

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING**

Wednesday, November 1, 2017 at 7:00 p.m.; City Council Chambers

Minutes

Call to Order

☐ Salute to the Flag

☐ Roll Call: Present -- Glen Feener, Jeffrey Dickinson, Kathlene Fleckenstein, Cecile Cormier, Richard Lewis Absent -- Debbie Davis and David Testerman

Member Cormier is seated for a regular member. She mentioned that she had her car serviced by Brumbaugh, but felt she could view the application without bias.

☐ Approval of Minutes of the October 4, 2017 Public Meeting of the Board. Member Fleckenstein motioned & Member Cormier seconded acceptance of the minutes with no corrections or revisions. By a vote of 3-1-0 the approval of minutes passed. Member Cormier abstained since she wasn't at the previous meeting.

Old Business: Planner Lewis mentioned the review request for the Edison Chae Decision, stating that since the whole Board wasn't present at the previous meeting, he wanted to make sure everyone was satisfied with the wording of the decision. Chairman Feener confirmed that he was comfortable with the decision and none of the others spoke for or against the decision draft.

New Business:

- ☐ Z 17-15:** Walter Brumbaugh, owner, is seeking a variance from Section 305-18-A.2, Non-conforming Uses, Lots and Structures, to build a 20 ft. x 28 ft. addition to an existing automobile repair garage on his property at 43 Nelson Street, Map/Lot # 097-078-00 in the R2 (High Density Residential) zoning district, Map Sheet N7, so that it will become more non-conforming in use.

Mr. Brumbaugh addressed the Board stating that the pad, knee wall and lift behind the garage existed when he purchased the property. The dimensions are 20' x 28' and he would like to enclose it since the lift in the current garage doesn't go high enough to work easily on larger vehicles.

Member Cormier inquired about the towing of vehicles to the garage and Member Fleckenstein asked about any additional employees. Chair Feener asked if Mr. Brumbaugh had any plans for operating a towing business. Mr. Brumbaugh said vehicles are towed to the garage mostly during working hours, however the tow truck drives the vehicles to the back of the building to unload them, thus reducing the amount of

disturbance to the neighbors. Answering the other questions, Mr. Brumbaugh stated that he had no plans of employing anyone nor does he intend to operate a towing business.

No one from the public spoke either for or against the application.

Member Cormier asked if the new residents at 42 Nelson Street received notification of the meeting and was informed by both the recording secretary and Mr. Brumbaugh that they had.

The discussion was brought back to the Board and Member Cormier said her only problem was the noise of the tow trucks backing up. Planner Lewis reiterated the 1992 variance conditions regarding the number of vehicles and the hours of operation and stated that he doesn't foresee much of a problem with the enclosure of the outside lift.

Member Dickinson made a motion to approve with conditions which was seconded by Member Fleckenstein. By a vote of 4-0-0 the motion passed.

- ❑ **Z 17-16:** Mental Health Facilities, Inc., owner, is seeking a variance from Section 305-18-A.2, Non-conforming Uses, Lots and Structures, to add a 36 ft. x 60 ft. addition to the existing building, and Section 305.14, Lot and Yard Requirements, as the addition and the expanded parking lot do not meet the required side yard setback [25-feet required and, respectively, 5.9 feet and 10 feet proposed]. The property is located at 53 Kendall Street, Map/Lot #134-297-00 in the RS (Single family residential) zoning district, Map Sheet N9.

Mr. Dan Luker, attorney for the Riverbend Community Mental Health mentioned a point of order; Mental Health Facilities merged with Riverbend in 2003 and now goes by Riverbend Community Health. Mr. Luker introduced Sarah Gagnon program director of the Franklin office. Ms. Gagnon stated that she has been with the Franklin office for about three years. Riverbend's mission is to care for mental health of community and the Kendall Street facility serves over 500 individuals, both children and adults, with mental health issues. They provide therapy, case management, emotional support services, as well as group therapy. Right now they have 70 people on waiting list and only 23 staff. The proposed expansion would allow for more staff and increased services. They are also hoping to put in a substance abuse IOP (intensive outpatient program). She told the Board that she was able to meet with five of the abutters and all seemed to be in favor of the expansion.

Mr. Timothy Grant, senior project manager for Northpoint Engineering, has been hired by Riverbend Community Health to handle the expansion. He stated that the facility has been at the Kendall location since 1990 and that the original structure was a farm house. Two lots were merged so the site now goes from Kendall to Dearborn. The only entrance is at Kendall Street which has a traffic light out onto Central Street. Due to the slope of the property, the building is about 6 feet higher than the lower end of the parking lot. The new expansion would be on the same level as the current building. When first built the zoning was B1, but it has since been changed to R1 which triggered the need for

additional approvals from the Board due to the setback restrictions. The neighbors have been contacted regarding changes in the buffering fencing and landscaping and two abutters have requested shorter fencing and the thinning of the existing arborvitae to allow for more visibility.

Member Dickinson asked if the addition would allow the facility to create new programming and Ms. Gagnon mentioned again the IOP substance abuse program with lab testing and drug dispensing through the Franklin Hospital. Chairman Feener asked about snow removal and Ms. Gagnon said that they currently plow the snow to the back of the parking lot and have contracted with an individual to haul off the snow when the pile gets too high.

Mr. Luker mentioned that Mr. Lewis picked up on the variance requirements due to the setbacks and reminded the Board of the change in the zoning. He went through the criteria on a one to one basis stating that it would be a hardship to enforce the single family residential requirements at this time. Mr. Grant answered Member Cormier's question regarding the appearance of the building, stating that it would retain the old farmhouse feel.

There was no public comment and when brought back to the Board, Member Fleckenstein suggested a change in the third condition so that if the last abutter objected to the 6' fence a change could be made to accommodate their needs. Member Cormier suggested that a Temporary Occupancy be issued if completion occurred in winter when frozen ground would prevent the installation of the fencing or landscaping.

Member Cormier made a motion for approval which was seconded by Member Fleckenstein. By a vote of 4-0-0 the motion passed.

Planner's Update: Nothing new.

Other Business:

Public Comment:

Adjournment: 07:45 PM

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, Dec. 6, 2017, at 7:00 p.m.; the Deadline date for submission of applications for this meeting is Wednesday, November 15, 2017.