

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, April 27, 2017
355 East Central Street
Franklin, MA 02038**

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

2 Ruby Way – James E. Vallee – Living Trust, James and Nadira Vallee Trustees

Applicant is seeking a building permit to construct a 12' X 24.6' addition to a detached garage that is 30.6' from the front yard setback where 40' is required. The building permit is denied without a Variance from the ZBA. Applicants Present: Rick Goudreau with United Consultants and Mr. James Vallee, property owner.

Plan and letters from abutters made available to the board. There will be no infringement on the drain easement and proposed garage addition would not increase any site distance concerns. Chairman opens floor to the audience. Jeff Nutting (Town Administrator) speaks in favor of the project. Mike Powers (neighbor) speaks to support the project. Chairman reads four letters from neighbors in support of the project: Wayne and Kim Kimball, 5 Ruby Way; Matthew and Colleen Tucker, 9 Ruby Way; John and Kimberly Carny, 5 Garnett Drive, John and Debra Harvey, 84 South Street. Archie questions why the extra 12'? It will be used for the addition to the garage to utilize storage as the owner does not have a basement in his home. Motion made by Timothy Twardowski to close the public hearing. Seconded by Robert Acevedo. Unanimous by board. Motion made by Robert Acevedo to grant a Variance for a front yard relief of 9.4' for 2 Ruby Way, Franklin, MA for James E. Vallee – Living Trust, James and Nadira Vallee Trustees, for the 12' addition on the existing garage as shown on a drawing dated 02/07/17 by United Consultants Inc. titled 'Proposed Garage Addition – 2 Ruby Way, Franklin, MA'. Seconded by Timothy Twardowski. Unanimous by board.

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

115, 119, 125 & 129 Dean Avenue - Fairfield Residential Company, LLC

Chairman asks all abutters to sign-in. During this time, he takes a few minutes to explain that hydrogeologist, J. Theodore Morine of the Denis L. Maher Company, was contacted by the town to do a review of this project for an estimated \$750.00. This is acceptable to the applicant. Motion made by Timothy Twardowski to obtain \$750.00 from the applicant to retain Ted Morine. Seconded by Robert Acevedo. Unanimous by board.

Applicant is seeking to construct an apartment complex in a water resource district that exceeds 15% impervious coverage of the upland area. The building permit is denied without a Special Permit from the ZBA. Applicant is also seeking to construct an apartment complex where three of the six buildings are proposed to be 4-stories and 52' high where only 3-stories and 40' in height is allowed. The building permit is denied without a Variance from ZBA. Applicants present: Richard Cornetta, Attorney representing Fairfield Residential Company; Thomas Brunson, Principal of Fairfield Residential; John Shipe, Shipe Consulting; Brian McCarthy, RJ O'Connell (consulting engineers, stormwater management, drainage analysis etc.).

Richard Cornetta gives a brief overview of Fairfield Residential. The property is a collection of four parcels totaling 23.37 acres in size, characterized as a commercial property. He explains the history of the parcel. The proposed development involves razing all of the existing warehouse structures and soil clean-up of the

site to develop 257 apartment-style units within six buildings. He explains that they are meeting with both the Planning board and Conservation as well.

Brian McCarthy of RJ O'Connell then gives an overview of the site, describing its current condition and how they envision the development in the future, comparing height of current buildings to height of proposed buildings. He reviews stormwater management on the property.

Richard Cornetta makes case as to the criteria of the Special Permit/Variance. Explains that the water in the area is untreated and running into areas where there are contaminants and that there are some very environmentally sensitive wetland areas that exist at the property. The system being proposed would remove the existing onsite waste water disposal which will treat the volume as well as quality of water being generated on the site. Addressing three pronged criteria test in the bylaw as well as Mass general laws, given that there are unique soil conditions located at the property, the identification of wetland resource areas, presence of the existing cell tower and balance of eastern boundary of the property – the allowable area for re-development is confined to the western and central areas of the property. The structures, although higher than is otherwise allowed, are put in an area where they are lower than existing passers-by on Dean Avenue. The property, as a General Residential V, is intended to be allowed for multi-family use as being proposed.

Chairman reads letter from G.B. McCarraher, Town of Franklin Fire Chief, dated 04/20/17 in support of the project as well as a letter from Denis L. Maher Company dated 04/20/17 stating that there is no reason why the plan, as proposed, should not be accepted by the Franklin Zoning Board of Appeals.

Chairman opens floor to the audience. Jeff Nutting stands in support of the development and asks for ZBA approval, explaining that the developer has committed to sufficient funds for the reconstruction of Dean Ave from Pleasant Street all the way towards Ray Street as well as construction of a side walk, a water line, etc. They will be paying for much needed infrastructure improvements as part of this project to enhance existing neighborhood. Many abutters introduced themselves and shared their concerns regarding this project to include: noise pollution from air conditioning units; cutting trees?; the increased height of the buildings and staring into the windows of residents; blasting?; traffic concerns; vermin on premises from the dumpsters; non-conforming to neighborhood; water ban issues; crime; loss of wooded area. Many asked if the plan could be altered to move the various buildings or remove the fourth story of the buildings that have four stories so they could not be seen as readily from street. Several asked that a traffic study be done first before any decision was made.

Richard Cornetta makes final statements to include addressing issues from the abutters with the planning board on 05/08/17. Tim Twardowski asks for a quick re-cap of what will be discussed with the planning board (traffic and what else). Traffic consultant will be present at the next Planning meeting, addressing peer review for beta who will use, on behalf of the town, all renderings and stormwater analysis etc. They will come back with a series of inquiries or comments and then engineers will work with them to address any inconsistencies or issues they may raise. Mike Maglio will be present at that meeting. In addition to peer reviewing, the town engineer and his team are reviewing plans as well. Planning office is weighing in on designs, renderings and studies. This is not a density-grab. Most of the 257 units will be one and two-bedroom apartment style units, so their projected tenants will hopefully be individuals that will appreciate living in a downtown area. These are not the types of units to include large-scale families. There is a mixture of one, two and three bedroom units – 127 (1 bedroom), 116 (2 bedrooms) and 14 (3 bedrooms). Chairman asks about offsite mitigation. In communicating with Mr. Nutting's office, the town is deciding what they want, how they want to allocate the monies and the developer has expressed a willingness to assist and partner with the town in providing funds so that the town can decide what is appropriate for that area. There has been a number discussed in the range of \$700,000.00. Tim Twardowski questions the number of units effected by the height variance - about 32. Any affordable housing units? No, they are all

market rate units. Tim feels that traffic is relevant to this discussion as traffic is related to the number of units being proposed and the number of units being proposed in this project is directly the product of the height. Tim feels he has not seen enough from the applicant to say that there is a hardship that requires a height variance. He is not convinced that this property is not developable without the benefit of a height variance. Mr. Cornetta states that given it is a dimensional variance and not a use variance, he would ask that the board apply that standard. Given the soil conditions, the topography and the issues illustrated with the land, in order for the applicant to make the project work with the number of units they are proposing, this is the most cost effective way for them to do it. By expanding the buildings, foundation size, bringing the height down, they could possibly achieve the same number of units, but at a greater cost. Tim asks if it is possible to reduce parking, thinking that they could build a bigger footprint without needing the extra height. Mr. Cornetta states that they are actually proposing less than what the bylaw requires for the number of parking spots, at 495 spaces. Tim states that all agree that this project is going to improve existing conditions at the site, but there is a concern regarding the height perspective from every abutter. Height measurements of all the buildings were discussed and how they relate to the street line. Mr. Cornetta makes final statements. He feels that the buildings have the appearance of 40' foot buildings. The 53' building would only appear to you if you entered the site and came around, attempting to enter the building from the lower area. To the passers-by on Dean Avenue, the appearance of these buildings would look no different than those buildings that are of 40' as of right. He feels it is about perspective and the perspective from Dean Avenue will be that these are 3-story buildings, the 4-stories are only when you are on and into the site.

Property owner, Joseph Halligan, interrupts and asks to speak with his lawyer, Richard Cornetta privately.

Richard Cornetta returns and requests a continuation of this hearing until June 8th meeting in order to meet with the Planning Board and present traffic information. Tim Twardowski asks if there is any objection to him walking the property on his own time and there is no objection.

Motion made Timothy Twardowski to continue until June 8th at 7:35 pm and seconded by Robert Acevedo. Unanimous by board.

Motion made by Robert Acevedo to approve minutes as presented for Thursday, 03/30/2017. Seconded by Tim Twardowski. Unanimous by Board. Motion made to adjourn by Timothy Twardowski. Seconded by Robert Acevedo. Unanimous by board.

Signature _____

Date _____