

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, October 23, 2014  
355 East Central Street  
Franklin, MA 02038**

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

**6 Hilltop Road – Darin P. Cardin  
Abutters: None Present**

Applicant is seeking to construct an addition 32.7 feet from the front setback where 40 feet is required. The building permit is denied without a variance from ZBA. Appearing before the board is Edward Sprinkle, architect and Darin Cardin, homeowner. Board: Just a one story? The house as it stands today is already non-conforming correct? Mr. Cardin: Yes, Correct. Motion by Timothy Twardowski to close public hearing. Second by Robert Acevedo, unanimous by board. Motion by Tim Twardowski to grant the request for a variance for the construction of an addition 32.7 feet from the front setback where 40 feet is required as shown on a plan entitled "Addition Plot Plan" 6 Hilltop Road, Franklin, Ma. dated August 13, 2014 and prepared by Guerriere and Halnon, 55 West Central St., Franklin, MA. Second by Robert Acevedo. Unanimous by board.

**614 Oak Street – Joel and Janella Swartz  
Abutters: See List**

Applicant is seeking to construct an accessory dwelling unit. The building permit is denied without a special permit from ZBA. Joel Swartz: We have an approved building permit to finish the basement area to convert into an in-law for my daughter Jillian Swartz. Board: Do you have an as-built plot plan? Joel Swartz: No. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Robert Acevedo to grant a special permit for the second dwelling unit for the property located at 614 Oak Street. Subject to the applicant submitting a certified plot plan that is approved by the Building Commissioner. Second by Tim Twardowski. Unanimous by board.

**154 Brook Street – Joseph & Tamsen Coffey  
Abutters: See List**

Applicant is seeking to render impervious coverage of 17.92% where a maximum of 15% is allowed. The building permit is denied without a special permit from ZBA. Board: This is a continuance from our last meeting and the applicants were instructed to have their engineer draw up a plan showing exactly the size of driveway and percentage of impervious. Joseph Coffey: Paul DeSimone, the

surveyor drew up a new plan for the leeching field and roof run-off to try to get that number down. Board: What is the actual impervious here? Board: Looks to me that the existing lot coverage with structure and impervious is 15.9% proposed would be 24.23%. You could put gravel to save you some coverage. Joseph Coffey: My goal was to use the roof runoff plan which I'm told made the structure and impervious 13.15%. Those are the numbers I was given. Board: Unfortunately those numbers don't count. A professional engineer is the one that comes up with drainage calculations. In fact it is 24.23%. Joseph Coffey: I certainly have no problem making that turnaround gravel to reduce the coverage. Abutter (Andy Bissanti): I do not have a problem with this "Plan B". Motion by Philip Brunelli to close the public hearing. Second by Robert Acevedo. Unanimous by all. Motion by Robert Acevedo to grant a special permit for 154 Brook St, bringing impervious coverage to 24.23% where 15% is required, with the condition that they construct the proposed roof runoff leeching field as proposed on a plan entitled "Proposed Garage in Franklin" dated July 16, 2014 and revised October 23, 2014 by Colonial Engineering, Medway, Ma. Second by Philip Brunelli. Unanimous by board.

**3 Matthew Drive – Dominic and Carina Caccavelli**  
**Abutters: None**

Applicant is seeking to construct an accessory dwelling unit. The building permit is denied without a special permit from ZBA. Appearing before the board is Dominic Caccavelli and Bryan Fergon, Architectural Designer. Dominic: We are seeking a special permit to add an addition to our home for an in-law apartment for my mother in law Paula Ranelli. Motion by Robert Acevedo to close the public hearing. Second by Tim Twardowski. Motion by Robert Acevedo to grant the special permit for the second dwelling unit for 3 Matthew Drive as shown on a plan dated September 22, 2014 by GLM Engineering Consultants, Holliston, MA. Second by Tim Twardowski. Unanimous by board.

**864 Lincoln Street – Athena Health Care**  
**Abutters: See attached**

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 ZBA. Appearing before the board is Atty. Richard Cornetta, representing Athena Health Care, Kevin Diehl, from Athena, Frank Demeritis, from Sage Engineering, Bryan Beliki, Sage Engineering and Traffic consultant is Steve Savaria from Fuss and O'Neill. This is a continuation of a public hearing. There were a few issues that came up during the comments section and the board had indicated that there were some question as to the potential traffic impact that this development may generate and secondly there was a memo from the Fire Chief indicating a concern of the departments ability to timely respond to the facility given its location in town. At the suggestion of the board and direction of the applicant we hired Fuss and O'Neill, a traffic

engineering firm. Steve Savaria (Fuss and O'Neill): We were retained to prepare the Traffic Impact Study. The conduct of the study consists of collecting traffic data in the vicinity of the site, evaluating conditions, estimating additional vehicle trips generated by site, applying trips to local network and analyzing for impacts. We collected the traffic data along Lincoln Street, during weekday mornings and afternoon peak commuting times; we estimated the amount of additional vehicle trips to be generated by the site to be about 25 trips during morning peak hour and about 35 trips during evening peak hour. We found that there was no significant impact of the additional trips on the operation of the intersections. We evaluated safety conditions along Lincoln Street in the vicinity of the site, collected accident data for the most recent 3 year available from the Massachusetts DOT, along this section there was only 1 accident recorded, that is a pretty low rate; there are about 5000 vehicle trips a day on Lincoln Street. The posted speed limit is 35 mph and what we did find is the average speed is about 44 mph. Visibility is the main safety perimeter that typically affects a site plan and what we did find that under existing conditions it really is deficient in terms of the amount of visibility at the site driveway location that is due to existing vegetation along Lincoln Street within the site frontage. That is restricting visibility in both directions at the driveway; once that vegetation is removed visibility will exceed requirements for the average operating speed (44 mph). So our conclusion would be that the project will not have any negative impact on traffic operations or safety in the vicinity of the site, the site driveway will operate safely and efficiently. Abutters: Could you tell us when the study was done? Steve Savaria: Our data was collected the first of July. Abutter: That is the least amount of traffic in the entire year. You need to come in September or October that is the most traffic. Board: Do you take into consideration low and peak times? Steve Savaria: We typically adjust our volumes for seasonal variation, the way we do that is Mass DOT has permanent count station data that they collect over the course of the year and that shows that July is actually higher than average in terms of traffic demands. We didn't try to reduce them because July is higher than average. Board: great. Abutter: The hill is very narrow and the ambulance would be coming in from Medway, I would hate to see a car plunge into the Charles River because of the narrowness of the hill as well as there are no sidewalks to drive onto and possibly harm some children. Abutter: Reason why there has only been one accident there is because it is RR 1 and we would like to keep it that way. Board: I would like to address the letter from the Fire Department. Frank Demeris (Sage Engineering) we did write a letter on October 14, 2014 (See attached) in response to the letter. The number one concern was that there was going to be approx 110 service calls to the facility. We are proposing to go into contract with EMS a private ambulance service that will handle approximately 90% of those service calls. All of the licensed nurses and staff will be trained and the auto dial is to dial EMS, which we then went into contract with them in the event we would be able to open a facility there. So only the 911 calls would go into the Franklin Fire Department drastically different than the original 110 calls it would be more in the realm of 15 calls per year. Board: Well he based his numbers on actual calls he has had in the town based upon

the assisted living facility and the one nursing facility we have in the town. Frank Demeris: There is no state law saying that response times are mandated. Massachusetts has a recommended response time. EMS is a fully qualified company to do full services of life and intense life services. This facility is a very low risk facility. Chance of fire and loss of life is dramatically less than other uses or other structures that may or may not be sprinklered. In 2007 into 2011 residential home civilian deaths there were 2165 deaths in a nursing home there were five. Board: Due to fire? Frank Demeris: Yes, due to fire. One residential house is more dangerous than a sprinklered non-combustible building such as this one. Abutter: I support the Chiefs view. This is not zoned for what Athena wants to do and is not right. The contract with EMS means nothing. They could close, move or just opt out of the contract. Board: In terms of the backup for EMS what else is out there? Athena: I know there are other ambulatory services out there so we could easily get another ambulatory service in the area. Not all the calls are emergency 911 calls, the majority are scheduled. Board: Do you know the names and locations of them? Kevin Diehl: No, not at this time. Board: You already have a contract with EMS correct? Kevin Diehl: We have signed a contract with them because the board asked us to. Ultimately you can put any conditions you want on this. Board: What board asked you to? Kevin Diehl: This board did, last time we were it was complained that the contract was not signed. Ultimately, it is not any good until the building gets built. Board: I don't know who mentioned that. I honestly don't even know how you could sign a contract with them until you have a facility. Kevin Diehl: Well, it's conditional on the building being built and the project moving forward. Atty. Cornetta: I think what the applicant is saying is that they would certainly be open to any conditions that you would place in your variance requiring these certain things which would run in perpetuity and would be part of the title that runs with the land. It would be a pretty all inclusive relationship that would have to be maintained in order for this facility to operate and they are willing to do so. Board: You raised the condition "in perpetuity" what is the actual term of the contract? Kevin Diehl: There is really nothing written in stone, the fact of the matter is we don't have a permit or a building built. This is something that we want to show that we are willing to go into contract with them. Board: Would the applicant be willing to have a standby ambulance service at the site 24 hours a day? Athena: As you specified we are well equipped to handle any emergency within the facility. Those ambulance calls could be for an emergency purpose or like you said another person calling, somebody falling or even worse. I think the applicant would be more than willing to have a primary contract and a secondary contract with another service. Board: We have a petition that has been signed by abutters and other residents of the Town of Franklin. Gerard R. Gould (property owner): I own the property at 864 Lincoln St., I took the time and have done some research, I went to East Providence where there is the same exact facility, same size of the proposed facility and I saw for myself and I was blown away. I spoke with some of the neighbors and they were glad that the facility was there. This for me is an emotional attachment, my grandmother died of Alzheimer's and I had no place to send her. This is not just about the money, I do care about my

neighbors but, the quality of the facility is just unbelievable. There are a lot worse things that could go back there, like a housing development, cluster housing, apartment buildings that would create a lot more traffic and a lot more cost on schools and fire department to the Town of Franklin and I don't know about ambulance trips. I have a blueprint on my desk for 3000 solar panels, I just didn't want to do it. Atty. Cornetta: What is being proposed this evening is a residential option, which supports the development of housing opportunities for seniors and the elderly, a home for our oldest and weakest residents, our seniors, a nursing home, nothing more, nothing less. Abutter: I don't think that the hardship was proven. Motion by Tim Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by board. Motion by Tim Twardowski to take application under advisement. Second by Robert Acevedo. Unanimous by board.

Board voted to deny the request of Athena Health Care for the proposed nursing home at 864 Lincoln Street, hardship was not proven. Motion was made by Robert Acevedo to deny the application for a variance. Second by Tim Twardowski. Unanimous by board.

**106-108 Hayward St. – Moseley Realty, LLC**

**Abutters: See attached**

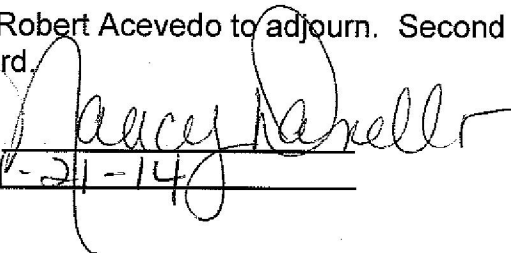
Applicant is seeking to locate and erect a free-standing double-sided offsite directional/information sign with an area of sixty square feet and a vertical height of eleven feet on property at 106-108 Hayward Street. Under the zoning bylaw, offsite signs are not an allowed use; also, permitted signs in this zoning district are limited to twenty square feet of area and six feet of vertical height. Applicant therefore requires both a use variance from the ZBA to locate the proposed sign offsite and a dimensional variance for the sign's area and height. The building permit is denied without a variance from the ZBA. Board: We are in receipt of a letter from Atty. Richard Cornetta representing the applicant requesting a continuance to the December 11, 2014 agenda. Motion by Tim Twardowski to continue to December 11, 2014 at 7:30 PM. Second by Robert Acevedo. Unanimous by board.

- Motion by Robert Acevedo to approve minutes of September 18, 2014. Second by Bruce Hunchard. Unanimous by the Board. Tim Twardowski abstains.
- Board deliberated regarding the application at 864 Lincoln Street – Athena Health Care, please refer to above for decision.

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

Signature

Date

  
11-21-14