

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, October 6, 2011
355 East Central Street
Franklin, MA 02038**

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

126 Washington St – Anthony Catalli

Applicant is seeking a building permit for an additional dwelling unit to an existing two family. This building permit is denied without a variance/special permit to allow a multi dwelling in a SFR III zone

Abutter Present

Appearing before the board is Anthony Catalli proposing to use the existing structure and add a third unit over the garage with a total of 26' by 43'. Just putting on a deck and stairs on the back for a second egress. The front stairs are existing. This is the proposed parking? Yes, at this time I have talked to the engineer about other alternatives, diagonal parking or additional parking in the back so if we go to the Planning Board we have options. Lot is like an L shape lot. It shows that the apartment is attached to the main house? Response: Yes, from the edge of the garage half way up the two stories structure is actually a single story and that's the second unit. The front unit is the main house and that has two stories and a basement. So do you have a door that goes into that second unit? Response: Yes, two doors one in front of the building and one in the back. Abutter James Robbins 120 Washington Street is comfortable with the three unit's, no longer objects to this application. Board-Please address the variance criteria. Mr. Catalli request a few minutes to review. Motion by Timothy Twardowski to continue the hearing till the board finishes the 7:40pm hearing. Seconded by Robert Acevedo. Unanimous by the board.

Board re-opens the hearing

Anthony Catalli reviews the variance criteria. If approved you will still have to go to the Planning Board for site plan approval, they will address the parking. Motion by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Timothy Twardowski to approve the "Variance" for the applicant Anthony Catalli property located at 126 Washington Street to allow a third dwelling unit for a total of three dwelling units in accordance with the plan dated May 19, 2011 entitled Parking Layout Plot Plan 126 Washington Street, Franklin Massachusetts prepared by Guerrieri & Halnon Inc. and subject to site plan review or any other action the Planning Board deems appropriate. Seconded by Robert Acevedo. Unanimous by the board.

7:40pm - 604 Maple Street - Thomas Dmytryck

Applicant is seeking a building permit to construct an attached garage 18' from sideline where 35' is required. This building permit is denied without a variance/special permit from the ZBA. If approved the shed will be in violation of the required 10' setback.

No Abutters Present

Appearing before the board is Attorney Stephen Kenney representing the applicant. Some board members wanted to look at the site and I also visited the site and would be happy to answer any questions. Board met with the homeowner at the site and there was definitely a foundation with a slab there. The shed is movable, it's a tin shed. There is a green pop up on the foundation presently. Motion by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a 16.89 sideline setback "Variance" down to 18.11 where 35' is required for the property located at 604 Maple Street for Thomas Dmytryck to build a one story garage on an existing foundation as shown on a drawing entitled Plot Plan of Land in Franklin, MA dated March 24, 2011, Revised 7/26/11 by Colonial Engineering Inc. with the stipulation that the existing shed behind the garage be moved according to the regulations

in regards to accessory structure setbacks on the property. Seconded by Timothy Twardowski. Unanimous by the board.

7:45pm – 154 Pine St – Lisa Santiago

Applicant is seeking a building permit to construct a second dwelling unit by conversion. This building permit is denied without a special permit/variance from ZBA.

No Abutters Present

The board is in receipt of a letter dated 9/28/11 requesting a continuance till the next ZBA meeting. Motion by Timothy Twardowski to continue the public hearing till October 20th at 7:40pm Seconded by Robert Acevedo. Unanimous by the board.

8:00pm - 656 King St – Wegman Companies Inc.

Applicant is seeking a building permit to construct a multi family assisted living building in a SFR III zone. This building permit is denied without a use variance/special permit from ZBA.

Abutters Present

Appearing before the board is Don Neilson representing Guerrieri & Halnon and Joe McEntee with Wegman Companies. Here to discuss a use variance on property located at 656 King Street, parcel of land approximately eight acres in size, 150 feet of frontage along King Street. Proposal is to plan to construct an assisted living facility with 81 units for assisted living for the elderly in a sense that the units would be a bedroom, a modified kitchen, and one person per unit or could be a husband and wife in each unit. Also, there will be an Alzheimer's unit as well, I think its 20 units for that use. We are here looking for a variance of the use and the assisted living definition or use is not permitted or not listed in the zoning. The only thing listed in the zoning that resembles this is independent living. We did provide a definition for independent living, basically you have a place where you can actually cook, have meals, have a family, but also you have common areas where you might have sociological, educational and social programs for the independent living. The assisted living just takes that one step further in a sense that they do have nursing care on staff and that nursing care basically watches over and takes care of the residents. Proposal for a two story building, approximately 24,000 square feet per floor for a total of 48,000 for two floors. In the application there is a list of items that talks about what issues relate to this particular building, height has to be within 35' probably will be in the 26', 28' range, two story building. Impervious coverage is going to be 27.5% while allowable is 35. Traffic in the a.m. is estimated at 9 trips and evening is 22 trips. Water consumption and sewer consumption 12,000 gallons a day. Expect building cost to be approximately eight million dollars. Small trucks for delivery a couple of times a week food products for the kitchen. Will have a sprinkler system maybe with a booster pump and also domestic sewage will also flow into a pump. That anticipated flow is either into the Town of Franklin's sewer at the fire station or it may go directly into the sewer on EMC's property based on contact we've had with EMC. That's a general overlay of the site. The parking relationships to assisted living are not compatible with multi family apartments. Assisted living you may have one, two or three people that may have vehicles. The parking is basically dedicated to the staff and visitors for purposes of meeting their loved ones at the site. So, very minimal parking, very minimal traffic, relative to the size of the building and the needs that the building requires. It's minimal as far as impact to the site, it's limited to the neighborhood and it's also limited to the traffic on King Street. We did meet briefly with the department heads; there was no consensus one way or the other. It's a good location for this type of facility, relative to the interchange, being right next to a fire station is a plus. Site is very irregular in shape, the soil and topography from front to back averaging about 3% but what the topography does do is it has valley's that wetlands have been created due to high ground water. This will act as a Zone II on it's own self because you need the same criteria but I will provide the information for the next meeting and provide that to you, but it does limit the size of the lot when you have a well and septic system on the same lot if they can't get extended water on this property. Historically, for sewer they do allow extension of sewer lines for a commercial property. So we would have to go to the town council and get an extension of the map to provide access for our

sewage to either pass into the Town of Franklin's fire station or into EMC's. We need to cross the wetlands to actually get to the back land so we do need to file a Notice of Intent. This is the first of eight or nine steps. Along the abutters property from King Street all the way to the rear side we are proposing if we can install it and Conservation Commission will let us do it, we will provide shrubs, screening, with fence along all the property lines and that is noted on the plans.

Joe McEntee explains that Wegman Companies Rochester based company that has built and own assisted living homes since 1972. We built, developed fourteen homes primarily in New York State and Ohio. We are planning to be a joint venture partnership. We provide a community bus for transportation for our residents. We would be licensed as an assisted living home with the Massachusetts Department of Health. Board-Do you have any facilities in Massachusetts? Response: Our joint venture partner has some facilities in Massachusetts.

Board allows abutters to speak.

Board asks how many employees would be on staff? Response: Probably 50 employees on payroll, 25 to 30 at the residence over a 24hr period. Thirty-five or so would be full time employees. In terms of 50 parking spaces how did you reach that particular number? Response: Actually 50 per 81 units, on the high side of what our normal ratio would be. It's primarily employees and visitors. Motion by Timothy Twardowski to continue the public hearing till October 20, 2011 at 7:50pm. Seconded by Robert Acevedo. Unanimous by the board.

General Discussion:

Motion by Robert Acevedo to approve the minutes of September 8, 2011. Seconded by Timothy Twardowski. Unanimous by the board.

Motion by Timothy Twardowski to approve the ZBA 2012 calendar. Seconded by Robert Acevedo. Unanimous by the board.

The board discusses changing the ZBA application format.

Motion by Timothy Twardowski to adjourn. Seconded by Robert Acevedo. Unanimous by the board.

Signature _____

Date _____