

## Town of Franklin



## Zoning Board of Appeals

Thursday, July 23, 2020  
Meeting Minutes

TOWN OF FRANKLIN  
TOWN CLERK

2020 AUG -6 A 2:34

RECEIVED

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: Melissa Kiriapopoulos, Administrative Assistant.

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. Chair Hunchard noted the Zoom Meeting link and the Zoom Meeting call-in number are provided on the agenda. He announced the meeting is being televised and recorded for the public's information.

**73A Margaret's Cove – Whitman Homes**

**Abutters: None**

**7:30 p.m.** Applicant seeking to construct a single family home with impervious area of 33.9% whereas 15% is allowed. The building permit is denied without a Special Permit from the ZBA. Applicants Present: Richard Whittington of Whitman Homes and Mr. Eric Dias, engineer on behalf of Whitman Homes. Mr. Dias stated that lot in question is within a water resource area protection district that imposes a 15% maximum impervious cover on all residential developments, by right per lot, unless a special permit is received. His understanding of the 15% maximum is to promote enhanced ground water recharge as well as clean ground water. Mr. Dias stated they are proposing a rooftop collection system that sized up to the 25 year storm event which is a little bit better than 6" in the course of a 24 hour storm event. They have designed a storm water infiltration system that will collect and recharge all of the storm water from the rooftop, meeting both the intent of providing ground water recharge and clean ground water recharge. Mr. Dias states that the storm water coming from the roof will have less contaminants in it and the systems as a whole require less maintenance than something that would collect storm water run-off such as parking or yard areas. Mr. Dias stated the total proposed impervious for the site is 22.9%, when they remove the rooftop from the equation, it takes away 9.9% of the lot area and they end up with a total impervious area not proposed for infiltration of 13% which is 2% less of the 15% required. He believes the design is appropriate for the site and appropriate to meet the intension of the water resource protection area. The Board asked in regards to roof rainwater collection, if there is any required maintenance covenanted to the deed restriction to owner that they have to maintain the gutter system, cleaning of it annually or servicing making sure that water makes it into the system. Mr. Dias stated there currently is no requirement, as there is no homeowner's association. He stated in the past they have created a small operations and maintenance plan which can go with the systems that would be provided to homeowner upon closing. He stated that if the Board was of the same mindset, they ask that it made a condition of approval. The Board asked if this would be on a deed restriction as to which Mr. Whittington stated there was no intention to make this deed restricted, stating he wasn't sure how that could be enforced. He stated that he does not have an objection to it being deed restricted pending on what details in the deed restriction said and expressed concern over it possibly scaring people away, due to restriction. The Board asked if there was also any thought to using different

driveway surface material to reduce the pervious coverage. Mr. Dias stated that in the past things like pervious paver systems have required a great deal of maintenance and usually clog within the first year or two. The Board also asked what the pool and patio added to with impervious coverage. Mr. Dias stated that the pool is 1440sf. The Board asked if they would still need to come in front of ZBA if pool and patio was not in backyard, to which Mr. Dias said yes, they would still be over the 15%. The Board asked what the deck was around the pool. Mr. Dias stated it was a concrete pool deck. The Board asked if the deck could be patio blocks opposed to concrete. Mr. Whittington said the pool design was not detailed yet but will propose the idea to prospective buyer. They also stated considering putting a small drainage system around the deck as an option. The Board asked if they could use a system where they use more Cultec to get more recharge into ground to get closer to the 15%. Mr. Dias said they would have to infiltrate more than just the rooftop area so they would have to catch something from the driveway which already flows from the road where it gets picked up in the closed drainage system and goes to an infiltrating detention basin anyway, so it is making its way to a recharged system.

**Motion made by Philip Brunelli to close the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board.**

***Motion made by Robert Acevedo to grant the Special Permit for 73A Margaret's Cove, Whitman Homes, granting impervious coverage to 22.9% whereas 15% is allowed under conditions that the front walkway, pool, patio and pool deck area be constructed with a pervious block to help mitigate water flow, as shown on drawing dated June 18, 2020, titled "Proposed Plot Plan" prepared by Strongpoint Engineering Solutions, Inc., 340 Manley St., Unit 2, West Bridgewater, MA 02379. Seconded by Philip Brunelli. Unanimous by Board.***

#### **75A Margaret's Cove – Whitman Homes**

**Abutters: None**

**7:35 p.m.** Applicant is seeking to construct a single family home with impervious are of 19.3% whereas 15% is allowed. The building permit is denied without a Special Permit from the ZBA. Applicant present: Mr. Richard Whittington of Whitman Homes and Mr. Eric Dias, engineer on behalf of Whitman Homes. Mr. Dias is proposing 19.3% impervious coverage, collecting all rooftop runoff and recharge it into some Cultec systems, taking 9.6% out of the equation once the rooftop area comes out, bringing them down to 9.7% impervious coverage on the lot. He stated the driveway will drain to street where runoff from the driveway will run into the catch basin and then drain into infiltration basin, which will knock down even more leaving just the driveway impervious. The Board stated they would like to see the pervious block used in the front walkway, which was agreed by Mr. Dias and Whitman Homes.

**Motion made by Philip Brunelli to close the public hearing. Motion seconded by Richard Acevedo. Unanimous by Board.**

***Motion made by Robert Acevedo to grant the Special Permit for 75A Margaret's Cove, Whitman Homes, to construct a single family home, granting impervious coverage to go from 15% to 19.3%, granting relief of 4.3%, and to see that the front walkway in constructed with pervious block when constructed, as shown on a drawing dated June 19, 2020, titled "Proposed Plot Plan" prepared by Strongpoint Engineering Solutions, Inc., 340 Manley St., Unit 2, West Bridgewater, MA 02379. Seconded by Philip Brunelli. Unanimous by Board.***



**22 Charles Drive – Karen Pucel****Abutters: None.**

**7:40 p.m.** Applicant is seeking to construct a garage that is 17.3' from the right setback whereas 40' is required. The building permit is denied without a Variance from the ZBA. Applicant Present: Karen Pucel, property owner and Ed and Ryan LaVelle, contractors for Ms. Pucel. Mr. LaVelle states that applicant is looking to put garage on side of house, stating that the house itself is less than 40' from the line because at the time the zoning was different. Mr. LaVelle stated that they made it as narrow as they could stating it was 17.3' on the back and 17.6' in front. The Board asked if it was different from what their presenting plans showed which Mr. LaVelle stated it was not different. The Board asked if the wood deck would have a portion of it removed to support the building of the garage. Mr. LaVelle stated that the deck has been removed. The Board asked if the garage was single story, which Mr. LaVelle confirmed that it was.

***Motion made by Philip Brunelli to continue the public hearing. Motion seconded by Robert Acevedo. Unanimous by Board.***

**General Business – Meeting Minutes**

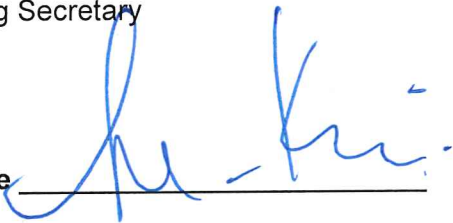
***Motion made by Philip Brunelli to approve the Meeting Minutes as presented for Thursday, July 9, 2020. Seconded by Robert Acevedo. Unanimous by Board.***

***Motion made by Philip Brunelli to adjourn the Remote Access Zoom Virtual Meeting. Seconded by Robert Acevedo. Unanimous by Board. Meeting adjourned at 8:06 p.m.***

Respectfully submitted,

Melissa Kiriacopoulos  
Recording Secretary

Signature



Date

8/6/2020