

Town of Franklin



Zoning Board of Appeals

Thursday, November 9, 2023
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, 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.

25 Baron Road - David Fallon

Abutters: Joseph Bua, 21 Baron Road; Bob Latshaw, 19 Baron Road; Kathleen Latshaw, 19 Baron Road; Eugene Cullie, 26 Baron Road.

7:30 p.m. Applicant is seeking to construct an ADU over the existing attached 24' x 24' garage. The building permit is denied without a Special Permit from the ZBA. Applicants present: David Fallon.

Mr. Fallon stated that his father-in-law is 77 years old and he would like to keep him close and take care of him. He stated that he would like to build an in-law apartment above the current garage. He stated that they would raise the roofline to the current roofline in the front of the house. He read aloud his Supporting Statement for a Special Permit which was provided in the meeting packet.

Mr. Joseph Bua, 21 Baron Road, stated that he disagreed with the first question. He stated that he thinks it is not in line with the neighborhood goals. He said the neighborhood goals are not in his opinion to have an additional dwelling unit because that to him is a separate address. He said that Mr. Fallon is not looking to rent it out, but whoever he sells the house to next may want to. He said he thinks to keep the integrity of the neighborhood is to keep them single family homes. He said the other in-law apartments in the area are actually attached to the main home without a separate entrance, so they are not really ADUs. He said that once this is granted, it will be with the home forever for whoever owns it.

Chair Hunchard stated that ADUs are a new concept the Town came up with. He stated that he was on the committee, and he was kind of against it just for this reason. He said once they start, people up there are not going to like it. He said people that live in the neighborhood do not like them.

Mr. Bob Latshaw, 19 Baron Road, stated that he echoed what Mr. Bua said. He said that when they bought into the neighborhood, they were looking to be in a neighborhood with single-family homes. He said if we say yes to Mr. Fallon, we would have to say yes to everyone. He said that is not the character of the neighborhood. He said there have been other neighborhoods that have had in-laws with them, but it has been in the home, not in a separate unit.

Ms. Kathleen Latshaw, 19 Baron Road, stated that she completely agrees with Mr. Latshaw and Mr. Bua.

Mr. Eugene Cullie, 26 Baron Road, said his concerns were more detailed about the design of it and if it was meeting the requirements. He asked about two means of egress as he only sees one stairway. He said the drawings submitted are not to scale. He said it was confusing as to the window in the front. He said the garage extends beyond the front of the house, and the scale of the rooms is not appropriate. He said what he sees is questionable. Chair Hunchard said if the ZBA were to grant this, the applicant would have to submit plans to the building commissioner meeting the square footage requirement.

Building Commissioner Gus Brown stated that the second means of egress is not shown on the plans. He said that is a building code issue. He said if Mr. Fallon is approved, he would have to make good on that. He said that it looks like it is a detached structure. He said zoning is different for a stand-alone, but he believes this is within the footprint of the garage. Mr. Fallon stated yes. Chair Hunchard said stairs do not count toward the setbacks.

Chair Hunchard said the ZBA has been doing this for a while. He said they were never called ADUs; they were called second-dwelling units. He said the Town Council talked about ways to enhance the downtown with ADUs and some Town councilors thought this should be allowed everywhere. He said there are some checks and balances that are done. He said that he understands some people do not like it, but all the people you voted for this week were the ones that voted to put it in this way. He said previously, all second dwelling units were family occupied, but we do not take names anymore. Previously it would be a zoning violation, but we do not do it this way anymore. He said it may not be possible for the next person coming in to rent it out because the applicant is requesting a special permit and the ones that we have been doing are to issue it to the applicant. He explained that special permits are granted to either the property or the applicant. He said that the ones that we have granted so far with the new bylaw have been granted to the applicant. He said that a new owner would have to come back to the ZBA to get a special permit to use the ADU. Mr. Cullie said it feels like a loophole.

Mr. Fallon said that he understands the concerns brought up by his neighbors. He said they are not going anywhere, and the idea is that they do not have space in the house for the father-in-law and this is a way to keep him close. He said that if something were to happen and the father-in-law was no longer living with them, they would use the space for the family. He noted other homes on Baron Road in which family lives collectively in the home. He said he submitted plans with designs that have more detail. Chair Hunchard said the plans are online with the agenda.

Ms. Whitmore questioned the location of the staircase. Mr. Fallon said the staircase would be on the backside of the house, and it would be enclosed. Mr. Acevedo said there was not an actual plot plan done, it is a mortgage survey that was submitted. Mr. Brown explained the requirements of the building permit. He noted that it could be a condition of the special permit to provide a certified plot plan that is not a mortgage survey. He noted the zoning setbacks. Mr. Brunelli said he knows where the abutters are coming from, but the Town Council ruled it, and there is really nothing the ZBA can do differently.

Chair Hunchard said that they have been doing this for over 20 years, and the ZBA has only turned down one. He stated that if the ZBA denied this, the applicant could build it tomorrow and only have to take out the cooking facilities. Mr. Brown said that is a correct statement.

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 an accessory dwelling unit for the property located at 25 Baron Road for David Fallon, owner of the property. The Special Permit for the Accessory 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 25 Baron 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. Chair Hunchard added a Friendly Amendment: The issuance of the Special Permit is to David Fallon who lives at 25 Baron Road and provided that the applicant provides a Certified Plot Plan or any plan required by the Building Commissioner. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

72 Jefferson Road - Richard, Erika & Jason Keen

Abutters: Marci and Robert Duffy, 107 Jefferson Road.

7:35 p.m. Applicant is seeking to construct an 899 sq. ft. ADU that is attached to the existing home. The building permit is denied without a Special Permit from the ZBA. Applicants present: Richard Keen, Erika Keen, and Jason Keen.

Mr. Richard Keen stated that they own a home jointly. He stated that they submitted an application to add an ADU directly to the house on the right-hand side that would match the garage on the left-hand side. He said they would like to refresh the main house and put a farmer's porch on it. He said the idea is that when they are done, the home would look like there was nothing done with it. He said it is intended that his son would live in the main house as he has a family with two children under two years old and they need more room. He said he and his wife are in their late 70s and would like to move to a one-story scenario with limited steps with family close by and their son is their only family in New England. He said they would not encroach on the setbacks required.

Mr. Jason Keen said that he wanted to move to the neighborhood because there are lots of little kids and his children can walk to school until they get to high school. He said he is happy his children can play in the yard.

Mr. Richard Keen read aloud the Supporting Statement for a Special Permit which was provided in the meeting packet.

Ms. Marci Duffy, 107 Jefferson Road, stated that they did not have any questions.

Chair Hunchard stated that they received three letters from abutters; he read aloud each letter. He said one letter was from residents Amy and Eric Zimmerman, 10 Reagan Avenue, who stated that they did not support this. One letter was from Michael MacLean, trustee at 106 Jefferson Road, who indicated opposition to the permit; this letter was provided in the meeting packet. One email letter was from John LoPresti, 109 Jefferson Road, who indicated opposition to the permit; this letter was provided in the meeting packet.

Chair Hunchard noted that the meeting was not on the TV. Mr. Pete Fasciano stated that they are streaming live and on Zoom; he is having trouble keeping the channel up for some reason.

Ms. Whitmore said she had no questions or comments. Mr. Acevedo said he had no comments. Chair Hunchard noted that the ADU cannot be larger than 900 sq. ft. Mr. Brunelli said this was passed by the Town Council, and they are well within their rights to ask for it. Chair Hunchard said they did a nice job with the design.

Mr. Richard Keen stated that they are not different than any other neighbors. He said when you spend the kind of money you do for a home in Diana Estates, they are going to do things to improve or maintain it. He noted it is a combination ownership of his son and himself. He said they hope to contribute to the neighborhood.

Building Commissioner Gus Brown said they got a letter related to vehicles. He said they received a complaint about an unregistered vehicle on the property, and they did take care of it immediately. He said it is something the Town does not allow, and it cannot come back to the property as an unregistered vehicle.

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 an accessory dwelling unit for the property located at 72 Jefferson Road for Richard, Erika & Jason Keen. The Special Permit for the Accessory 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 72 Jefferson 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. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Mr. Richard Keen thanked Mr. Brown and Ms. Thayer for their help in the application process.

General Business: Peer Review Discussion

Chair Hunchard stated that an application was received for a rather large complex on Grove Street. He said they are going to need peer review. He said it is what they look for in other similar projects. He said he is requesting a motion to appoint Mr. Mark Bobrowski as consulting attorney and hire Hancock Associates with principal Joe Peznola who did a few projects for the Town; he is very thorough and quick. He said also in the motion to hire them is to include that the applicants will present the Town with a check for not less than \$25,000 to start this off with. He said they are scheduled for the November 30, 2023, ZBA meeting. He noted that Ms. Thayer is dropping off a binder to ZBA members on this item.

Motion made by Philip Brunelli to hire Mr. Mark Bobrowski and to hire Hancock Associates to be the peer review consultants for the project coming up at 121 Grove Street. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting Minutes October 12, 2023

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, October 12, 2023. Motion seconded by Meghan Whitmore. Roll Call Vote: Whitmore-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Chair Hunchard stated that the next meeting is on November 30, 2023.

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 8:31 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature Cory Napp

Date 11/9/23