

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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PLANNING BOARD

April 25, 2024

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

CERTIFICATE OF VOTE
SPECIAL PERMIT & SITE PLAN MODIFICATION
Uncas Avenue Lots 3R - 9R

Applicant: J. Walsh Corporation
55 Lavender Lane
Walpole, MA 02081

Owner: Walsh Brothers Building Co, Inc
11 Saddle Way
Walpole, MA 02081

Prepared By;
Surveyor/Engineer: GLM Engineering Consultants, INC

Plan Date: 2/22/2024
Property Location: Uncas Avenue Lots 3R - 9R
Map 285 Lots 078-002 - 7

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, April 22, 2024 the Planning Board upon motion duly made and seconded, voted (4-0) to **Accept the Special Permit at** Uncas Avenue Lots 3R - 9R for Use Regulation Schedule §185 Attachment 7.6.1.b – Residential with three housing units. The Project Description, Public Hearing Presentation, Findings of Fact, and the Decision, are listed on pages 2 - 7, attached hereto.

Sincerely,

Gregory Rondeau, Chairman
Franklin Planning Board

cc: Owners/Applicant's Engineer/Building Commissioner/DPW/Engineering

RECEIVED
2024 MAY - 3 A 10:10
TOWN OF FRANKLIN
TOWN CLERK

PROJECT DESCRIPTION
SPECIAL PERMIT & SITE PLAN MODIFICATION
Uncas Avenue Lots 3R - 9R

The property is in the SFIV Zoning District and is currently permitted for a 9 lot subdivision, with two-family houses on each lot. The applicant is requesting to add a third unit to Lots 3R - 9R. A Special Permit is required under Section §185 Attachment 7.6.1.b – Residential with three housing units.

PUBLIC HEARING
SPECIAL PERMIT & SITE PLAN MODIFICATION
Uncas Avenue Lots 3R - 9R

A proper and complete notice of the October 16, 2023 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. Public hearings were posted for subsequent meetings on November 20, 2023, December 18, 2023, January 22, 2024 & February 5, 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 Police Department.

The Planning Board upon motion duly made and seconded, voted (3-0) to close the public hearing on February 5, 2024 for the Special Permit & Site Plan for Use Regulation Schedule Section §185 Attachment 7.6.1.b – Residential with three housing units.

FINDINGS OF FACTS
SPECIAL PERMIT & SITE PLAN MODIFICATION
Uncas Avenue Lots 3R - 9R

The applicant submitted their proposed findings with the original application on February 27, 2024 and are on record.

PRESENTATION
SPECIAL PERMIT & SITE PLAN MODIFICATION
Uncas Avenue Lots 3R - 9R

Mr. Taberner reviewed that the site is located at Uncas Avenue Extension in the Single-Family IV zoning district. The subdivision was approved on January 27, 2014, for several lots for duplex housing. The applicant is requesting to construct three-family units on 7 lots. A Special Permit is required under Section 185 Attachment 7.6.1.b-Three Units. The Planning Board recently approved 2 of 9 lots for triplex structures. The applicant is requesting the other 7 lots be approved for triplexes. He noted that engineering did not have much on this. He said he did not think this went through a BETA review.

Mr. Maglio reviewed that he does not have any comments on the submitted materials for the proposed change to triplexes for lots 3 through 9 for the above-noted development. While reviewing the recently approved changes for lots 1 and 2, it was taken into consideration that these further changes would soon also be submitted for review. The original drainage design provided enough capacity to accommodate these proposed changes.

Mr. Crowley said that BETA's review of this was fairly limited. He said he thinks the primary focus from the Planning Board was for BETA to look into the traffic aspects. He said that they looked at the increased traffic from all the lots, not just the ones initially approved the last time the applicant was before the Planning Board. He said the findings essentially indicated that we did not anticipate any traffic issues going from two-families to three-families.

Chair Rondeau said looking at the upsize on the number of units from 18 to 27, he would like to see at least three affordable units placed in here. He said all the surrounding buildings and complexes coming up are all giving affordable units as part of the project and this would be good as well as it is within .5 miles of the MBTA and we fall under that regulation from the state. He said he thinks it would be fair to get some affordable units in there.

Chair Rondeau noted it is going from 18 to 27 units. Mr. Stickney said that as mentioned at the last meeting, he thinks the density is too great for side street access tight turns. Ms. Wierling said she agrees with Mr. Stickney, and it should be something in between. She said we need to be realistic of what can fit into that site. Ms. Williams said she has no issue with going from duplexes to triplexes. She said it is close to commercial uses and close to downtown, and there is plenty of space for parking. She said the zoning bylaws were changed to encourage more units in this area of town. Ms. Wierling asked if all units have to be triplexes.

Mr. Walsh said anything is a possibility. He said he followed the process of Franklin's rezoning of this property and was given unanimous support from the Town Council and the Planning Board. He said they started with two lots going from duplexes to triplexes, and it was approved. He said it is what the zoning allows now. He said they would like to use their property as allowed under the special permit. Chair Rondeau reviewed the process of approval of the first two lots going to triplexes and said it is now a substantial jump going from 18 units to 27 units.

There was further discussion in the Board requesting affordable units where the applicant indicated it is not feasible.

Further discussion were had on traffic patterns and impacts to the area. The Planning Board voted to close the public hearing on April 22, 2024 and vote.

DECISION
SPECIAL PERMIT & SITE PLAN MODIFICATION
Uncas Avenue Lots 3R - 9R

Special Permit: §185 Attachment 7.6.1.b – Residential with three housing units

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

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

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

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

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

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

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

Gregory Rondeau	YES	Jay Mello	YES
Beth Wierling	YES	Chris Stickney	YES
Jennifer Williams	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	Jay Mello	YES
Beth Wierling	YES	Chris Stickney	YES
Jennifer Williams	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, odor, light, vibrations, or airborne particulates.

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

Based upon the information submitted during the public hearings and Planning Board's specific findings, the Planning Board specifically determines that approving the Special Permit & Site Plan at Uncas Avenue Lots 3R - 9R 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 April 22, 2024 the Planning Board, upon motion duly made and seconded, voted (5-0) to *accept the* Special Permit & Site Plan at Uncas Avenue Lots 3R - 9R.

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

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

Uncas Avenue Lots 3R - 9R

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.

SPECIAL CONDITIONS OF APPROVAL
SPECIAL PERMIT/SITE PLAN
Uncas Avenue Lots 3R - 9R

- 6 of the units reserved shall be for a period of 90 days for exclusive bidding for current Franklin residents provided they are a qualified buyer with formal language and paperwork to be worked out with DPCD and the Applicant.
- The Condo association documents are to include restrictions on no rental units, all units are to be occupied by the owner.
- If the project is not commenced within 2 years the project will be null and void, including the issue of this certificate of vote.