

**Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, February 16, 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: None**

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. Chairman reads a letter dated 02/10/2017 written by Bruce Wilson of Guerriere & Halnon, Inc., requesting that the hearing be postponed until 03/02/2017 due to a scheduling conflict resulting in his inability to attend this meeting. Motion by Timothy Twardowski to continue until 03/02/2017 at 7:30 p.m. Seconded by Robert Acevedo. Unanimous by Board.

**16 Brook Street – Joseph M. Jenks  
Abutters: None**

Applicant is seeking a building permit to construct a 5' x 14' farmer's porch 37.87' from the front setback where 40' is required. The building permit is denied without a variance from the ZBA. Appearing before the Board: Joseph M. Jenks of 454 Lincoln Street, Franklin, MA. Applicant wants to build a farmer's porch in the front of his two-family home primarily for safety. The current entrance and exit do not have railings or a roof over it. Snow could fall off the solar panels and injure someone. Secondly, he wants to improve the appearance of the building from the street. The building is 38' long and the farmer's porch is only 14 feet long. Motion made by Robert Acevedo to close the public hearing. Seconded by Timothy Twardowski. Unanimous by Board. Motioned by Robert Acevedo to grant a variance for a front yard setback relief of 2.13' for a 5' x 14' farmer's porch at 16 Brook Street for Mr. Joseph M. Jenks as shown on the drawing dated 01/10/2017 by Colonial Engineering, Inc. 11 Awl St., Medway, MA. Seconded by Timothy Twardowski. Unanimous by Board.

**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), Margaret and Don Ranieri (MV Cottage Development, LLC), Kevin Smith (Freeman Law Group), Danell Baptiste (Guerriere & Halnon) and Dan Wells (Goddard Consulting) to do a presentation on all things civil engineering and wetlands-related as well as changes made to the plan, the significance of those changes and where they stand now. Admittedly still some disagreement from a civil engineering perspective and where the town peer review consultant is. Danell Baptiste briefly describes changes since the last meeting. The biggest change in the plan is that they got rid of the pump station on the

south side of the lot and introduced a gravity sewer system. Currently no pumps proposed on this particular design. The only thing extra allowed is a pump chamber that will feed this existing area. Danell then addresses several concerns made by DEP from a memo dated 02/13/17. Jeff Engler explains that they have no issue with the content of the memo - there is nothing in that memo that they can't provide. Danell then addresses comments made by Peter Williams. Peter agreed to have a three-way conversation with Judy Schmitz from Mass DEP in reference to his concern about the 100' buffer on the sub-surface structures #1 and #3. There is still a disagreement regarding this sub-surface structure. Danell submitted an example to the board 'Infiltration Basin'. An infiltration is somewhat like a traditional detention basin. Design standards for this basin is governed by Mass DEP. It clearly states that there needs to be a 100' buffer which is what Mr. Williams is identifying on the site. Contradictory, the site is not proposing any infiltration basins. Mr. Williams' interpretation was that the sub-surface structures are considered infiltration basins and they are clearly not, according to Danell. Judy Schmitz did concur with Danell, stating that it is not an infiltration basin even though they have similar characteristics and that design criteria stipulated for an infiltration basin should not be upheld with the design criteria of a sub-surface structure. Therefore, in Danell's opinion, a 100' buffer is not required. Mr. Williams also requested a 'mounding analysis' in lieu of a 100' buffer. A 'mounding analysis' is required if you have less than 4' of cover from ground water to the bottom of your structure. In Danell's design, there is clearly more than 4' so it is very clear-cut that a 'mounding analysis' is not required. Mr. William's also requests Danell to eliminate a drainage area that is a tributary area to the actual stream. Danell does not agree with this because it defeats the purpose of doing the design. However, Mr. William's was presented with a supplementary design showing him that the impact at the down -stream end is not more than pre-conditions. It is agreed that there is no need for easements and that they are staying within the confinements of the current lot.

Chairman asks Peter William if the issue with the definition of infiltration basin is something that can't be overcome when it comes time for construction. Peter Williams feels that the proposed sub-surface systems are basically structures that allow you to have an infiltration basins and have uses on top of it. Basically, they function in the same way – there is an area that holds water that infiltrates the run-off into the sub-surface soils at a specific elevation, like a Cultec system. He felt that even though Ms. Schmitz did say there were no performance standards for the sub-surface structures, she also said that it is still kind of vague how they should be treated. She did state that there should be some way the applicant should prove that there is no impact to the surrounding buildings from these types of sub-surface infiltration structures. Jeff Engler asks for explanation of a mounding analysis and how time intensive it is. Peter explains that a mounding analysis takes an evaluation of the existing ground water levels in an area, then if you install an infiltration basin or a subsurface structure, it takes into account the additional water that is input into the ground water, the type of soils and how quickly the infiltrated run-off moves through the soils and if there is a back-up. Typically there will be a build-up of water underneath one of these structures. This can be large and spread out to impact adjacent areas. This is all in regards to the mounding of the ground water levels. The concern being that foundations of nearby structures could be effected. The Chairman feels that there are details here that are not insurmountable and can be addressed down the road during construction.

Using drawings, Dan Wells (Goddard Consulting) gives an overview of existing wetland resource areas. During the notice of intent process they will be getting into what are the actual functions and values of this resource area – a lot of it is man-made and a majority of the vegetation is non-native and it is his opinion that it has a very low wildlife habitat value. The majority of the project is within the 100' buffer zone. He hands out material describing development changes. There is nothing in the Conservation or DEP regulations that say the changes they plan to make can't be done. They need to be able to replicate all of the functions of the existing bank related to its

physical stability, its water carrying capacity and, most importantly, the wildlife habitat. Vice-Chair asks about the change in the grade of the stream, going from straight to meandering. Danell explains that there will be a 0.3% slope.

Jeff Engler then reads Waiver List one at a time, in detail.

Chairman opens the floor to the audience. Angela and Paul Woislaw stood and discussed their concern that the applicant has not had any design discussions (as many developers do) with Conservation Commission in order to get reassurance that there are no issues to go forward with the project. Angela discusses waivers, concerns regarding possible flooding issues. Margaret Hurd discusses the poor drainage that she has known for over 66 years. Rose Turco asks for an explanation of the entire process. Chairman explains the roll of the ZBA and the process and why ZBA does not need input from Conservation Commission prior to the decision.

Jeff Engler requests extension to the next date of 03/02/17, so as not to close the public hearing in case they want to present anything new for the record. This request is presented in writing to the board for signature.

Motion made by Robert Acevedo to continue to 03/02/17 at 7:35 pm. Seconded by Timothy Twardowski. Unanimous by Board.

Motion made by Timothy Twardowski to approve minutes as presented for Thursday, 01/05/2017. Seconded by Bruce Hunchard. Unanimous by Board.

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

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

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