

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, June 19, 2014  
355 East Central Street  
Franklin, MA 02038**

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

**864 Lincoln St. – Athena Health Care Assoc. Inc.  
Abutters: See List**

Applicant is seeking a variance to construct, operate and maintain a 138 bed Skilled Nursing Home Facility in a Rural Residential 1 Zone. The building permit is denied without a variance from the ZBA. Appearing before the board are Attorney Richard Cornetta, representing the applicants, Bryan Belici of Sage Engineering and Kevin Deal of Athena Health Care Assoc. Atty. Cornetta: The property is approx. 21 ½ acre site located in a Residential 1 Zoning District. The zoning by-law schedule of use does not identify or numerate specific use for the operation of a nursing home facility and when there is an absence of a particular use it is presumed to be a prohibited use. The particular property is abutted to the North by conservation land owned by the Town of Franklin and we will continue to allow public access to those open space areas to the North. To the South there is a 300 foot wide electrical easement that runs along the property and also a 50 foot gas easement. Along the Eastern boundaries of the property there are several single family residences as well as the Fairmont Fruit Farm that has been operating there for a very long time and that gives you a brief overlay of the site. Bryan Belici with Sage Engineering: Back in January of the is year Sage Engineering went out and did a full survey of the property, property lines, topographic, existing conditions etc., and we put together a full site plan. In March we had a meeting with all the abutters of the property just to keep everyone up to date and when we left there we had three major points the big one was to increase the buffers and the setbacks, we went back and completely redesigned the site, the building footprint stayed the same but everything else was scrapped and we started over. We were able to locate the building much further back from Lincoln Street and the current homes. It is just under 700 feet from Lincoln Street. It will give us a natural buffer of almost 500 feet from the building to the closest house. The total square footage will be 90,000 sq. feet. We will have 138 beds a mix of single and two bedroom units. There will be a total of 130 parking spaces for visitors and employee's, the town's zoning requires much more than that in the range of 270. Athena owns 33 nursing homes they have a pretty good program of what you need for parking, so we didn't want to build anything in excess of what we need. Along with the development of the property there is typical underground utilities, storm water management system which is fully compliant. Sanitary sewer and public water will be available from the town. By keeping the project so tight and leaving a lot of the site natural 87% of the parcel is open space so we are only impacting 13%

of the property with pavement and building. With the exception of the use and parking the project meets all zoning requirements. The third comment I would like to touch on is adding more landscaping buffers to try to shield any views from the homes. Kevin (Athena Healthcare): We own and manage over 40 homes, skilled nursing, assisted living and elderly communities. Board: Just one question pertaining to the use that you have described as skill nursing, you said you operate facilities of this type and other variations I am assuming. What are the differences between these types of facilities? Kevin: They have different regulations, state code, skilled nursing facilities basically there is four levels that you can have it requires us to deliver skilled nursing services, facilitating is more less intrusive where as people get to live on their own. That is basically the difference. The nursing home is going to have 3 levels of care there is going to be what we call short term rehab, for someone who had an injury and needs help getting back into the swing of things, second level is what we call a long term for somebody that needs a greater length of stay and the third component level is a memory care unit for people with Alzheimer's who need a really high level of care to keep themselves safe. The separation from assisted living is they do not have a nursing staff on. We will have RN's, LPN's and CNA's and on call doctors on staff. Board: What is the daily staff requirement for 138 beds? Kevin: Staffing for nurses is 1 to 8. Board: There is no requirement per bed? Kevin: There is no written requirement just a staff ratio 1 – 10 for CNA's. Board: for an 8 hour shift? Per floor or all three floors? Kevin: Yes per shift, with 138 beds we require 14 CNA's and another 9 RN's on staff. That would be the day shift and evening shift and then it drops down for 11 PM -7 AM. Board: What about cafeteria, laundry, hairdressers, housekeepers, Maintenance staff? I am just trying to get an idea for your parking. Kevin: for the peak employment shift 7-3 which is the most activity I think we estimated about 40 – 50 staff members and that includes all the support staff, as well as medical staff. Board: What would be the average for the second shift? Kevin: I think it is down to single digit staff for the overnight 11 PM -7AM. Probably 24 on the 11PM -7 AM and 42 for the 3PM -11 PM. Board: What is the average visitation? Kevin: I don't know that answer, it varies I would say maybe 20 people a day. It is very low. Atty. Cornetta: I would just like to mention to the board that this would be the first stop for any kind of approval for development like this certainly we would have to appear before the Planning Board through a site approval process as well as any of the other boards that may be required, conservation, etc. Board: I have a memo from the conservation Agent (see attached memo) and I also have one from the Franklin Fire Dept. (see attached). Atty. Cornetta: I have had conversations with the Fire Chief and the Town Administrator and I think that the best way to address this is to seek a continuance to allow representatives of the company to speak to the Town and see if there is some accord that could be reached on this issue. We recognize that certainly the Fire Chiefs concerns are real and there may be some solutions that could be presented by the company but we certainly want to make sure that these suggestions would be acceptable to the town before we make any formal presentation to you. Board: Any abutters have any questions or comments? All abutters present showed concern regarding the safety and traffic

issues on Lincoln Street. Daniel Kelly (890 Lincoln St): Project will be in back yard. Opposed to project for same reasons as other abutters. Board: Has there been a study as to the need of this type of a facility in Franklin? Atty. Cornetta: We will be more than happy to provide supplemental information about any other requirements on a state level that Athena has had to go through for this. But, I will point out to the board and certainly without any demographical information to support it but in referencing another doctrine of the town which is the towns Master Plan we would suggest that it is within the towns master plan that these types of facilities for our older residents would be encouraged and this is a skilled nursing facility it is not the assisted living that we would be more familiar with that is around town. Board: You mentioned when you first designed it you brought it closer to Lincoln Street and then you brought it down back into the woods more. How do you propose getting a sewer out of there if you are going down in grade? Kevin: It would be a privately owned pump system. Board: How are you tying that in are you using the house that is there? Applicant: It is a little preliminary but the design was to tie into the main on Lincoln Street. Board: Have you considered doing a traffic study? Applicant: In the application that we submitted there is what we call a trip generations letter the traffic was calculated based for what they call the peak hour of generation for the AM and the PM that is calculated using the Institute of Traffic Engineers Transportation Engineers trip generations manual. They go out all over the country and have been doing it since the 1970's up until today, they study uses and I believe there is up to a thousand uses in this book and for this particular 130 occupied beds they have the AM peak hour count of about 23 trips leaving and coming into the building and the PM peak is 30 trips leaving and coming to the building. That is the golden standard of estimated vehicle trips based on the use and you have an independent variable which could be beds or square footage. Board: I think that we need a whole lot more concerning traffic generation than what we have here tonight. I think a true traffic study should be done. Atty. Cornetta: With all the concerns about traffic, we are going to regroup and analyze the traffic issue as well as address the Fire Chiefs comment letter hoping to get a meeting with the administrator and the chief to try to resolve that issue and we would request a continuance on your agenda to July 24<sup>th</sup>. Motion by Timothy Twardowski to continue to July 24<sup>th</sup> @ 7:30 pm. Seconded by Robert Acevedo. Unanimous by board.

**10 Teri's Way – Andy & Karen Trockman and Paul Jodice, Contractor representing the applicants.**

**Abutters: See list.**

Applicant is seeking a building permit to construct a 24'x 26' two car garage and an 18'x 20' family room 15.9' from the side line where 25' is required. The building permit is denied without a variance from ZBA. Appearing before the board are Andy and Karen Trockman, applicants and Paul Jodice, Contractor. Paul Jodice: Revised plans have been submitted based on the boards request. What we would like to do is take 4 feet off the original plan 2 feet off the garage

from a 26 to a 24 foot width and 2 feet off the breezeway from 8 feet to 6 feet which leaves us I believe 5.4 feet over the 25' buffer. Board: We appreciate the changes that were made and I believe the request now is minimal. Motion by Timothy Twardowski to close public hearing. Seconded by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a variance for a 24 x 24. 3 two car garage at 10 Teris Way giving a 5.4 foot sideline relief down to 19.6 feet where 25 feet is required as shown on a drawing dated April 16 with revision on May 15,2014 with a further revision on June 10,2014, prepared by RIM Engineering Co. Seconded by Tim Twardowski. Unanimous by board.

- Motion by Robert Acevedo to approve minutes of June 5, 2014. Second by Tim Twardowski. Unanimous by the Board.

Motion by Timothy Twardowski to adjourn. Second by Robert Acevedo. Unanimous by the Board.

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

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