

Town of Franklin



Zoning Board of Appeals

**Thursday, January 27, 2022
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, Christopher Stickney, Meghan Whitmore. Members absent: Robert Acevedo. Also in attendance: Gus Brown, Building Commissioner; Casey Thayer, Administrative Assistant.

This meeting is being conducted as a Remote Access Zoom Virtual Meeting as allowed by Governor Baker's signing into law An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. 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.

17 Charles Drive – Joanne M. Williams

Abutters: None.

7:30 p.m. Applicant is seeking to construct an attached garage with mudroom/laundry that increases the impervious area of the lot to 28.2% where 25% is allowed and to be 10.7' from the side yard setback where 40' is required. The building permit is denied without a Special Permit and a Variance from the ZBA. Applicants present: Joanne M. Williams. Ms. Williams reviewed her request to construct an attached garage with first-floor mudroom/laundry. She reviewed her physical difficulty in getting to the current laundry area down the stairs and need for a garage which would create a safer area. She stated this proposed construction to modify the home is for safety reasons. She stated that the house was built in 1963 and the lot is not that large; therefore, she is requesting a variance for the setback. She stated that a few other houses in the area have done this type of addition; therefore, her proposed addition would fit the neighborhood. Ms. Williams stated that she called the abutter to the side of her property who voiced that she had no problem with this addition and stated that she would not be joining the meeting.

Chair Hunchard stated that he received a call from Ms. Williams's neighbor, Emma, who said she had no problems with the proposed construction. He stated that most people in that neighborhood who want to do anything need relief because it was re-zoned after it was built. Ms. Whitmore stated no comments or questions. Mr. Stickney stated the design looked good. He stated that if the design were for a single car garage, relief would not be needed for the setback. Ms. Williams stated that she has visitors at times who are older. For safety reasons, she would like to be able to have another car come into the garage. Chair Hunchard stated that even if Ms. Williams cut back to a single car garage, relief would still be needed due to the setback requirement. Mr. Brunelli stated that it looks nice, and he agrees with Ms. Williams's statements.

***Motion made by Philip Brunelli to close the public hearing. Motion seconded by Meghan Whitmore.
Roll Call Vote: Brunelli-YES; Whitmore-YES; Hunchard-YES. Unanimous by the Board.***

Motion made by Meghan Whitmore to grant a Variance for Joanne M. Williams for 17 Charles Drive to construct an attached garage with mudroom/laundry to be 10.7' from the side yard setback where 40' is required giving 29.3' relief, as shown on a plan titled "Proposed Addition Plan of Land in Franklin, MA, Owner Joanne M. Williams, 17 Charles Drive, Franklin, MA" dated December 16, 2021, prepared by Colonial Engineering, Inc. Motion seconded by Bruce Hunchard. Roll Call Vote: Brunelli-YES; Whitmore-YES; Hunchard-YES. Unanimous by the Board.

Motion made by Meghan Whitmore to grant a Special Permit for Joanne M. Williams for 17 Charles Drive to construct an attached garage with mudroom/laundry that increases the impervious area of the lot to 28.2% where 25% is allowed giving 3.2% relief, as shown on a plan titled "Proposed Addition Plan of Land in Franklin, MA, Owner Joanne M. Williams, 17 Charles Drive, Franklin, MA" dated December 16, 2021, prepared by Colonial Engineering, Inc. Motion seconded by Philip Brunelli. Roll Call Vote: Brunelli-YES; Whitmore-YES; Hunchard-YES. Unanimous by the Board.

19 Dean Avenue - Dean Development Partners LLC

Abutters: None.

7:35 p.m. Applicant is seeking to construct a mixed-use building that needs a Special Permit or Variance for up to 50' in height. Needs a Special Permit to demolish a preexisting non-conforming building and reconstruct. Needs a Special Permit or Variance to waive the 15' setback on frontage. Needs a Special Permit or Variance to construct residential units ½ story above street level. Variance or other relief to allow usage without off-street parking. Needs Variance, Special Permit, or other relief to reduce rear setback to 1.2' where 15' is required. The building permit is denied without a Special Permit and or a Variance from the ZBA. Applicants present: None. Chair Hunchard stated that a letter dated January 26, 2022, was received from the applicant's attorney, Mr. Michael Khoury, requesting a continuance.

Motion made by Philip Brunelli to continue the public hearing to later in this meeting. Motion seconded by Meghan Whitmore. Roll Call Vote: Brunelli-YES; Whitmore-YES; Hunchard-YES. Unanimous by the Board.

Meeting Minutes January 13, 2022

Motion made by Philip Brunelli to approve the Meeting Minutes as presented for Thursday, January 13, 2022. Motion seconded by Meghan Whitmore. Roll Call Vote: Brunelli-YES; Whitmore-YES; Hunchard-YES. Unanimous by the Board.

Chair Hunchard called a five-minute recess.

Parcel 219-178-002-000 - Bruce Wheeler

Abutters: Bernadette Sullivan, 42 Leanne Way; Diana Deschamps, 24 Shayne Road, Unit 216.

7:40 p.m. Applicant is seeking to modify a previously approved comprehensive permit. Applicants present: Attorney Louis Levine on behalf of the applicant, Trustee Bruce Wheeler, and Land Planner Mark Romanowicz. In response to Chair Hunchard's question, Attorney Mark Bobrowski confirmed that only the first hearing has to be advertised. Mr. Wheeler stated that the revised plan was sent to the Town's consultant yesterday. Mr. Romanowicz reviewed the revised site plan. He stated that they have added the additional affordable homes that were discussed at the last ZBA meeting. Now, one-third of the homes are affordable rather than 25 percent. They have also added two-car garages to the affordable homes; therefore, the site plan needed to be adjusted. He discussed the four elevations: two different market rate homes, one with a slight elevation on the first floor, and two different affordable homes which are similar to the elevations of the market rate homes. Mr. Wheeler stated that the square footage is different. The affordable units are between 1,600 sq. ft. and 1,700 sq. ft; the market rate units are approximately 2,300

sq. ft. to 2,400 sq. ft. Mr. Brunelli asked why the affordable units look shorter on the side than the market rate homes. He stated that all units are to look the same. Attorney Bobrowski noted the standard and stated the homes are not discernably different from the street. He stated that, rest assured, if there is a difference, that will not be the final product.

Attorney Levine stated that at the last meeting the ZBA's concern was primarily that the plan only had a one-car garage on each affordable unit. Therefore, the front elevation was different. He stated that the applicant was charged with altering the elevation of each duplex building so that the front elevation of the affordable units and market rate units were reasonably the same if not identical. He stated that the ZBA had also requested the applicant pick up the missing affordable units from the first project which have been incorporated into this site plan; now, about one-third of the units are affordable. He stated that they are hoping the ZBA will find this concept acceptable. If so, they will proceed with engineering. He stated agreement with Attorney Bobrowski that the units have to look somewhat comparable. Chair Hunchard stated that he would go along with Attorney Bobrowski's opinion that the units are basically the same. He questioned the number of bedrooms. Mr. Wheeler stated that they looked at the market place and what people in the area are looking for. Everywhere people are looking for three-bedroom units; since Covid, everyone wants to have an extra room for flex space. Attorney Levine reviewed that three-bedroom units are preferred; the old two-bedroom concept is not preferred anymore. Chair Hunchard stated that he is not really in favor of everything being three bedrooms.

Building Commissioner Gus Brown reviewed what constitutes a bedroom compared to an extra room or flex space. Mr. Brown stated that it is not a bedroom as long as it does not have a closet, it stays that way, and is put in the deed that way. Attorney Levine stated that the project as a whole has to have 10 percent three bedrooms. Mr. Wheeler stated that the site will have a total of 60 units and 19 are affordable units. He stated that to absorb the extra four affordable units, they need to make all the units three-bedroom units.

Attorney Bobrowski reviewed that 50 units have been built. There are nine affordables which is not 25 percent; all 50 units are two bedrooms. The new proposal for the 60 remaining units would be 19 affordables and that would bring it to 28 affordables, which is 25 percent affordables, overall. So, the applicant wants to do three bedrooms in the 60 units. He stated that this proposal would lead to 26 more overall bedrooms than if all units were built as two bedrooms. This is slightly more than 10 percent. He stated that the number of bedrooms is not considered a substantial change according to the regulations unless it is over 10 percent. He summarized that the applicant's request to go to all three bedrooms constitutes a change, the regulations support that, and the ZBA should ask for that to be included in the change request. He stated they should explore why there cannot be some accommodation with some of the 60 units not being three-bedroom units. Attorney Levine stated that should be discussed when there is an engineering review. He stated that he does not know if the sewer use and traffic will be significant with all three-bedroom units; he agreed that the issue is on the table. He noted agreement with the definition of a bedroom being that it includes a closet. Chair Hunchard noted that the developer does not seem willing to drop down in the number of bedrooms. He stated that he is looking for some relief on the bedrooms. He stated that it has always been a contention with the Town that the more bedrooms you have in a development, the more children you may have in the school system. Attorney Bobrowski stated that school concerns are generally not considered in a 40B review. Mr. Wheeler stated that they want to make sure they are on the same page with the site plan. Chair Hunchard confirmed that whether or not the number of bedrooms is reduced, it would not change any of the engineering.

Attorney Bobrowski asked if engineer Joe Peznola of Hancock Survey Associates, who will do the engineering review, has been funded. Chair Hunchard stated not that he is aware of. Attorney Bobrowski stated that Mr. Peznola provided a scope of work and requested \$6,800. Attorney Levine stated that it would be funded. Attorney Bobrowski stated there is no authorization of the transfer of the

Comprehensive Permit rights to the applicant which is a requirement of the HAC regulations. Attorney Levine stated that they are in the process of transferring the permit.

Ms. Diana Deschamps, 24 Shayne Road, Unit 216, stated concern about traffic and noted that the applicant wants to park four cars per driveway; there will be potentially 240 cars on the road. Right now, there are less than 100 cars on the road. She asked if there could be access to Parcel B off Lincoln Street. Chair Hunchard stated that after the engineering is done, they will have a better count on what the traffic will be. Mr. Wheeler explained that access to Parcel B off Lincoln Street is not an option; he stated that he will look at it.

Ms. Maxine Kinhart stated that she looked at the guidelines which state that the affordable units shall be indistinguishable from market rate units as viewed from the exterior. She stated that it does not say street, it just says from the exterior. She stated that the other developments they have had like this in Town, have never been different as viewed from the exterior. Attorney Bobrowski confirmed that Ms. Kinhart is correct. He stated that the usual exterior view is from the street.

Attorney Levine stated that each driveway can park two cars and there are two-car garages. So, each unit could have four cars, but that is not is going to be the utilization; it is usually two cars in the garages. Attorney Bobrowski suggested that the applicant do an updated traffic report as the meeting is going to be continued to March 24, 2022. Mr. Wheeler stated that they will have a traffic review done and submitted to the Town along with the engineering. Mr. Peznola stated that they can take a look at the traffic study. Attorney Bobrowski requested that if Mr. Peznola needs to amend his scope to include the traffic review, he should provide that. Mr. Wheeler stated that they would adjust the funding, accordingly.

Motion made by Philip Brunelli to continue the public hearing for Parcel 219-178-002-000, Bruce Wheeler, to March 24, 2022, at 7:30 PM. Motion seconded by Meghan Whitmore. Roll Call Vote: Brunelli-YES; Whitmore-YES; Hunchard-YES. Unanimous by the Board.

19 Dean Avenue - Dean Development Partners LLC (Continued from 7:35 p.m.)

Motion made by Philip Brunelli to continue the public hearing for 19 Dean Avenue, Dean Development Partners LLC, to March 24, 2022, at 7:40 PM. Motion seconded by Meghan Whitmore. Roll Call Vote: Brunelli-YES; Whitmore-YES; Hunchard-YES. Unanimous by the Board.

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

Meeting adjourned at 8:33 p.m.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature



Date

4-4-22