

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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TOWN OF FRANKLIN  
TOWN CLERK

PLANNING BOARD

2022 APR 27 P 4: 20

RECEIVED

April 27, 2022

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

**CERTIFICATE OF VOTE**  
**SPECIAL PERMIT/SITE PLAN MODIFICATION**  
**72-94 East Central Street**

**Applicant:** 70 East Central St LLC  
37 East Central St  
Franklin, MA 02038

**Owner:** 70 East Central St LLC                      John and Carmel Sherry  
37 East Central St    88 East Central Street  
Franklin, MA 02038    Franklin, MA 02038

Prepared By:  
Surveyor/Engineer: United Consultants, 850 Franklin Street #11D, Wrentham, MA 02093  
Plan Date: January 10, 2020  
Property Location: 72-94 East Central Street  
Map 286 Lot 032, 033 & 034

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, April 25, 2022 the Planning Board upon motion duly made and seconded, voted (5-0) to **approve** the Special Permit and Site Plan Modification at 72-94 East Central Street for §185 Attachment 7: Multifamily in Commercial I Zoning District. The Project Description, Public Hearing Presentation, Findings of Fact, Conditions and the Decision, are listed on pages 2 -7, 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 MODIFICATION**  
**72-94 East Central Street**

The existing sites consists of two parcels with a single family house on each parcel. The site is 54,814+ sq/ft by combining both parcels and is located in the Commercial I Zoning District. The applicant proposed to construct a 10,554+ sq/ft 3 story building, a site driveway and parking areas for tenants. The site will also have 15,000+ sq/ft of green space. The Site Plans include landscaping, municipal utilities and stormwater management.

**PUBLIC HEARING**  
**SPECIAL PERMIT/SITE PLAN MODIFICATION**  
**72-94 East Central Street**

A proper and complete notice of the February 28, 2022 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 March 28, 2022 and April 11, 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 April 11, 2022 for the Site Plan Modification and Special Permits for §185 Attachment 7: Multifamily in Commercial I Zoning District.

**PRESENTATION**  
**SPECIAL PERMIT/SITE PLAN MODIFICATION**  
**72-94 East Central Street**

Mr. Brad Chaffee, owner of Camford Property Group, reviewed the changes to the project and discussed the revised plans. He stated that the house in front of the building was removed, and they created a 15,000 sq. ft. green space. He stated that they have eliminated their request for a four-story special permit and stated they will build three stories. Mr. Chaffee stated that they added three units to the building. They are keeping the parking at 2.5 cars per unit and will construct a mixed-use three-story building with 17 residential units and 1 commercial unit. Mr. Chaffee discussed current and proposed parking, proposed driveway to connect the properties, stormwater, sewer connections, and drainage. He stated the plans have been reviewed by BETA and the Town Engineer.

Amy Love, Town Planner, reviewed that the applicant is proposing to construct a mixed-use three-story building with 17 residential units and 1 commercial unit. She stated that letters have been received from J.S. Barbieri, Deputy Fire Chief; Mike Maglio, Town Engineer; and Gary James, BETA Group. She stated that the site allows for 54 units per the zoning bylaw; the applicant is proposing 17 units. The site

requires 27 parking spaces; the applicant is proposing 42 parking spaces. She reviewed the history of the site. She stated that the applicant was denied on December 21, 2020, a Special Permit application for a five-story building with 13 residential units and 1 commercial unit. The applicant returned to the Planning Board on January 11, 2021, with revised concept plans. The Planning Board determined at this meeting that the new concept plans are a substantial change to the Special Permit. The applicant provided the revised plans to the Planning Board. She noted that stormwater and drainage did not change very much from the information provided at the last public hearing.

Beth Wierling, Clerk, asked if on the previous plans there was any discussion about traffic generation. Ms. Love noted that the applicant had provided a traffic study. Ms. Wierling asked for some discussion about traffic generation be visited as it would be helpful. Discussion commenced on the previous traffic study. Mr. Goodreau stated that they can provide a summary of traffic trip generation for all the buildings. Mr. Chaffee stated that there are no children in the current two buildings. Ms. Wierling asked for the height of the building to be provided on the plans. Chair Greg Rondeau stated that he received a call from an abutter who expressed concern about the size of the building. He asked if the building could be pulled a little forward as that would go a long way with the neighbor, if it is feasible. Mr. Chaffee stated that parking is important for this product. Mr. David asked about the parking spaces. Mr. Chaffee reviewed the parking spaces. Chair Rondeau noted the applicant is now integrating building three with the spaces from building one and building two. Mr. Goodreau confirmed that he will look at the traffic flow.

Gary James, BETA, discussed the AC units at the back right of the proposed building. He stated that the amount of noise would be calculated at 75 decibels. The applicant should put in another row of trees to cut that down and mitigate the noise. He noted that there is a little bit of light spillage in the back. Mr. Goodreau stated that the applicant would be amenable to installing six additional trees.

Chair Rondeau asked about the white house. Mr. Chaffee stated that it is under agreement; they do not own it yet. Chair Rondeau stated that as agreed, the white house comes down before the building goes up. Mr. Chaffee reviewed the phasing plan that he provided to the Planning Board. He stated that he is taking ownership of the house; however, he cannot take it down until the building is complete as the occupants will be given a condo unit in the building. Ms. Love stated that the white house occupants are co-applicants in this special permit; they are aware the development is going on within their property and they have given permission for it. At the Final Form H point the house will be taken down. Mr. Chaffee confirmed. Ms. Wierling stated that she does not think holding up the project by making the house come down first is good. Mr. Mello asked if there were any safety, traffic, or construction issues with the house being there. Mr. Chaffee stated that they have designed it to work around the building while the occupants are still living there. Ms. Love stated that in January 2021, Mr. Chaffee provided a new design. The Planning Board at the time agreed it was a significant change and to move forward with it. Chair Rondeau asked to read those meeting minutes. Ms. Love stated that she would provide them. Ms. Williams stated that she feels the applicant has done everything that the Planning Board has asked to date. She stated that she is very supportive of this. She does not want to hold it up any further.

After a complete presentation and discussion of the project, Planning Board members closed the Public Hearing on April 11, 2022.

**FINDINGS OF FACTS**  
**SPECIAL PERMIT/SITE PLAN MODIFICATION**  
**72-94 East Central Street**

The applicant submitted their proposed findings with the original application on February 2, 2022 and are on record.

**DECISION**  
**SPECIAL PERMIT/SITE PLAN MODIFICATION**  
**72-94 East Central Street**

**Special Permit:** (1) §185 Attachment 7: 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	YES
William David	YES		

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

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

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

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

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

Gregory Rondeau	YES	Jennifer Williams	YES
Rick Power	YES	Beth Wierling	YES
William David	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
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	YES
Rick Power	YES	Beth Wierling	YES
William David	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
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	YES
Rick Power	YES	Beth Wierling	YES
William David	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 §185 Attachment 7: 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 April 25, 2022 the Planning Board, upon motion duly made and seconded, voted (5-0) to **approve** the applicant's request to allow the Site Plan Modification and Special Permit at 72-94 East Central Street.

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

Gregory Rondeau	YES	Jennifer Williams	YES
Rick Power	YES	Beth Wierling	YES
William David	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**

**72-94 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. Prior to the endorsement, the Certificate of Vote and Order of Conditions shall be added to the Site Plans.

WAIVERS  
SPECIAL PERMIT/SITE PLAN MODIFICATION  
72-94 East Central Street

- To allow less than 42" of cover over the RCP drain pipe, proposed class V RCP
- To allow the use of HPDE pipe from catch basin 92 to the underground pond, from the underground pond to drain manhole 93, the roof leader collection system and from roof leader connection to DMH 95.

SPECIAL CONDITIONS OF APPROVAL  
SPECIAL PERMIT/SITE PLAN MODIFICATION  
72-94 East Central Street

- Prior to endorsement, the applicant will provide a recommendation from the Design Review Commission.
- The Applicant and Planning Board both agree the house located at 88 East Central St will be demolished prior to the Final Residential occupancy permit.