



# Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

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Est. 1972

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TOWN OF FRANKLIN  
TOWN CLERK

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TOWN OF FRANKLIN

APR 20 2022

ZONING BOARD OF APPEALS

April 7, 2022

Franklin Zoning Board of Appeals  
355 East Central Street  
Franklin, MA. 02038

RE: *Comments from Hancock Associates: Franklin Heights Comprehensive Permit – Parcel B, Franklin, MA*

Dear Members of the Board:

On behalf of Oliver Crossing Realty Trust, Guerriere & Halnon, Inc. has prepared the following information to address the comments contained in the letter from Hancock Associates dated March 16, 2022.

Hancock Associates findings, comments and recommendations requiring action or response are shown in *italics* followed by our response in **bold**.

### Review of Submission

- *A list of Waivers from local bylaws and regulations. A list of waivers has been added to the plans. A waiver list should be generated in Word format to allow for inclusion in the decision.*

**GH: A waiver list in word format has been provided as requested.**

### Traffic Circulation and Fire Access

*T1: The 2005 plan had Road A (Trooper Paul Barry Way) continuing into Phase B with Road B (Leanne Way) a defined loop road from Road A with 90-degree intersections with 25' radius roundings under stop sign control. Leanne Way was also to feature speed bumps at two locations that do not appear to have been installed. Leanne Way was constructed more as a loop road with a larger interior radius. The Applicant's Engineer should reevaluate the existing conditions, location of Phase A Building #5 and its driveway and provide more detail as to how this intersection can be configured to provide the level of safety envisioned under the approved plan. Update: G&H submitted an Intersection Plan showing an overlay of the existing conditions with the original approved 2005 design. The plan shows fairly close compliance. The proposed plan should be updated indicating that a stop sign and stop bar be added to Leanne Circle.*

**GH: The plans have been revised to show a proposed stop sign and bar as requested. See Sheet 3 of 5.**

*T3: The proposal calls for a 5' sidewalk on one side of the loop road with a 3' grass strip. The plan does not specify the type of curb to be used. Hancock recommends either a solid vertical granite or precast concrete curb given the small grass strip or widening the grass strip to 5' to improve pedestrian safety. Dimensions from garages to the back of sidewalk are depicted on the plan ranging from 22' to 29'. Hancock believes 20' is suitable to support one vehicle parked in front of the garage doors.*

*Update: G & H acknowledged the comment but has taken no further action. Hancock recommends a roadway cross section be provided committing to either a substantial curb or adequate green strip to ensure safety.*

**GH: A typical roadway cross section has been provided as requested, with vertical granite curbing being provided with the 3' grass strip. See Sheet 3 of 5.**

We believe these responses have addressed the concerns expressed by Hancock Associates from their review letter. Should you have any further questions or concerns, please contact our office.

Sincerely,  
**Guerriere & Halnon, Inc.**

A handwritten signature in cursive script that reads "Michael Hassett". The signature is written in dark ink and is positioned above the printed name and title.

Michael Hassett  
Project Engineer

FRANKLIN HEIGHTS – PHASE B  
REQUESTED EXCEPTIONS TO 2005 LOCAL BY-LAWS – CHAPTER 185

The project consists of a multi-family affordable housing development which qualifies for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B. The project is situated within the Rural Residential II, (RR II) Districts in the Town of Franklin.

The site is also shown on the Franklin Water Resources District Map (Revised July, 1995) as not being located in an approved Zone I, II or III. Therefore, the site is not governed by Section 185-40 (Water Resource District) of the Zoning By-Law.

The site is also shown on the Franklin Flood Insurance Rate Map (Firm) and the Floodway Boundary and Floodway Maps, dated February 17, 1982, as situated in Zone C (area of minimal flooding-no shading). Therefore, the site is not governed by Section 185-24 (Flood Plain District) of the Zoning By-Law.

To the extent the proposed development does not comply with the provisions of local by-laws and codes, and to the extent necessary to permit the Applicant to construct and use the development in accordance with the plans filed in connection therewith, the Applicant hereby request exceptions from the provisions of the Zoning By-Law (Chapter 185 of the Code of Franklin), the following specific provisions of the By-Laws, listed below.



A – 2005 ZONING BY-LAW (CHAPTER 185 OF THE CODE)

<u>Section</u>	<u>Standard</u>	<u>Requested Exception</u>
185-2	Specific buildings are permitted in the district located in. If not allowed, deemed to be prohibited.	Allow buildings and uses in non-conformity with use regulations on one lot as shown on the plans.
185-3	Definitions	Allow building, roads, utilities to be constructed per the Site Plan if definitions conflict with Site Plan.
185-7	Building are allowed only as provided in the Use Regulations Schedule.	Allow buildings and uses in non-conformity with use regulations on one lot as shown on the plans.
185-9	Schedule Interpretation	Allow building and use to be constructed per the Site Plan.
185-16	Set back from streams and Ponds.	Allow building, Parking areas to be constructed as show on the Site Plan.
185.21.B.1.a	Two parking spaces regardless of number of bedrooms required.	Allow 2 per unit
185-23	Earth removal in excess of 1,000 cubic yards requires a Special Permit from the Board of Appeals.	Allow earth removal as required to construct the development generally as shown on the plans.
185-31 (1)	Site Plan Review is required by the Planning Board.	Allow a waiver from this requirement.

<u>Section</u>	<u>Standard</u>	<u>Requested Exception</u>
185-31 (2)	Design review is to be conducted by the Design Review Commission.	Allow a waiver from this requirement.
185-36	Coverage by structures and paving in the RRII District in excess of the Schedule of Lot Requirements requires a Special permit.	Allow lot coverage in the RRII District portion of the project which may exceed the maximum lot coverage, as required to construct the development generally in accordance with the plans.
185-45 F.	Special Permit granting authority.	The ZBA shall be the special granting authority permit for all permits.
185-46	Housing development projects built pursuant to Chapter 40B are exempt only for units for elderly persons.	Allow an exception to construct the development generally as shown on the plans without phasing. number of units per year.
USE REGULATION SCHEDULE-PARK VI SEC. 6.1	Multi-Family Units are not allowed in the RRII District.	Allow construction of (60) 2 unit buildings. Buildings, generally as shown on the plans.
SCHEDULE OF LOT, AREA, FRONTAGE, YARD AND HEIGHT REQUIREMENTS	This schedule calls for various requirements for all zoning districts.	Allow exceptions for continuous frontage, height of buildings in feet and percent of lot coverage in RRII zone is requested.