

Casey May

Date

7/26/21