

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, March 2, 2017
355 East Central Street
Franklin, MA 02038**

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

**Parcel 319-006-000-000 Upper Union Street – American Earth Anchors, Inc.
Abutters: See attached**

Applicant is seeking a building permit to construct a commercial building where the lot has 77.60' of lot width where 157.5' is required and 77.60' of lot frontage where 175' is required. The building permit is denied without a variance from the ZBA. Applicants present: Bruce Wilson (Guerriere & Halnon) and Cy Henry (American Earth Anchors). Bruce explains that the applicant is looking for a variance to construct a 5,000 sq. ft manufacturing facility. The applicant already has his business established in town at 20 Grove Street where he currently leases space. Due to the lot size, the new building would be able to be constructed without any variances as far as set-backs for parking or anything. It is a manufacturing business that is allowed in this industrial district and they are only here looking for relief due to size and shape of property. Cy then explained that his business manufactures earth anchors, but not at that facility – they have foundries in other areas. The building would be used as a warehouse and for offices only. Very few machines. Monday through Friday 8:30 – 5. No evenings. No weekends. No trucks allowed in after 4 pm and UPS comes once daily only. Chairman opens floor to the audience. Stephen Valutkavich spoke to concerns regarding the safety of neighborhood's children, regarding chemicals on site, noise levels, traffic, visual impact, lighting, any violations against Earth Anchors while they have been in town? etc. Michael Taylor spoke to concerns regarding property values, parking/storage and wanted a timeline of events should the application be approved. Concerns and questions were addressed by the Chairman and the Applicant. Timothy Twardowski asks the applicant to review supporting statements in application and Bruce Wilson does so as requested. Motion by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by Board. Motion by Timothy Twardowski to take this matter under advisement. Seconded by Robert Acevedo. Unanimous by Board.

Motion made by Robert Acevedo to approve minutes as presented for Thursday, 02/16/2017. Seconded by Timothy Twardowski. Unanimous by Board.

Motion made by Timothy Twardowski to take a 5 minute break. Seconded by Robert Acevedo. Unanimous by Board.

Chairman continues session at approximately 7:35 p.m.

**21 Peck Street and 180 Cottage Street - Madalene Village-MV Cottage Development LLC
Abutters: See attached**

Applicant is seeking a building permit to construct a 40-Unit townhome style development. The building permit is denied without a comprehensive permit from the ZBA. Applicants present: Jeff Engler, SEB, LLC (affordable housing consultant), here to update board on discussions with civil engineering and discussions with Peter Williams and the town DPW Department. He referred to recent submissions for review including an updated plan set inclusive of all changes, a memo clarifying concerns raised at the previous hearing relative to the waivers and that it is their intent to file with Conservation Commission in near future under the Wetlands Protection Act (not under the local bylaw). He also submitted an updated unit mix which further reduced the number of 3-bedroom units in proposed plan. Original proposed was for 40 3-bedroom units and now at 32 units with 18 2-bedrooms and 14 3-bedroom units. Danell Baptiste (Guerriere & Halnon) spoke regarding a meeting he had with Mike Maglio (Town Engineer) to discuss several recommendations for the plans to be updated. Calculations changes were discussed and agreed upon during this meeting. He also spoke to Peter Williams (GZA) in order to resolve issues with possible ponding behind buildings. In the end, both the Town Engineer and GZA are in favor of the calculations in the most recent submission presented to the board dated 3/2/17.

Chairman reads a letter dated 03/01/2017 from the Franklin Advisory Board raising their concerns regarding the recreation fields. He then opens the floor to the audience. Angela and Paul Woislaw feel that Goddard Consulting's arguments at the last meeting were false and based on incomplete information, especially the use of the word "ditch" to describe the brook. Using a 1935 USGS Map of Franklin they argue that the brook was in existence at the time. They also had a 1918 land deed from the Norfolk County Registry of Deeds discussing the brook. They put up an 1888 map showing that the brook was used to delineate property lines. All of this proving that the stream was not man-made and is not a ditch. They made an argument attempting to discredit the work of Goddard Consulting – a concern being that Goddard chose to look at water flow and did wetlands assessments during the driest and coldest part of the year that they could find. They also went on to reiterate their prior concerns regarding the waivers, fire department concerns etc.

Jeff Engler speaks to the concerns of the abutters and states that he can "comfortably say that this project, based on this current configuration, the size of the units, the layout, meets all state fire protection and building codes". He assures the audience that the process is not ending, that they have to still do construction drawings, satisfy Mr. Williams again, satisfy the town, satisfy Con-Comm in the proper context. They will satisfy the individuals who are experts in their field at wetlands and at storm water management and the like. The Chair explains the original language in their waiver request said that they weren't going to the Conservation Commission and it was taken as a misprint, the applicant said it was a misprint and they corrected that. As far as other language at the end saying that they need waivers from any other regulation that they forgot to put in to make the project work – that is standard on every 40-B application. Very seldom does the Board give anyone a blanket waiver. Chair assures residents that Goddard is a recognized environmental engineering firm and that, if Goddard is as bad as the abutter's feel, it will all be discovered during the Conservation Commission hearings and the applicants will be denied.

Chair gives one more chance to anyone in the audience who wants to speak after explaining that the board will probably close the public hearing. Gail Geromini asks for an explanation of what happens next in the process and how the abutters will keep apprised of the project. Chair explains the process going forward in detail with timelines included for filing the final decision and that any abutter who feels aggrieved by the decision has the right to an appeal. The Chairman explains

that the developer has been amenable to providing a sewer stub to the people on Cottage Court and may also be willing to pave part of Cottage Court to help people in the neighborhood as well.

Discussion regarding waivers and whether the Board is okay with the waivers as they are presented is suggested by attorney, Chris Alphen. He is concerned that something may come up and he wants to make sure no one has an issue with a specific waiver that may affect the plan. Chair reiterates that he wants to close the public hearing in order to have the lawyer draft a decision, but that decision will not be voted on until the Board has had a chance to review it and it is assumed that changes can be made at that time. Jeff Engler clarifies that earth removal is not necessary. Timothy Twardowski adds that the Board would be better off addressing individual waiver requests once the decision is written. Chris explains that the firm will draft the decision and the opinions of the Board will part of the decision that gets voted on. Chair: "what about the suggestion to mitigate some stuff off-site?" like the driveway/paving of Cottage Court. Mr. Engler agrees that that would be reflected as a condition in the permit.

Motion made by Tim Twardowski to allow close the public hearing. Seconded by Robert Acevedo. Unanimous by Board. Motion made by Robert Acevedo to direct the consulting attorney to draft a favorable approval for the subdivision based upon all the documentation that has been submitted by the applicant and the engineering consultants and all the comments that we've had up until this point. Seconded by Timothy Twardowski. Unanimous by board.

Chris Alphen suggests the Board gets the extension signed by the applicant – the extension for the time of the decision to include an extra 7 days. A letter dated 03/02/17 is given to the Secretary agreeing to allow the Board of Appeals to file the written Comprehensive Permit decision at the Town Clerk's Office through 04/18/17. Motion made to adjourn by Timothy Twardowski. Seconded by Robert Acevedo. Unanimous by board.

Motion made by Tim Twardowski to allow the public hearing to re-open. Seconded by Robert Acevedo. Unanimous by Board.

Motion then made by Robert Acevedo to grant a variance for Ralph Henry Jr., American Earth Anchors, Parcel 319-006-000-000. He is looking for a variance of a 79.9' circle where a 157.5' circle is required and relief of 97.4' down to 77.6' of lot frontage where 175' is required to build a one-story industrial building as shown on the drawing dated 01/17/2017 by Guerriere and Halnon, prepared for Cy Henry, American Earth Anchors Inc., 20 Grove Street, Franklin, MA. Seconded by Timothy Twardowski. For clarification, as far as Chair is concerned, the Board approved the same thing for the lot next door – they were created pre-zoning. There is nothing that the applicant can do or the owner of the property can do to add anything to it. The Chairman thinks that it would be a disservice to turn applicant down. It is zoned industrial. Board thinks that it is the best use for the property based on what the residents in the neighborhood were looking for because it doesn't appear that there will be much impact on the neighborhood, as much as could be, based upon the industrial zone. Unanimous by Board.

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

Signature _____

Date _____