

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



PLANNING BOARD

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TOWN OF FRANKLIN
TOWN CLERK

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August 17, 2022

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

CERTIFICATE OF VOTE
SPECIAL PERMIT/SITE PLAN
230 East Central Street

Applicant: Mohiuddin Ahmed
95 Main Street #100
Westborough, MA 01581

Owner: Taj Estates of Franklin II, LLC
95 Main Street #100
Westborough, MA 01581

Prepared By;
Surveyor/Engineer: Guerriere & Halnon, Inc., Franklin, MA
Plan Date: November 11, 2021
Property Location: 230 East Central Street
Map 285 Lot 069

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, August 8, 2022 the Planning Board upon motion duly made and seconded, voted (3-2) to **Approve** the Special Permit and Site Plan at 230 East Central Street for §185 Attachment 7, 6.1: Multifamily in Commercial I Zoning District. The project is approved by simple majority under Ch40A, Section 9 of the MGL. The Project Description, Public Hearing Presentation, Findings of Fact, Conditions and the Decision, are listed on pages 2 -10, 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
230 East Central Street

The existing sites consists of a single parcel of land within the Commercial I Zoning District and with the Water Resource District. The parcel currently contains on single family residential structure built in 1850. The applicant proposed to construct a 14,212+ sq./ft., three (3) story building, with forty-one (41) single bedroom residential units, a site driveway and parking areas for tenants. The Site Plans include landscaping, municipal utilities and stormwater management. After several public hearings, the final Site Plan included 33 residential units and 2 commercial spaces.

PUBLIC HEARING
SPECIAL PERMIT/SITE PLAN
230 East Central Street

A proper and complete notice of the December 6, 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 January 10, 2022, January 24, 2022, February 7, 2022, February 28, 2022, March 28, 2022, April 25, 2022, May 23, 2022, June 6, 2022, June 27, 2022, and July 25, 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 July 25, 2022 for the Site Plan and Special Permits for §185 Attachment 7, 6.1: Multifamily in Commercial I Zoning District.

PRESENTATION
SPECIAL PERMIT/SITE PLAN
230 East Central Street

Mr. Richard Cornetta, attorney on behalf of the applicant Taj Estates of Franklin II LLC, and Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Cornetta noted a principal of Taj Estates was in the audience. He stated the property is about one (1) acre located within the Commercial I zoning district. Currently, the property has a single-family residence on it that is unoccupied. The plans are to remove the structure with the redevelopment of the site. The proposed redevelopment is the construction of a three-story, 14,200 sq. ft. commercial mixed-use residential building containing 41 single-bedroom apartment style residential units with 900 sq. ft. commercial space located on the first-floor front portion of the building. He stated that in order to do this, they need to seek approvals including a Special Permit to allow multi-family housing style in the commercial district. They would also need an associated site plan approval. They have identified no wetlands in the project. Ms. Cavaliere reiterated that as this property is located in the Commercial I zoning district, a Special Permit is needed. They are requesting a waiver for one parking space per unit as opposed to 1.5 spaces as required

in zoning. They have three visitor spaces in the back. The project will be serviced by Town water and sewer. There is an infiltration system in the parking lot.

Mr. Crowley stated that BETA anticipates submitting their final review tomorrow. Mr. Gary James of BETA stated that Ms. Love and Mr. Maglio covered the major items. He has the same issues with the infiltration system as noted by Mr. Maglio. He discussed the possible impact on the sewer line and recommended Mr. Maglio comment on that. He stated that they are making a 10 ft. cut near Hill Avenue which is a shallow bedrock area which may require blasting to get in the foundation. He recommended the applicant do test pit data to determine if blasting will be needed. He commented that there are no trees proposed around the parking lot. He agreed with Ms. Love that there is not enough parking.

Planning Board members made comments. In response, Ms. Cavaliere reviewed the provided parking schedule. She stated that she would include the number of spaces required if the waiver were not granted. She reviewed the landscape plan and stated that she will show signage on the plan. She stated renderings would be provided with the next submittal. Ms. Wierling suggested a traffic study be provided as there is a lot going on in that area already, and this is proposed for 41 units. Mr. Crowley stated that BETA could look at that. Ms. Williams noted that this development would be more than .5 miles from the train station. She agreed that there is not enough parking, and this is an extremely dense project. Chair Rondeau asked about the underground retention system and the proximity to the Town easement. He noted his concern about traffic. He agreed it is a fairly dense project. He suggested the applicant look at the parking spaces, screening, lighting, and fire department access around the site.

Ms. Cavaliere reviewed the revised site plan. She stated that the most significant change is the reduction in building size. Originally, it was proposed at approximately 14,000 sq. ft.; that has been reduced by approximately 2,000 sq. ft. As well, the number of units has been reduced from 41 to 35 one-bedroom units. She reviewed the updated parking. She stated that they are proposing 36 parking spaces for the units, two office spaces, three visitor spaces, and three handicap spaces. She stated that the total number of spaces required is 55; they are proposing 44. She stated that all work has been removed from the sewer easement. She reviewed the revised landscaping plan. Ms. Williams stated that she agreed Franklin needs one-bedroom units; however, she thinks that the number of parking spaces to units is insufficient even if it were 1.2 spaces per unit. With 44 spaces there is not enough parking. Ms. Wierling stated that she does not disagree that it should be given a good look; however, the density may be a little too dense. It is wedged between some single-family homes, and there is a lot of impervious. She recommended looking at a few less units. She noted the location of the dumpster as it abuts residential.

Planner, Amy Love stated that at the rear of the building there are two parking spaces within 10 ft. of the right of way; the applicant will require a waiver for these parking spaces. She stated that the applicant has provided 51 parking spaces; however, only 44 meet the zoning requirements. The applicant will require a waiver for parking since 7 spaces do not meet the required width. The building and parking area is at 78.8 percent impervious as 80 percent is permitted. The applicant is to provide documentation on the ownership of Hill Avenue. She stated that the question is who owns the street and is the applicant allowed to work in the right of way.

The Planning Board held several additional Public hearings to discuss the density of the project, the issue with the wall being constructing and how it will impact the abutting property. The Applicant provided explanations and details in response, but not to the satisfaction of the Board. The Board continued to discuss the lowering the amount of the units, additional parking spaces and concerns about encroachment onto the abutting properties. Many member of the public attended and discussed their concerns with the project, being traffic, safety and the size of the project.

The Applicant at the last public hearing provided the necessary amount of parking spaces, to be 50 with 33 residential units and 2 commercial spaces on the lot. Along with the Site changes proposed, the Applicant also indicated they would be agreeable to 10% of the units being affordable, under the State guidelines. The Planning Board discussed conditions to be added to the decision pertaining to the affordable units, encroachment on Hill Ave and fencing on the east side of the property. The affordable units would need to be deed restricted for the property to be acceptable.

After a complete presentation and discussion of the project, Planning Board members closed the Public Hearing on July 25, 2022.

FINDINGS OF FACTS
SPECIAL PERMIT/SITE PLAN
230 East Central Street

The applicant submitted their proposed findings with the original application on November 12, 2021 and revised findings on May 16, 2022 and both are on record.

DECISION
SPECIAL PERMIT/SITE PLAN
230 East Central Street

Special Permit: (1) §185 Attachment 7, 6.1: Multifamily in Commercial I Zoning District.

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

Gregory Rondeau	YES	Jennifer Williams	YES
Rick Power	YES	Beth Wierling	NO
William David	YES		

-Beth Wierling said **no**, because in the location proposed, at the density of thirty-three units per acre, the proposed project does not address neighborhood need.

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

Gregory Rondeau	YES	Jennifer Williams	NO
Rick Power	YES	Beth Wierling	YES
William David	YES		

-Jennifer Williams said **no**, because she does not believe that, with the density on the site and the challenges on the site that already exist, that the increasing the number of vehicles coming in and out of the site, and the increase in the number of pedestrians coming in and out of the site, are properly addressing the very concerning safety challenges in this area of town.

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

Gregory Rondeau	YES	Jennifer Williams	NO
Rick Power	YES	Beth Wierling	NO
William David	YES		

-Jennifer Williams said **no**, because-similar to her last comment-she believes this is already failing the town in regards to public roadways and infrastructure, and therefore will not accommodate an increase in all things in this area.

-Beth Wierling said **no**, because the town of Franklin public roadways are not adequate and will not be upgraded to accommodate development, and as has been noted in the traffic study, existing traffic conditions at the

Route 140/King Street/Chestnut Street intersection are currently operating at or over capacity, defined as level service *E* or *F* during the weekday peak hour. There are existing inadequacies on town roadways. The applicant has indicated they would contribute \$5000 to conducting a signal-timing study. However, the applicant did not indicate what, if anything, they would do to assist with costs to address upgrades that may result from the study to improve the coordination between pedestrians, bicycle and/or vehicular traffic at intersections. It is of the utmost importance the town of Franklin have the safest possible coordination of our traffic signals for all that utilize roadways. As a result of this project, we have pedestrians walking on the sidewalks, cyclists navigating the roadway corridors, or vehicles navigating through the intersections to the adjacent neighborhoods, all aspects of the roadways need to be safe and adequately studied and funded.

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

Gregory Rondeau	YES	Jennifer Williams	YES
Rick Power	YES	Beth Wierling	NO
William David	YES		

-Beth Wierling said **no**, because directly abutting neighborhood consists mainly of single-family homes, with two-family and three-family homes mixed in. The few two-family and three-family homes that exist in the area have an appearance and site features such as lighting, trash removal, and impervious coverage that is consistent with that of a primarily single-family home neighborhood. In addition, the mix of single-family, two-family, and three-family homes in the neighborhood creates a density that is non-impactful to the neighborhood character. In addition, existing residences are one to two stories tall, with housing densities that are well below the thirty-three units/acre that are being presented with this project. The mean height of the main gable at Taj Estates is forty feet, much greater than the average height of the surrounding existing residential buildings whose average roofline height is twenty-six feet. Taj Estates, as it is currently designed, will introduce site features—many of which are a few feet away from abutting residential homes—such as 24-hour site lighting, noise related to trash removal service for on-site dumpster, backup beepers during winter months due to snow removal, fifty-five parking spaces as well as other features that are inconsistent with the existing neighborhood character. The neighborhood character will be negatively impacted by a building that does not fit in in any aspect of its character with the abutting neighborhood.

(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	Jennifer Williams	YES
Rick Power	YES	Beth Wierling	YES
William David	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	Jennifer Williams	NO
Rick Power	YES	Beth Wierling	NO
William David	YES		

-Jennifer Williams voted **no**, because she believes that a significant bulk of the proposed project will deprive neighbors of light as well as contribute to noise in the area.

-Beth Wierling voted **no**, because it is unclear if the constructability of the retaining wall structures shown on the western side of the plan could be completed without excessive noise or vibrations which will impact the abutters. There are outstanding peer review comments including the request for soil logs to test at locations to verify MF Engineering and Design results that remain outstanding that would contribute to understanding constructability of the retaining wall and any noise or vibrations that might impact the neighbors.

(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	Jennifer Williams	YES
Rick Power	YES	Beth Wierling	YES
William David	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	Jennifer Williams	NO
Rick Power	YES	Beth Wierling	NO
William David	YES		

-Jennifer Williams said **no**, because she does not believe (that they meet criteria H) for all of the reasons given so far. Ultimately the project is far too dense for the site in which it is being proposed, which the benefits do not outweigh the negatives in this case.

-Beth Wierling said **no**, for all of the reasons she previously stated. In addition, she believes the particular characteristics of the site being only one acre, and the proposal to construct thirty-three units of multi-family housing creating a density of thirty-three units/acre, along with the associated parking, lighting, and site infrastructure needed to support thirty-three units of multi-family housing will have an adverse effect which will overbalance its beneficial effects on both the neighborhood and the town.

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 §185 Attachment 7, 6.1: Multifamily in Commercial I Zoning District, 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 August 8, 2022 the Planning Board, upon motion duly made and seconded, voted (3-2) to *Approve* the applicant's request to allow the Site Plan and Special Permit at 230 East Central Street, under CH40A, Section 9 of the MGL.

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

Gregory Rondeau	YES	Jennifer Williams	NO
Rick Power	YES	Beth Wierling	NO
William David	YES		

At the Planning Board meeting on August 16, 2022 upon motion duly made and seconded, voted (5-0) to *Approve* Special Conditions, Waiver and Standard Conditions, which are all listed below. Also, at the Planning Board meeting on August 16, 2022 the Planning Board, upon motion duly made and seconded, voted (5-0) that the conditions be attached to the original decision and recorded at the Registry of Deeds.

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
230 East Central 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. Any signage requires the Applicant to file with the Design Review Commission.
13. The Certificate of Vote is to be added to the plans.
14. Prior to the endorsement, the following is required:
 - Soil logs and test pit locations be shown on the revised plans from M.F. Engineering & Design to verify results, for the retaining wall.
 - The Appendix is not specifically noted in the O&M plan. The long-term Operation and Maintenance plan should be a stand-alone document. Therefore, Appendix 11 should be directly incorporated into the plan and reference. Along with the sample Inspection for and a plan of the BMPs.
 - The manifold invert be raised to Elevation 278.95. This would provide an additional 12" of sediment storage in the separator row and further protect the long-term viability of the system. If any disturbance is shown on Hill Ave, then the Applicant is to submit an alternative plan to the Planning Board that shows no disturbance on Hill Ave.

SPECIAL CONDITIONS OF APPROVAL
SPECIAL PERMIT/SITE PLAN
230 East Central Street

1. The Applicant must meet the requirements under MGL Chapter 184, Affordable Housing Guidance, providing a deed restriction on the property for the 10% affordable units, in perpetuity. This must be completed prior to commencement of construction and pre-construction meeting. If this condition is not met, then the Special Permit fails to comply with Chapter 40A, Section 9 and the project would require a Super Majority vote for approval.
2. Bollards will be inset to the fence posts centered to the parking spaces along the east side of the property, in front of the fence on the 230 East Central Street property.
3. A Limited Site Plan is required prior to occupancy of the two Commercial spaces within the building.
4. The Applicant will contribute \$5,000 towards a future “traffic signal study” for the intersection at West Central Street and King Street, funds are to be submitted to the Town prior to the Building permit.
5. Test holes should be conducted directly in the area of the proposed infiltration structure, prior to commencement of construction.
6. Commercial space will not be used as a leasing office.
7. There will be no disturbance to Hill Ave.
8. Prior to issuance of a Building Permit and start of any site work, property lines shall be staked and reviewed by DPW and Building Commissioner.

Waiver
SPECIAL PERMIT/SITE PLAN
230 East Central Street

1. §185-21.C.(4) – No screening will be provided along the Hill Ave right-of-way