

Town of Franklin



Planning Board

June 6, 2016
Meeting Minutes

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Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Also present: Bryan Taberner, Director, Planning and Community Development; Michael Maglio, Town Engineer; Kristin Kaczmarek, Planner.

7:00 PM Commencement/General Business

Chairman Padula announced the meeting would be video and audio recorded for the public's information.

A. Limited Site Plan – 101 Constitution Blvd. – Parking

Mr. Garrett Horsfall of Kelly Engineering Group, Inc. addressed the Planning Board and provided an overview of existing conditions. There are currently 172 parking spaces with most in the back of the building. Proposed Limited Site Plan to add 12 parking spaces to the front of the building was requested by tenants for easier access. The proposed pavement addition is 3,600 sq. ft. Current total site impervious is 183,720 sq. ft. (57.2 percent). With additional spaces it will increase to 58.3 percent.

Mr. Michael Maglio stated the plans have been reviewed and there are concerns with some of the drainage analysis. He received an email today addressing some of the concerns, but has not yet reviewed. He recommended a test pit be performed prior to approval; depending on the soils, it will dictate the size of the system and may necessitate redesign.

Mr. Bryan Taberner consulted the regulations and stated Attachment 9 indicates maximum impervious coverage of existing upland in Industrial zone is 80%; 70% structures with additional 10% paving.

Ms. Kristin Kaczmarek stated the department has reviewed the application and noted applicant included an existing conditions plan showing the area of the proposed improvements, but there is no previously endorsed site plan. However, applicant has indicated it is assumed the site received prior approval. There were a few concerns, but applicant addressed those in email today.

Mr. Horsfall stated this is not a water resource area. The building was built in late 1980s, after the inception of the site plan review bylaw; therefore, assumption is it was actually approved by the town.

Motion to Continue public hearing for 101 Constitution Boulevard, Parking, to June 20, 2016 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Discussion: Stormwater Management By-Law Amendment 300-11. A

Mr. Maglio stated the Stormwater Management Bylaw Amendment has been discussed at previous meetings. There were three bylaw amendments. Section 153 and Section 185 were changes to deal with coordination and references between different bylaws and standards. The language in Chapter 300 was discussed regarding some language changes. Revisions made since last Planning Board meeting

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discussion include Paragraph 5 (formerly Paragraph 4), regarding the drainage system: struck language regarding low-impact development. Otherwise, just tweaked wording in said paragraph. As well, based on previously received comments, added Paragraph 7 regarding setbacks.

Mr. Taberner stated Zoning Bylaw Section 185 is scheduled to be discussed at Town Council meeting on June 8, 2016. If they want the changes, they will refer it back to Planning Board for a public hearing. Section 153 would be a Town Council change; it does not come back to Planning Board. Chapter 300, currently being discussed, are the Planning Board's subdivision regulations and a public hearing is scheduled for June 20, 2016 at 7:30 PM.

C. Discussion: Limited Site Plan Filing Criteria – Zoning By-Law 185-31 D (1)

Mr. Maglio stated this item was discussed at the last Planning Board meeting. The proposed zoning bylaw amendment is for Chapter 185, Section 31. If a commercial site is proposing an alteration or exterior modifications of 600 sq. ft. or less, they do not need to come before the Planning Board. If it is over 5,000 sq. ft. they have to come in for a full site plan review. For those projects between 600 sq. ft. and 5,000 sq. ft. under certain criteria they are allowed to come in for a limited site plan modification. One of the criteria is that they have to have an existing site plan on file. For the limited number of projects that come in between 600 and 5,000 sq. ft. that would normally qualify for a limited site plan review, with this proposal if there is no site plan on file this gives those particular projects an opportunity to come in with an existing conditions survey of the entire site and file as a limited site plan. This is the same language that was presented at the last meeting with the exception of Paragraph 3 in which specific language was tweaked regarding anything outside the area of the proposed changes.

Mr. Taberner stated this specific bylaw will be considered the Town Council meeting on June 8, 2016. If they want it, they will send it back to the Planning Board for a public hearing.

Mr. Halligan questioned if, for example, existing business were to add an addition, would the rest of the site have to be addressed as well. Is the language in the bylaw strong enough?

Mr. Taberner read from the bylaw and noted wording in the proposed amendment, *"specific problem areas outside the portion of the site to be altered or improved should be addressed to the maximum extent practicable."* Depending on the extent of the changes and number of problems with the site that need to be addressed, it would be up to the Planning Board and looked at on a case-by-case basis. If something was built in the 1960s and applicant cannot find or does not have a site plan, at least they can do a full survey of the property for existing conditions to start with. It is better this way than nothing at all.

Chairman Padula questioned Paragraph 3 wording, *"small scale improvement."* He stated he does not have a problem with this, but thinks there should be a percentage.

Mr. Maglio stated the existing bylaw addresses that because it cannot be increased by more than 10 percent of the existing impervious surface.

Mr. Taberner stated this would return to Planning Board for a public hearing during first meeting in July.

D. Acceptance of Meeting Minutes – May 9, 2016 and May 23, 2016

Motion to Accept the May 9, 2016 meeting minutes. David. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).
Motion to Accept the May 23, 2016 meeting minutes. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Recess until 7:35 PM. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

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7:05 PM **PUBLIC HEARING** – *Continued*
100 Financial Park – Warehouse Development
Site Plan

Documents presented to the Planning Board:

1. *Email dated June 2, 2016 from Douglas Hartnett, Highpoint Engineering, to Amy Love, Program Coordinator*

TO BE CONTINUED.

7:10 PM **PUBLIC HEARING** – *Continued*
100 Financial Park – Benjamin Franklin School
Site Plan

Documents presented to the Planning Board:

1. *Letter dated June 2, 2016 from Andrew Truman, Samiotes Consultants, Inc., to Franklin Planning Board*

TO BE CONTINUED.

7:20 PM **PUBLIC HEARING** – *Continued*
Lincoln Street – Rolling Brook Estates
Definitive Subdivision

Documents presented to the Planning Board:

1. *Letter dated June 2, 2016 from Eric Dias, Strong Point Engineering Solutions, LLC, to Franklin Planning Board*

TO BE CONTINUED.

7:30 PM **PUBLIC HEARING** – *Continued*
Union Meadows Estates
895 & 899 Upper Union Street
Definitive Subdivision

Documents presented to the Planning Board:

1. *Letter dated June 2, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board*
2. *Letter dated June 3, 2016 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
3. *Letter dated June 2, 2016 from Department of Planning and Community Development to Franklin Planning Board*
4. *Letter dated May 31, 2016 from Guerriere & Halnon, Inc., to Franklin Planning Board, addressing comments from DPW letter of April 15, 2016*
5. *Letter dated May 31, 2016 from Guerriere & Halnon, Inc., to Franklin Planning Board, addressing comments from BETA letter of April 21, 2016*
6. *Form R: Franklin Planning Board Subdivision Waiver Request to provide environmental analysis with Received by Planning date May 31, 2016*
7. *Form R: Franklin Planning Board Subdivision Waiver Request to expand development plan to 300' beyond site and locate 10" diameter or greater trees within 50' of the ROW with Received by Planning date May 31, 2016*
8. *Plan of Land "Exhibit A" Norfolk Registry of Deeds, Dedham, MA, Received June 12, 1989*

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9. *Union Meadows Definitive Subdivision in Franklin, Massachusetts, Plan Sheets 1-9 of 9, with Revision date May 31, 2016, with Received by Planning date June 1, 2016, and Plan Sheets 1 of 1 dated March 14, 2016*
10. *Letter with no date from Don Nielsen of Guerriere & Halnon, Inc., to Franklin Planning Board*
11. *Letter dated April 8, 2016 from Mother Maureen McCabe, Mount Saint Mary's Abbey, to Franklin Planning Board*
12. *Memorandum dated March 30, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
13. *Memorandum dated April 5, 2016 from Franklin Board of Health to Franklin Planning Board*
14. *Form C Application for Approval of Definitive Plan with Received by Planning date March 29, 2016*
15. *Form R: Franklin Planning Board Subdivision Waiver Request to cut and fill greater than 5 ft. within the proposed roadway with Received by Planning date March 29, 2016*
16. *Form R: Franklin Planning Board Subdivision Waiver Request to allow one sidewalk on the southerly side of the roadway, where two are required with Received by Planning date March 29, 2016*
17. *Form R: Franklin Planning Board Subdivision Waiver Request to allow a separate drainage lot which does not conform to zoning with Received by Planning date March 29, 2016*
18. *Certificate of Ownership with Received by Planning date March 29, 2016*
19. *Abutters List Request Form with Received by Town Clerk date March 30, 2016*
20. *Abutters List Report, Town of Franklin, March 1, 2016*
21. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date March 31, 2016*

Documents presented to the Planning Board:

1. *Email dated June 6, 2016 from Bruce Wilson, Guierre & Halnon Engineering to Amy Love, Program Coordinator requesting the hearing be continued to June 20, 2016.*

7:35 PM

PUBLIC HEARING – Continued
265-303 East Central Street - Aubuchon
 Site Plan Modification

Documents presented to the Planning Board:

1. *Memorandum dated June 1, 2016 from Department of Planning and Community Development to Franklin Planning Board*
2. *Memorandum dated May 16, 2016 from G.B. McCarragher, Fire Chief, to DCPD*
3. *Memorandum dated April 28, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Memorandum dated May 3, 2016 from Franklin Board of Health to Franklin Planning Board*
5. *Site Plan Modification Aubuchon Hardware for 265-303 East Central Street, Franklin, Massachusetts, Plan Sheet 1 of 5, with Revision date May 31, 2016, and Plan Sheets 2 and 3 of 5 dated April 7, 2016 with Received by Planning date May 31, 2016*
6. *Form P Application for Approval of a Site Plan with Received by Planning date May 31, 2016 with signature of owner*
7. *Form P Application for Approval of a Site Plan with Received by Planning date May 31, 2016 with signature of applicant*
8. *Certificate of Ownership with Received by Planning date April 27, 2016*
9. *Abutters List Request Form with Received by Planning date April 27, 2016*
10. *Abutters List Report, Town of Franklin, March 14, 2016*

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11. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 28, 2016*
12. *Plan of Land "Exhibit A" Norfolk Registry of Deeds, Dedham, MA, Received June 12, 1989*

Mr. Halligan recused himself.

Chairman Padula stated the first problem is that the applicant does not have a site plan; there is no stamped site plan for this site. He noted he did not want the site plan Star Market paid for. Currently, the Planning Board is working on a bylaw that will eliminate need for the site plan. But, that is going to the Town Council and then will come back to Planning Board. He suggested that applicant wait for this bylaw to be enacted instead of doing a full-blown site plan.

Mr. Taberner stated the Town Council will need two readings of the bylaw amendment. Town Council meets only once in July and once in August. Therefore, this will stretch to August.

Chairman Padula stated Planning Board has required other applicants not having site plans get site plans.

Mr. Bruce Wilson of Guerriere & Halnon, Inc. stated the site plan done in 1986 shows the entire site.

Chairman Padula stated the second problem is that at the last Planning Board meeting on May 23 there was no representative present; so, Planning Board did not have the first reading. The public hearing was advertised for May 23; applicant did not re-advertise for June 6 public hearing. If anyone appeals, it can be stated that the public hearing was never advertised. He can open the hearing, but cannot make a decision to approve a limited site plan as applicant does not have a site plan.

Mr. Taberner stated the applicant can move forward with the public hearing, but it is at the applicant's risk if there is an appeal. As far as the decision whether to consider if this is a site plan being modified, that is the Planning Board's decision to make.

Planning Board members discussed possibly of approaching this as though the bylaw will be enacted and make a contingency that Planning Board will not approve anything until bylaw gets approved.

Mr. Taberner stated in reality the bylaw change will not apply to this if the public hearing is opened and then continued. Bylaw decision is not likely to come until the end of the summer. Applicant's modifications could be held off and applicant could return months from now.

Chairman Padula asked if Aubuchon could move into store without adding the propane and garden center, and then do those modifications on the limited site plan after the bylaw became effective?

Mr. Taberner stated there could be a letter from the Planning Board to the Building Commissioner stating they would like to see Aubuchon open, but not with the outside improvements.

Chairman Padula confirmed applicant is here for exterior improvements, so this could be put on a side bar until the bylaw is changed.

Mr. Wilson asked how much disturbance would trigger it; could they get the propane tank in which is about 180 sq. ft.?

Chairman Padula stated it needed to be fenced and he is going to require that someone be licensed or schooled to distribute propane and fill tanks.

Mr. Wilson stated they met with Fire Chief and went through all his concerns.

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Mr. Maglio stated he does not think they need anything from Planning Board to move into the inside. The change for the tank will be for a limited. Propane falls under permitting by the fire department.

Chairman Padula stated a letter can be sent to the Building Commissioner to table the exterior modifications until the bylaw passes. But, they can at least move into the building. They cannot have anything for sale or storage of saleable items on their sidewalks.

Mr. Taberner stated they will prepare a letter for Chairman Padula's signature and in the meantime applicant can decide how to proceed: wait for new bylaw or do a full site plan.

Mr. Wilson stated he would confer with the Aubuchon Group.

Motion to Continue public hearing for 265-303 East Central Street, Aubuchon, Site Plan Modification, to June 20, 2016. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No). (Mr. Halligan had not re-entered the meeting to vote.) Meeting adjourned at 7:52 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary