

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, February 5, 2009
355 East Central Street
Franklin, MA 02038

Members Present
Bruce Hunchard
Bernard Mullaney
Robert Acevedo
Todd Alexander
Seth Jackson

7:30PM – Plain St-Franklin Housing Authority

Applicant is seeking a comprehensive permit to construct D.M.R. Group Housing.

Abutters Present – Appearing before the board is Dana Litre from Winter Street Architects, Charlie Shepard from CDW Consultants along with Winter Street Architect. We are asking for a comprehensive permit. Proposing a 4,700 foot square building by two areas. One building up front is a four bedroom unit then a screened in porch then a second building in back with two studios and one two bedroom unit. Area up front is 2300 square feet and back 2400 square feet. Project for special needs. Proposing eight parking spaces along the east side of the building and a circular drive in the front. The project is intended to tie into the rest of the neighborhood, so it's a one story building, modest elevation. The building is placed so it obtains the afternoon sunlight and to make more of a courtyard for the occupants to enjoy the afternoons. Main entrance is in the middle of the building, common room and the bedrooms. A connecting porch to be shared. Secondary entrance for the occupants of the secondary building. Propose two infiltration pits to catch the roof drainage to capture all the drainage on site. At this time no dumpster but will have doors with barrels. Board-How many residents? Response: In the front four bedrooms there will be four residents and four residents in the rear building. Board-How many caretakers? Response: Because the exact people that are moving in are not determined as of yet the building gives us opportunity to have various amounts of options. The two bedroom unit maybe PTA home private care attendant maybe residing there to assist the client in the other bedroom but that has not been determined could be two mentally retarded adults living in that two bedroom unit. The two one-bedroom units are proposed for people that are more independent and need less supervision. In the front unit that has the four bedroom there will be a staff member there at all times 24 hours a day. All the individuals will have the opportunity to go out and if more independent they may go to work all day or work study program, some maybe bed ridden. It's very difficult to say, we are given preference to Franklin residents. Board – How does this work, does the state have anything to do with this or say to who goes in there? Response: This is actually state property but there will be a vendor that runs the program. How it works is the waiting list is not within my control but in control of the vendor. They have to work within the state regulations and picking the people on the list with priority first. Again, priority would be to be a Franklin resident. The land was donated to the Franklin Housing Authority, which in turn we are a state entity. Drug rehabilitation or sex offenders, those issues are typically Department of Mental Health issues not mental retardation issues. Two completely different types of clients. These are not people who have mental health issues, are on medication and need to stay on the medication to stay in line, these are people who are mentally retarded. Board ask about social workers checking on their clients during the day shift? Response: Yes, that's true, typically a one on one situation. We have one other facility in town that we run. Abutter Ariel Doggett from 36 Plain Street concerned about the parking. Response: We feel that the eight parking spaces will be more than adequate for those eight units. Do you know the ages of the residents? Response: No, the residents have not been selected as of yet. There are a lot of unknowns, which makes me very nervous. Response: We know that criminal history will be checked on everybody that lives there and everybody that works there. Abutter Frank Cadillac from 3 Plain Street ask will this be the only building on this property? Response: We are given 1.3 acres to build this building, but the rest of the lot we have no control over and what the town plans on doing with that

is not up to us. Is there a fence in the plans? Response: Have not seen a fence in the plans. A fence is not in the budget currently. Abutter David Patterson from 19 Plain Street speaks in regards to who will occupy the property, driveway, fencing, lights and traffic in the area. Response: The applicant states there will be no sex offenders, it's not the type of housing we are proposing. The property was set up so that the clients can enjoy afternoon sun and have picnic areas. Abutter Todd Young 20 Plain Street ask how long do they have the funding for? Response: Once the clients are in there it would be self-sufficient. Town Engineer Bill Yadisernia would like to have a full set of site plans for review. Board has discussion in regards to lights and fencing. Board-The applicant will provide plans showing lights and fencing with the understanding that the information be provided in a timely fashion for review prior to the next ZBA meeting. Motion by Bernard Mullaney to continue the public hearing till February 25, 2009 at 8:05pm. Seconded by Robert Acevedo. Unanimous by the board.

7:40PM – 762 Union St

Applicant is seeking a building permit to add a second dwelling unit by conversion. This building permit is denied without a Special Permit/Variance from the ZBA.

Appearing before the board is Kimberly VanLoan and her mother Nancy Vacca. Currently putting an addition on the house and proposing an in-law. The applicant reviews the Special Permit criteria. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to grant a Special Permit for a second dwelling unit for the property located at 762 Union Street with the condition of the Special Permit be that the in-law Nancy and Anthony Vacca reside at the property along with Kimberly and David VanLoan and that the Special Permit for the second dwelling unit becomes null and void if either party moves or transfers ownership and all common utilities to be tied into 762 Union Street and prior to further commencement of the building the Certified as Built will need to be submitted and verified to meet the setbacks before continuing construction. The board also determines that the social, economic or community needs which are served by the proposal, traffic flow and safety will not be encumbered, adequate utilities and other public services basically consist of the neighborhood character and social structure that is there now as I know it and that the quality of natural environment will stay intact and that there is no potential fiscal impact for the Town of Franklin by the issuance of the Special Permit. Seconded by Robert Acevedo. Unanimous by the board.

General Discussion:

Attorney Shelmerdine appears before the board in regards to Franklin Heights asking to be able to modify the comprehensive permit so that we will change the 18 unit building from condominium ownership to rental. Asking the Zoning Board of Appeals to make a determination whether or not it's substantial or not. Board-Any change in affordable? Response: We are asking for two things, that the 18 unit building go from ownership to rental and that the unit designation change so that fewer townhouses will be affordable and more of the rentals be affordable. Motion by Bernard Mullaney to consider this a substantial change in the Comprehensive Permit for Franklin Heights. Seconded by Robert Acevedo. Unanimous by the board. Board ask Attorney Shelmerdine to allow the board to hire Attorney Bobrowski who previously represented the town and Michael Jacobs at the applicants expense? Attorney Shelmerdine agrees to pay the consultants fees to the town so they reimburse those consultants. The board requests a pro forma report. Response: Attorney Shelmerdine will provide that. Also, Board requests a new letter of eligibility from the state. Because of the 30-day requirement we have scheduled a meeting to be held on Wednesday, February 25, 2008 at 8:00pm. Motion by Bernard Mullaney to hire Attorney Bobrowski to be the Boards legal consultant on these matters. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to hire Michael Jacobs of MHJ Associates a financial consultant to review the Pro Forma when submitted by the applicant. Seconded by Robert Acevedo. Unanimous by the board.

John White of 105 Brook Street seeking guidance on an in-law. Board suggests the applicant have an engineer show the addition with setbacks, also speak to the Conservation Department.

Board is in receipt of a letter from Equivise, LLC (Parkside Townhouses, Grove Street), dated January 22 requesting return of unused funds. Board spoke with attorney that represented the Board in regards to this matter. Since the application was "Denied" the applicant appealed the decision. Until the Board receives a letter of withdrawal of the appeal the Board will take no action.

Motion by Bernard Mullaney to pay Consolidated Spectrum for consultant fees regarding MetroPCS and New Cingular (AT&T). Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to pay Dempsey Group, Inc for consultant fees regarding MetroPCS for structural report for 121 Longhill Road. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to return unused funds to J. Lee Consulting, Inc. (MetroPCS) and KJK Wireless LLC (New Cingular AT&T). Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to approve the minutes of January 8, 2009. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to adjourn. Seconded by Robert Acevedo. Unanimous by the board.