

DRAFT FOR REVIEW**Town of Franklin**

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Planning Board

**October 15, 2018
Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Members absent: None. Also present: Bryan Taberner, Director, Department of Planning and Community Development; Michael Maglio, Town Engineer; Amy Love, Planner.

7:00 PM **Commencement/General Business**

Chairman Padula announced the meeting would be video and audio recorded for the public's information.

A. Form H: 722 Summer Street – Camp Haiastan

Mr. Peter Glick, civil engineer from SMMA, and Mr. David Hamparian, Executive Director of Camp Haiastan, addressed the Planning Board.

Ms. Love stated the Planning Board approved the application for a Site Plan Modification on February 5, 2018, for an addition to the director's quarters and a new office building for the staff. BETA has gone out for their final site observation; BETA was not contacted for the installation of the drainage system. BETA submitted a memo based on received pictures. When the Planning Board members' packets were provided on Thursday, she had not yet received from BETA the storage volumes; she has received them today. BETA reviewed them and provided a revised letter confirming the storage volumes will work.

Chairman Padula asked why this got done without someone calling for an inspection.

Mr. Hamparian stated it was his miscommunication that resulted in the error.

Mr. Glick stated the contractor was provided with the information; unfortunately, it just slipped through the cracks. The work got done without calling for an inspection.

Chairman Padula confirmed the contractor was not present at this meeting. He stated this is rather unacceptable; everyone else has to go through this and have it inspected before it is backfilled. For the contractor to just do his own thing and have it backfilled without anyone checking it is not the Planning Board's practice. He noted that there are pictures after-the-fact, but not during.

Mr. Glick said he went out afterwards and did measurements. He explained the drainage system.

Mr. Halligan stated that if this were for a parking lot or any type of commercial use, he would tell them to rip it up; but, it is for roof drainage and is not a safety issue. It is still not the right thing to do, but what is done is done.

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Chairman Padula asked who the contractor was; he stated the contractor's name should be on record so we can watch out for him.

Mr. Glick stated the contractor was Joseph Frye.

Motion to Sign the Certificate of Completion, Form H, 722 Summer Street – Camp Haiastan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

B. Limited Site Plan Modification: 471 West Central Street

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., on behalf of the applicant, Mr. Roger Calarese, stated she was here for a change-in-use. The applicant is requesting to get the 3,000 sq. ft. portion of the building authorized for Gentle Dental. Parking is sufficient based on the proposed use and the other uses that have already come before the Planning Board. This is the fourth use.

Ms. Love stated the applicant is required to come before the Planning Board for approval for the uses for the site. With the dentist's office coming in and taking 17 parking spaces, 1,695 sq. ft. are left. That remaining retail space will require the rest of the parking that includes the five spaces that were to be saved for snow storage. Should the next use come in, there may be an issue with parking based on what the use could be. This use does allow for enough parking.

Chairman Padula confirmed there are six parking spaces left for the remaining retail space without using the five snow storage spaces.

Motion to Approve the Limited Site Plan Modification, 471 West Central Street. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Discussion: 278 West Central Street

Mr. Halligan recused himself.

Ms. Love stated DPCD has no comments on what has been submitted; any changes need to be filed for the public hearing.

Chairman Padula asked if the applicant understands what has to be done.

Mr. Mark Lanza, attorney representing Mr. Joel D'Errico, owner/prospective applicant, addressed the Planning Board. Mr. Lanza stated they understand. He stated that at this point we are just being extra careful because the last time we were here there was an issue about whether the changes from the plan that was denied to the plan that was brought in on a concept basis were sufficient and substantial for the Planning Board to be able, if the Planning Board was inclined, to approve it sometime in the future. He stated the Planning Board gave us the clear message that it was no, that it had not changed enough. Now, not only do we have a different plan, we have a different site. We have a site that does not include 300 West Central Street. So, there is a question as to whether that law even applies to this application. But, being extra cautious, we just wanted to be sure that the Planning Board had no issues as to whether the change was material and substantial enough to potentially approve it, if it were inclined to approve it.

Chairman Padula stated that what has to be done here, as you know, is that I am not going to ask the Planning Board to give a decision. What you need to do is apply and have a public hearing to find out whether or not the Planning Board agrees that this is a sufficient enough change to file for a Site Plan. So, we need two hearings. One hearing is a public hearing so the Planning Board can vote on whether or not we decide this is sufficient change. Then, from there, if you get a positive vote, you reapply for modification or for a new site plan. That is the process.

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Mr. Lanza stated that based on what the Planning Board has seen, they were hoping to get just a confirmation that there has been enough of a change as the site is not even the same site.

Chairman Padula stated that he thinks that they know that there has been a sufficient change. He stated that for me to tell you that there has not been a sufficient change in that you cut this in half, would be kind of ludicrous on my part.

Mr. Lanza said they do not have to deal with that issue; they will follow the process. They will be back.

Mr. Halligan re-entered the meeting.

D. Endorsement: 60 Earl's Way - Limited Site Plan Modification

Ms. Love stated the Planning Board approved this plan about one month ago for a Limited Site Plan to construct a 22 ft. x 79 ft. addition where the loading docks currently exist. The applicant added a concrete dumpster pad and it is noted on the plans. In the application, they requested a waiver. The waiver was not taken off the plans in front of the Planning Board. However, on the plans for tonight's endorsement, the waiver request has been removed. The Certificate of Vote and the Order of Conditions has been included.

Motion to Endorse 60 Earl's Way, Limited Site Plan Modification. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

E. Meeting Minutes: September 10, 2018 & September 24, 2018

Motion to Approve the September 10, 2018, Meeting Minutes. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the September 24, 2018, Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Discussion

Chairman Padula stated there would be a discussion on 45 Forge Park, YMCA. He read aloud a letter from the Inspection Department dated October 11, 2018, stating it has come to their attention that the structure being constructed at this location was larger than the 2,200 sq. ft. picnic area and office space approved at the May 2018, Planning Board public hearing. The letter stated that because of reasons unknown, the structure will now take up an impervious area of 2,258.66 sq. ft. It is the Inspection Department's determination that a Modification is required unless the Planning Board feels it could be a field change. Chairman Padula asked for the Planning Board's feeling on this 58 sq. ft. difference.

Mr. Halligan stated he considers it to be minor, a field change.

Planning Board members informally agreed.

Chairman Padula agreed as long as it was documented and the print is changed to reflect that.

7:05 PM

PUBLIC HEARING – Initial**Zoning Bylaw Amendment 18-820**

On or near King, Summer, Lawrence and Lewis Streets

Documents presented to the Planning Board:

- 1. Memorandum dated September 11, 2018 from Bryan Taberner, AICP, Director, to Jeffrey Nutting, Town Administrator*
- 2. Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-820 with Received by Town Clerk date September 21, 2018*

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Motion to Waive the Reading. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula turned over the Chair position to Mr. Halligan; he then left the meeting.

Mr. Taberner explained the proposed amendment. He stated Town staff are undergoing a project to better define the Town's zoning districts by following parcel lines. Currently, there are hundreds of parcels in town that are in two or more zoning districts. There are a series of amendments coming forward to address this; this is the fourth amendment regarding moving zoning district lines so each parcel is only in one zoning district. He stated this amendment is pretty straight forward. He reviewed the parcels proposed for rezoning and discussed the provided diagram showing the current zoning map and proposed zoning map changes.

Vice Chairman Halligan confirmed that all residents from the parcels involved have been notified.

Mr. Steve Sherlock, 10 Lawrence Drive, stated his property is currently split in Rural Residential and Single-Family Residential III. He noted there are minor differences between these zones. As a practical matter as a homeowner, he really does not see any difference from being in one zone or the other.

Mr. Taberner discussed Mr. Sherlock's assumptions.

A resident stated he owns two parcels of land: 285-088 on King Street, and a piece of land that abuts this on King Street and goes into Uncas Avenue. The land that goes into Uncas Avenue also abuts the backyard of DeVito's Store, which he assumes is already zoned for business. He discussed that the letter he received stated that parcel 285-088 was under consideration for rezoning. He asked why one parcel was up for rezoning and the other was not.

Vice Chairman Halligan stated that from the information he has, parcel 285-088 is not on the list to be rezoned.

Mr. Sherlock explained the resident's question.

Mr. Taberner stated this proposed amendment is to clean up zoning districts by following parcel lines; that is all we are doing. It is not changing the value of the property or what the resident can do with their property.

Vice Chairman Halligan stated the resident does currently have a very small piece that is CI. But, that could never be developed as it is not large enough to be used as a commercial piece. The proposed amendment is just making his parcel all in one zoning district. He stated that to make the parcels CI as they are on Rt. 140 is a concern that should be discussed with Planning and Town Council.

The resident stated his concern was if you are considering rezoning part of the land, why don't you do the whole thing.

Vice Chairman Halligan stated they are doing the whole thing, but not into CI. It was RIV. There will be no difference between the two lots.

The resident stated that is not how he read the letter.

Mr. Sherlock clarified for the resident and stated that he is getting a zone change for the one lot that had a split zone, but the other lot was only in one zone and therefore is not part of the change. But, the end result is that both lots will be zoned the same.

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Vice Chairman Halligan stated that the change is so minute, that it really does not change the value of the land or what can be done with the land. There is only a small portion of the parcel that is Commercial and it could never be utilized; the Town is just cleaning up lot lines.

The resident asked what the final outcome will be.

Vice Chairman Halligan stated the final outcome is that they will all be RIV; there will not be any split zoning. He stated if the resident would like to propose it to be all Commercial, that is for another day; that is not tonight's meeting.

A resident at 24 Cross Street stated he has a situation similar to the previous resident. A sliver of the yard is CI; the rest of the property is RIV.

Mr. Taberner stated this parcel is 286-050-000 on Cross Street in back of Walgreens. He reviewed the parcel and explained that the small piece zoned Commercial is not really useable for Commercial. The remainder of the property is Residential and the resident has a home there. They are proposing to make the whole parcel RIV. He stated he does not see any change in value of the property. He noted that if the entire property were changed to CI, it would probably be worth more money.

The resident stated he does not know if CI or RIV would be worth more money. He stated that his property is between CI properties and multi-family residences. Since they are cleaning up the zoning, will his property have the same zoning as his neighbors.

Mr. Taberner stated if the resident's neighbor has a multi-family property in RIV, it could be a pre-existing condition when the zoning changed at one point. He noted that if for instance the resident wanted to put five apartments in his building on the property, he does not have the zoning to do that in RIV. If it were all CI, he could get a special permit to do that. But, the resident only has a very small sliver of CI. So, when they looked at the zoning of that parcel, they looked at the majority of the parcel which is RIV; they are not looking at the CI portion for land use purposes. The specifics of the neighbor's parcel would have to be looked at.

The resident asked what is zoning for multi-family.

Mr. Taberner stated that multi-family is allowed by special permit in CI and RV; those are the two big districts that allow multi-family. RIV only allows by right up to a duplex.

Vice Chairman Halligan asked the resident how much frontage he has and explained the CI frontage and setback requirements.

Motion to Recommend to the Town Council Zoning Bylaw Amendment 18-820, on or near King, Summer, Lawrence and Lewis Streets. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
Chestnut Senior Village
Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. Memorandum dated October 10, 2018 from DPCD to Franklin Planning Board
2. Town of Franklin, Municipal Affordable Housing Trust, June 26, 2018, Meeting Minutes
3. Letter dated October 4, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, with attachments

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4. Memorandum dated September 10, 2018 from G.B. McCarraher, Fire Chief, to DPCD
5. Letter dated September 6, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
6. Memorandum dated September 4, 2018 from Matthew Crowley, BETA Group, Inc., to Anthony Padula, Chairman Franklin Planning Board
7. Letter dated September 4, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
8. Memorandum dated September 4, 2018 from George Russell, Conservation Agent, to Franklin Planning Board
9. Memorandum dated September 5, 2018 from DPCD to Franklin Planning Board
10. Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018
11. Letter dated August 23, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to BETA Group, Inc., Ref: BETA Group Inc. Comments
12. F-3183-5, Project Narrative for Site Plan Modification and Special Permit for Senior Village Overlay & Impervious Coverage, Chestnut Senior Village, Franklin, MA, prepared by Guerriere & Halnon, Inc., with Revised date July 26, 2018, with Received by Planning date July 26, 2018
13. Letter dated July 16, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
14. Memorandum dated July 3, 2018 from Jeffrey Nutting, Town Administrator, to Franklin Planning Board
15. Memorandum dated July 3, 2018 from Matthew Crowley, BETA Group, Inc., to Amy Love, Town Planner
16. Memorandum dated June 28, 2018 from DPCD to Franklin Planning Board
17. Letter dated July 2, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
18. Memorandum dated June 26, 2018 from George Russell, Conservation Agent, to Franklin Planning Board
19. F-3183-5, Project Narrative prepared by Guerriere & Halnon, Inc., with No date, with Received by Planning date June 22, 2018
20. F-3183-5, Special Permit Application for Senior Village Overlay District for Chestnut Street Senior Village, to allow construction of 27-units for senior housing, dated March 30, 2018, Revised June 15, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date June 22, 2018
21. Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., with No date, with Received by Planning date June 22, 2018
22. Site Plan Modification, Chestnut Senior Village, Chestnut Street, Franklin, MA, Plan Sheets, prepared by Guerriere & Halnon, Inc., dated August 23, 2018, with Received by Planning date August 27, 2018

Note: Vice Chairman Halligan activated alternate Planning Board member, Mr. Power, at the April 23, 2018, Planning Board meeting, as this public hearing is for a special permit.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Whittington, Whitman Homes, addressed the Planning Board. Ms. Cavaliere stated they are here in hopes to wrap up the Site Plan Modification for Chestnut Senior Village. She stated they have gone through Conservation Commission and received an Order of Conditions. They went through ZBA and recently received approval for impervious. The Planning Board is the home stretch. They have addressed the comments received at the last Planning Board public hearing. There were four items that needed to be clarified and cleared up; she reviewed each item and explained the resolutions. She noted they have provided the rendering and color photo of the building and a letter was received from the fire chief stating they are satisfied with the fire access. She

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discussed the request for a plan showing what could be built without waivers. She reviewed the four requested waivers. She noted market studies have shown there is a great need for this project.

Mr. Maglio stated that all his previous comments have been addressed; he is satisfied.

Ms. Love stated she has outlined some of the outstanding issues which Ms. Cavaliere just spoke about. The applicant has provided the color rendering and an Open Space Management Plan. If the Planning Board is satisfied with that plan, it should be part of the conditions. She recommended five Special Permit conditions should the Planning Board decide to approve this. She noted there was a discussion at the last Planning Board meeting regarding the four waivers of which two were reviewed. The two remaining for the Planning Board to take under consideration were the minimum front yard of no less than 20 ft. from the edge of the paved way and the construction within the 50 ft. setback. If the Planning Board has concerns about those two waivers, they can address that with the applicant.

Vice Chairman Halligan asked about a memo from the Municipal Affordable Housing Trust that voted on this. They had recommended some affordable pricing. He said he looked at comments from DPCD and the price was dropped about \$10,000 per unit to \$129,000 and \$139,000.

Ms. Love state she provided the Planning Board members with the meeting minutes from the vote from the Town of Franklin Municipal Affordable Housing Trust where the pricing was listed at \$129,000 and \$139,000. Mr. Nutting had provided a memo with different prices. It is the preference of the Planning Board; they can go back to the Town of Franklin Municipal Affordable Housing Trust to discuss this.

Mr. Carroll stated that in the future the applicant should note that the Planning Board is not going to accept anything without an as-built. In the future, they must submit plans that do not need waivers at the start, or the application will not be heard by the Planning Board.

Vice Chairman Halligan asked if everyone was in agreement with the curbing.

Ms. Love stated yes, it is all concrete and granite.

Motion to Close the public hearing for Chestnut Senior Village, Special Permit & Site Plan Modification. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Accept all four waivers, which include the frontage requirement of 100 ft., the need for Senior Hosing, the minimum front yard of no less than 20 ft. from the edge of the paved way, and construction within the 50 ft. setback, for Chestnut Senior Village, Special Permit & Site Plan Modification. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Special Permit VOTE for – USE: Senior Village Overlay District and Impervious Coverage not to exceed 38% in association with the Site Plan titled “Chestnut Street Senior Village” and dated June 15, 2018.

Vice Chairman Halligan read aloud the following.

(1) ROLL CALL VOTE

- a) Proposed project addresses or is consistent with neighbor or Town need.
Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

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Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

- d) Neighborhood character and social structure will not be negatively impacted.

Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

- e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

- f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Halligan-YES; David-YES; Rondeau-YES; Power-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

Vice Chairman Halligan stated that all the standard conditions will be attached as will the color rendering.

Ms. Love stated Vice Chairman Halligan should go through the Special Permit Conditions #1-5.

Vice Chairman Halligan read aloud the following five Special Permit Conditions.

1. All units are to be a minimum of 700 sq/ft each.
2. The Special Permit will become valid once DHCD has provided documentation that the Local Action units will count towards Franklin's SHI. Without DHCD accepting the units, the Project will not be issued a building permit.
3. The affordable units shall be priced between \$129,000 to \$134,000 for one-bedroom units and between \$139,000 to \$149,000 for two-bedroom units. Any changes in price shall be authorized through the Municipal Affordable Housing Trust.
4. Prior to endorsement, the applicant shall comply with §185-48 (F).2(b), the requirements of the open space.
5. Prior to endorsement, the applicant shall provide an "Open Space Management Plan" satisfactory to the Conservation Commission.

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Ms. Love confirmed the bocce court has already been eliminated and additional parking was put in. There is still one horseshoe pit, and some garden beds were put in.

Mr. Whittington confirmed they had shown some cape cod berm which they have agreed to make vertical concrete.

Motion to Approve all the Standard Conditions of Approval and all Special Permit Conditions for Chestnut Senior Village, Special Permit & Site Plan Modification. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. David. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 8:01 PM.

Respectfully submitted,


Judith Lizardi

Recording Secretary

