

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, May 19, 2016
355 East Central Street
Franklin, MA 02038**

**Members Present
Bruce Hunchard
Robert Acevedo
Timothy Twardowski**

**14 Lockwood Drive – Dorothea Everett, Kelly and Stephen Gatewood
Abutters: None**

Applicant is seeking to construct a 36' x 26' addition 30' from the side lot line where 40' is required. The building permit is denied without a variance from the ZBA. Appearing before the Board is Fran Molla from F&P Molla, INC the contractor, and Paul Molla. Fran: This is Dorothea Everett, her daughter Kelly Gatewood and her son-in-law Stephen Gatewood. We are asking for a variance to put an addition on the house the Gatewoods have moved in with Dorothea Everett and they need some additional space in the house and they also need a larger garage. I am going to let Paul present this to you. Paul: We are asking for a 10' variance on the right side of the house, the garage is a front entry garage it doesn't extend any closer to the lot line. Board: Single story addition? Paul: Single story addition, it's a garage under with a story above. Board: What's in the proposed addition? Paul: Bedroom, living room. Board: Something like an In-Law apartment without the cooking facility? Paul: That is correct. Board: Why 36' wide? Paul: So they can get the 3 car garage. They already have 3 cars, possibly 4 Board: You could meet the set back if you go to 2 car garage. Paul: We could, the issue would be the living space above the garage would not be sufficient for Dorothea to live. Board: Do you have drawings? Paul: We do. Board: Will there be a kitchen in? Paul: Without a cooking facility, there won't be a stove in there. Board: It says range. Paul: Yes, you are right, that won't be constructed. Board: Will you be coming back to for a second dwelling unit after you build this? Paul: I would say no, she can use their range. Board: Why can't you build going further back rather than further sideways to be in full compliance with the bylaw? Fran: There would be a tremendous amount of grading. Motion made by Tim Twardowski to close the public. Seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to take this under advisement. Seconded by Tim Twardowski. Unanimous by Board. Motion made by Tim Twardowski that the applicants at 14 Lockwood Drive did not satisfy the criteria for the issuance of a variance and on that basis we deny the variance application. Seconded by Robert Acevedo. Unanimous by Board.

**23 Anchorage Road – Jeremiah and Michelle Hart
Abutters: None**

Applicant is seeking a special permit for an accessory dwelling unit. The building permit is denied without a special permit from ZBA. Appearing before the Board is Jeremiah

Hart. Jeremiah: We purchased this property in January 2009. It was sold to us as a house with an existing In-Law apartment. At that time I was unaware that I had to come in front of the Zoning Board to apply for a Special Permit. In seeking refinance the appraiser asked for a document stating it was a legal In-Law Apartment from the town. I was told by the building inspector the property was built without a permit for the In-Law. I have had Gus, Electrical and Plumbing at my house to make sure to bring it up to 2016 code. Once the work was done I have applied for the second dwelling unit. There was nothing additional built just permission to use it as an In-Law for Edward and Ellen Dowling. It is the space above the garage. Board: Your In-Laws have been living here? Jeremiah: Yes, all four of us are on the Deed. Motion made by Tim Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to grant this special permit for a second dwelling unit for the property located at 23 Anchorage Road with the condition that the special permit be with the In-Law Edward and Ellen Downing reside at the property along with the owners Jeremiah and Michelle Hart and that the special permit for the second dwelling unit becomes null and void if either party moves or transfers ownership. No separate utilities shall be permitted unless required by the DPW. The Board also determines that the social, economic or community needs, which are served by the proposal, will be met. Traffic flow and safety will not be encumbered, adequate utilities and other public services exist, the proposal is consistent with the neighborhood character and social structure as it exists now and that the quality of natural environment will stay intact. There is no potential fiscal impact for the Town of Franklin by issuance of this Special Permit. That the Special Permit be recoded at the Registry of Deeds. Seconded by Tim Twardowski. Unanimous by Board.

405 Partridge Street – Pauline Teng & Sean Comer

Abutters: None

Applicant is seeking to construct a 26'x30' attached garage with living space above. The building permit is denied without a variance from ZBA. Appearing before the Board is Clay Reeder, Custom Colors Painting and Remodeling; contractor for the homeowners. Board: Last time we were here you were proposing a garage we wanted to see some layout. Clay: Correct. Board: Why does it have to be 30" deep? Clay: The dotted line, the ridge there is a dormer on the front so the roof will be at an angle so the door has to be set back so you are not walking into the roof line. With the future bath and closet the whole thing had to be pushed back. Board: So you are building a full shed in the back? Clay: Correct. Motioned by Tim Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to grant a variance sideline setback from 35' down to 25' for a 2 story garage/master bedroom for 405 Partridge Street as shown on a drawing March 3, 2016 by Colonial Engineering, 11 Awl Street, Medway MA. Seconded by Tim Twardowski. Unanimous by Board.

21 Peck Street and 180 Cottage Street, Madalene Village- MV Cottage Development LLC.

Abutters: See Attached

Applicant is seeking a building permit to construct a 40 unit townhome style development. The building permit is denied without a comprehensive permit from the ZBA. Appearing before the Board is Geoff Engler, SEB, LLC we are 40B consultant and developers. Geoff: I am here tonight representing the applicant. It's my understanding the focus of the evening will be to hear the towns peer review consultant to discuss traffic. We are happy to open the floor to him. Douglas Prentis: a traffic transportation engineer with Stantec consulting services. We have been contracted by the town to review the traffic study and the site plan from a traffic perspective. Prior to reviewing the traffic study we went out in the field and basically took pictures and measurements, looked at access points, looked at where maybe bus stops might be, lighting, site line, speed limits, any constraints or issues going on, for example the construction out on West Central Street. With that information get a handle on the existing conditions. We then went back in and reviewed the traffic assessment itself. There was a document dated the 16th of May (see attached) that was sent to the Board reviewing our findings. If the Board could go to the bottom of page 4 and 5 are really where are findings are. Just for a summary, during the morning peak hours the project is proposed to generate 25 total trips, 28 trips during the peak hour and 290 trips during the course of a 24 hour period during the weekday. We find that the study was done in compliance with industry standards that would be standard DOT and standard professional traffic engineering format. The site lines meet state and federal requirements. We looked at accident data and crash history, the state keeps a data base of high accident locations and there weren't any. Overall the study was done in conformance with industry standards. There are however some recommendations which is on page 5 of the memo we produce. We looked at the site plan itself and saw that there are no sidewalks, I think with 3 bedroom units and most residential developments there are sidewalks on both sides of the street so the concern with bus stops at Peck and Cottage how the kids are getting out to the intersection for bussing. That is a safety concern. We looked at parking, it does meet local requirements so we are fine with that. We did not see any area where there are bicycle accommodations. At the intersection of Peck and Cottage there are some wheelchair ramps, but they are not what we call detectable warning panels so we are suggesting to put those panels in those locations as also evaluate the ramps to make sure they meet the standards today. We did notice that where traffic volume was collected in early December, it would be appropriate to count traffic when a ball field or activity was going on there so that is one of the things we suggested to revisit that and then have the analysis recompleted and to see how that is all compared. Many times when there is special events or activities going on sometimes parking is an issue. So this building with 97 parking spaces some have a garage that could take over some of the overflow so those visiting the ball field could end up parking on site. So how it that controlled and where do people park today, so that is something that should be investigated. There should be a plan showing how the intersections look. Last bullet, how do emergency access get to the site, there is something called Auto Turn which allows us to superimpose a fire vehicle on the site to

make sure they can negotiate proper turns. That would be a key safety element to present at a future date. Those are the key recommendations that we would recommend. Board: Do you have any problems with the recommendations. Geoff: As this is first we are seeing it I can't say definitively but in general I think they are reasonable and are things that can be incorporated in the next iteration. Board: Okay, with the idea we are talking about traffic does anybody want to comment. Abutters: Spoke about the impact about the additional traffic, intersections, and emergency vehicles. Motion made by Timothy Twardowski to continue public hearing until June 16th at 7:45pm. Seconded Robert Acevedo. Unanimous by Board.

General Discussion

- Request submitted by Carolyn Zern, Wood Partners for insubstantial modifications. Motioned by Robert Acevedo to consider this a minor modification. Seconded by Tim Twardowski. Unanimous by Board. Motioned by Tim Twardowski to consider the insubstantial modification request by the letter dated May 19, 2016 by Wood Partners as shown on the plans entitled the Key of Franklin, 1330-1342 West Central Street, WP East Acquisitions, LLC by Allen and Major dated May 4, 2016 with a revision date of May 18, 2016. Seconded by Robert Acevedo. Unanimous by Board
- Motion by Robert Acevedo to approve minutes of April 21, 2016. Second by Timothy Twardowski. Unanimous by the Board.
- Motion by Tim Twardowski to accept the dates as proposed for the schedule meeting 2017. Seconded by Robert Acevedo. Unanimous by Board.

Signature _____
Date _____