

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



PLANNING BOARD

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TOWN OF FRANKLIN
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TOWN CLERK

2024 MAY 23 A 10:54

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May 21, 2024

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

CERTIFICATE OF VOTE
SPECIAL PERMIT/SITE PLAN N
19 Cottage Street

Applicant: Stephan W Dunbar, PE
30 Madison Avenue
Franklin, MA 02038

Owner: James Colace
55 Coutu Street
Franklin, MA 02038

Prepared By;
Surveyor/Engineer: Stephan Dunbar, Franklin, MA
Plan Date: March 15, 2024
Property Location: 19 Cottage Street
Map 286 Lots 217

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, May 20, 2024 the Planning Board upon motion duly made and seconded, voted (5-0) to **approve** the Special Permit and Site Plan at 19 Cottage Street for §185 Attachment 3: Off-Street Parking as a primary use. The Project Description, Public Hearing Presentation, Findings of Fact, Conditions and the Decision, are listed on pages 2 -6, 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
19 Cottage Street

The existing sites consists of a vacant area of land, with an abutting parking area and restaurant. Both properties are owned by the same person. The owner is proposing adding 19 parking spots on the lot and provide two way throughout the site and the abutting property. The Site Plans include landscaping, lighting and stormwater management.

PUBLIC HEARING
SPECIAL PERMIT/SITE PLAN
19 Cottage Street

A proper and complete notice of the April 22, 2024 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 a public hearing on May 20, 2024.

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 May 20, 2024 for the Site Plan and Special Permit for §185 Attachment 2: Off-Street Parking as a primary use.

PRESENTATION
SPECIAL PERMIT/SITE PLAN
19 Cottage Street

The Planning Board opened the Public Hearing. The Owner and Applicant provided an overview of the proposed lot. That included constructing 19 new parking spaces at the site, with drainage, lighting and landscaping. The Planning Board asked the owner to include the adjacent parking area with the h=this lot for a better traffic flow through the site. The owner and engineer provided a revised plan that included two-way traffic flow through parking lot sites.

After a complete presentation and discussion of the project, Planning Board members closed the Public Hearing on May 20, 2024.

FINDINGS OF FACTS
SPECIAL PERMIT/SITE PLAN
19 Cottage Street

The applicant submitted their proposed findings with the original application on March 18, 2024 and are on record.

DECISION
SPECIAL PERMIT/SITE PLAN
19 Cottage Street

Special Permit: (1)To allow off-street parking as a primary use
§185 Attachment 3

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

Gregory Rondeau	YES	Jennifer Williams	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	YES		

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

Gregory Rondeau	YES	Jennifer Williams	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	YES		

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

Gregory Rondeau	YES	Jennifer Williams	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	YES		

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

Gregory Rondeau	YES	Jennifer Williams	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	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	Jennifer Williams	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	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	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	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	Jennifer Williams	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	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	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	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 primary off-site parking use under §185 Attachment 3, 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 May 20, 2024 the Planning Board, upon motion duly made and seconded, voted (5-0) to *approve* the applicant's request to allow the Site Plan and Special Permit at 19 Cottage Street.

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

Gregory Rondeau	YES	Jennifer Williams	YES
Jay Mello	YES	Beth Wierling	YES
Chris Stickney	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
19 Cottage 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. Prior to the endorsement, the Certificate of Vote and Order of Conditions shall be added to the Site Plans.

WAIVERS
SPECIAL PERMIT/SITE PLAN
19 Cottage Street

- To allow a 1-foot reduction required for the parking space length to 9ft x 18ft.
- To allow site lighting to extend past the property line.

SPECIAL CONDITIONS OF APPROVAL
SPECIAL PERMIT/SITE PLAN
19 Cottage Street

- The dumpster pad is to be put on a concrete slab with fence enclosure.
- The construction of the new parking area is to commence within 1 year of this Special permit decision.
- Snow will be removed off-site as needed.