

**DRAFT FOR REVIEW**TOWN OF FRANKLIN  
TOWN CLERK

2017 DEC -5 AM 9:44

RECEIVED

## Town of Franklin



## Planning Board

October 30, 2017

Meeting Minutes

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. Members absent: None. Also present: Michael Maglio, Town Engineer; Bryan Taberner, Director, Planning and Community Development; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

7:00 PM Commencement/General Business

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

**A. Endorsement: 451 West Central Street – Mak's Roastbeef**

Ms. Love stated that the Planning Board approved the Change of Use on October 16, 2017; the applicant is here to have the plans endorsed. They have included the Certificate of Vote and Conditions of Approval on the front page of the plans. There is a condition that they need Design Review recommendation.

*Motion to Endorse 451 West Central Street – Mak's Roastbeef. Rondeau. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain - Chairman Padula abstained).*

**B. Endorsement: Dean Avenue – Residence at Fairfield**

Ms. Love stated that on September 25, 2017 the Planning Board approved the special permit and site plan for Dean Avenue. There was a 20-day appeal period; no appeals were filed. The applicant is here for endorsement.

*Motion to Endorse Dean Avenue – Residence at Fairfield. Carroll. Second: Rondeau. Vote: 5-0-1 (5-Yes; 0-No; 1-Abstain - Mr. Halligan abstained).*

**C. ANR 81-P: 20 North Park Street**

Ms. Love stated that an application was received. There are two lots existing; one lot has a house on it. They are combining the two lots and creating three new buildable lots. The new lots conform to the existing zoning in the area.

*Motion to Recommend the Chairman sign the ANR 81-P for 20 North Park Street. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).*

**D. Final Form H: 5 Kenwood Circle – Site Plan Modification**

Ms. Love stated that a final Form H for site work completed has been filed. BETA performed a final observation. A letter from Conservation was received about the rip rap that was added in the back due to puddling in the parking lot; Conservation is requesting a modification since it was not on the original plans. BETA indicated that one of the handicapped spots looked uneven with a little slope and three additional trees were needed to be planted at the driveway.

**DRAFT FOR REVIEW**

Chairman Padula questioned how can a final Form H be signed when there is issue with the handicapped parking spaces and a modification is needed.

Mr. Crowley, BETA Group, Inc, discussed the handicapped space and questioned whether it would be ADA compliant; they have two handicapped spaces that are useable and one that needs to be revised.

***Motion to Sign the Form H for 5 Kenwood Circle – Site Plan Modification. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).***

**E. Minor Subdivision Modification: Maple Preserve**

Ms. Love stated that in talking with Town Attorney Mark Cerel, the covenant needs to be signed with the same name as the application and the application was originally under Carroll Construction, but the ownership will be held under Franklin Holdings. So, they are asking for the Form C be changed to include Franklin Holdings; the Form C is the only modification.

***Motion to Accept the modification for change of name for Maple Preserve – Minor Subdivision Modification. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

**F. Covenant: Maple Preserve**

***Motion to Sign the covenant for Maple Preserve. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – *Initial*  
                   ***278, 280, & 300 West Central Street***  
                   ***Special Permit & Site Plan***

***Documents presented to the Planning Board:***

1. *Letter dated October 16, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board*
2. *Memorandum dated October 26, 2017 from DPCD to Franklin Planning Board*
3. *Letter dated October 26, 2017 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
4. *Memorandum dated October 19, 2017 from G. B. McCarraher, Fire Chief, to Franklin Planning Board*
5. *Memorandum dated October 10, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
6. *Memorandum dated October 10, 2017 from Franklin Board of Health to Franklin Planning Board*
7. *Site Plan, Highland Village, 278-300 West Central Street, Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc. dated September 26, 2017, with Received by Planning date October 6, 2017*
8. *Site Plan for Highland Village, 278-300 West Central Street, Franklin, MA, Document Packet, Prepared by Guerriere & Halnon, Inc., for Joel D'Errico, applicant, dated October 6, 2017, with No Received by Planning date, including the following documents #9-25*
9. *Narrative Highland Village Condominiums*
10. *Application for Approval of a Site Plan and Special Permit(s)-Two, for impervious Coverage and 30/2 bedroom units, with applicant listed as Joel D'Errico, and name of owner listed as Joel D'Errico and applicant, with Received by Planning date October 6, 2017*
11. *Application for Approval of a Site Plan and Special Permit(s)-Two, for impervious Coverage and 30/2 bedroom units, with applicant listed as Joel D'Errico, and name of owner listed as Foley Family Trust, Dennis Foley Trustee, with Received by Planning date October 6, 2017*

**DRAFT FOR REVIEW**

12. *Application for Approval of a Site Plan and Special Permit(s)-Two, for impervious Coverage and 30/2 bedroom units, with applicant listed as Joel D'Errico, and name of owner listed as John Marguerite, John Mucciarone, with Received by Planning date October 6, 2017*
13. *Certificates of Ownership (3) with Received by Planning date October 6, 2017*
14. *Special Permit Criteria Narrative with Received by Planning date October 6, 2017*
15. *Town of Franklin Board of Assessors Abutters List Request Form for Property Street Address listed as 300 West Central Street, dated September 12, 2017, with Received by Planning date October 6, 2017*
16. *Abutters List Report dated September 18, 2017*
17. *Town of Franklin Board of Assessors Abutters List Request Form for Property Street Address listed as 278 West Central Street, dated September 12, 2017, with Received by Planning date October 6, 2017*
18. *Abutters List Report dated September 18, 2017*
19. *Council Advisory Committee Letter dated September 18, 2017*
20. *Zoning Change Map*
21. *MassDot Comment Emails (2) from Erin Kinahan, District Traffic Engineer, District 3, dated August 8, 2016 and August 19, 2017*
22. *Traffic Study from Ron Muller & Associates, prepared for Joel D'Errico, dated January 12, 2016*
23. *Fire Truck Turning Radius*
24. *Site Plan for Highland Village, 278-300 West Central Street, Franklin, MA, Plan Sheets, Landscaping, Prepared by Guerriere & Halnon, Inc. dated June 21, 2017, with No Received by Planning date*
25. *Exterior/Interior Drawing Renditions*

***Motion to Waive the reading. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

***Mr. Halligan Recused himself.***

***Note: Chairman Padula activated alternate Planning Board member, Mr. Power, as this public hearing is for a special permit.***

Mr. Joel D'Errico, owner 280 West Central Street and the applicant of 278, 280 & 300 West Central Street seeking special permits for impervious coverage and multi-family housing, Zoning Attorney Mark Lanza, and Senior Engineer Mr. Donald Nielsen of Guerriere & Halnon, Inc. addressed the Planning Board.

Mr. Nielsen provided an overview of the proposed project. He stated that Highland Village, located on West Central Street, contains three lots in R5 Zone with 3.16 acres. The proposed development is based on 30 units with the associated parking for the units and visitors; impervious coverage is 54.8 percent. As part of the special permit, the Planning Board must make a decision between the allowed at 35 percent and the proposed at 54.8 percent. There are two access drives to the site. This was reviewed by the traffic engineer. There has been preliminary discussions and comments by MassDOT. The units will range from 1,800 to 2,300 sq. ft. with 2 bedrooms/2 ½ baths/2 car garages. The zoning, relative to density under R5, is based on 1 unit per 1,000 sq. ft; the proposal is to have 1 unit per 4,600 sq. ft. The access drive as proposed is 22 ft. wide; the roadway is approximately 700 ft. in length. A traffic engineer's report is provided. The site will require an earth removal permit from ZBA. The project is partially on state highway Rt. 140. A MassDOT permit to access the curb cut with possible utilities is needed.

Mr. Maglio highlighted his comments from his letter dated October 16, 2017. The project has frontage along the section of West Central Street that is state highway; part of it is town-owned. The easements or agreements should be provided prior to approval of the project. There are no sidewalks proposed within

**DRAFT FOR REVIEW**

the site. There is a detail provided for grass pavers; however, it is unclear where on the site these are to be used. He noted concern with the proximity of the driveways for Units 1 and 26 to the site driveway on Rt. 140. He stated there should be 60 ft. from a driveway to the nearest intersecting street; the driveways are at 60 ft. which is at the limit.

Mr. Nielsen stated he would take those comments under advisement and report back to the Planning Board at the next meeting.

Chairman Padula asked the applicant to clearly mark where the RCP starts and the HDPE stops. He asked how the overflows can go into the Mass. highway road for drainage. The drainage usually must stay onsite. He has never seen it go offsite before.

Mr. Maglio stated that the 100-year storm drainage is onsite; above that the drainage overflow is connected to the drainage system in the street.

Mr. Nielsen stated they would have to apply to MassDOT for that connection.

Mr. Crowley stated the applicant must clarify the details as both vertical and concrete curb is shown, clarify if there is any parking restriction along the 22-wide ft. roadway, obtain information from Fire Chief that roadway is acceptable, provide a limited number of walkways throughout the site, provide appropriate signage for the enter/exit and enter-only driveways, review proposed plantings to make sure adequate screening upon maturity is provided for the abutting parcels, and provide an additional light. He provided details on his drainage review.

Mr. Nielsen stated he would take those comments under advisement and report back to the Planning Board at the next meeting.

Chairman Padula confirmed the earth removal permit is from ZBA; the cuts are a waiver from the Planning Board.

Mr. Nielsen stated that this will be a private road for the condominium.

Ms. Love noted there should be an agreement for the easements prior to making any approvals, the striped pedestrian walkways mentioned are not shown on the plans, the house at 300 West Central Street will require demolition permit from the Historical Commission, and none of the wells for the sprinkler system are being shown on the plans.

Mr. Rondeau asked about sidewalks onsite and the Cultec system proposed under the road.

Mr. Nielsen stated that they are looking at maybe a sidewalk around the back of the building for pedestrian access or maybe around the internal loop of the project. He stated they will look at the placement of the Cultec system.

Mr. D'Errico, in response to Mr. Halligan's questions, stated that the site will have a slight grade. He stated there are a number of developments that do not have sidewalks. They are considering sidewalks in the internal loop.

Mr. Nielsen stated that with abutters permission and agreement, their sites will be changed/sloped as well. It will become part of this application.

Mr. Halligan stated concern as to where the people will walk without sidewalks; people will walk on the street.

**DRAFT FOR REVIEW**

Chairman Padula stated he is not happy with the density of this project. He would never allow a 22-ft. wide road. He will be looking for granite curbing throughout and sidewalks.

Mr. Edward Cannon, attorney of Doherty, Ciechanowski, Dugan & Cannon, representing JNJ Industries at 290 Beaver Street, home of the Panera Bread facility in which they do shipping from that location, stated there are many problems with this project and this is not the right location for this project. He noted the traffic study that has been provided is two years old; there needs to be an updated study. He noted a proceeding before the Planning Board in 2009 that was withdrawn for 281 West Central Street in which there was grave concern about site distance. Drainage is a problem and proposing systems within is the street is problematic for maintenance. He questioned the impact of drainage on his client due to the slope of the property. He noted that the buffering must be considered as a dense residential development is proposed next to an industrial site; there is industrial noise at the trucking facility. He noted there will be noise complaints from this development regarding the trucking facility. He noted the importance of this location to Panera. He discussed the minimal lighting and no sidewalks. He stated that the 30 units is out of character with the neighborhood. Vehicular traffic flow is also a concern. He noted that the proposal goes much beyond the 35 percent impervious. This will have a negative impact on the neighborhood.

Mr. Lanza stated that he has never heard an abutter stating that because said abutter is generating too much noise, the project should not be approved. He stated that Panera is generating way too much noise. Mr. D'Errico hired a noise consulting firm, Noise Control Engineering, LLC, and had a study done. In a ten-day period, the noise level acceptable to DEP was exceeded 213 times. He stated one of the purposes of the public hearing process is to gauge impacts of the project on surrounding properties. There has been nothing conclusive heard about any adverse impact from this project. Panera must comply with the state's noise regulations; that is not a matter for this Planning Board.

Mr. D'Errico stated that trains in Massachusetts are exempt from the noise bylaw; everything else is not. He explained the conducted noise study. He stated that he spoke with Dave from the Board of Health who then told Panera about the noise their vendors are creating. Mr. D'Errico then visited Panera and asked to speak with someone from the MO main office. Panera sent a representative from the corporate office; a meeting was held with the representation, Mr. D'Errico and the Chairman of the Franklin Town Council. Mr. D'Errico stated the Panera Bread representative stated he wanted to take care of this problem once and for all. Then today, this is what we hear. The decibel meter does not lie. He stated that 281 West Central Street is a different line of sight and on the other side of West Central Street.

Resident, 290 West Central Street, stated that neither sidewalks built on West Central Street, which would be at her doorstep, nor 30 neighbors in her backyard are desirable. Too much traffic and too many houses will have a negative impact.

The new owner of 286 West Central Street stated he agreed with the previous comments. This was never mentioned as a plan during his recent buying process. His land line is very close to this; he is worried about privacy.

Mr. Nielsen asked when BETA would issue the drainage and traffic comments.

Mr. Crowley stated drainage was issued as of Friday and traffic will be provided by end of the week.

***Motion to Continue the public hearing for 278, 280, & 300 West Central Street, Special Permit & Site Plan, to December 4, 2017 at 7:05 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Mr. Halligan re-entered the meeting.***

**DRAFT FOR REVIEW**

7:10 PM      **PUBLIC HEARING** – Continued  
**31 Hayward Street – TO BE CONTINUED**  
Site Plan Modification

*Documents presented to the Planning Board:*

1. Letter dated October 12, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Memorandum dated October 11, 2017 from DPCD to Franklin Planning Board
3. Memorandum dated October 10, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
4. Memorandum dated September 12, 2017 from Franklin Board of Health to Franklin Planning Board
5. Letter dated October 11, 2017 from Matthew Crowley, BETA Group, Inc., to George Russell, Conservation Agent
6. Letter dated October 10, 2017 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
7. Franklin Innovation Center, Site Plan Modification Additional Southeast Parking at 31 Hayward Street in Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc. dated July 5, 2017, with Revision date September 18, 2017, with Received by Planning date October 3, 2017
8. Letter dated October 3, 2017 from George Mihov, Guerriere & Halnon, Inc., to Matthew Crowley, BETA Group, Inc.
9. Form P: Application for Approval of a Site Plan, with applicant listed as Moseley Realty, LLC, with Received by Town Clerk date July 25, 2017
10. Certificate of Ownership with Received by Planning date July 25, 2017
11. Town of Franklin Board of Assessors Abutters List Request Form dated April 18, 2017, with Received by Planning date July 25, 2017
12. Abutters List Report dated July 25, 2017
13. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date July 25, 2017
14. Email dated October 23, 2017 from George Mihov, Guerriere & Halnon, Inc., to Amy Love

Chairman Padula stated this public hearing will be continued.

**Motion to Continue the public hearing for 31 Hayward Street, Site Plan Modification, to November 13, 2017 at 7:05 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).**

7:15 PM      **PUBLIC HEARING** – Continued  
**860 Upper Union Street**  
Site Plan

*Documents presented to the Planning Board:*

1. Site Plan for Construction Yard, 860 Upper Union Street, Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc., dated August 28, 2017, with Revision date October 6, 2017, with Received by Planning date October 6, 2017
2. Letter dated October 12, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Memorandum dated October 11, 2017 from DPCD to Franklin Planning Board
4. Letter dated October 12, 2017 from Matthew Crowley of BETA Engineering to Franklin Planning Board
5. Letter dated October 6, 2017 from Guerriere & Halnon, Inc. to Franklin Planning Board

**DRAFT FOR REVIEW**

6. *Letter dated October 11, 2017 from Michael Grant, National Grid, to Franklin Planning Board*

Mr. Donald Nielsen of Guerriere & Halnon, Inc. stated that all comments have been made and resolved. An outstanding comment was whether they needed to go to Design Review and they do not have to. The applicant is looking for a vote on the site plan.

Ms. Love stated there were no issues.

***Motion to Close the public hearing for 860 Upper Union Street, Site Plan. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Approve 860 Upper Union Street, Site Plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:20 PM      **PUBLIC HEARING – Continued**  
***860 Upper Union Street***  
***Scenic Road Permit***

*Documents presented to the Planning Board:*

1. *Letter dated September 20, 2017 from Robert Cantoreggi, Director of Public Works, to Franklin Planning Board*
2. *Memorandum dated September 20, 2017 from DPCD to Franklin Planning Board*
3. *Application for Scenic Road for Construction Yard, 860 Upper Union Street, Franklin, MA, packet prepared by Guerriere & Halnon, Inc., dated August 28, 2017*
4. *Form S: Application for Scenic Road Work Permit, from Tim Bobola of Bella Construction Company LLC, petitioner, with Received by Planning date September 1, 2017*
5. *Letter of Certification from Guerriere & Halnon, Inc. dated September 1, 2017 with Received by Planning date September 1, 2017*
6. *Abutters List Request Form dated August 24, 2017 with Received by Planning date September 1, 2017*
7. *Abutters List Report dated August 28, 2017*
8. *Photographs (3) of 24" maple tree dated August 30, 2017, 48" oak tree dated August 30, 2017, and 48" oak tree dated July 31, 2017.*
9. *Scenic Road Tree Location for 860 Upper Union Street, Franklin, MA, Plan Sheet, Prepared by Guerriere & Halnon, Inc., dated August 28, 2017, with No Received by Planning date*

Mr. Donald Nielsen of Guerriere & Halnon, Inc. stated that it is his understanding that the two trees that are going to be cut down are on Town property; they have been defined as dead or distressed.

***Motion to Issue the permit for 860 Upper Union Street, Scenic Road Permit. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:30 PM      **PUBLIC HEARING – Continued**  
***116 Alpine Place – TO BE CONTINUED***  
***Special Permit & Site Plan***

*Documents presented to the Planning Board:*

1. *Letter dated October 4, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board*
2. *Memorandum dated October 11, 2017 from DPCD to Franklin Planning Board*



**DRAFT FOR REVIEW**

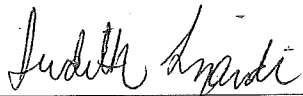
3. *Memorandum dated September 27, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Memorandum dated October 10, 2017 from Franklin Board of Health to Franklin Planning Board*
5. *Alpine Green Multi-Family Housing, 116 Alpine Place, Franklin, MA, Plan Sheets, Prepared by Level Design Group, dated September 22, 2017, with Received by Planning date September 27, 2017*
6. *Letter dated September 22, 2017 from Daniel Campbell of Level Design Group, LLC to Franklin Planning Board*
7. *Application for Approval of a Site Plan and Special Permit(s) from NE Premier Properties, LLC, applicant, with Received by Planning date September 26, 2017*
8. *Form P: Application for Approval of a Site Plan from NE Premier Properties, LLC, applicant, with Received by Planning date September 26, 2017*
9. *Certificate of Ownership with Received by Planning date September 26, 2017*
10. *CAI Property Card for 116 Alpine Place*
11. *Abutters List Request Form dated September 18, 2017, with Received by Planning date September 26, 2017*
12. *Abutters List Report dated September 19, 2017*
13. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date September 27, 2017*
14. *Memorandum dated October 26, 2017 from DPCD to Franklin Planning Board*

Chairman Padula stated that there is a request to continue this public hearing to November 13, 2017.

***Motion to Continue the public hearing for 116 Alpine Place, Special Permit & Site Plan, to November 13, 2017 at 7:10 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 7:54 PM.***

Respectfully submitted,



Judith Lizardi  
Recording Secretary