

Town of Franklin



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Planning Board

**April 9, 2018
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; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.; Mark Cerel, Town Attorney.

7:00 PM Commencement/General Business

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

A. Endorsement – 471 West Central Street – Limited Site Plan Modification

Ms. Love stated that on February 5, 2018, the applicant came in per the Order of Conditions from the approved Site Plan for the use of two restaurants in a retail area. The Planning Board approved the plans; the applicant is here for endorsement. On the plans, the Certificate of Vote from February 5, 2018, is noted, and the Conditions of Approval from that vote are listed.

Motion to Endorse 471 West Central Street, Limited Site Plan Modification. Rondeau. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

Note: Items taken out of order from agenda.

B. Meeting Minutes: March 26, 2018

Motion to Approve the March 26, 2018, Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula recused himself.

C. ANR 81-P – 51 Chestnut Street

Ms. Love stated an application to combine two lots on Chestnut Street was received for 51 Chestnut Street and the other not having a number.

Vice Chairman Halligan had some questions for Attorney Cerel.

Mr. Cerel stated he has not seen the plans and is not really up to speed on it.

Vice Chairman Halligan stated this looks like they are trying to add land to an existing approved site plan. Should it be a modification first, and then add the 81-P in the same meeting? He stated he believes the applicant is coming forward in the next couple of weeks with a modification of site plan. He stated that procedurally, he wants to do this correctly.

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Ms. Love confirmed the applicant has filed a modification.

Mr. Cerel explained that it seems that they are trying to mix two processes. An 81-P is for purposes of title at the Registry for combining into one lot. The other is for a special permit and local zoning issues. The applicant is not compelled, once they get any kind of approvals or endorsement, to actually go forward. They have the option on how they want to proceed; there is really no right or wrong here. If the applicant combines it, they would probably have to modify the special permit before they could go ahead and record anything at the Registry. He noted that just because it is approved, it does not mean it has to be recorded. It does not take effect until it is recorded. People get plans endorsed all the time, but then do not go forward with them.

Vice Chairman Halligan confirmed that the Registry would supersede what the Planning Board approves tonight. If they approve the 81-P tonight, and hypothetically this does not come back for modification, does it make it a non-conforming lot?

Mr. Cerel stated that nothing takes effect until it is recorded. He explained the procedure.

Vice Chairman Halligan confirmed that the Planning Board can approve the 81-P tonight, and the applicant can come in for modification of the existing site plan, which is now going to include this parcel.

Mr. Cerel stated that statutorily there is no separate provision for modification of a special permit, so whether it is called a new special permit or a modification, it is the same notice and hearing requirements.

Motion to Approve the 81-P for what is listed as 0 Chestnut Street. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula re-entered the meeting.

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

Documents presented to the Planning Board:

1. *Memorandum dated April 5, 2018 from DPCD to Franklin Planning Board with attachments from BETA Group*

Mr. Halligan recused himself.

Note: Chairman Padula activated alternate Planning Board member, Mr. Power, at the October 30, 2017, Planning Board meeting, as this public hearing is for a special permit.

Mr. Joel D'Errico, Owner/Applicant, Mr. Donald Nielsen of Guerriere & Halnon, Inc., and Zoning Attorney Mark Lanza addressed the Planning Board.

Ms. Love stated the meeting was continued to tonight to specifically talk about the density and if the Planning Board is interested in bringing in a density consultant to consider and look at these plans to see if this meets the density for the area. She noted that Town Attorney Mark Cerel is present to answer any questions.

Chairman Padula stated we are not talking about density tonight, we are talking about whether or not the Planning Board wishes to hire a consultant for the question of density.

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Mr. Cerel said he has had some discussions with staff and it is his understanding that there may be concerns among the Planning Board members as to this particular project in terms of its density, such as building footprints and number of units. His response to that is, and he has not looked at the plans particularly closely, and he has no opinion on that issue, but procedurally the issue is that during the public hearing, the burden is on the applicant to address the criteria that are in the zoning bylaw for a special permit. And there is a number of them, both specific and general findings, involved to some degree in the nature of the project that we are lumping together that we are calling density, such as neighborhood character and social structure; number, height, bulk, location, and siting of buildings with respect to certain environmental issues; and the general requirement that the proposed use will not have adverse effects which over balance the beneficial effects on either the neighborhood or the town. He then read additional criteria. Under any of those, he stated, density is relevant. The issue is that these requirements all must relate to public health, safety, or welfare. He explained that some of these the Planning Board is entitled to base their common experiences on, but others need to be based on the expertise of others. He provided examples. He noted that for some issues, there are people with qualifications to give an opinion one way or the other; various consultant can review a project and provide an opinion to the Planning Board. If it is a concern to the Planning Board, his advice is to take advantage of the statutory and regulatory process and bring a consultant with the proper qualifications onboard now to review the project. If he or she says there is no problem, then you know there is no problem. The worst-case scenario, and what is not acceptable, is just because your gut reaction is that you do not like the project, or whatever it is about the project that you do not like, if it cannot be supported in an objective fashion, we are not going to be in a defensible position to defend the decision.

Chairman Padula stated that so what you are telling me is that the Planning Board as a whole or as part, we do not have the right to make a decision on this unless we have a consultant on every item on the agenda on this site plan. He stated he thought the authorization was put on the Planning Board on the voted-in members to make those decisions based on their experience on the Planning Board.

Mr. Cerel stated that is not the way it works legally. As a matter of fact, in a hypothetical case, where the Planning Board denies a special permit and the applicant takes an appeal to a court, the way the system works is the judge totally disregards what you did and tries the case completely new with all the witnesses who testified and all the evidence that went in, and maybe additional witnesses and additional evidence, and after that the judge makes his/her own determination, and only then compares it back to see whether there is objective support for what the Planning Board did. If there is objective support, even if the judge does not agree with it, and would have done something differently, then the decision will be deferred to, and the Planning Board decision upheld. He continued to describe an analogous case. He noted his advice is that if it is anybody's concern, they need to make sure they have support, have peer review to determine if the concern is valid or not.

Chairman Padula asked why should the Planning Board depend on one person, one peer reviewer to say that this project works, or it does not work? What kind of expertise does one person have on a project that five people/board members cannot decide?

Mr. Cerel stated that is what the law says. He stated that the point is that if there is going to be a decision and it is going to be appealed, we want to make sure it is a defensible position to make sure to not waste the town's money and resources.

Chairman Padula and Mr. Cerel continued to discuss the legal basis for peer review and decision making.

Mr. Cerel stated the Planning Board does not have unfettered discretion on a special permit any more than a subdivision. There are certain constraints. There is a long line of cases to provide guidance in evaluating special permit cases.

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Chairman Padula stated he is not going to make his decisions based on the threat of an appeal. He makes his decisions based on bylaws, our peer review that we hired, our town engineer, and maybe, if there is a question on traffic, or the public has a question about traffic in that particular area, we have the ability to hire a traffic engineer.

Mr. Cerel discussed qualifications and degrees for consultants in density.

Chairman Padula asked the applicant if he feels they should hire someone.

Mr. Lanza stated no we don't and we want to be heard on this. He stated he agrees with Mr. Cerel's explanation of the law. However, he does not feel the density consultant is appropriate for this project at this stage. He provided an anecdote on something that happened on a project in the past. He stated there has to be some adverse effect of density for density to be grounds for reducing density. He stated that all density issues have been addressed and no issues in those regards have been found. He stated Mr. D'Errico is proposing one unit per almost 4,600 sq. ft.; this is four and one-half times the amount required in that zoning district. He noted the Town Council, the legislative body, zoned this site. He stated peer review consultants are usually hired at the beginning. This application has been pending for six months; they want this hearing to end tonight. They do not think a peer review consultant will change or add anything.

Chairman Padula stated all we are going to do tonight is decide if we are going to hire a peer reviewer on density.

Planning Board members stated they agreed that they did not think they needed to hire a density consultant.

Chairman Padula stated no peer review on density.

Chairman Padula stated the public hearing for 278, 280, & 300 West Central Street, Special Permit & Site Plan, would be continued to April 23, 2018, at 7:05 PM. (No motion or vote was taken.)

Mr. Halligan re-entered the meeting.

7:10 PM **PUBLIC HEARING** – Continued
 70 East Central Street
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. Letter dated April 3, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
2. Memorandum dated April 5, 2018 from DPCD to Franklin Planning Board
3. Letter dated April 4, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
4. Site Plan 70 East Central Street, Franklin, MA, Plan Sheets, Prepared by United Consultants Inc., with Revision date February 27, 2018, with Received by Planning date March 30, 2018
5. Letter dated March 6, 2018 from Brad Chaffee, President/Owner, to Franklin Planning Board
6. Memorandum dated January 2, 2018 from George Russell, Conservation Agent, to Franklin Planning Board
7. Memorandum dated January 19, 2018 from G. B. McCarraher, Fire Chief, to DPCD
8. Application for Approval of a Site Plan and Special Permit(s) from 37-41 East Central Street, LLC, applicant, with Received by Planning date January 2, 2018
9. Form P: Application for Approval of a Site Plan from 37-41 East Central Street, LLC, applicant, with Received by Planning date January 2, 2018
10. Certificate of Ownership with Received by Planning date January 2, 2018

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11. *Abutters List Request Form dated December 19, 2017, with Received by Board of Assessors date December 19, 2017*
12. *Abutters List Report dated December 19, 2017*
13. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 2, 2018*

Chairman Padula recused himself.

Note: Vice Chairman Halligan activated alternate Planning Board member, Mr. Power, at the January 22, 2018, Planning Board meeting, as this public hearing is for a special permit.

Mr. Brad Chaffee, Applicant/Developer, and Mr. Rick Goodreau of United Consultants, Inc., the project design engineers, addressed the Planning Board. Mr. Chaffee stated the last time they were before the Planning Board they went through the broad scope. They have since taken all BETA's and the town's comments and worked through them.

Mr. Goodreau confirmed they worked with BETA and the town engineer and they have addressed all concerns.

Mr. Maglio stated they met with the applicant and the applicant's engineer since the last public hearing. All his comments have been addressed; he is satisfied at this point. He has no further comments.

Mr. Crowley, BETA Group, stated they reviewed the revised plans and they do not have any other outstanding issues at this time.

Ms. Love stated all her issues have been addressed. She stated should the Planning Board make a decision tonight, there are items to address such as several waivers requested, recommended special conditions, and the special permit itself needs a roll call vote.

Vice Chairman Halligan confirmed the applicant was going to do both buildings at once.

Mr. Chaffee said they would put both foundations in at the same time and do all the drainage.

Mr. Rondeau expressed concern about building the front building and then later building the back building. He asked if there is any way to get the back building frame done and weather-tight at least. It is such a tight site. He would like to see most of it built.

Mr. David and Mr. Carroll agreed with Mr. Rondeau.

Planning Board members and Mr. Chaffee discussed the work to be done for the back building.

Vice Chairman Halligan stated he sees that the majority of the Planning Board would like to see the two buildings up at the same time. They are just trying to protect the surrounding neighbors from construction and noise. They must do their best for the community. This site only has one entrance/exit. It is a tight site.

Mr. Chaffee asked if he puts the front building up and the back building is a few months behind, can the front building be occupied.

Vice Chairman Halligan stated that he was going to put a condition that no occupancy can be issued on the front building until the back building is erected. The Planning Board just wants to make sure they are going to get what they are approving.

Planning Board members informally agreed with Vice Chairman Halligan.

*Motion to Close the public hearing for 70 East Central Street, Special Permit & Site Plan. Carroll.
Second: David. Vote: 5-0-0 (5-Yes; 0-No).*

Ms. Love reviewed the procedure for voting on the special permits and the waivers.

(1) ROLL CALL VOTE to approve the Special Permit to allow the Building height of 49.5 feet and/or 4 stories in the Downtown Commercial (DC) Zoning District as shown on the Plan.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-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.
Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0 (5-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-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.
Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-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.
Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-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.
Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-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.

Carroll-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0 (5-Yes; 0-No)

WAIVERS:

- 1) To allow less than 42" of cover over the RCP drain pipe.
- 2) To allow the use of HPDE pipe for drainage Pond 1, trenches 1 and 2 and associated pipes.

*Motion to Approve the two Waivers for 70 East Central Street, Special Permit & Site Plan. Carroll.
Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).*

SPECIAL CONDITIONS:

- 1) Applicant must file a Limited Site Plan for each tenant use in the commercial space.
- 2) The applicant shall install all drainage and utilities prior to a building permit.

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- 3) No occupancy permits shall be issued until both buildings are erected and weather-tight, landscaping, and built according to exterior plan.

Ms. Love stated that the applicant requested that Special Condition #2 indicate ...*prior to an occupancy permit...not, building permit*. She stated this would be in line with Special Condition #3 that was just added.

Note: The following special conditions contain the re-wording for Special Condition #2.

SPECIAL CONDITIONS:

- 1) Applicant must file a Limited Site Plan for each tenant use in the commercial space.
- 2) The applicant shall install all drainage and utilities prior to an occupancy permit.
- 3) No occupancy permits shall be issued until both buildings are erected and weather-tight, landscaping, and built according to exterior plan.

Motion to Approve the three Special Conditions for 70 East Central Street, Special Permit & Site Plan. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Vice Chairman Halligan stated that the Standard Conditions of Approval will also be attached to that. He stated one other condition he would like to add is that we are going to get what we see as far as color. The rendering must be attached to the Site Plan. Design Review is just a recommending board. He wants to make sure those are the colors that will be done.

Mr. Chaffee stated they have the exact colors with the recommendation.

7:15 PM **PUBLIC HEARING** – *Continued*
 14 Ruggles Street
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. Letter dated April 5, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
2. Letter dated April 5, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Memorandum dated April 5, 2018 from DPCD to Franklin Planning Board
4. Letter dated March 30, 2018 from Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: DPCD Comments
5. Letter dated March 30, 2018 from Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: DPW Comments
6. Letter dated March 30, 2018 from Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: BETA Group Comments
7. Memorandum dated December 21, 2017 from G. B. McCarraher, Fire Chief, to DPCD
8. Memorandum dated December 19, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
9. Memorandum dated January 5, 2018 from Franklin Board of Health to Franklin Planning Board
10. Site Plan 14 Ruggles Street, Mixed Use Apartments, Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc., with Revision date March 30, 2018, with Received by Planning date March 30, 2018
11. Application for Approval of a Site Plan and Special Permit(s) from Dana Franco, applicant, with Received by Planning date December 15, 2017, with attachment for Special Permit Criteria
12. Form P: Application for Approval of a Site Plan from Dana Franco, applicant, with Received by Planning date December 15, 2017
13. Certificate of Ownership with Received by Planning date December 15, 2017

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14. *Abutters List Request Form dated December 12, 2017, with Received by Planning date December 15, 2017*
15. *Abutters List Report dated December 15, 2017*
16. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 18, 2017*
17. *Drawings from AD Architect with Revision 2 date February 13, 2014, with received by Planning date December 15, 2017*

Note: Vice Chairman Halligan activated alternate Planning Board member, Mr. Power, at the January 8, 2018, Planning Board meeting, as this public hearing is for a special permit.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Dana Franco, Owner/Applicant, addressed the Planning Board. Ms. Cavaliere stated that Mr. Franco was before the Planning Board a few months ago. They have taken the time to address the comments received from the town Planning Department, DPW, and BETA. She stated she feels the majority of the comments have been addressed. They want to hear from the Planning Board regarding any other comments that need to be addressed, and request approval to close the hearing.

Mr. Franco stated they would be leaving the parking lot where it is. They will have a 6 ft. vinyl fence that will screen any headlights going into the adjacent property. He stated there was previous discussion about the dumpster with chain link which they have located on the property and they moved the snow storage to a different spot.

Ms. Cavaliere stated they have increased the sidewalk to go all the way around. They have worked with the DPW to address drainage concerns. They have relocated the sewer connection.

Mr. Maglio stated they reviewed the revised plans; many comments had been addressed. He stated any proposed drain lines should be 12" RCP unless a waiver is approved by the Planning Board. He stated the curb stops should be relocated closer to the right-of-way line on Ruggles Street. The site drainage is proposed to connect to an existing drain line, which passes through the adjacent property through an easement. He recommended it be evaluated before it is connected; he would like to see a note on the Plans regarding this evaluation before any construction. He noted this is for overflow only.

Ms. Love stated the last time the applicant was before the Planning Board on January 22, 2018, a few requests have been made. They should go to Design Review for the building colors and landscaping which has not been done at this time. She stated they were asked to re-stake the property line to determine their property line from the abutters. The dumpster was located on the residential side; it was recommended if it could be located in the rear of the property where it abuts more of the commercial uses than residential side.

Mr. Crowley, BETA Group, stated the bulk of their comments have been addressed. He reviewed some of the remaining comments, including, but not limited to, there is an existing tree line along the property line that abuts the residences that is not currently shown on the plan. It should be depicted and/or at least evaluated; it does provide valuable screening. They want to verify that a plow can access the snow storage area at the rear of the lot. He noted applicant will coordinate with the DPW for the work to be done in the right-of-way. He noted the lighting was removed from the front of the lot; the Planning Board may want to have some discussion on that. They changed the calculation for the infiltration basin without doing additional test pits. They want a condition that a test pit would be done at the beginning of construction if approved.

Ms. Christine Symmes, 20 Ruggles Street, abutter to the property, stated she has a few existing concerns also brought up at the last meeting. She is concerned about the height of the building; where the building is going, she will lose seeing the sunsets. She stated she thought the building was going to be 35 ft., but somewhere else she saw 45 ft. She is unclear on how tall the building is. This will shadow her house. She stated Mr.

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Franco recently brought an excavator and ripped some trees down; it was rude and disrespectful. He knows the trees and screening are very important to her, and he did it anyway. She also asked at the last public hearing to have the back corner of her lot pointed out and what the applicant is going to do to stop her land from moving such as a wall. And, on one of the landscape plans it called for six shrubs and now it only shows four.

Vice Chairman Halligan discussed the height of the building. He stated he would like to see the property staked out to determine if they are his trees or her trees; it would be minimal to stake out the lot line. The Planning Board does not want to approve something that will not be to the liking of the neighborhood; we must go by the neighborhood characteristics and surroundings. He confirmed the height of the building would be 35 ft.

Mr. Franco stated he must clean up the lot before he can even hire a surveyor.

Ms. Symmes invited Vice Chairman Halligan to her yard. She had photographs with her and said she also sent Ms. Love an email of the photographs.

Vice Chairman Halligan said he would drive there and take a visual look. He said Ms. Symmes could pass around her photographs. He requested Mr. Franco stake out the property; he is to tell Ms. Love when the lot is staked. Vice Chairman Halligan said he will then look at the stake line. The meeting will be continued. Mr. Franco must address all outstanding comments.

Ms. Cavaliere stated that one of the applicant's time constraints is that the town's DPW is planning to redo Ruggles Street with binder and new pavement.

Vice Chairman Halligan suggested he would bring sewer and water into the property and stub it in whether the applicant gets this project or not as the applicant is going to do something with the land down the line.

Motion to Continue the public hearing for 14 Ruggles Street, Special Permit & Site Plan, to April 23, 2018, at 7:15 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula re-entered the meeting.

7:20 PM **PUBLIC HEARING** – Continued
 1262-1288 West Central Street
 Site Plan

Documents presented to the Planning Board:

1. *Site Design Plan for Milford Regional Physicians Group, Medical Building in Franklin, MA, Plan Sheets, Prepared by Allen Engineering, LLC, with Revision date March 29, 2018, with Received by Planning date April 2, 2018*
2. *Letter dated April 4, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
3. *Letter dated April 5, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
4. *Memorandum dated April 4, 2018 from DPCD to Franklin Planning Board*
5. *Letter dated March 29, 2018 from Mark Allen, Allen Engineering, LLC, to Franklin Planning Board*
6. *Memorandum dated March 20, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
7. *Letter with attachments dated March 16, 2018 from Mark Allen, Allen Engineering, LLC, to Franklin Planning Board*

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8. *Memorandum dated March 6, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
9. *Email dated March 15, 2018 from Ron Muller, Ron Muller & Associates, to Jaklyn Centracchio, BETA Group, Inc.*
10. *Letter dated March 3, 2018 from Andrew Leonard, WW Contracting, to Allen & Associates, Inc.*
11. *Checklist for Stormwater Report*
12. *Illicit Discharge Compliance Statement*
13. *Letter dated February 28, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
14. *Letter dated February 21, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
15. *Memorandum dated February 9, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
16. *Letter with date of hearing February 13, 2018 from Mark Fitzgerald, Chair, Design Review Commission, to Milford Regional Physicians Group, Applicant*
17. *Form P: Application for Approval of a Site Plan from K.A.D. Holdings Corp., applicant, with Received by Planning date February 5, 2018*
18. *Certificate of Ownership with Received by Planning date February 5, 2018*
19. *Abutters List Request Form dated January 26, 2018, with Received by Board of Assessors date January 29, 2018*
20. *Abutters List Report dated February 5, 2018*

Mr. Mark Allen of Allen Engineering, LLC, representing KAD Holdings Corporation and the Milford Regional Physicians Group, and Mr. Andy Leonard, WW Contracting, addressed the Planning Board. Mr. Allen stated since their last public hearing before the Planning Board, they have addressed all the items from the town engineer and BETA. There are only one or two outstanding items. One basin needs 12" of stone versus 6" of stone, and the manifold at one of the basins needs to be lowered about 6". He stated they had a hearing with the Conservation Commission last Thursday. The Conservation Commission agreed they had no negative impact to the resource areas; they issued a negative determination with no conditions. He stated he is here to address any final questions the Planning Board may have.

Mr. Maglio stated they reviewed the revised materials for this project. He noted a few minor comments, mainly to deal with the drainage system. The model works; there were a few items of cleanup and a few typos on the plans that needed to be addressed.

Ms. Love stated the applicant went to Conservation Commission last Thursday. They added the concrete curbing throughout the site. The final traffic issue was confirmed that they were not required to put in the bike lane. They fixed the parking spaces to be 19 ft.

Chairman Padula asked about the reinforced concrete curbing. He wants a detail showing the way the reinforced concrete is going to be put in, the same way as vertical concrete. He confirmed the parking spaces were increased to 19 ft. and noted that there is now not 24 ft. between the aisles.

Mr. Allen stated there is 24 ft. between the aisles; he physically did it himself.

Mr. Crowley stated he checked at least one of the aisles for verification.

Mr. Rondeau confirmed they would be using only one entrance during construction. He asked if the stone pad could be extended as the trucks will be going onto Rt. 140.

Mr. Leonard stated they could extend it with no problem; they do not want to sweep if they do not have to.

Mr. Halligan confirmed this is exactly what they are going to see visually.

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Mr. Allen said absolutely and explained the colors and materials.

Chairman Padula stated that from now on when it goes to Design Review, he does not want to see any changes.

Mr. Halligan stated that he would like to see the renderings from Design Review attached and approved with the site plan.

Motion to Close the public hearing for 1262-1288 West Central Street, Site Plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve 1262-1288 West Central Street, Site Plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula confirmed that before endorsement the applicant would have the additions done to it.

7:25 PM **PUBLIC HEARING** – *Continued*
834-836 & 840-842 West Central Street
Site Plan

Documents presented to the Planning Board:

1. Letter dated March 30, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board

Chairman Padula stated there was a request for this hearing to be continued.

Chairman Padula stated the public hearing for 834-836 & 840-842 West Central Street, Site Plan, would be continued to April 23, 2018, at 7:20 PM. (No motion or vote was taken.)

General Business (additional item)**D. Form G – Certificate of Release for 2 Juna Way**

Ms. Love stated the house was constructed over 20 years ago and this lot was never released from the covenant. It is more of a title issue; now the house is being sold and it was caught in the title search. She explained they did file an ANR for this lot and they constructed this house. They had enough frontage on Pleasant Street; however, when they came in for the definitive subdivision, this lot was included in the subdivision.

Chairman Padula and Ms. Love discussed a letter from the Building Commissioner regarding 70 West Central Street stating an earth removal permit is not needed.

Motion to Sign the Certificate of Release, Form G, for 2 Juna Way. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman and Planning Board Member Comments

Mr. Halligan suggested that any use or reuse of existing commercial properties would require some type of Limited Site Plan. It was on the bylaws at one time, and then it changed.

Chairman Padula stated this must be a request from the Planning Board to the Town Council.

DRAFT FOR REVIEW

Mr. Halligan stated when a property changes hands, a tenant leaves and another tenant comes in, the Planning Board should have some type of minimal input on what colors for the building and what is happening there. He stated maybe we can devise a minimal fee of \$100 to check on what is going in. For instance, maybe it needs a handicapped space that was never put in or the colors need to be addressed by Design Review and then brought to the Planning Board; there is no cost for Design Review. This ensures for the town that we do not get what we are getting now in the town.

Chairman Padula and Mr. Halligan stated they were both against it when the Town Council made this change. Mr. Halligan's suggestion would give the Planning Board some oversight on older projects and bring them up to conforming with handicapped bylaws, etc.

Mr. Halligan stated it does not seem fair to hold new developments to such strict rules and conditions for special permits and allow an older building to be bought and none of this is required. It should have to fit the character of the neighborhood.

Planning Board members expressed agreement and discussed the issue; they want to be fair to everyone.

Ms. Love reviewed some of the current requirements and fees for limited site plan. She stated a bylaw and application would have to be created.

Chairman Padula and Planning Board members discussed a particular building and indicated that technically that applicant came in for a new site plan. They changed the building for a particular use. Then, what they put in there was not what they came in for. Planning Board members also discussed 81-Ps and recording at the Registry.

Motion to Adjourn. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:30 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary