

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, July 14, 2016  
355 East Central Street  
Franklin, MA 02038**

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

**407 King Street – Paul and Victoria Bartlett  
Abutters: None Present**

Applicant is seeking to construct an addition 19.3' from the side lot line where 25' is required. The building permit is denied without a variance from the ZBA. Appearing before the Board is Paul Bartlett, homeowner. We are looking to build an 18'x16' addition for future living space. I believe we are at 19 feet and 3 inches from the line and are seeking relief. Myself and the effective neighbor 405 King Street both have pools which require us to have fences, we have a chain link fence and he has a 6 foot solid wooden fence so there would not be any question of privacy or anything like that. The other matter is the two houses are not next to each other. 405 King Street sits much closer to the street, 407 King Street sits much further back so it is not like they would be coming closer together. Board: What is the proposed addition for? Paul: Currently we have the kitchen and the dining room, we are looking to combine those two rooms into one large kitchen and the addition would be the dining room. Board: So in 2008 we gave you a variance? Paul: Yes, for the other side. Board: So we gave you a variance for a garage? Paul: Yes, a garage with a bedroom and bathroom over it. Tim Twardowski motioned to close the public hearing. Seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to grant a variance for Paul and Victoria Bartlett at 407 King Street for a single story 16x18 foot proposed family room addition giving 5.7 foot variance down to 19.3 feet where 25 feet is required as shown on a drawing dated June 8, 2016 titled certified Plot Plan located at 407 King Street by Norfolk County Continental Land Survey, LLC. 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 Don Nielsen representing Guerrierre & Halnon. We are here to hear comments from GZA, Peter Williams. We received them yesterday so we really had no opportunity to come up with any responses, we will listen to comments

and go from there. Board: Peter, you want to give us your report? Peter: Yes, my name is Peter Williams of GZA, I have been retained by the Board to review the proposed plans for the Madalene Village comprehensive permit application. I reviewed the original package plan submission for this project and have a number of comments. (SEE ATTACHED) One of them is filling of an existing stream that appears to be perennial and that is based on long term observation and observation during this recent drought period. It would be incumbent upon the applicant to address the river front area requirements of the Massachusetts Wetlands protection act in concurrent with that they would also have to address the river buffer impact as required under the town's wetland Bylaw. The projects plans include some detail on the drainage and water system and some on the infiltration storm water system but little information is provided on the actual proposed detention basin above ground one and it is basically shown schematically and based on observation of water levels in the adjacent stream it would be difficult for them to maintain the separation from the bottom of the basin and the seasonal high ground water, so that may be an issue and implementing all the requirements under the Massachusetts storm water regulations. Proceeding with the project the applicant will have to address a number of environmental wetland issues and provide mitigation and replication and probably minimization they will be going through DEP and also Army Corps of Engineer permitting requirements so that may alter the project in the long term. The project currently has ties to water services both on Cottage and Peck Street and their sewer line connects to a sewer line located in the ball field on the towns property. The plans call for the verification of the invert sewer line, it is a release sewer line. We need to know where that line is located, it is a stub. The applicant should provide information on the condition, location and capacity of that sewer line to handle the flows from that project. The project proposes sidewalks that are only 4 feet wide, the towns rules and regulations require 5 feet. The connection to water and sewer they are proposing to connect to on Peck Street through a rite of way easement on which the proposed roadway is located, the Board should be provided with information to confirm that they have the right to install those utilities and also retaining walls associated with them. I have a little bit of location concerns with a number of the buildings, the rear of buildings are very close to the property lines, there would be concern with firefighters access. Summarizing the traffic, additional information should be provided about the turning movements and adequate turning radius for emergency vehicles. Due to the close proximity of the buildings they should have field hydrant tests provided. The applicant has also requested numerous waivers from the local regulations and by-laws, we encourage the board to request the applicant provide the basis need and economic justification for all the waivers requested. That is it for now. Board: Just so everyone understands this is an assessment from the original plan. We haven't had a public hearing since provided the new plan. Don Nielsen (speaks briefly about the new plan, see attached) Since the last public hearing there has been changes so what we have done is gone from 40units down to 32. We have adjusted the parking locations. One of the big things we did was the entrance on Cottage street we shifted it from the left side to the right side with two units at the entrance instead of 4. Instead of piping the intermittent stream we are going to relocate it around the back of the building. The property on 21 Peck Street will be removed from the 40B, the 40B area has shrunk. The owner of this property is one of the owners of this application. The existing house

that is there will allow a connection on the access drive and will eliminate the driveway that comes out on Peck Street. That house will be renovated and upgraded. That is it. Board: The 21 Peck Street that is not going to be a part of the project anymore, is that going to comply with zoning, are you going to leave the same house there. Ron: Leave the same house there. The house will just be upgrade and renovated. Board: Okay. Anyone have comments about this plan? Abutters: Angela Woislaw provides the Board with a letter (See attached) speaks about the overview of the environmental, species, flooding, emergency vehicles, and traffic study. Board: We have a letter dated (SEE ATTACHED) July 12, 2016 from George Russell, Conservation Agent stating: It is my understanding that a number of changes have been made to the original plans for this development. Given that the impact on the wetland jurisdictional areas for the above project will be extremely significant, I want to go on record to indicate that my office has not been contacted concerning this plan or the permits that will be necessary. It is my opinion that at least some preliminary discussions on the project concerning the wetlands issues are warranted. Please let me know if you need any additional information. Board: Any other questions? Mark Bobrowski: Couple of issues in the meeting we had informally with the applicant. The applicant did take our suggestion to break up buildings that had more than 4 units that was a suggestion from the Fire Chief, this was a Staff Level Review. He strongly wanted these units to be split so his men would not have to run 100 feet around the building to set up to fight the fire behind the building. The applicant has done that with regard to one(1) building which had six(6) units and the other which had seven(7) units so that is a good step forward. I note that there are now 32 units but 24 are still 3 bedroom and 8 of them are 2 bedroom. There has been ongoing discussion in the staff level to try to reduce the number of 3 bedroom. The report that Mr. Williams (See Attached) gave you, in paragraph 5 reference the proposed project involves a tie in to sewer line located within adjacent Town property, I need to be clear Peter if this line currently exists onto the property or is proposed to go onto the property. Peter Williams: It is unclear at this time, the plans call out the existing sewer line and stub but have to be verified out in the field. Don Nelson: If I could make a comment, the Ranierra family provided the town fees and money to install a stub approximately at that location, we will have to verify the location and invert elevation. Mark Bobrowski: Okay, I just want to indicate that I will be looking very closely at whether or not the applicant needs to access Town property in order to take advantage of the stub because access on to Town property can only be had only with the approval of the City Council of a license or an easement, so we will need some proof. I also would like to see some indication where the 2 bedroom units would be and what percentage of the 2 bedroom would be affordable my suggestion would be to make a proportional amount of the the 3 bedroom and 2 bedroom to be affordable. Board: Anyone else want to add anything else? Abutters spoke about reduced plan and units being sold, school system and children. Tim Twardowski motioned to continue the hearing July 28<sup>th</sup> at 7:35pm. Seconded by Robert Acevedo. Unanimous by Board.

General Discussion

- Local Regulatory and Use Agreement between the Town of Franklin and Weston Woods to be signed. Motioned by Tim Twardowski to ask Mr. Nutting to sign the agreement. Seconded by Robert Acevedo. Unanimous by Board.
- Motion by Robert Acevedo to approve minutes of June 16, 2016. Second by Tim Twardowski. Unanimous by the Board.

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_