

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, December 15, 2016
355 East Central Street
Franklin, MA 02038

2017 JAN -5 AM 11:07

Members Present
Bruce Hunchard
Robert Acevedo
Timothy Twardowski
Ian Luke

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. Bruce Wilson, Guerriere & Halnon, along with Danell Baptiste are present to discuss revised drainage calculations and possible sewer pump station. Danell: as part of the changes, they re-routed the sewer to a pump station. There is a huge tunnel tank that can store about 15,000 gallons with 24-hour storage, drain is very deep, no overflow. Drainage issues addressed in revised Stormwater Report dated 12/12/16. Still in disagreement with classification that these are considered infiltration basins. An infiltration basin is an above-ground unit. This is more of a classification of a detention basin. This is an underground system that is covered. Danell spoke with individuals at DEP and they are in agreement with him. Chairman asked for details about relocated stream. The slope of stream is down to less than .5% and flow of water will be slower. Peter (GZA) is concerned about the infiltration basin and how it effects the number of houses and some issues with constructability regarding easements from abutting properties. Bruce Wilson is constructing a waiver list to be completed in the next few days for board review. Chairman explains that they need to get an extension of time or the board is going to close the public hearing and waivers will not be able to be submitted. Bob Engler requests an extension so waivers can be done and reviewed. Chairman agrees to extend the time to 01/19/17 and requests that Mr. Engler put something in writing before the end of the night. Bedroom count is a cost issue for applicant. If they can get the tie-in from the town, they are willing to reduce the number of 3-bedroom units. If they don't get the tie-in, they can't do it. Chairman opens forum to comments from abutters. Angela and Paul Woislav voice their continued concerns as outlined in their letter given to board members and secretary. They introduce Dr. Craig, a biologist involved in wildlife management, who did go out and do a survey of the area last summer. He feels it is clearly wetland with wetland species (possibly wood turtle habitat) and he found there to be a strongly flowing stream during an unprecedented drought. Bruce discussed test pits. If there is a high water situation, the color gets washed out of the soil and you end up with a grey soil. The soils did have color present and he has a pretty good read on where the water table is. Chairman: What happens with these pits? Danell: There is a maintenance schedule based on accumulated sediment accessed by maintenance ports. Abutters voice concerns about the stream, why it needs to be moved and who is responsible for maintenance of it. Chairman explains that it is a condo project and if something comes up down the road as far as drainage or anything goes, the condo association is going to be responsible and this is confirmed by Bruce. Bob Engler suggests that ConComm should come to the next hearing after specific (not blanket) waivers are submitted to them and to Peter ahead of time. Chairman: the conservation agent is already on record as stating that he doesn't want the Zoning Board to grant any waivers from the local conservation regulations. Motion made by Timothy Twardowski to continue the public hearing until January 5th at 7:35 p.m. subject to the applicant providing a memo granting an extension to January 19th, 2017. Seconded by Robert Acevedo. Unanimous by Board.

Motion made by Timothy Twardowski for a 5 minute recess. Seconded by Robert Acevedo. Unanimous by Board.

General Discussion

- Lots 1-2 and Parcel A, Lakeview Terrace
Theodore Ranieri is requesting that a \$40,000 Earth Removal Bond be assigned to Maddi North Street Development, LLC. Chairman: We want to assign the Earth Removal Permit to Maddi North also correct? Michael Doherty, Attorney, representing Maddi North Street Development, LLC: Mr. Ranieri is selling the land so we are transferring the Earth Removal Permit and Mr. Ranieri has a \$40,000 bond. Upon successful completion of all the obligations of the Earth Removal Permit, the bond will then be returned to Maddi North Street Development, LLC. An assignment of the Special Permit and Bond is prepared and approved by the Town Attorney, signed by the Town Treasurer and he is asking that the board acknowledges that the new developer of the project is Maddi North Street Development LLC and it now has the rights and the obligations of complying with the special permit and will receive the bond upon successful completion of its obligations. Motion made by Timothy Twardowski to sign the assignment and re-assign the Earth Removal Permit to Maddi North, LLC. Seconded by Robert Acevedo. Unanimous by Board.
- Brandywine Village Subdivision
Marinella Development, LLC is requesting release of the Bond for the Brandywine Village Subdivision. Michael Doherty, Attorney, representing Marinella Development, LLC: this is an old subdivision, Brandywine (40B), the roads long completed. The Town Engineer states in a letter that all the work required has been completed. This is a tripartite agreement so the town is holding over \$87,000 bond. In his view the entire bond should be returned because all of the work is done. The Town Attorney and Town Engineer would like to withhold some money for the street approval process (recording fees at Registry of Deeds, notice in the newspaper, etc.). Attorney suggests \$1,000 as a sign of good faith instead of \$3,000 suggested by the Town Engineer. He asks that the board put a time limit of 180 days so they will not have to come back and ask again for \$1,000.00. Motion made by Timothy Twardowski to reduce the bond down to hold \$1,000.00 with a time limit of 180 days (six months). It is the Town of Franklin's responsibility to accept the road within 6 months or the Bond is to be returned to the the applicant. Seconded by Robert Acevedo. Unanimous by Board.
- Stonehedge Road/The Woodlands
Woodlands Park, LLC is requesting the release of the Bond on Stonehedge Road/The Woodlands. Representative for the Woodlands: Looking for release of surety. The roadway was in existence beforehand, the engineer worked with the town, they did all their punch list items and have all of the sign offs. The bond was put in place to make sure the roadways were finished. They essentially completed what was the rest of the development. Based on a letter from the Town Engineer requesting the release of the bond, a motion was made by Timothy Twardowski to release the bond. Seconded by Robert Acevedo. Unanimous by Board.
- Motion by Robert Acevedo to approve minutes of November 17, 2016. Seconded by Timothy Twardowski. Unanimous by Board.
- Motion made to adjourn by Timothy Twardowski. Seconded by Robert Acevedo. Unanimous by board.

Signature _____

Date _____