

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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PLANNING BOARD

September 14, 2022

Nancy Danello, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE
SPECIAL PERMIT/SITE PLAN
585 King Street

2022 SEP 14 P 5:13
TOWN OF FRANKLIN
TOWN CLERK
RECEIVED

Applicant: MP Properties III, LLC
c/o Marcus Partners
260 Franklin St.
Boston, MA 02110

Owner: c/o Margaret C. Ranieri, Trustee
P.O. Box Q
Franklin, MA 02038

Prepared By;
Surveyor/Engineer: Bohler Engineering, Southborough, MA
Plan Date: October 8, 2021
Property Location: 585 King Street
Map 313 Lots 007; 008; 053; 054; 055

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, September 12, 2022 the Planning Board upon motion duly made and seconded, voted (4-0) to **Approve** the Special Permit and Site Plan at 585 King Street for Warehouse/Storage facility in the Business Zoning District, under 185 Attachment 4, 3.10. The Project Description, Public Hearing Presentation, Findings of Fact, Conditions and the Decision, are listed on pages 2 -8, attached hereto.

Sincerely,

Gregory Rondeau, Chairman
Franklin Planning Board

cc: Owners/Applicant/Applicant's Engineer/
Building Commissioner/DPW/Engineering/BETA Group, Inc.

PROJECT DESCRIPTION
SPECIAL PERMIT/SITE PLAN
585 King Street

The existing sites consists of a several parcels of land within the Business Zoning District. The parcel is currently undeveloped with a powerline easement. The applicant proposed to construct a 293,600+ sq./ft., Warehouse and Storage facility, a site driveway and parking areas. The Site Plans include landscaping, municipal utilities and stormwater management. After several public hearings, the final Site Plan reduced the size of the building to 255,400 sq./ft.

PUBLIC HEARING
SPECIAL PERMIT/SITE PLAN
585 King Street

A proper and complete notice of the November 15, 2021 public hearing was posted in the Franklin Municipal Building and in the appropriate local newspaper in accordance with the Franklin Zoning Code and Massachusetts General Laws. A proper and complete notice was also sent to all persons and parties required by law to receive such notice. The Planning Board continued to hold public hearings on December 20, 2021, January 10, 2022, February 28, 2022, March 28, 2022, April 25, 2022, May 9, 2022, June 6, 2022, June 27, 2022, July 11, 2022, July 25, 2022 and August 8, 2022.

Incorporated as part of the record are the following:

The Planning Board reviewed (1) the applicant's detailed written application including answers to Special Permit Findings (a) through (g), and (2) comments and review letters from various Town Departments, including but not limited to, Department of Planning & Community Development, Department of Public Works/ Engineering and Franklin Fire Department. The Planning Board also reviewed engineering reports from their peer review Consultant.

The Planning Board upon motion duly made and seconded, voted (5-0) to close the public hearing on August 8, 2022 for the Site Plan and Special Permit for Warehouse/Storage facility in the Business Zoning District, under 185 Attachment 4, 3.10

PRESENTATION
SPECIAL PERMIT/SITE PLAN
585 King Street

Attorney Edward Cannon on behalf of the applicant, Mr. Josh Berman of Marcus Partners, Mr. John Kucich of Bohler Engineering, and Mr. Jeffrey Dirk of Vanasse & Associates, addressed the Planning Board. Mr. Cannon reviewed that the applicant is proposing to construct a warehouse/storage facility; storage facilities require a Special Permit in the Business Zoning District. Mr. Kucich reviewed the location of the property which consists of five parcels and is approximately 28.9 acres. He stated that the site is mostly undeveloped today, it is encumbered by power lines, and there are wetlands on the property. A 293,000 sq. ft. warehouse facility with approximately 42 dock positions and 51 trailer parking spaces is proposed. The site would have 298 parking stalls on three sides of the building. Access into the site would be through a new driveway to the facility. He stated that they need to cross the wetland to get into the site; they have filed an ANRAD with the Conservation Commission. There will be a sidewalk from the building which will connect into the existing sidewalk. There will be full access around the building which has been vetted by the Fire Department. Employee traffic/parking is separated from truck

traffic/parking. He stated that they are fully compliant with local and state stormwater requirements. Water, gas, electric, and telecommunications will service the site. They are proposing an onsite septic system. He stated that this will go through the full peer review process with BETA.

Chair Rondeau confirmed that the applicant has seen the letter from the Fire Department. He confirmed that the applicant projects about 290 total vehicle/truck trips in and out per day. Planning Board members asked questions. Mr. Dirk stated that queuing has been taken into consideration within the analysis. Mr. Cannon stated additional detail can be provided regarding how it was determined that the closet neighbors would not be impacted by noise or vibrations.

Ms. Love stated that questions on the Zoom chat included what type of warehouse and hours of operation. Mr. Berman stated that as they do not know who the tenant will be, they do not know those answers. Ms. Williams asked if the Town has plans to add sidewalks to that side of the street. Mr. Maglio stated they have no immediate plans to do so; he noted that much of that area is MassDOT. He explained that it will be a combined effort between the Town and MassDOT to coordinate all the traffic signals. Mr. Dirk stated that they will be rebuilding the corner. Ms. Williams noted that it appears that the entire area is being cleared as it is now a forest. She asked about mediation or remediation for the area. Mr. Cannon stated that the first hearing with the Conservation Commission is upcoming in which those issues will be addressed.

Mr. Dirk narrated a slideshow presentation on his Transportation Impact Assessment Summary for the proposed warehouse building at 585 King Street. He stated that updated traffic volumes were obtained from a prior study conducted by VAI that included the study area intersections in 2018 and were adjusted and supplemented following MassDOT's guidelines for data collected during the COVID-19 pandemic. The analysis concluded that the project will not result in a significant impact (increase) on motorist delays or vehicle queuing over existing or anticipated future conditions without the project (no-build conditions), with the majority of the movements shown to continue to operate at acceptable levels. No apparent safety deficiencies were noted with respect to the motor vehicle crash history at the study area intersections. And, lines of sight at the project site driveway intersection with King Street were found to exceed or could be made to exceed the recommended minimum distance for safe operation based on the appropriate approach speed. He reviewed the site location map, the existing conditions diagram, and the trip generation summary. He noted that the warehouse is approximately 293,600 sq. ft. He stated that truck trips do not constitute a significant volume of activity at this site. He stated that the traffic volumes as shown on his chart are representative of a high-level warehouse, such as this facility. He stated that the average weekday daily vehicle entering and exiting total is 510 trips. He reviewed weekday morning peak hour is 61 trips and weekday evening peak hour is 63 trips. He reviewed a diagram showing trip distribution. His recommendations for site access included, but were not limited to: the project site driveway will be incorporated into the traffic signal system at the King Street/Constitution Boulevard intersection and will provide two (2) travel lanes approaching King Street, the driveway and internal circulating drives will be designed to accommodate the turning and maneuvering requirements of the largest anticipated responding emergency vehicle and a large tractor semi-trailer combination, and vehicles exiting the project site should be placed under stop-sign control with a marked stop-line provided. He provided recommendations for offsite regarding the King Street traffic signal system and at King Street at Franklin Fire Station No. 2. He stated that they will be adding a second set of signal indications at the Fire Station driveway to make sure the driveway is not blocked. Mr. Dirk reviewed the Transportation Demand Management Program which included, but was not limited to, that a transportation coordinator will be designated to coordinate the TDM process, information regarding public transportation services, maps, schedules and fare information will be posted in a central location and/or otherwise made available to employees, and the transportation coordinator will facilitate a rideshare matching program for employees to encourage carpooling.

Ms. Love noted that the Planning Board requested hours of operation which were in the traffic review. Mr. Maglio stated that he did not have any comments. Ms. Jaklyn Centracchio, BETA's peer review consultant on this project, stated that she did the traffic review for this study. The main comment was the volume data; the applicant responded and fixed that data. As well, clarification requests and additional data was requested.

Ms. Wierling stated that she wanted to talk about noise. She suggested that to be fair to the applicant and abutters, a noise study should be considered; she wants to look at what can be done to mitigate the truck noise. Chair Rondeau stated that it may need a third look as he wants to make sure it is a safe situation especially with the Fire Department right there. He asked how many vehicles were entering and exiting Constitution Boulevard. Mr. Dirk stated that on Constitution Boulevard in the morning about 600 vehicles going southbound and 250 vehicles going northbound. In the evening, it is about the same volume in reverse. Ms. Williams stated agreement that a noise study would be beneficial.

Chair Rondeau asked for a review of the changes on the site. Mr. John Kucich of Bohler Engineering stated that the building was flipped so the intensive part of the use is on the Rt. 495 side. This reduced the building by approximately 40,000 sq. ft.; the building is now proposed to be 255,400 sq. ft. He stated that everything else is very consistent with what was there before. Throughout the public hearings, the Planning Board received public comment from residents and abutters to the project. The Board continued to hear from their peer review consultants on traffic and site design. After several public meetings, the Board closed the hearing.

After a complete presentation and discussion of the project, Planning Board members closed the Public Hearing on August 8, 2022.

FINDINGS OF FACTS
SPECIAL PERMIT/SITE PLAN
585 King Street

The applicant submitted their proposed Special Permit findings with the original application on October 18, 2021.

DECISION
SPECIAL PERMIT/SITE PLAN
585 King Street

Special Permit: Warehouse/Storage facility in the Business Zoning District,
under §185 Attachment 4, 3.10.

(a) Proposed project addresses or is consistent with neighborhood or Town need.

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

(b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

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

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

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

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

(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.

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

(f) Number, height, bulk, location and siting of building(s) and structure(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.

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

(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.

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

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.

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

Based upon the information submitted during the public hearings, Planning Board's specific findings, the Planning Board specifically determines that allowing Site Plan and Special Permit for Warehouse/Storage facility in the Business Zoning District, under 185 Attachment 4, 3.10 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.

Accordingly, at the Planning Board meeting on September 12, 2022 the Planning Board, upon motion duly made and seconded, voted (4-0) to *Approve* the applicant's request to allow the Site Plan and Special Permit at 585 King Street.

The following members of the Planning Board were present at the hearing and voted as follows:

Gregory Rondeau	YES	William David	YES
Rick Power	YES	Beth Wierling	YES

Any person aggrieved by the above decision of the Franklin Planning Board may file an appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17. Such appeal must be filed within twenty (20) days after the filing of the notice of the Board's decision with the Town Clerk.

This Certificate of Vote shall become effective only upon the recording of a copy certified by the Town Clerk with the Norfolk County Registry of Deeds. A copy of the recorded Certificate of Vote shall be submitted to the Board within thirty (30) days of recording.

STANDARD CONDITIONS OF APPROVAL
585 King Street

1. This Special Permit shall not be construed to run with the land and shall run with the Site Plan as endorsed by the Planning Board. A new Special Permit shall be required from the Planning Board if any major change of use or major change to the site plan is proposed.
2. This Special Permit shall lapse if a substantial use or construction has not begun, except for good cause, within twenty four (24) months of approval, unless the Board grants an extension. No final Certificate of Occupancy shall be issued until all requirements of the Special Permit have been completed to the satisfaction of the Board unless the applicant has submitted a Partial Certificate of Completion for the remainder of the required improvements and received approval by the Planning Board. The applicant's engineer or surveyor, upon completion of all required improvements, shall submit a Certificate of Completion. The Board or its agent(s) shall complete a final inspection of the site upon filing of the Certificate of Completion by the applicant. Said inspection is further outlined in condition #4.
3. Construction or operations under this Special Permit shall conform to any subsequent amendment of the Town of Franklin Zoning Bylaw (§185) unless the use or construction is commenced within a period of six (6) months after the issuance of this Special Permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
4. **The Planning Board will use outside consultant services to complete construction inspections upon the commencement of construction.** The Franklin Department of Public Works Director, directly and through employees of the Department of Public Works and outside consultant services shall act as the Planning Board's inspector to assist the Board with inspections necessary to ensure compliance with all relevant laws, regulations and Planning Board approved plan specifications. Such consultants shall be selected and retained upon a majority vote of the Board.
5. Actual and reasonable costs of inspection consulting services shall be paid by the owner/applicant before or at the time of the pre-construction meeting. Should additional inspections be required beyond the original scope of work, the owner/applicant shall be required to submit fees prior to the issuance of a Final Certificate of Completion by the Planning Board (Form H). Said inspection is further outlined in condition #4.
6. No alteration of the Special Permit and the plans associated with it shall be made or affected other than by an affirmative vote of the members of the Board at a duly posted meeting and upon the issuance of a written amended decision.
7. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary licenses, permits and approvals shall be obtained by the owner/applicant.
8. Prior to the endorsement of the site plan, the following shall be done:
 - The owner/applicant shall make a notation on the site plan that references the Special Permit and the conditions and dates of this Certificate of Vote.
 - A notation shall be made on the plans that all erosion mitigation measures shall be in place prior to major construction or soil disturbance commencing on the site.
 - All outstanding invoices for services rendered by the Town's Engineers and other reviewing Departments of the Town relative to their review of the owner/applicant's application and plans shall have been paid in full.
 - The owner/applicant shall submit a minimum of six copies of the approved version of the plan.

9. Prior to any work commencing on the subject property, the owner/applicant shall provide plans to limit construction debris and materials on the site. In the event that debris is carried onto any public way, the owner/applicant and his assigns shall be responsible for all cleanup of the roadway. All cleanups shall occur within twenty-four (24) hours after first written notification to the owner/applicant by the Board or its designee. Failure to complete such cleanup may result in suspension of construction of the site until such public way is clear of debris.
10. The owner/applicant shall install erosion control devices as necessary and as directed by the Town's Construction Inspector.
11. **Prior to construction activities, there shall be a pre-construction meeting with the owner/applicant, and his contractor(s), the Department of Public Works and the Planning Board's Inspector.**
12. The Certificate of Vote is to be added to the plans.
13. Prior to the endorsement, the following is required:
 - The elevations of the top and bottom of the proposed retaining wall between the parking area and the truck access on the southeast side of the building should be noted similar to the other proposed walls on the site.
 - The retaining wall along the I-495 layout may require a protective fence along a portion of its length due to the 11-ft. height.
 - The plans call for HDPE piping for drainage; however, the Planning Board requires reinforced concrete pipe for drainage.
 - Any drainage pipe within the Town right-of-way should also be reinforced concrete pipe.
 - The row of arborvitae being proposed should be placed outside the limits of the proposed subsurface sewage disposal system to ensure that they will be maintained when the system is replaced.

SPECIAL CONDITIONS OF APPROVAL
585 King Street

1. Any offsite improvement plans shall be reviewed, approved, and permitted by DPW as well as MassDOT prior to issuance of a building permit.
2. The Applicant is required to apply with the Design Review Commission for any signage for the site.
3. A sign is to be added to the plans stating "No right turn on Red" leaving the site.
4. This decision is subject to MEPA approval.
5. Hours of operation will be 5:00am – 11:00pm.