

Town of Franklin



Zoning Board of Appeals

Thursday, April 11, 2024
Meeting Minutes

Chair Bruce Hunchard called the above-captioned Remote Access Zoom Virtual Meeting to order this date at 7:30 PM. Members in attendance: Bruce Hunchard, 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. 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.

20 Skyline Drive - Brian Menard

Abutters: None.

7:35 p.m. Applicant is seeking to construct a 20' x 26' addition that is 9.9' from the right-side yard setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Brian Menard and Erin Menard.

Mr. Menard said he wanted to add a mudroom and one-car garage to the property. He said he has been living there with his family for six years and a little more room is needed. He read aloud the Supporting Statement for a Variance which was provided in the meeting packet.

Chair Hunchard confirmed the lot is pre-existing, non-conforming.

Mr. Menard explained the location of the proposed addition as shown on the provided plan. He said the mudroom and garage will be one story. He clarified a typo on a provided form. He said that the form indicates existing conditions on the right side at 9.9'; it is actually 25.6'.

ZBA members had no comments or questions.

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 approve the variance for 20 Skyline Drive for Brian Menard to construct a 20' x 26' addition that is 9.9' from the right-side yard setback where 40' is required, giving relief of 30.1', as shown on a plan titled "Plan Showing Proposed Additions, 20 Skyline Drive, Franklin, MA" prepared by D. O'Brien Land Surveying, dated February 5, 2024. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

121 Grove Street - Fairfield Grove Street

Abutters: Betsy Fijol, 24 Benjamins Landing (via email); Lisa Gately, 6 Vine Street; Dave Patterson, 36 Opal Circle.

7:35 p.m. Applicant is seeking a building permit to construct a 330-unit multi-family development. The building permit is denied without a comprehensive permit from the ZBA. Applicants present: Richard Cornetta, attorney for Fairfield Residential Development; Mr. Robb Hewitt, Vice President of Fairfield; John Shipe of Shipe Consulting Associates.

Mr. Cornetta reviewed the last meeting of two weeks ago. He stated that the ZBA instructed Attorney Mark Bobrowski to draft an initial decision which he has. He said the applicant looked at the decision and suggested a few minor changes which he thinks have been incorporated, but he would defer to Attorney Bobrowski on that. He said the applicants have no further documentation to provide at this time.

Chair Hunchard asked about the waivers regarding the Conservation Commission and if the wording was correct on those.

Attorney Mark Bobrowski shared his screen showed the draft decision. He discussed a February 8 communication that the Conservation Commission sent to the ZBA indicating several provisions of the regulations and the bylaw that they wanted to work with the applicant on. He read aloud condition 5 that he wrote in his draft decision. He then read aloud the email provided by Mr. Cornetta today detailing Mr. Cornetta's suggested language as a substitution. Mr. Bobrowski said he leaves it to the ZBA to determine if they would like Mr. Bobrowski's language or Mr. Cornetta's language; Mr. Bobrowski said he does not have an objection on either language. Mr. Cornetta said he would prefer the language that he provided in his email.

Chair Hunchard said the Conservation Commission is willing to work with the applicant, and the applicant is willing to work with the Conservation Commission.

Mr. Bobrowski said that he would change the condition in the decision draft so that it reflects the language Mr. Cornetta sent to him today; he said it is condition D-5. Chair Hunchard said that is fine.

Chair Hunchard said there were two questions left in his mind. He noted the mitigation presented. Mr. Bobrowski showed that section of the draft on the screen. He said it is condition D-2. Chair Hunchard discussed the mitigation and said he prefers if they do not take the \$150,000 out of the \$750,000 of mitigation. He said this came together with negotiations of the developer and the Town; it did not come from the ZBA. He said this is what they came up with. He asked Mr. Cornetta for his take on this.

Mr. Cornetta said their understanding of these meetings with the Town was that for the mitigation, it was \$750,000 as stated in condition D-2 of the draft decision and within that it was to include a \$25,000 fee to be paid to the Town for the cost of the study for the sewer infrastructure, and also, if the results of the study were to indicate it was necessary to the sewer treatment system to accommodate the new project, within the \$750,000, not to exceed \$150,000 of which would be paid to improve the existing system or to install an onsite storage tank that would operate to discharge flows that were optimal for the system.

Chair Hunchard said he thinks that one of the applicants volunteered to take out the \$150,000.

Mr. Hewitt thanked the ZBA for the fair process. He said at the last meeting Building Commissioner Gus Brown expressed some concerns. Mr. Hewitt said he was not completely clear on what was discussed. He said he has given thought to Mr. Brown's comments. He said that in consideration of the comments and the relationship, he is willing to make one change to the proposal. He said they are committed to working

with the town. He said they will agree to have their obligation for the discretionary funds which can be used for improvements in the Grove Street area or other areas to be fixed at \$750,000 with no reduction of that for the sewer study and sewer work mitigation if needed. He noted that they are at the limit of their development costs. He said to fund this, they are going to reduce some of their tenant amenities such as the dog park and work-from-home area. He said those are relatively minor changes and will be reflected in future drawings. He said, in summary, in that section of the draft, they can make a few changes to that language as he explained in his comment.

Chair Hunchard said he understands. Mr. Bobrowski reviewed the draft decision and suggested location for the changes for this new information. He confirmed and read aloud the suggested new language regarding the \$25,000 for the sewer study. He discussed the new area in the decision that he was going to put the language for the construction of the onsite storage tank or improvements for the sewer system not to exceed \$150,000. Mr. Bobrowski and Mr. Hewitt discussed the language for the study and the construction of a tank or sewer system improvements. Mr. Hewitt confirmed Mr. Bobrowski's proposed language. Mr. Bobrowski confirmed that the amounts were \$750,000 up front, \$25,000 for the study, and up to \$150,000 for improvements leaving a total exposure of \$925,000. Mr. Hewitt said yes. Mr. Bobrowski said he will fix the draft decision.

ZBA members had no comments or questions.

Building Commissioner Gus Brown said this is exactly what we asked for at the last meeting.

Chair Hunchard said another letter was received late today. He referenced the letter received from Town Administrator Jamie Hellen. He said the letter goes through some historical information about the Friendly 40B process and what the proponent feedback was from the public and committees. He said the Town Administrator feels at 330 units, it is too large. He said the Town Administrator said it will be the largest housing development in the Town of Franklin. Chair Hunchard said that, however, it sits on the largest parcel that the ZBA has ever approved a 40B for. He said the Town Administrator mentions there should be some traffic mitigation. Chair Hunchard said he is sure the town can mitigate the traffic and speed limit. He said the Town Administrator proposes some mitigation that he would like done such as calming islands. Chair Hunchard asked Mr. Brown if any of this was every talked about. Mr. Brown said there has been some things discussed; nothing has been put down on paper such as traffic calming mitigation. Chair Hunchard said he is just hearing about this today. He said that to come in at the last minute, it is unfair to the developer to throw all this mitigation at them. He noted that the applicant is working with the Conservation Commission. He said that in the Town Administrator's letter that basically the Town Administrator would like more mitigation than what was settled on. Chair Hunchard said he heard a passionate statement at last night's meeting that the town needs affordable housing. He said the only sticking point was the number of units, but this is on 32 acres.

Mr. Brown said no matter what the amount is, Grove Street is an area that has a lot of truck traffic. He said some sort of calming would be appropriate, but they have not gotten to that point yet. He said it is a residential development that is on a street that traffic does pass rather quickly. Chair Hunchard noted that Mr. Hewitt has done everything that has been asked from the applicant. He noted that now with the Stretch Code, the project will cost more.

Chair Hunchard said there was one other email from April 10 received from abutter Betsy Fijol, 24 Benjamins Landing. He read the email aloud in which Ms. Fijol asked that the email be part of the public record. Ms. Fijol outlined her concerns which she noted she brought up at the February 15, 2024, ZBA meeting. She noted concerns about additional traffic that the project will generate on an already treacherous Grove Street. She said she hopes the developer will reduce the number of units. She explained her concern about the four- and five-story heights of the buildings. She said she understands the need for

affordable housing and noted the town is already over the 10 percent required affordable housing inventory. She said she hopes this is taken into consideration when drafting the decision.

Ms. Lisa Gately, 6 Vine Street, said she shares a lot of the same concerns as those mentioned by Ms. Fijol in her letter. She said she is concerned over the size of this project. She said she feels the project is a good project in many respects, but it is the sheer size of it. She said she has worked in the school system and knows what this will mean for buses on this road. She said she is concerned about the lack of parking at the train station. She asked why it was determined to be such a large project of 330 units. She discussed the number of units for another project proposed at last night's Town Council meeting. She asked how long does a project like this take.

Chair Hunchard said that it is often 8 units per acre or it could go up to 12 units per acre. Mr. Bobrowski explained that there is no density limitation. He confirmed the developer has to go through an eligibility letter process in order to go the ZBA. He explained the rental economics of a development.

Chair Hunchard explained the Friendly 40B process; this came in as a Friendly 40B. Ms. Vine asked if citizens can go to meetings, express themselves, and change can be had. Chair Hunchard said it could happen. Mr. Acevedo said he thinks there would be push back no matter where affordable housing was proposed.

Mr. Dave Patterson, 36 Opal Circle, discussed the definition and said a Friendly 40B is supposed to be give and take between the town and developer and this project started at 330 units. He said the town is already at their 10 percent. He said King Street traffic is already brutal. He noted other units made by Fairfield. He noted the parking spots. He said the ZBA should consider the existing residents' traffic and the impact on schools. He said the developer has never budged from the 330 units, and there is supposed to be give and take. He said he is concerned that the developer has not gone down on any units.

Mr. Bobrowski said his opinion is that a Friendly 40B is the beneficiary of a LIP endorsement from the chief executive body in the town. He said this application has a Mass Housing letter. He said a friendly 40B is a local initiate project (LIP). He said there is no legal determination of what constitutes the word friendly. He discussed the requirements and sign off for the developer to get an eligibility letter.

Mr. Acevedo said he wanted to reiterate that no matter where a 40B is going to be put, there will be people indicating it is not a good location. He said he thinks this is a good location. He said he is for the proposed. Mr. Brunelli said he is satisfied with everything that has been done. Chair Hunchard said back in 2006 or 2008, there was a proposal similar to this. He discussed that at the time, there was another project proposed in town, and this project was turned down. He said he thinks this is an excellent place for this application.

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.

Mr. Bobrowski said that any motion should include the revisions to D-2 and D-5. He said there should be a motion to approve as drafted with the modifications made to D-2 and D-5. He said the waivers are a separate document and should be attached. He said he can make the correspondence as Exhibit B. He will make the changes as discussed and send it to Ms. Thayer and Mr. Cornetta.

Motion made by to Philip Brunelli to approve 121 Grove Street - Fairfield Grove Street, as drafted with the modifications made to D-2 and D-5, with the waivers as a separate document attached, and with the correspondence as Exhibit B attached. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

General Business

Meeting Minutes March 28, 2024

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, March 28, 2024. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

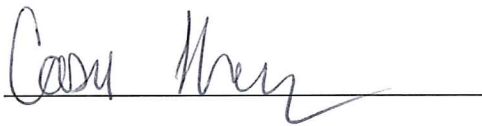
Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting adjourned at 8:40 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature: _____



Date: _____

