

Town of Franklin



Planning Board

**June 12, 2017
Meeting Minutes**

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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: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

7:00 PM Commencement/General Business

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

A. Partial Form H: 31 Hayward Street – Moseley Realty

Ms. Love stated the project was approved in September 2013; this is Phase III. A letter from GZA explains the outstanding items including detention basin does not drain in 72 hours and some plantings not installed. Applicant had said they would like to build additional parking areas and would cover these in a future site plan modification. The Partial Form H is for what is shown, not for the additional parking.

Chairman Padula stated he did not have a problem with the plantings, but he did have a problem with the detention basin if it is not operating.

Mr. Maglio stated he talked to GZA about the basin not draining as it should. Applicant said they are going to do more work on it. He believes they are filing for a partial to close it out before filing new plans for expansion.

Chairman Padula stated the basin must be operational before going further and signing a Form H. He stated he would not sign the Form H; Planning Board members informally agreed.

B. Partial Form H: 37-41 East Central Street – Phase I

Chairman Padula recused himself.

Mr. Maglio recommended there should be bollards to protect the lally columns holding up the building in the front; if the Planning Board signs the Partial Form H tonight, must make sure this gets taken care of before the Building Commissioner signs off.

Ms. Love stated BETA has done all observations at the site and provided letter detailing overview of work completed. This is Phase I of two phases; Phase II is constructing a building in the front.

Mr. Halligan stated he only has an as-built; he does not have any plans to review to see if what was approved was incorporated on the as-built. For instance, he does not see the walkways going down the driveway. He stated that he does not know if all the approved incidentals are on the as-built that he is looking at. He asked on what site plan and phase was the building permit pulled.

DRAFT FOR REVIEW

Mr. Maglio stated in the future copies of the approved plans could be provided. He discussed the retaining wall in the back. He stated that the original plan was approved for the entire site and it came back for a modification to break it out into two phases; the permits were issued for just the first phase which is the rear building. The second phase is the front building which will happen in the future.

Mr. Brad Chaffee, applicant, stated they are expanding the parking lot for Phase II. There is a walkway on Phase II.

Mr. Halligan stated that traditionally a Form H can be given as long as any additional work has nothing to do with safety issues.

Mr. Chaffee discussed access by walking, handicapped accessibility, and the handicapped spot in the new parking lot.

Mr. Crowley, BETA Group, stated that handicapped parking is typically required to be closest to the building, but the applicant also has parking within the building.

Mr. Maglio explained the width of typical parking spaces and handicapped accessible spaces.

Mr. Carroll stated he was concerned that there are no handicapped spots. He suggested they make a spot in the front a little wider. He stated he saw two different sets of plans and the number of handicapped spaces is different. He said he is looking for the actual plans the applicant went from; anyone can draw an as-built. He also indicated concern regarding the lally columns.

Mr. Chaffee stated he would put in some bollards.

Mr. Rondeau asked for a list of differences between the two site plans for the next phase.

Mr. Maglio stated the original plan had Phase II on it; once Phase II gets started, they would be going off the original plan which had the entire site on it.

Mr. Halligan stated he wants to make sure that the as-built has on it at least what was on the original Phase I plan. He noted confusion as to Phase I which is everything in the back, yet Phase II on the front building takes care of all the retaining walls on Phase I.

Mr. Crowley stated the BETA report regards only Phase I.

Mr. Maglio explained the retaining wall and parking lot.

Mr. Chaffee stated they were going to try to start Phase II as soon as possible.

Mr. Halligan asked BETA to confirm if the as-built is an exact replication of the plan.

Mr. Crowley said it is not exact as there were some field modifications made, but the differences between the Phase I plan and what is shown on the as-built were documented by BETA. He and Mr. Maglio reviewed some of the field changes/differences.

Motion to Approve the Partial Form H: 37-41 East Central Street – Phase I, with the condition of installing the bollards. Carroll. Second: David. Vote: 4-0-1 (4-Yes; 0-No.)

Chairman Padula re-entered the meeting.

DRAFT FOR REVIEW

7:05 PM

PUBLIC HEARING – *Continued*
471 & 481 West Central Street
Site Plan

Documents presented to the Planning Board:

1. Letter dated June 7, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Memorandum dated June 7, 2017 from DPCD to Franklin Planning Board
3. Letter dated June 7, 2017 from Matthew Crowley, BETA Group Inc., to Franklin Planning Board
4. Record of Decision for hearing date May 9, 2017 from Mark Fitzgerald, Chair, Design Review Commission
5. Letter dated May 22, 2017 from Craig Ciechanowski of Doherty, Ciechanowski, Dugan & Cannon, P.C. to Franklin Planning Board
6. Letter dated May 25, 2017 from Greg Lucas, BETA Group Inc., to Franklin Planning Board, RE: Traffic Peer Review
7. Letter dated June 2, 2017 from George Mihov, Guerriere & Halnon, Inc., to Franklin Planning Board
8. Letter dated May 25, 2017 from BETA Group Inc. to Franklin Planning Board, RE: Site Plan Review
9. Letter dated May 17, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
10. Stormwater Report for West Central Plaza dated April 26, 2017 with Revised date June 1, 2017 by Guerriere & Halnon, Inc.
11. Site Plan Sheets for West Central Plaza in Franklin, Massachusetts, with Revision date June 1, 2017, Prepared by Guerriere & Halnon, Inc., with Received by Planning date June 2, 2017

Ms. Love stated the applicant has made several changes to the plans based on comments received; they have the required number of parking spaces for the use of retail, they changed the curbing, they have been to Design Review, the Fire Chief has responded and has no further comments, Conservation indicated it was not in their jurisdiction, and the traffic reports are provided in the Planning Board members' packets. She stated a 6-ft. vinyl fence has been added along the residential side of the property.

Mr. Crowley stated BETA provided a second review of the revised documents; the majority of BETA's comments have been addressed. He stated there are a few minor items remaining which he reviewed. He stated BETA's traffic engineer looked over an updated traffic memo received today and felt the responses to the initial concerns were reasonable; this requires MassDOT approval for the access.

Mr. Rondeau asked if the transformer was looked at regarding traffic clearances around the bollards.

Applicant stated bollards will be put in.

Chairman Padula stated the recommendation from the Planning Board will be for right turn only on way out. He noted applicant only must follow MassDOT, but the recommendation will still be on the approval. He stated he does not have a problem with approving it as shown, but he does have a problem with the uses. He discussed the grease trap in one unit and if all four units were made into one. He asked applicant to return to Planning Board for occupancy, no charge, so the Board can make a determination of parking.

Applicant confirmed this return to Planning Board item would be under General Business.

Motion to Close the public hearing for 471 & 481 West Central Street, Site Plan. Rondeau. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

DRAFT FOR REVIEW

Motion to Approve Site Plan for 471 & 481 West Central Street. Halligan. Second: David. Chairman Padula stated as conditions the applicant will return to Planning Board for use of occupancy for each unit or the whole unit, and recommendation of Planning Board is for right turn only. He noted it will only be approved after MassDOT approves the traffic. He noted approval of the 6-ft. fence and the bollards in front of the transformer.

Mr. Richard Cornetta, Attorney representing the applicant, West Central Street Plaza, LLC, stated they have no questions.

Motion to Approve Site Plan for 471 & 481 West Central Street with the noted conditions. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – Continued
 115, 119, 125 & 129 Dean Avenue
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. Letter dated June 12, 2017 from Richard Cornetta, Jr., Esquire of Cornetta, Ficco & Simmler, PC, to Franklin Planning Board
2. Letter dated June 7, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Memorandum dated June 8, 2017 from DPCD to Franklin Planning Board
4. Letter dated June 7, 2017 from C. Thomas Brunson, FF Realty II, LLC, to Franklin Planning Board
5. Letter dated June 2, 2017 from Matthew Crowley of BETA Engineering to Franklin Planning Board
6. Letter dated June 6, 2017 from Greg Lucas of BETA Engineering to Franklin Planning Board
7. Letter dated June 6, 2017 from George Russell, Conservation Agent, to Halligan Properties LLC
8. Memorandum dated May 21, 2017 from G. B. McCarraher, Fire Chief, to DPCD
9. Letter dated June 1, 2017 from Brian McCarthy of RJ O'Connell & Associates, Inc. to Franklin Planning Board
10. Plan Sheets for Fairfield at Dean Avenue, Franklin, Massachusetts, with Revision date May 31, 2017, Prepared by RJ O'Connell & Associates, Inc., with Received by Planning date June 2, 2017
11. Letter dated May 1, 2017 from Greg Lucas of BETA Engineering to Franklin Planning Board
12. Letter dated April 28, 2017 from Matthew Crowley of BETA Engineering to Franklin Planning Board
13. Memorandum dated May 2, 2017 from Jeffrey Nutting, Town Administrator, to Franklin Planning Board
14. Memorandum dated May 3, 2017 from DPCD to Franklin Planning Board
15. Letter dated April 19, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
16. Letter dated January 21, 2016 from Bob Percy, Franklin Historical Commission, to Gus Brown, Building Commissioner
17. Memorandum dated April 4, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
18. Memorandum dated April 12, 2017 from Franklin Board of Health to Franklin Planning Board
19. Memorandum in Support of Application for Special Permit to Allow Multi-Family or Apartment Residential Use Within the General Residential V District from Richard Cornetta, Jr., Esquire of Cornetta, Ficco & Simmler, PC, dated March 30, 2017

DRAFT FOR REVIEW

20. Memorandum dated March 30, 2017 from Scott W. Thornton, P.E. and Derek I. Roach, EIT, Vanasse & Associates, Inc., to Town of Franklin Permitting Authorities
21. Application for Approval of a Site Plan and Special Permit(s) from Fairfield Residential Company, LLC, applicant, including owner list, with Received by Planning date March 31, 2017
22. Certificates of Ownership (3) with Received by Planning date March 31, 2017
23. Abutters List Report dated March 20, 2017 with Received by Planning date March 31, 2017
24. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 3, 2017

Note: Chairman Padula, at the April 24, 2017 Planning Board meeting, activated alternate Planning Board member, Mr. Power, as this public hearing is for a special permit.

Chairman Padula stated there was a request to continue the public hearing to July 24, 2017.

Motion to Continue the public hearing for 115, 119, 125 & 129 Dean Avenue, Special Permit & Site Plan, to July 24, 2017 at 7:05 PM. Rondeau. Second: Carroll. Vote: 5-0-1 (5-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained).

7:20 PM **PUBLIC HEARING** – *Initial*
 750 Union Street
 Site Plan Modification

Documents presented to the Planning Board:

1. Memorandum dated June 9, 2017 from G.B. McCarraher, Fire Chief, to DPCD
2. Letter dated June 6, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Memorandum dated June 7, 2017 from DPCD to Franklin Planning Board
4. Memorandum dated May 23, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
5. Memorandum dated June 7, 2017 from Franklin Board of Health to Franklin Planning Board
6. Form P: Application for Approval of a Site Plan from Roger M. Kaldawy, M.D., applicant, with Received by Planning date May 22, 2017
7. Certificate of Ownership (2) with Received by Planning date May 22, 2017
8. Town of Franklin Board of Assessors Abutters List Request Form dated May 17, 2017, with Received by Planning date May 22, 2017
9. Abutters List Report dated May 17, 2017
10. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date May 23, 2017

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

Mr. Danell Baptiste of Guerriere & Halnon, Inc., representing Mr. Roger Kaldawy, applicant, stated this is for a site plan modification for an existing 15,000 sq. ft. building, a former sports facility at 750 Union Street. The original site plan was approved in 1986. The site is approximately 3.15 acres. The applicant is proposing a Change of Use to a medical office facility on the lower floor; the top floor will remain vacant. No additional parking needed; no improvements to the exterior of the building. Site improvements will be to add two water quality units to enhance water treatment; he provided an overview of the installation.

Mr. Maglio explained the existing drainage system and the proposed two water quality manholes to treat stormwater runoff. He recommended these two water quality units and repairs to some of the existing curbing onsite.

DRAFT FOR REVIEW

Chairman Padula asked Mr. Baptiste to look at the plans with him and he explained/showed Mr. Baptiste some minor changes that he would like in the parking lot.

Mr. Kenneth Macklin, 28 Spruce Pond Road, recommended a stop sign be installed as there is much traffic on Union Street; there were many problems with the sports club regarding traffic. He asked if the traffic people would look at this. He asked if the business would be open on weekends.

Chairman Padula stated it would be up to the traffic officer in town to address that problem.

Applicant stated there would be limited hours on Saturdays; it will be a medical practice.

Mr. Fred Marshall, 27 Spruce Pond Road, asked what was proposed for the other two lots.

Applicant stated the seller wanted to sell the entire property; these parcels are assessed separately by the town. The future use is not determined yet. He had to buy them in order to get his practice in the building.

Ms. Love stated the site plan filing is for a Change in Use. The Zoning Enforcement Agent determined this was a substantial change of use requiring a Site Plan Modification; Conservation Commission stated this was out of their jurisdiction. The applicant will meet with Design Review tomorrow night. She stated there is some concern with the sign as it is much larger than the current sign and close to the road. She noted they have a significant number of parking spaces.

Mr. Baptiste stated the proposed sign will move with respect to sight distance.

Motion to Close the public hearing for 750 Union Street, Site Plan Modification. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Site Plan Modification for 750 Union Street. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

General Business (continued)**C. Meeting Minutes: April 24, 2017 and May 8, 2017**

Motion to Approve the April 24, 2017 Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the May 8, 2017 Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chair, Member, and Audience Comments

Mr. Carroll noted that BETA Group is the engineering company peer reviewer. He wanted to discuss whether there could be more than one group used so that applicants could have a choice. He noted that GZA was previously used. There must be a few other groups that could be used.

Mr. Halligan explained that the applicants would have the opportunity to meet with an engineering company, get a price, and have a choice as to the group with which they felt comfortable.

Ms. Love stated having BETA onboard year after year was good as they have become familiar with the town and Planning Board. She has received many good reviews about them. She stated that it is not really a choice for the developer/applicant to pick someone they like. BETA is here to support what the Planning Board has approved.

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Mr. Maglio stated that when peer reviewer GZA's contract came up an RFP was put out. About one dozen firms were interviewed and BETA was selected; he does not know when their contract is up. BETA has been great to work with.

Mr. Carroll expressed concern that he did not think it was right that applicants are forced to use BETA and BETA can just pick a price. How does the applicant defend the price; they just have to pay it.

Ms. Love explained how BETA prepares the price.

Chairman Padula said Mr. Carroll was indicating that there was no competing and no price comparisons.

Mr. Halligan remarked that there should be at least two companies selected by the town that applicants could talk to and then determine which the applicant would like to use.

Planning Board members discussed peer reviewers and their costs.

Chairman Padula asked for a report on how costs are determined.

Audience member asked if the cost was more than \$10,000 does it have to go out to bid. Why would an applicant not have the same protections as the town and have it go out to bid if over \$10,000?

Mr. Maglio stated professional services are a little different than procurement laws.

Mr. Carroll stated he does not think it is fair to applicants to make them use one firm when there are many companies. The applicants should be able to choose from the two or three that are approved by the town.

Ms. Love stated she will look at the bylaws and how contract services are brought in; she will get back to the Planning Board.

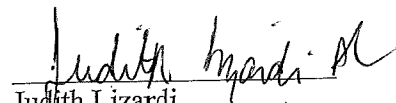
Audience member asked about Pond Street. She mentioned that the original buffer of trees was supposed to be 150 ft. which was reduced to 90 ft. and trees were taken down that should not have been taken down. She thought that was going to be revisited.

Chairman Padula stated it was revisited and everyone was notified.

Mr. Halligan explained the applicant had shown there were dead trees; to protect the residents, the applicant is putting in a high berm and growing trees on top.

Motion to Adjourn. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 7:59 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary

