

Town of Franklin



Zoning Board of Appeals

**Thursday, April 23, 2020  
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, Mickey Whitmore. Members absent: None. Also in attendance: Gus Brown, Building Commissioner; Melissa Kiriacopoulos, Administrative Assistant.

Chair Hunchard announced 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 emergency. He stated that the applicants for each of the public hearings on tonight's agenda have submitted letters requesting continuance of the public hearing to the next scheduled ZBA meeting on May 7, 2020.

**9 Ashbury Drive – Michael and Deborah Druar**

**Abutters: None.**

**7:30 p.m.** Applicant is seeking to increase impervious coverage to 26.5% where 25% is allowed. The increase in impervious coverage is denied without a Variance from the ZBA.

***Motion made by Philip Brunelli to continue the public hearing to May 7, 2020, at 7:30 p.m.  
Motion seconded by Robert Acevedo. Unanimous by Board.***

**22 Mount Street – Jason Correia**

**Abutters: None.**

**7:35 p.m.** Applicant is seeking to construct a 25' x 25' attached garage that is 18.7' from the right side yard setback where 40' is required. The building permit is denied without a Variance from the ZBA.

***Motion made by Philip Brunelli to continue the public hearing to May 7, 2020, at 7:31 p.m.  
Motion seconded by Robert Acevedo. Unanimous by Board.***

**524 West Central Street – Animal Kennel/Hospital**

**Abutters: None.**

**7:40 p.m.** Applicant is seeking to allow an animal hospital within the Business District per Special Permit for a change in use from the ZBA.

***Motion made by Philip Brunelli to continue the public hearing to May 7, 2020, at 7:32 p.m.  
Motion seconded by Robert Acevedo. Unanimous by Board.***

### **3 Bent Street – Bourne Realty Trust**

**Abutters: None.**

**7:45 p.m.** Applicant is seeking to site a pest control/leaf and brush removal company at 3 Bent Street. The use is denied without a Variance from the ZBA.

***Motion made by Philip Brunelli to continue the public hearing to May 7, 2020, at 7:33 p.m. Motion seconded by Robert Acevedo. Unanimous by Board.***

### **138 Wachusett – Meghan and Ray McGovern**

**Abutters: None.**

**7:50 p.m.** Applicant is seeking to construct an accessory dwelling unit that is 5.6' from the left side yard setback where 20' is required. The building permit is denied without a Variance from the ZBA. Also, applicant is seeking relief to create an accessory dwelling unit in the above referenced addition. The accessory dwelling is denied without a Special Permit from the ZBA.

***Motion made by Philip Brunelli to continue the public hearing to May 7, 2020, at 7:34 p.m. Motion seconded by Robert Acevedo. Unanimous by Board.***

### **General Business – Meeting Minutes**

***Motion made by Christopher Stickney to approve the Meeting Minutes as presented for Thursday, March 26, 2020. Seconded by Robert Acevedo. Philip Brunelli abstained. Unanimous by voting members of the Board.***

### **General Business – Franklin Heights Estate – Modification**

Chair Hunchard stated that there has been limited information that the Board can access because Town Hall has been closed due to the COVID-19 emergency. He stated that he has many questions on this General Business item including the number of affordable units. He noted that numerous pieces of information were provided today from the applicant including a 30-page document; Board members did not have adequate time to thoroughly review the materials. Therefore, he recommended this General Business item be continued to the next Board meeting on May 7, 2020. He requested that Board members be provided with a meeting materials packet inclusive of all documentation prior to the next meeting.

Mr. Mujeeb Ahmed, applicant, stated that because of an agreement that he has with the seller, he needs to have a decision on this matter from the Board tonight, or he cannot complete his deal. He stated that the affordable component of this project is staying the same.

Chair Hunchard questioned the requested name change and asked how the sellers enter into this and the name to be identified on the decision.

Mr. Richard Cornetta, Attorney for the applicant, provided a general overview of the project. He stated this project, Franklin Heights, was granted a Comprehensive Permit in 2005 with a total of 127 two-bedroom units to be built in two phases; the first phase is built. Phase II consists of the remaining 76 units. According to the last amendment, 53 units are market rate units; 23 units are affordable units. Essentially, the applicant is requesting the following: 1.) Change the name on the permit to his entity. 2.) Of the remaining units which are all two-bedroom units, the applicant would like to add some three-bedroom units. This would only change 25 units; 18 would become market rate three-bedroom units and 7 would become affordable three-bedroom units. 3.) It is stated that all affordable units have to be built in two years. The applicant would like to change that language. When applying for building permits, the applicant has to apply for one affordable unit permit for every two market rate unit permits. This means permits for three units can be obtained at one time. He explained that the applicant is not contesting the amount of money owed to the Town. In the last decision, \$140,000 was to be paid to the Town in 2014. Since then, 18 units were built; therefore, the amount of money owed has decreased. That monetary amount is being determined. For the purposes of the ZBA, the language can state that the applicant will pay whatever the outstanding balance is according to the agreement. He summarized that the only material change being made is to the number of bedrooms. He pointed out that the Code of Massachusetts Regulations indicates that as long as the number of bedrooms is not altered more than 10 percent, it is not considered a substantial change. The applicant's request for a change in bedrooms is below the 10 percent threshold which is considered not a substantial change.

Chair Hunchard stated that the applicant's request entails more than just changing the name. He noted that he does not have any trouble with changing the name and the Town would like to get their money. He reviewed the past history of the project with the different developers.

Mr. Cornetta stated that Phase II will be under the same Comprehensive Permit.

Mr. Mujeeb stated that Phase II would be a different condominium association. He stated that he still has more work to do and more money must be spent; therefore, he wants to make sure the Board is going to approve this request before he proceeds. He noted he has to get the wetlands flagged again and go to Conservation. He introduced his son Muneer to the Board and stated he is the applicant.

Mr. Brunelli stated that he is not happy with the rush to vote on this item. He agreed with Chair Hunchard's recommendation to continue this item to the May 7, 2020 meeting.

Chair Hunchard stated that continuing this agenda item for two weeks should not be a problem as it seems like June 30, 2020 is the final date for the applicant to have all required approvals. He stated that Board members will utilize the time before the next Board meeting to review the materials. He requested this agenda item be scheduled on the May 7, 2020 agenda under General Business as it is not a public hearing. He reiterated his request for all Board members to receive meeting packets containing all pertinent documentation prior to the May 7<sup>th</sup> meeting.

***Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Seconded by Robert Acevedo. Unanimous by Board. Meeting adjourned at 7:57 p.m.***

Respectfully submitted,

Judith Lizardi  
Recording Secretary

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_