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April 19, 2022

**BY EMAIL to the Addresses Below**  
**and by FEDERAL EXPRESS**

**FRANKLIN ZONING BOARD OF APPEALS**

**Attn: Bruce Hunchard, Chair [bruce.hunchard@yahoo.com](mailto:bruce.hunchard@yahoo.com)**  
**and Ms. Casey Thayer [cthayer@franklinma.gov](mailto:cthayer@franklinma.gov) )**

355 East Central Street  
Franklin, MA 02038

**RE: Applicant: Dean Development Partners LLC**  
**Property: 19 Dean Avenue, Franklin, Massachusetts 02038;**  
**Application for Special Permit and Variances filed July 12, 2021 (the "Application")**  
**CONTINUED HEARING ON APRIL 21, 2022**

Dear Mr. Hunchard and Ms. Thayer:

We write on behalf Dean Development Partners LLC, the with respect to the above application with respect to the Property currently scheduled for a continued hearing on April 21, 2022.

By this letter, the Applicant reiterates that it has amended the Application by notice sent to the Board on January 26, 2022 to **remove requests for the following relief sought under the Application as originally filed on July 12, 2022:**

- (a) a variance to relieve the requirement for off-street parking dedicated to the project (this amendment removing this request was originally submitted to the Board under that letter from Applicant's counsel dated November 30, 2021; and**
- (b) Special Permit or Variance to Allow 16 Residential Units Built above Garden level commercial unit, one half-story above street level.**

The Applicant continues, however, to seek the other dimensional relief sought in the Application, which is straightforward, non-controversial and essential for the renovation of any building in the area which has stood for more than 100 years, namely requests for the following relief under the following Zoning Code sections:

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Article V. Section 185- 18(A)(3)  
and Attachment 9

Special Permit or Variance to Allow up to 50'  
Height on Bldg. in Downtown Commercial  
District.

Article V, Section 185-18(A)(3)

Special Permit to Demolish and Redevelop Prior,  
Non-Conforming Bldg. on Prior, Non-  
Conforming Lot (non-conforming footprint of new  
proposed building will be reduced)

Article IV, Section 185-10 and  
Attachment 9, Footnote 9

Special Permit or Variance to Waive Requirement for  
15 Foot Front Setback on Bldg. between 40 and 50  
feet in height in Downtown Commercial District

Article V, Section 185-18(A)(3),  
Attachment 9

Variance, Special Permit or Other Relief to Reduce  
Rear Setback from prescribed minimum 15 feet in  
Downtown Commercial District to 1.2 feet, which is a  
larger setback than the current prior, non-conforming  
0.8 foot setback

Under the application as revised in January of this year, the owners wish to develop **a first floor solely for commercial use and above residential floors, in compliance with the mixed-use requirements for the Zoning Code in the Downtown Commercial District.**

**Questions Regarding Construction in Tight Proximity to Neighbors.** In response to questions of the Board concerning the ability to build within the constraints of the building dimensions and near neighbors, we had stated that the applicant would not and could not undertake the construction without ensuring the safety of the surrounding buildings and the people in the area. **We submitted in January of this year and enclose herewith another copy of a letter from New Boston Construction Services, an established Boston-area contractor who confirms that the project can be built as designed without risk to neighboring properties – projects in Boston and other business areas locally that are even tighter are built safely on a regular basis**

**Improvement of Stormwater Runoff.** Further in response to questions raised at the original hearing as to stormwater runoff, we presented to the Board in November the attached memorandum from the Applicant's engineer CHA Associates of Norwell confirming the absence of stormwater issues – **the proposed project will substantially improve in fact the stormwater runoff issues current affecting the site and the neighbors' property** – this issue will be reviewed in detail at the Planning Board level with the assistance of a peer review engineer for the Town, but to allay the concerns that the Board raised in the initial hearing, we presented the memo in November – a copy of the memo is attached again to this email.

**Also, contrary to statements made by certain Board members at the December 2021 hearing on the Application, Mr. Cantorregi, Franklin's DPW director, confirmed in the**

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enclosed letter that confirms that a project that does not increase stormwater runoff rate or volume and other wise meets design criteria can be connected to the Town's drainage system.

**Given the above and the enclosed, there is no reasonable basis to deny the proposed development based on stormwater runoff, proximity of other properties in construction or other issues beyond the purview of the Board that have been raised in prior hearings and will be addressed and fulfilled before the project can proceed with other Town officials.**

**By copy of this email, we ask Mr. Brown if he could weigh in on this given his construction expertise and experience, both employed on behalf of the Town and otherwise.**

The applicant is looking to renovate and remodel a building that is approximately 120 years old and in desperate need of renovation, both from a business perspective and a safety perspective. Contrary to the statements made at the last Board hearing in January, the property is not currently viable, and we have stated so in both the original application and at prior hearings on it. **Approval of the application, as amended, and the standard, minimal and customary dimensional-only relief requested therein (which would be required in connection with any updating of a building constructed over 100 years ago) is non-controversial and will without a doubt substantially improve the safety, habitability and value not just of the site but of the neighboring properties**

**The project as we are currently presenting it presents no controversy for the Board with regard to the requirements of the Zoning Code that are the purview of this Board – the relief is non-controversial and essential to the applicant and the safety and commercial well-being of the neighbors and neighborhood. We urge the Board to grant the limited relief we now seek – the building is old and in dire need of a rebuild – a denial of the application by the Board will block the necessary improvement needed by all involved.**

Thank you.

Very truly yours,



Michael Khoury, Esq.

Counsel to Dean Development Partners LLC



**TOWN OF FRANKLIN**  
**DEPARTMENT OF PUBLIC WORKS**  
Franklin Municipal Building  
257 Fisher Street  
Franklin, MA 02038-3026

January 24, 2022

Mr. Matt Kelly  
55 West Central Street  
Franklin, MA 02038

**RE: Town Drainage Connections**

Dear Matt,

Following up on our previous conversation, in certain circumstances it is possible to have a development project connect to the Town drainage system. A project cannot increase the amount of runoff (neither the rate nor the total volume) leaving a site from the existing conditions and the stormwater design has to meet all the required criteria. In some instances, additional evaluation of the downstream drainage system may be required.

Our bylaws state that no person shall discharge or direct stormwater surface run-off or groundwater by means of a pipe, pump, trench, or other means into or across any public street, sidewalk or property, unless prior written permission has been received from the Director of Public Works or his designee.

We evaluate each project on a case by case basis under the relative review process and if approved, we will issue the related DPW permits prior to construction.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Robert Cantoreggi  
Public Works Director





August 27, 2021

Mr. Bruce Hunchard – Chair  
Zoning Board of Appeals (ZBA) - Town of Franklin  
355 East Central Street, Franklin, MA 02038

RE: Stormwater Standards Evaluation  
Proposed Mixed-use Building  
19 Dean Ave., Franklin, MA  
Parcel ID: 279-169

Dear Mr. Hunchard:

On behalf of the Applicant, Dean Development Partners LLC, CHA Consulting, Inc., is pleased to submit the correspondence to respond to concerns that were raised during the ZBA public hearing held on August 5, 2021, and continued to September 2, 2021.

From a stormwater standpoint, the proposed project is classified as a redevelopment project since it is located in a predeveloped area and will result in no increase of impervious surfaces. The property (3,433 square feet lot) is currently occupied by an existing commercial building which occupies 2,700 square feet. The site is located south of Dean Avenue in the Downtown Commercial (DC) zoning district, where a maximum lot coverage, 90%, is allowed. The current lot coverage exceeds the maximum allowed lot coverage in this zone with no stormwater management system whatsoever since the 1900s. The existing stormwater runoff from the property flows overland to the Dean Avenue right-of-way, abutting properties and ultimately to the Town of Franklin's drainage system.

The project proposes to reduce the amount of impervious surfaces to comply with the maximum allowed lot coverage and reduce the amount of stormwater runoff from the site to the abutting properties. Once the building design is finalized, we anticipate that additional catch basins would be installed onsite. The project proposes to connect to the Town's drainage system in Dean Ave. There are no other practical or feasible drainage solutions for this site due to the lack of space.

As a redevelopment project, the project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: MassDEP Standard 2, Standard 3, and the pretreatment and structural stormwater best management practice requirements of Standards 4, 5, and 6. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

However, MassDEP recognizes that site constraints often make it difficult to comply with all the Standards at a redevelopment site. These constraints are as follows: lack of space, soil conditions, and underground utilities. For this specific site, lack of space is the biggest hurdle; there is no space available for the installation of additional stormwater Best Management Practices (BMPs). It would be impractical to install BMPs and keep the existing building or construct a new building

onsite. The following section includes an evaluation of the MassDEP Stormwater Standards and the Town of Franklin Stormwater Standards located in The Town's Best Development Practices Guidebook:

*Standard 1: No New Untreated Discharges – No new stormwater system conveyances will discharge untreated runoff or cause erosion in wetlands or waters of the Commonwealth.*

**CHA's Evaluation:** Additional measures will be considered as the building design progresses, such as using catch basins, trench drains, permeable pavers, etc. Catch basins and trench drains, will be equipped with the appropriate sump to provide the required pretreatment prior to discharging to Town's drainage system.

*Standard 2: Peak Rate Attenuation – Stormwater management systems shall be designed so that post- development peak discharge rates do not exceed pre-development peak discharge rates.*

**CHA's Evaluation:** As a redevelopment project, the site is only required to meet this Standard to the maximum extent practicable. However, the project intends to reduce the amount of impervious surfaces located onsite, which will lead to the automatic reduction of the stormwater runoff. Additional measures will be considered as the building design progresses such as using catch basins, permeable pavers, etc. This Standard is met by the reduction of the impervious surfaces.

*Standard 3: Recharge – Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type. This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.*

**CHA's Evaluation:** As a redevelopment project, the site is only required to meet this Standard to the maximum extent practicable. Due to the lack of space, infiltration would be impractical to be installed and meet required setbacks to building and property line. The proposed conditions do not increase the loss of the annual recharge to groundwater by keeping the proposed impervious surface area below the existing. The annual recharge will likely be increased by the possible use of permeable pavers and landscape areas.

*Standard 4: Water Quality –Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This Standard is met when:*

- a. *Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan, and thereafter are implemented and maintained;*
- b. *Structural stormwater best management practices are sized to capture the required water quality volume determined in accordance with the Massachusetts Stormwater Handbook; and*
- c. *Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.*

*Additionally, the Town of Franklin requires the removal of at least 80% of the phosphorus loading, and at least 60% of nitrogen loading from the post-development stormwater created on site.*

**CHA's Evaluation:** As a redevelopment project, the site is only required to meet to the maximum extent practicable the pretreatment and structural stormwater best management practice requirements of this Standard. Runoff from impervious areas, other than the roof, will be collected through the use of catch basins and/or trench drains equipped with the appropriate sump, which will provide the required pretreatment prior to discharging to the Town's drainage system.

*Standard 5: Land Uses with Higher Potential Pollutant Loads (LUHPPL) – For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such uses as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, MGL c. 21, §§ 26-53 and the regulations promulgated there under at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.*

**CHA's Evaluation:** This Standard does not apply to this site. The site is not considered a LUHPPL.

*Standard 6: Critical Areas - Stormwater Discharges within Zone Is, Zone IIs, and Interim Wellhead Protection Areas*

**CHA's Evaluation:** This Standard does not apply to this site. The site is not located in or near Critical Areas.

*Standard 7: Redevelopment and Other Projects Subject to the Standards only to the maximum extent practicable – A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.*

**CHA's Evaluation:** The project intends to comply with all applicable Standards to the maximum extent practicable. The proposed project includes upgrades to the existing drainage conditions. The existing site has a number of limitations that encumber designing for full compliance with the Standards, such as the lack of space and the existence of utility services.

*Standard 8: Construction Period Pollution Prevention Plan and Erosion and Sedimentation Control – A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.*

**CHA's Evaluation:** This project disturbs an approximate total area of 3,000 square feet of land well below the 1-acre threshold. Thus, the project is **not** covered by an NPDES Construction General Permit, and a SWPPP would not be required.

*Standard 9: Operation and Maintenance Plan – A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.*

**CHA's Evaluation:** An Operation and Maintenance (O&M) Plan customized to fit the design will be developed once the building design is finalized. O&M Plan will be finalized and submitted to the Planning Board during the Site Plan Review.

*Standard 10: Prohibition of Illicit Discharges – All illicit discharges to the stormwater management system are prohibited.*

**CHA's Evaluation:** No Illicit Discharges result from the proposed project. The O&M will include measures to prevent illicit discharges. An Illicit Discharge Compliance Statement will be provided to the Planning Board during the Site Plan Review.

We ask for your support and approval of the requested variances. Should you have any questions or comments, please don't hesitate to contact me at (781) 982 5436 or [hdani@chacompanies.com](mailto:hdani@chacompanies.com)

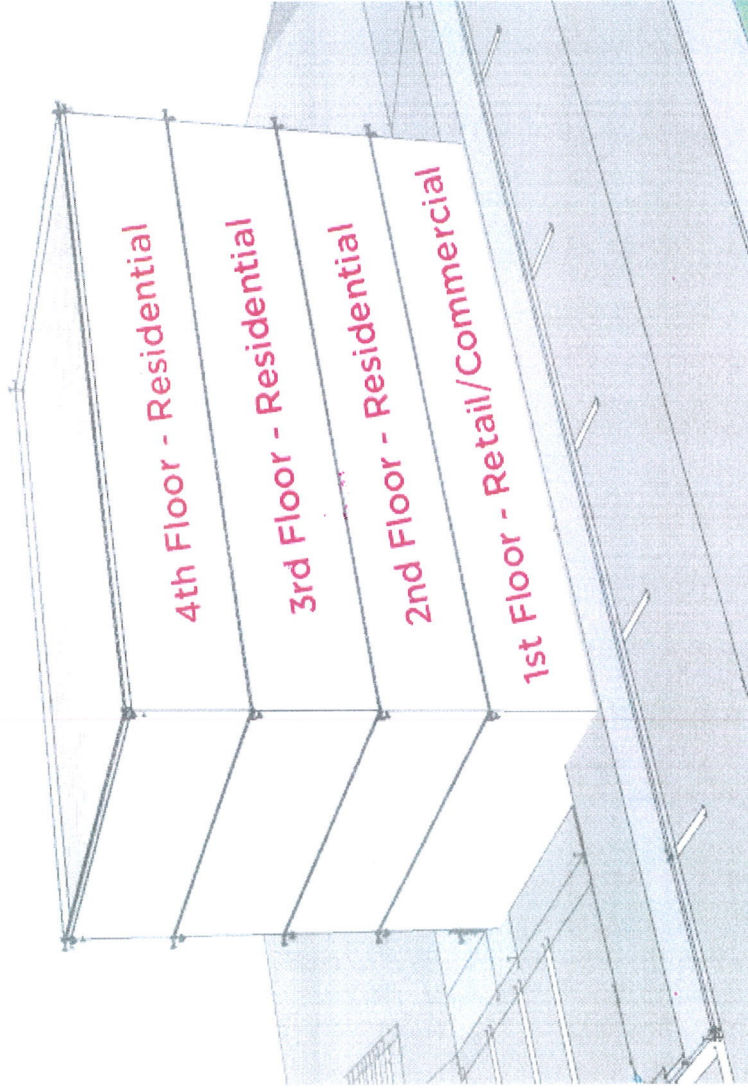
Sincerely,  
CHA



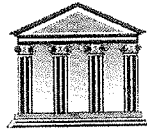
Hazem Dani, PE  
Project Engineer



19 Dean Ave, Franklin Rendering  
January 18, 2022



NOT TO SCALE — FOR DISCUSSION PURPOSES ONLY  
FOR ALL DIMENSIONS SEE "SITE PLAN" DATED APRIL 28, 2021 SUBMITTED TO ZBA ON JULY 12, 2021



# NEW BOSTON

## CONSTRUCTION SERVICES LLC

January 20, 2022

Town of Franklin  
Zoning Board of Appeals  
Bruce Hunchard, Chair  
355 East Central Street  
Franklin, MA 02038

Members of the Franklin Zoning Board of Appeals:

I am the President of New Boston Construction Services LLC (NBCS) located in Chelsea, Massachusetts. NBCS has been in the residential and commercial construction industry for over 25 years and has constructed numerous large buildings in the Greater Boston area, including but not limited to, Boston, Chelsea, Lynn, Everett, and Cambridge. Many of these large-scale buildings have been constructed on zero, or close to zero, lot line properties in crowded, urban environments.

After reviewing Dean Development Partners LLC's application and plan for the building, as well as the surrounding area and businesses, I see no construction issues that cannot be solved and have not been solved on numerous other similar projects with smaller lot constraints.

Sincerely,



Rick Costa  
President  
New Boston Construction Services LLC