

Town of Franklin



Zoning Board of Appeals

**Thursday, September 2, 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, Meghan Whitmore. 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.

834-836 and 840-842 West Central Realty Trust - 834-842 West Central Street

Abutters: Patrick Downing, 860 West Central Street, GlenPharmer Distillery

7:30 p.m. Applicant is proposing to change previously approved Use from Professional Office to Multi-Family or Residential Use in a Business District. The building permit is denied without a Variance from the ZBA. Applicants present: Amanda Cavaliere of Guerriere and Halnon, Inc., representing the applicant; Denise DePedro, applicant. Ms. Cavaliere stated that they are requesting an amendment to an approved project; the request is for a variance for a residential use in a business district. The applicant is proposing to maintain the original design for the office space and allow up to eight (8) residential units with the same footprint and parking plan. Currently, due to the market, business and professional space is difficult in real estate especially with the work-from-home mentality. She stated that the applicants understand they would need to go back through the Site Plan Modification process with the Planning Board; however, they wanted to go through the ZBA first to determine if this is something that would be allowed. She reviewed the Variance Request Project Narrative dated July 16, 2021, and the Supporting Statement for a Variance, which were both provided in the meeting packet.

Mr. Downing stated that he is trying to understand more about the project, the need to change the zoning, and why it cannot be developed from a commercial/business standpoint. He has concerns given that as an abutter most people think of his business as a restaurant and bar; putting a residential development/use abutting them is a concern due to the nature of their business which is a distillery. He stated that they selected their site based on the zoning and applied for their permits; they understood that the abutting building was going to be redone as a building with office units, not residential. He stated that they produce high-proof alcohol. His business takes precautions to make sure there are no issues; however, the applicants are requesting a residential use between a distillery and a gas station. Ms. Cavaliere stated that the previously approved project was for eight (8) units; the proposed use is for eight (8) residential units. She noted that the business avenue in real estate is very difficult; the residential use is much better at this time. She stated that she does not think changing it to residential would have a negative impact for the area. Ms. DePedro reviewed the existing businesses and residential use in the area. Mr. Downing stated that they sell alcohol as does the 99 Restaurant; however, they produce high-proof alcohol which is highly flammable. They take precautions; however, there is a reason that distilleries are not located in residential

neighborhoods. He reiterated that is the reason in part that they selected this location for their business. Chair Hunchard asked if Mr. Downing needed any special permits for the distillery. Mr. Downing stated that many special permits were needed. For instance, in their federal application it was indicated that they were not in a residential district. He stated that he is trying to understand the need to change the zoning and expressing concern. Ms. DePedro explained her reasons for wanting to change the zoning to residential and stated that many people are working from home.

Chair Hunchard noted that if this were approved, the ZBA would probably put a condition on it that the applicant would need to go to the Planning Board for whatever it deems necessary to make the site work as residential units. Mr. Stickney asked about the easement and if there was anything in the easement that restricts use. He stated that if this situation were reversed and it was under consideration to request a distillery in a residential area, the questions and concerns raised by the abutter would be well reviewed. He stated that consideration of potential impacts should be given to the existing operating user that exists on the abutting parcel and what may happen and impact that parcel if this were approved as a residential development. Mr. Brunelli questioned that if Mr. Downing is so worried about the high flammability, how does he have patrons in his business. Mr. Acevedo asked about the number of proposed residential units. Ms. Cavaliere confirmed they are looking at up to eight (8) residential units; the number of bedrooms is not yet determined. Chair Hunchard asked if they would have a problem limiting the number of bedrooms to two (2) or less. The applicant stated there would be no problem. Ms. Whitmore had no questions. Mr. Downing stated that he is simply raising a concern; the issue is that if there were an issue during business hours, it could be addressed; however, when people are sleeping at night in residential, the distillery is there and it is not staffed.

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 Variance for 834-836 and 840-842 West Central Realty Trust for 834-842 West Central Street to change previously approved Use from Professional Office to Multi-Family or Residential Use in a Business District with multi-family or residential units of no more than eight (8) spaces and limiting them to no more than two (2) bedrooms, and with the condition that the applicant returns to the Planning Board for a Site Plan Modification or a new Site Plan, whatever the Planning Board deems necessary for approval, as shown on a drawing titled "Site Plan for Professional Office Building 834-836 & 840-842 West Central Street, Franklin, MA, dated October 4, 2017, prepared by Guerriere & Halnon, Inc. Motion seconded by Philip Brunelli. Discussion: Chair Hunchard reviewed the existing abutters and buildings and noted that a building would have to have fire suppression. He understands the argument about the office space; unfortunately, due to COVID, that may not be the best thing. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

19 Dean Avenue - Dean Development Partners LLC

Abutters: None.

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.

Chair Hunchard read aloud a letter from the applicant's attorney, Madoff & Khoury LLP, dated August 27, 2021, requesting a continuance. He noted the public hearing must be continued within the 100-day timeframe or the applicant would need to provide an extension.

Motion made by Philip Brunelli to continue the public hearing to October 7, 2021 at 7:30 PM. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting Minutes August 5, 2021

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, August 5, 2021. Motion seconded by Philip Brunelli. 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 8:09 p.m.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature

Cam May

Date

10/13/21