

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

PLANNING BOARD

August 22, 2022 Meeting Minutes

Vice Chair William David called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams; Jay Mello, associate member. Members absent: Gregory Rondeau, Chair. Also present: Amy Love, Town Planner; Michael Maglio, Town Engineer (via Zoom); Matthew Crowley, BETA Group, Inc. (via Zoom).

7:00 PM Commencement/General Business

Vice Chair David reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

A. Partial Form H: Amego, Washington Street

Mr. Kevin Quinn of Quinn Engineering on behalf of Amego stated that his office submitted a Form H to the Planning Board for a partial certification of compliance. He noted the Site Plan Work Completion List indicating milestones for completion of outstanding items. He stated that they received a memo from BETA last week identifying additional items which were noted in BETA's inspection. He stated that there is no reason they cannot complete those items within their milestone completion under October 31, 2022.

Ms. Love reviewed that the Planning Board approved a Site Plan on June 17, 2019. The applicant submitted a Partial Form H for the Site Plan and listed all outstanding items. BETA provided an observation report and submitted a comment letter. DPCD recommends a Partial Form H be issued until all outstanding items are complete.

Mr. Maglio stated that he did not see anything on the BETA memo that he had any issues with. Mr. Crowley stated that they visited the site and prepared a rather extensive list of items still to be addressed. He stated many of the items can be lumped into punch list type items; there are a few that require a little more effort such as the concrete dumpster pad.

Ms. Williams confirmed the safety issue of the drop off of the footbridge would be addressed before occupancy of any units. Mr. Quinn stated that the contractor would be taking care of that. Ms. Wierling asked about railings on the bridge. Mr. Crowley stated that he recalls some discussion regarding the bridge being modified to no longer be a bridge and just being a crossing. He stated that he does not have the record of that on hand. Ms. Wierling asked for that to be checked on. She asked Mr. Crowley if there were any items that were safety items. If not, she does not have any concern issuing a Partial Form H. Mr. Crowley stated that he did not see anything that was a real safety issue.

Motion to Approve a Partial Form H for Amego, Washington Street, with a recommendation that the items listed on BETA's Observation Report be completed by October 31, 2022, and look into the issue with the railings. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

B. Endorsement: 115 Constitution Boulevard

Ms. Love stated that the applicant submitted plans for endorsement. They added the Certificate of Vote on the front page. There were no special conditions that needed to be met for endorsement.

Motion to Endorse 115 Constitution Boulevard. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

C. Meeting Minutes: July 11 & July 25, 2022

Motion to Approve the Meeting Minutes for July 11, 2022. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the Meeting Minutes for July 25 2022. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Initial
 105 Beaver Street
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

Motion to Waive the reading. David. Second: Wierling. Vote: 4-0 (4-Yes; 0-No).

Motion to Activate Associate Planning Board member Jay Mello to vote. David. No Second. No Vote Taken.

Ms. Love reviewed that the site is located in the Single-Family IV zoning district. The site is currently a single-family residential house. The applicant is requesting to increase the impervious surface within the lot. A Special Permit is required under Section 185-36 – Impervious Surfaces. The site is currently at 36.1 percent impervious, were 35 percent impervious is allowed. The applicant is requesting to increase the impervious area to 39.4 percent. She stated that the town engineer has reviewed the plan; BETA has not been asked to review the Site Plan. She stated that the applicant is requesting that the Site Plan application fee of \$1,500 be waived; the applicant paid the Special Permit fee of \$750.

Mr. Maglio stated that he reviewed the submitted plan. He reviewed that in order to exceed the maximum amount of impervious area, the applicant is proposing to install a couple of infiltration chambers which are designed to accommodate 1 in. of runoff on the site. He asked that the applicant provide a statement from a professional engineer that the stormwater runoff will not be increased on the development. He stated that a letter was submitted from their design engineer. He recommended that if this is approved there be a condition that their design engineer verify the existing soil conditions when they go to construction. He stated that there were no requirements in the bylaw as to what storm they have to design it for.

Mr. Power stated that the Planning Board may want to condition this based on approval of the test pit and make adjustments from there. Planning Board members discussed and agreed to waive the fee. Vice Chair David stated that there is no infiltration system there now so anything added is 100 percent better.

Motion to Waive the fee for 105 Beaver Street, Special Permit & Site Plan. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).

The applicant stated that they installed an inground pool last year and they would like to have an area that was covered to have shade. Therefore, they want to build the pavilion. He discussed that it was like a shed with no walls.

Mr. Wayne Brodsky, 21 Stubb Street, stated that a few years ago he tried to get a variance to build a duplex but was denied and he needed it for living area. He stated that the applicants were the ones who complained. He stated that he feels that the applicants should not get the permit because what they are doing is not important enough to break to the law. He stated that he feels that since he could not get the permit, they should not get it.

Ms. Joanne Downey, abutter to the applicant, stated that she wants the infiltration system built for the 100-year storm because it is quite an incline from their property into her yard which already floods. She stated that they already have a patio in their yard and she is not sure what they are proposing as she did not get any plans. She stated that her concern is the runoff of the water. She stated that the applicant just installed a 7 ft. wall on the corner of her property as well. She does not want her yard to be any more flooded.

Mr. Brodsky stated that he is also worried about water as there are already problems. He stated that it is bad enough as it is already, and the applicants do not need what they are proposing.

Mr. Power noted that the Planning Board does not have the facts of Mr. Brodsky's project in front of them. The Planning Board must make their determination on this item based on the facts in front of them.

Motion to Close the public hearing for 105 Beaver Street, Special Permit & Site Plan. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

ROLE CALL VOTE:

This determination shall be in addition to the following specific findings.

(1) Special Permit: To allow impervious surface increase to 39.4% under Section 185-36.

Ms. Wierling read aloud the following.

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

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

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

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

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

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

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

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

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.

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

f) Number, height, bulk, location and siting of building(s) and structures(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.

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

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.

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

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.

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

Motion for a Special Condition that the approval on test pits should be inspected, inspect the soil conditions prior to the system installation, make any necessary design modifications prior to the installation of any systems for stormwater or infiltration, for 105 Beaver Street, Special Permit & Site Plan. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Continued*
175 East Central Street – Franklin Ford
Special Permit & Site Plan
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Motion to Continue the public hearing for 175 East Central Street – Franklin Ford, Special Permit & Site Plan, to September 12, 2022. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Motion to Adjourn the Planning Board Meeting. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Meeting adjourned at 7:30 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary
******Planning Board approved on October 3, 2022***