

Town of Franklin



Zoning Board of Appeals

Thursday, February 15, 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, Meghan Whitmore. Members absent: Christopher Stickney. 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.

121 Grove Street - Fairfield Grove Street

Abutters: Ellen Welch, 6 Bubbling Brook Drive; Lisa Gately, 6 Vine Street; Betsy Fijol, 24 Benjamins Landing Lane; Roberta Trahan, 1 Green Street; Virna O'Brien, 21 Old Grove Street.

7:30 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; John Shipe of Shipe Consulting Associates.

Mr. Cornetta said this is a continuation of the public hearing. He said that on the call are their civil consulting engineers as well as traffic.

Chair Hunchard said the Zoning Board of Appeals received this proposal on November 1, 2023; the first public hearing was on November 30, 2023, and a subsequent meeting was held after that. He said the ZBA has a consulting attorney and an engineering firm to do the peer review. He said the ZBA asked them to hire a traffic consultant to do the traffic assessment review of the applicant's proposal. He said they worked diligently and were timely in their responses.

Mr. Steve Findlen of Howard Stein Hudson said they did a peer review of the traffic study that was done for this project. He reviewed the progress of the review of the study and noted there were nine issues that were mentioned. He said he received a response back from the applicant on the nine issues; he issued a follow-up letter to that on February 14, 2024. He said there are three outstanding issues at this point. He said the first outstanding issue has to do with the traffic study associated with the trip distribution of the propose vehicles coming to and from the site; there was a discrepancy with the percentages, and we asked the applicant to revise those numbers and provide any additional revised analysis. The second outstanding issue has to do with the proposed number of parking spaces; the traffic study said one number, and the site plan said another number. The applicant said the number on the site plan was corrected. He said they would like additional information on the number of spaces proposed for each building and how that was being broken up. He said the third outstanding item has to do with transportation demand management (TDM) measures. He said there was a proposed ride share pick up/drop off area that was proposed, and it was not clear where that was going to be located and if there were any electric vehicle spaces proposed

with this development. He noted that he had a conversation with the applicant's traffic engineer yesterday, and the first item about the trip distribution is being done.

Mr. Brian McCarthy of R.J. O'Connell shared his screen and showed the proposed plans. He reviewed a chart that showed the building number, number of units, parking spaces, and parking ratio. He discussed the overall ratio for parking spaces is 1.7 which includes the clubhouse. He said there were pedestrian sidewalks around the entire site. He said buildings 3 and 5 have the lowest ratio; however, there is additional parking in other areas nearby. He said building 4 has a higher ratio. Mr. Shipe said their property management team works with tenants to address anything on parking ratios.

Building Commissioner Gus Brown commented on what Hancock Associates said about buildings 3 and 4 and that there is still insufficient parking. He asked if that had been remediated. He said Hancock Associates noted that it may be unreasonable to think people are going to park and walk.

Mr. Shipe said that is what they are discussing now. He said they allocated parking that they thought was appropriated and also made sure there were good pedestrian connections. He said that across the board, there is a net total of 1.7 spaces per unit. He said based on feedback from property management, sometimes they need to get in and work with people. He said they know this would be their issue to manage onsite. He said they are very comfortable that they can manage this. He confirmed this is one of the waivers.

Mr. Brown requested they mitigate this somehow to give those two buildings some more parking; he would appreciate it. Mr. Shipe said he does not want his tenants to not be happy. He said they will take a look at it. He said he does not see any options right now. He said it should be a manageable issue on their end. Chair Hunchard confirmed you can access around the whole building.

Mr. Shipe said the only other outstanding issue is the electric vehicle charging stations. He said they have found that electric vehicle charging stations are a new technology and growing. He said they usually wait until the last minute to see what the industry dictates in providing what property management tells us is the correct number of charging stations. He said that there was a question of how Uber or Lyft drivers will be managed. He said he feels there will be ample parking for when they show up if they are not live parking along the curb. He said they have a very stringent property management team who works with all the tenants, and the team will work with any Uber or Lyft parking.

Chair Hunchard said he thinks they have just answered the three questions that had not been resolved yet. Mr. Shipe thanked Mr. Joe Peznola of Hancock Associates and his team. He said the civil engineers worked well together, and he thanked the whole team.

Mr. Mark Bobrowski, attorney, said he had an email from Mr. Peznola with a few issues including a sewer pump station analysis and frequency of trees. Chair Hunchard said this item would be continued to March 15, 2024. He said these do not seem to be overwhelming problems that could not be resolved. Mr. Bobrowski said he would talk to Mr. Cornetta and get back to the ZBA at the next meeting.

Mr. Acevedo asked for exterior elevations. He said he looked through the plan sets provided, and there were two different scenarios. He asked if they settled with what the buildings would look like on the outside. Chair Hunchard said they would be flat roofs. Mr. Shipe said the buildings on average are 57 ft.

Mr. Brown asked where the 57 ft. goes to. Mr. Shipe said that was a good question. He shared his screen and said they asked for a waiver for a little more than was necessary. He said he was cognizant of the ZBA definition about the average grade around the perimeter. He discussed that if any of their grading dropped off, they were mindful that what was 57 ft. tall could become 60 ft. or 62 ft. tall. He said that in

the waiver request they will clarify this. He showed on his screen the building height. Mr. Brown asked about the average grade. Mr. Shipe said the 62 ft. could increase or decrease from the grading, but it is not substantial.

Mr. Acevedo asked if the gated emergency access was going to be large enough for a fire truck. Mr. Shipe said yes, it is, and that they have a letter from the fire chief. Chair Hunchard noted that most of his questions get answered through the many emails he receives.

Mr. Brown noted a few things talked about with the fire department. He said it looks like there are a few things Mr. Shipe needs to get back to the fire department. He asked Mr. Shipe to follow up on that. Mr. Shipe said he will. Mr. Brown said Vanasse & Associates had given a traffic report. He said one of the transportation demand management plans said there would be something given to the new residents like a welcome packet with information on public transportation, bicycle use, walking alternatives, and more. He said he thinks this needs to be talked about. He noted that out front has no sidewalks. He said as far as the waivers are concerned, he pointed out the DPW letter and the Conservation Commission letter and their recommendations.

Mr. Shipe said they are aware of the Conservation Commission's comment letter. He said that before the next meeting, based on the feedback of the letters, they will probably withdraw some of the requests for the waivers. Mr. Brown said he knows the site is a tough site, and everyone is willing to work with you. Mr. Shipe said they will be working with the Town on all of those things.

Chair Hunchard said many 40Bs do not ask for relief from the Wetlands Protection Act, they only ask for relief from the wetland bylaws that may be more stringent than the state laws. He asked that in all the times they have granted waivers from the wetland bylaws, how much natural environmental danger have they put the town in since they have done that. He said he does not know if they ever had a problem. Mr. Brown said he has never had a problem. Chair Hunchard said they have the ability to relieve some of the local bylaws. He said there is a letter from Vanasse & Associates about some of the questions asked.

Mr. Bobrowski said he thinks there is a time that they will go through the waiver recommendations from the Conservation Commission; usually the waiver list is one of the last things they do. He said he thinks there are still a lot of open questions from the Hancock Associates memo. He said for the record, he is going to indicate that they will need answers to them. He noted from the letter specific questions including, but not limited to, L1, L2, HA, G3, and U2.

Mr. Shipe said February 12, 2024, is the last version of a Hancock letter. He said relative to sanitary sewer, he talked with Town Engineer Michael Maglio as there could be a concern with the flow of the wastewater system down gradient of the property which may necessitate some mitigation, but they are going to wait and see what the Town's consultant has to say about this.

Discussion commenced on some concerns. Mr. Shipe explained they made a trail onsite that connects to the trails in the existing state forest. Chair Hunchard said Mr. Peznola has a few things left in his letter that came out today. Mr. McCarthy said he did a response to Hancock's February 12th letter which is what triggered Mr. Peznola's February 14th email that the Chair Hunchard is referencing which has four items left.

Ms. Ellen Welch, 6 Bubbling Brook Drive, said she is assuming this needs to be approved by the Town and Planning. Chair Hunchard said no; this is a Comprehensive Permit which goes directly to the Zoning Board of Appeals. Ms. Welch said she is concerned about the burden on schools, water, wastewater, and public safety. She said she is concerned about the 1.7 spaces per unit. She asked for the breakout of units for the buildings. Mr. Shipe said that information is included in their application materials. Mr.

Bobrowski said the three-bedroom requirement is 10 percent. Ms. Welch said she does not know what the average rental unit costs. She said if the rental unit is close to \$2,000, then there may need to be two incomes to afford that; therefore, she does not think there will be enough parking. She reiterated her concern about the burden on the schools. She asked how many children are anticipated. Mr. Bobrowski said the Housing Appeals Committee has ruled that the impact on local schools is not a local concern to be addressed under the Chapter 40B process. It cannot be used for grounds for denial of a project. Ms. Welch asked about affordable units at this property and the monthly cost for those affordable units. Mr. Cornetta said this was a moderate income project. Mr. Bobrowski said 25 percent of the units will be affordable and the rental prices of the units will be based on a formula with 30 percent of the household income devoted to shelter costs and adjusted for household size. The basic presumption is that the tenants will be moderate income which means they will be 70 percent to 80 percent of area median income adjusted for household size. He said these are statistics derived from HUD; there is no guesswork. Ms. Welch asked if existing Franklin residents are more likely to get these units. Mr. Bobrowski said it has been the custom of the ZBA to put a local preference for 70 percent of the affordable units. Ms. Welch asked if the ZBA feels that we need an additional project like this in Franklin.

Chair Hunchard provided a historical review on the property. He said there was a similar proposal to this on this property in 2006. He explained another project was proposed at the same time which got approved. He said the property is zoned industrial, but no one has been interested. He said these developers did another project in town, and for this project they decided to go the affordable route.

Ms. Lisa Gately, 6 Vine Street, discussed the parking. She said that the light at Grove Street and King Street can be a very long wait. She said the rail trail has a crosswalk and it is not far. She said there is a condo unit not far from there which is hard to get out of and the YMCA. She asked that with this many more cars coming on Grove Street, how are they going to manage. She said she was wondering that since this is being built near a railway station and that they are hoping they are going to take the train, where is the parking for those cars. She asked that traffic be addressed.

Chair Hunchard said that they do not control parking at the MBTA. He said he thinks the project is in a great location as it is near I-495. He discussed that there is a light at Washington Street, so people will get out. He said there have been traffic engineers reviewing this. He said he has not heard anyone say anything about traffic. He asked the Town's peer reviewer about the traffic study. Mr. Findlen said they looked at all the analysis from the applicant's engineer. He said they did not see anything out of the ordinary.

Ms. Gately said she would like to see the traffic analysis. She said that many people use the rail trail. She said she cannot imagine how people will be able to cross the street there. Chair Hunchard reviewed the location of the information available on the ZBA website. Ms. Gately asked if the ZBA meetings can be hybrid and go to the Town Hall to have a meeting. Chair Hunchard said that is not a possibility right now; March 2025.

Ms. Betsy Fijol, 24 Benjamins Landing Lane, said she had concerns and questions. She said she read the Mass. Housing eligibility letter. She said the Town has brought up concerns about the heavy traffic on Grove Street. She said she travels Grove Street on a daily basis. She said taking a left out of our driveway will be almost impossible with adding 330 units just one-quarter mile down the street. She asked if the developer was asked to contribute funds to the Town's sidewalk fund. Mr. Brown said this has been talked about. This will not be approved tonight, and the next meeting will be in March. He said he knows it is difficult to get out of some of the roads near the Y. He said they will look at all that and maybe ask for some sort of traffic calming, but he does not have the particulars now.

Ms. Fijol said sidewalks on Grove Street would be an asset. Mr. Brown said it is a given that something has to be done. Ms. Fijol said she was concerned about the height of the buildings at five stories. She asked if the developer was asked to scale the buildings down to three or four stories. Chair Hunchard asked how big the warehouse across the street was. Mr. Brown said he did not know. He said it is a concern. He said he was going to make a comment about the number of units. Ms. Fijol said she thinks it is a good project; she would like to see it scaled down.

Chair Hunchard discussed that the Town had an opportunity or may have an opportunity to extend the sidewalks. He said the developer helped out the Town in their last project.

Ms. Ellen Welch commented on in-person meetings. She said they should look at what other ZBAs are doing in the area. She said everyone is back doing in-person meetings, and she asked that they consider it. She said people want to get back to normalcy.

Ms. Roberta Trahan, 1 Green Street, said she follows most meetings. She said her concern is to follow up on what Ms. Welch said. She said every other board, committee, and council has resumed in-person meetings. She explained hybrid meetings. She said there is no reason this board cannot do it as well. She said she hopes they will consider going back in person including the ZBA.

Ms. Virna O'Brien, 21 Old Grove Street, expressed her concern about property values if this multi-unit goes up. She asked if that has been assessed. Chair Hunchard said they do not look at that. Mr. Bobrowski reviewed a case in Andover regarding this, and the court ruled that diminished property values are not an injury protected by the 40B statute. Ms. O'Brien asked where are the opportunities for community input to influence the decision, and is this a done deal. Chair Hunchard said you are here at this meeting, and you can weigh in now. He said there are meetings scheduled for the ZBA usually every two weeks; the next meeting is March 14.

Mr. Brown said that part of the development is in a water resource district. He asked Mr. Shipe to look at that regarding impervious. Mr. Shipe said they know that, and they are not doing any work in that area. Mr. Brown said 330 units and asked the developer what can you do about it.

Mr. Cornetta said they will be back to address all the comments.

Motion made by Philip Brunelli to continue the public hearing to March 14, 2024 at 7:35 PM. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

General Business: Reidar Davies Seeking to Extend (6 Months) Variance for 78 Conlyn Avenue

Chair Hunchard said there was a request for an extension of a variance they granted last year. He said there was an email that came in saying they had trouble getting a contractor and the money lined up. They are ready to go shortly.

Motion made by Philip Brunelli to continue the variance granted for 78 Conlyn Avenue for six (6) months. Motion seconded by Robert Acevedo. Roll Call Vote: Brunelli-YES; Acevedo-YES; Hunchard-YES. Unanimous by the Board.

Meeting Minutes January 18, 2024

Motion made by Robert Acevedo to approve the Meeting Minutes as presented for Thursday, January 18, 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 8:50 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature Cover Nap

Date 3.16.24