

Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, February 22, 2017  
355 East Central Street  
Franklin, MA 02038

Members Present: Bruce Hunchard  
Robert Acevedo  
Timothy Twardowski

725 Union Street – 4 SQ Development, LLC  
Abutters: See Attached

TOWN OF FRANKLIN  
TOWN CLERK

2018 APR -4 A 8:49

**7:30 pm:** Applicant is seeking to construct a 100-room hotel building and needs relief of 1 story and 20 feet from the building height requirement to 4 stories and 60 feet where a maximum of 3 stories and 40 feet is required. The building permit is denied without a variance from the ZBA. Applicants present: Richard Cornetta, attorney representing the applicant for SQ Development, LLC and Scott Rogers from J.K. Holmgren Associates, the consulting engineer on the project. He explains that 725 Union Street is a 92,000 sq. ft. undeveloped piece of property located in the Commercial II zoning district directly behind Joe's American Bar & Grill and bordered by Exit 16 of Rte. 495 and an existing hotel, Hampton Inn. Proposed use is a 4-story, steel-framed, 100-room hotel building with a footprint of approximately 14,500 sq. ft., and a total area of 53,390 sq. ft. with a paved parking area to accommodate 100 spaces. There will be a contemporary above-ground drainage system which will service the site. In 2007, this particular site received a variance for height for a different developer for a proposed senior assisted living facility granted by this board for 54.8 feet. He explains that they are also filing with the Planning Department as well as the local Conservation Department. Scott Rogers does a presentation to include review of entire site. The shape of the lot is unusual and the hotel needs to be located at the high end of the site to avoid additional costs. Several types of hotels were considered and it was decided that Home2 Suites by Hilton would fit best. The rooms are not wide and cannot be reduced to gain more rooms. If the 4<sup>th</sup> floor were not allowed, they would lose 25 rooms. The fire department was consulted and they do not have a problem with the height of the building to include the 4<sup>th</sup> floor. Mr. Cornetta then addresses the board asserting that the unique soil, shape and topography has created a substantial hardship in the form of material development constraints and also excess costs associated with that (retaining walls due to topography as well as the setbacks). The soil itself is not great for development, very compact with high ground-water condition.

Jeff Nutting, Town Administrator, addresses the board and is very supportive of this proposal. He explains that there are three hotels currently in the town that average over \$300,000 in income to the town - each. Hotels are low impact/high revenue sources for the town. It isn't going to be detrimental to the street, given there is a hotel next door and would go a long way to help the financial position of the town and he asks the board to approve.

Chairman Hunchard opens the floor to the audience. Many abutters (see attached) from Spruce Pond are in the audience. Their concerns are as follows: 1) Traffic. 2) How can the town allow the strain on current water/drainage when the rest of the town has water bans? 3) The environment and wildlife. **Jeff Nutting responds to water/sewer issues explaining that there is excessive sewer capacity throughout the town and water capacity. Jeff explains that the town constrains water in the summer intentionally for environmental concerns and to ensure we have water for generations to come. He assures the board that the town has the water and sewer capacity to continue economic development.** 4) If you allow 4-story zoning in the CII environment, is that then going to set a precedent allowing more 4-story buildings? 5) Losing the afternoon sun from the shade of the 4-story building. 6) Will the drainage impact Spruce Pond Road. **Scott Rogers explains that the drainage for the property is going to head west/southwest towards 495 and there will be no flooding issues down Union Street or across the condominiums. There are no state-regulated wetlands on the property or within 100 feet of the property, but they are going to go to the Conservation Commission in Franklin because of the drainage basins within 100 feet of the property.** 7) Concerns that the 100 parking spaces necessary will fill that property entirely, pavement from one end of the property to the other. The Chairman asks Gus Brown, Building Commissioner/Zoning Enforcement Officer, to explain the impervious coverage in the CII zone which is 80%. 8) Concerns regarding property values. 9) Increase in noise from the highway. 10) Crime concerns. 11) Aesthetic effect on the neighborhood. 12) Concerns about snow removal. 13) Worries about continual flood lights from the hotel onto the front part of their property. **Chairman explains that they take up lighting very seriously through the planning process. They**

**have a photometric plan done and the post conditions only allow a certain amount of lumens that can go off-property.** 14) Concerns that the hotel could be like a Motel-6. **Mr. Cornetta explains that this is being developed and marketed toward a national brand for an intermittent, extended-stay hotel like a Hilton brand.**

Chairman explains to the audience that the Board is there to approve or deny the height variance only even though the topography of the land and type of soil etc. are part of the discussion for purposes of proving a hardship. Regarding traffic concerns, he also explains that he hasn't seen a traffic study come in that said a project couldn't be built. Regarding concerns about starting a precedent, the Board has granted 4-stories previously on two occasions and explains that each application is taken on its own merit.

Chairman opens to the Board for questions. No questions from Robert Acevedo. Tim Twardowski explains that the applicant bears the full burden of proof for any variance application. No one walks into this Board room with any claim for entitlement for a variance. The applicant has addressed each one of those criteria in the written materials and again during the oral presentation. As far as hardship with regard to the shape, soil and topography of the ground, he sees a massive parking lot; the lot is oddly shaped but also contains more than twice the minimum lot area requirement for the zoning district; and topography does show some sloping but that degree of topography is not grounds for a variance. He is not convinced that the project is not economically feasible at 3-stories. He does not believe that there is a true financial hardship. He turns it back to the applicant to provide additional evidence of the hardship.

Mr. Cornetta suggests that they take the comments the Board members made and come back at a subsequent meeting and try to address some of the specific economic issues.

**Motion made by Timothy Twardowski to continue the public hearing until March 29<sup>th</sup> at 7:35 p.m. and seconded by Robert Acevedo. Unanimous by board.**

**47 Conlyn Avenue – Michael and Sarah Ficco**

**Abutters: Mr. Bevilaqua**

**7:35 pm:** Applicant is seeking to construct an addition that is 9.5 feet from the left side-yard setback where 20 feet is required. The building permit is denied without a Variance from the ZBA. Applicants present: Michael and Sarah Ficco. Sarah Ficco explains that they own several heirloom classic vehicles and the new garage would be used for storage and maintenance of those vehicles. They are also looking to put a master bedroom above the garage to allow for a third bedroom for their growing family. The garage addition would be consistent with other homes in the neighborhood. Chairman reads two letters from abutters (attached) and both letters support this Variance. Mr. Bevilaqua (direct neighbor) is in attendance and also supports the Variance. Timothy Twardowski questions whether the addition could be built towards the back as opposed to the side. Sarah explains that it would take away from the backyard where her children would play and she would be concerned for their safety.

**Motion made by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by board. Motion made by Robert Acevedo to grant a variance for side yard relief of 10.5 feet at 47 Conlyn Avenue for Sarah Ficco and Michael Ficco to construct an addition that is 9.5 feet from the left side yard setback where 20 feet is required as shown on a drawing dated 01/11/2018 by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038. Seconded by Timothy Twardowski. Unanimous by board.**

**Motion made by Robert Acevedo to accept the Minutes as presented for Thursday, 12/14/2017. Seconded by Bruce Hunchard. Abstained by Timothy Twardowski. Motion made to adjourn Bruce Hunchard. Unanimous by board.**

Signature Deanne M. Kerwin

Date 3/29/18