

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, February 7, 2013
355 East Central Street
Franklin, MA 02038**

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

485 East Central Street – Lenity Architecture

Applicant is seeking a Variance to Construct, Operate and Maintain a 124 Suite Congregate or Independent Living Facility. The building permit is denied without a Variance from the ZBA.

Abutters Present : See Attached

Appearing before the board is Atty. Craig Ciechanowski council to the applicant, Lenity Architecture. Also present is Mark Lohen of Lenity Architecture, agent for the Hawthorne Retirement Group which is the developer of the project and also Pat Doherty of Mid-Point Engineering the Project Engineer. We are seeking a variance to use the property for a congregate or independent living facility and that use is not defined in the Franklin Zoning Code therefore under the code it is deemed to be not an allowed use. Therefore we are before you seeking a variance to allow the property to be so used. It is easier to explain what a congregate or Independent living facility is not and that might be an easier way to understand what it is. I know the Board is familiar with an assisted living facility which is governed by statute here in Massachusetts. This is not. This is not an assisted Living Facility and the key distinguishing feature is that we do not provide medical services on site. This would be suite style living for elders, the typical development consists of a studio, 1 bedroom and 2 bedroom suites, there are no kitchens. They have a community space, an on-site restaurant, coffee shops, meeting areas, libraries, movie theaters etc. The distinguishing feature from an assisted living facility is that there are no on site health services provided. There is also no buy-in. This is not the traditional assisted living facility where you buy in and you are allowed to remain there for your life. No bonds or stock, instead you enter into a month to month lease with Hawthorne Retirement Group. In exchange for that monthly rental payment they provide not only the space but all of your services, so three meals a day, living services, transportation to and from various locations. The property is 9 ½ acres, located within the Commercial II Zoning District, but it is abutted on two sides by residential use the Chestnut Ridge Condominiums. There are significant wetlands on the site which Mr. Doherty can explain in greater detail. There is also significant grade change from the rear of the property to East Central St. There is a drop of approximately 63 feet. We have submitted a conceptual site plan it is undergoing change all the time. We are continuing to work with the Town of Franklin, Conservation Department, and we have not yet submitted to the Planning Board for site plan review. Assuming we move forward and obtain the Variance, we have had discussions with the Town and also the neighbors so a lot of what you see on the conceptual site plan is a result of those discussions. It is a unique site in that it is covered with significant wetlands as well as the topography, there is significant amounts of ledge that are located along the rear that would be the northern side as well as the eastern side of the property. As you all know, under the most recent draft of the Franklin Master Plan in the housing chapter it identifies a goal of the town as creating more elderly housing within the Commercial Zone. Patrick Doherty, Professional Engineer (Midpoint Engineering &

Consulting): Referencing map (see attachment) Please note the wetlands on the site and that there is a significant grade change there are two wetland systems, one is associated with the perennial stream and the bordering vegetated wetlands adjacent to it, that pretty much takes up everything west of the access drive. The other significant wetlands system is on the southeast portion of the site up against Route 140 to the Eastern property line. That is also a bordering vegetated wetland. The slope from Route 140 towards the North changes in elevation just about 60 feet. There has been some site work done to the property and there is no need to encroach upon the existing ledge cut, much more than it is now. Board: Any questions from the abutters? Atty. Ciechanowski: Please see memorandum attached. This is project # 4 in Massachusetts. There is an existing facility in Beverley and the facility in Westboro is just about framed and Tewksbury is on its way. Mark Lohen : We should be breaking ground in Tewksbury in May or June of this year. Board: Please brief us on the revisions that were submitted tonight. Atty Ciechanowski: Those are the conceptual site plans. So there are revisions to that since we have originally filed. The footprint of the building has increased slightly. We have also changed the access driveways so that we can have parking in areas that are sloped less steeply. The circle drive where the main entrance is got a little bit larger with the parking around it. There are steeper driveways coming down and the driveway that accesses the driveway to Chestnut Ridge is further north. Board; Opening up to the abutters if anyone has a question or a comment. Barry Forsythe, 8 Aspen Way: I think this is one of the best developments that we could possibly have in this area. Compared to what was in the past that we fought against, you know Price Choppers, which was terrible. This is ideal for that piece of land. Board: Thank you. Robert Wodogaza, 7 Beechwood Lane: I would concur with what Barry said, in my opinion this is the best plan we have seen so far for that use on that property. We feel very comfortable they are a first class organization from what I have read and studied. Again my own opinion, I would be very happy to see something like that there. Barbara Godin, 3 Beechwood Lane: I am one of the trustees of Chestnut Ridge II and these people came to our board three months ago and I believe that I can speak for our board. We also are in agreement with our unit owners that we are in favor of this project. I do have one question. On the plan is there only one entrance and exit? Mark Lohen: It is our intention to make it left turn exit only. Correct. Barbara: Thank you. Board: This property does have rights to go through the condo association, down that road or no? Atty Ciechanowski: That road is located on the property that my client would be acquiring. So it is the other way around. Board: My understanding is that the condo association has the right to travel past and repass over an easement that is located on this property. Correct? Atty. Ciechanowski: I can't tell you whether there is a recorded easement or not. But, certainly that is what they use it for and I don't think there is any intention of my client to suggest otherwise. Mark Lohen: That is correct. Board: In your handout (See attached) page 17 in the site section. I know the property I have seen the property over the years and know what it looks like now. You are showing a line of existing slope are you chopping that slope out of there to make it a steeper slope? Pat Doherty: We still need to go through the site plan process, as the concept plan stands the engineering done to date the slope that is there now is not stable. There has been studies done that to stabilize that you would need to do a pre-split blasting line and that would require you to go back 10 feet from where the top of the slope is now and then it would be a nearly vertical cut. Yes there would be some work done in there. The site in its current condition was not completed they did some blasting production but they never made that final phase so that right now it is not stable and you can see that rock is sloughed down. It is the intention with the development we would do that final phase. Board: Going back 10" can you do that within the confines of your own property? Pat Doherty: Yes, we would not need to access other property. We will be much further from the property line so that we can do all the work within the limits of the property. Board: We are in receipt of a letter dated January 30, 2013 (see attached) from the Franklin Community and Planning Development, in favor of the development. Motion by Robert Acevedo to close public hearing. Second by Timothy Twardowski. Unanimous by board.

Motion by Robert Acevedo to grant Variance to Construct, Operate and Maintain a 124 Suite Congregate or Independent Living Facility. Second by Timothy Twardowski. Unanimous by the board.

General Discussion:

- **Marinella Construction: Brandywine Village, requests a conversion from a tripartite agreement to a cash bond between the Town of Franklin and Anthony Marinella, of Marinella Construction. Motion by Robert Acevedo to alter the agreement between the Town of Franklin and Brandywine Village to convert from a tripartite agreement to a cash bond. Second by Timothy Twardowski. Unanimous by the Board**
- **Discussion of new ZBA application. Motion by Robert Acevedo to approve new application, Second by Timothy Twardowski. Unanimous by Board.**
- **Motion by Robert Acevedo to approve the minutes of January 3, 2013. Seconded by Timothy Twardowski . Unanimous by the board.**
- **Motion by Robert Acevedo to adjourn and second by Tim Twardowski. Unanimous by the board.**

Signature

Nancy Danells

Date

4-12-13