

Town of Franklin



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Planning Board

**April 23, 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.

7:00 PM Commencement/General Business

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

A. Endorsement – 1262 West Central Street – Milford Regional Medical Center

Ms. Love stated at the April 9, 2018, Planning Board meeting, a Site Plan for the Milford Regional Medical Center was approved. There were detailed items on the plans that needed to be corrected prior to endorsement; all corrections have been made.

Mr. Maglio stated he was all set; the applicant took care of all comments.

Mr. Crowley, BETA Group, stated their outstanding minor comments were addressed on the revised plan set.

Chairman Padula confirmed the applicant added poured concrete to the front of the curb and installed as upright granite would be.

Motion to Endorse 1262 West Central Street, Milford Regional Medical Center. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. 81-P ANR – Hidden Meadows

Ms. Love stated an 81-P ANR was received for "Plan of Land in Bellingham & Franklin, MA." They are moving a lot line creating a non-buildable lot. The line they are adding is creating a small lot that is only in Franklin that is non-buildable and a large lot in Bellingham.

Chairman Padula asked about the temporary turnaround easement on Sunken Meadow Road.

Ms. Love stated that was from the original subdivision when Sunken Meadow Road was built.

Chairman Padula remarked that the subdivision was never completed; the Town had to complete it. He stated the applicant is trying to access that parcel of land for a subdivision. We are not allowing any more of these; the law was changed. This is not in existence right now, and he never built it. The new bylaw states that we will not have a turnaround to the next town's lot line. He is not going to sign this ANR.

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Ms. Love stated they are not permitting the applicant to build anything with this ANR.

Chairman Padula stated by the Planning Board signing this, it is okaying the temporary turnaround easement on Sunken Meadow Road, and then the applicant will be able to access this; this is not going to happen. He would like to go further into this before he takes a vote to approve it.

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 18, 2018 from DPCD to Franklin Planning Board*
2. *Letter dated April 19, 2018 from Matthew Crowley, BETA Group, to Franklin Planning Board*
3. *Letter dated March 6, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
4. *Letter dated February 20, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
5. *Site Plan, Highland Village, 278-300 West Central Street, Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc. with Revision date March 30, 2018, with Received by Planning date March 30, 2018*
6. *Letter dated February 12, 2018 from Dale MacKinnon, Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: Town of Franklin DPW Comments*
7. *Letter dated February 12, 2018 from Dale MacKinnon, Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: Planning Board Comments*
8. *Letter dated February 14, 2018 from Dale MacKinnon, Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: BETA Group Comments*
9. *Letter dated January 29, 2018 from Joel D'Errico, Owner Applicant, to Amy Love, Town Planner*
10. *Quitclaim Deed, Norfolk County Land Court, dated March 13, 2014, Ctff#:188341*
11. *Memorandum dated November 22, 2017 from G. B. McCarragher, Fire Chief, to DPCD*
12. *Memorandum dated October 10, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
13. *Memorandum dated October 10, 2017 from Franklin Board of Health to Franklin Planning Board*
14. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 11, 2017*
15. *Narrative Highland Village Condominiums*
16. *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*
17. *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*
18. *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*
19. *Certificates of Ownership (3) with Received by Planning date October 6, 2017*
20. *Special Permit Criteria Narrative with Received by Planning date October 6, 2017*

Mr. Halligan recused himself.

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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, and Mr. Donald Nielsen of Guerriere & Halnon, Inc., addressed the Planning Board. Mr. D'Errico stated that Zoning Attorney Mark Lanza could not attend the meeting. Mr. D'Errico stated he provided the Planning Board with some updates, narrative, and recap on Special Permit Criteria for this project. They are ready to answer any questions the Planning Board may have.

Ms. Love reiterated some comments from previous hearings. She stated they are still showing the easement on the abutting property, but no agreement was provided. The Planning Board asked for a plan meeting the required impervious area; it has not been received. A plan for less density was requested; it has not been submitted. At the first meeting, the Planning Board mentioned adjusting the noise control; that information has not been submitted.

Mr. D'Errico stated they have an emailed agreement with the Hayward Condominium Association and the document is in typing at the present time by their attorney for the grading to the property to the east.

Mr. Nielsen stated that before the plan was endorsed, the Planning Board would have documents for both easements on either side of the project; the Planning Board could sign the plan knowing that an easement is in play on those parcels.

Mr. D'Errico stated he provided an agreement for the property on the right.

Ms. Love stated the applicant shows an easement for the one on the left; therefore, they should submit the document.

Mr. D'Errico stated he could make it "subject to."

Chairman Padula stated that on a special permit he does not usually make anything "subject to."

Mr. Carroll stated he still had concerns with the paths designated for the fire department and now they are putting snow in it, and they are still burying a hydrant by 17 and 18.

Mr. Nielsen stated the hydrant has been moved off to the side.

Mr. Carroll stated, yes, and you are going to bury snow in that walkway.

Mr. Nielsen said they will be pushing the snow back to the sign that states "snow storage." It is grass, but it is excess snow storage. The hydrant will be within 5 ft. of the building on the current plan. We are going to place snow over the grass.

Mr. Carroll stated we are in New England and we do get snow.

Mr. Nielsen stated it will not be pushed; it will be placed with some kind of loader.

Mr. Rondeau stated he still had serious concerns about the traffic coming and going onto Rt. 140 at that choke point. It is the Planning Board's purpose to make sure it is safe to the people in Franklin and the potential residents. He drove through there the other night and it is like a raceway where it funnels in; it is a bad spot. He does not have a good feeling about it. He has received a few phone calls on it, and he is voicing his opinion as well.

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Mr. David stated that between 3 and 4 for snow storage, there is a sign "do not block, fire access." Why would you put snow there?

Mr. Nielsen said we had snow there; we are pushing from both sides. So, what we put on the plans was a sign at all the crossings where the firemen would go indicating to not block that particular section of the extruding portion of the parking lot.

Mr. David stated it does not make sense that every spot there is a fire hydrant, there is snow storage. If there is a storm of 2 ft., which is normal, there will not be enough room. Can we put in as a condition that someone has to make sure that the hydrants are accessible?

Mr. D'Errico stated yes.

Mr. Nielsen stated the places for the hydrants were based on fire protection for the buildings. The Planning Board can put a condition in that they have to be cleared.

Mr. David reiterated there does not seem like there is enough room for snow storage.

Mr. D'Errico asked Mr. Nielsen if there is any reason why the hydrants cannot go near units 30 and 25. He wants to look at it.

Mr. Nielsen stated it is possible; the fire department would have to look at it.

Mr. D'Errico, in response to the traffic concerns, stated the first thing he did when he had the idea to develop this property was to hire Ron Muller, the traffic engineer, who has experience in this town with traffic projects. The second thing he did was go to MassDOT in Worcester regarding this project. Both of them said this plan works from a traffic point-of-view, and the westerly entrance should be entrance only. The easterly entrance can be entrance and exit. The Commonwealth of Massachusetts did not say no. He discussed the traffic studies and noted that BETA concurred with Mr. Muller's study. He discussed the line of sight. He would defer to what the traffic engineers came up with.

Chairman Padula clarified that MassDOT does not make comments on internal traffic on internal sites; they do an external traffic study as far as curb cuts go and accessibility to get in and out, off and on, their highway as Rt. 140 is a state highway. He confirmed the first entryway was going to be one-way only. He asked Mr. Crowley if he agreed.

Mr. Crowley stated he agreed that it was a much better design to have the one-way entrance there. He noted that in their traffic letter from Greg Lucas to the Planning Board, they may want to request MassDOT to review the traffic signing and taper lengths at that approach to see if safety can be improved. He confirmed BETA's study was done prior to the applicant deciding to go with town pickup for trash.

Chairman Padula asked what the applicant is going to do with snow storage in the parking area.

Mr. D'Errico stated it was going to be picked up and moved to the areas where it is kept; beyond the walkways, over them, not blocking them. There will also be snowblowers onsite. He stated they are requesting to close the hearing tonight if the Planning Board feels it can be.

Ms. Mary Lyons, 285 West Central Street, and homeowner at 290 West Central Street, stated she has been in touch with MassDOT who told her there has been no access application made for that roadway as of today. They also said that when they do get the application, they review it and work with the town as well to make sure the town feels it is safe. It seems to her that at one of the first hearings we heard that MassDOT gave approval; they have not. They do not even have an application.

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Mr. Daniel Lyons, 285 West Central Street, commented that Mr. D'Errico indicated he thinks that the Starbucks intersection is a good situation. That is a dangerous area. How could anyone think that was a good traffic study; it was a horrible traffic study. As well, this one is a horrible traffic study.

Ms. Christine McKinnon, 290 West Central Street, stated she did not understand about the road being one way if you can go in and out on one side and it is a one-way road.

Mr. Nielsen explained the planned entryways shown on the map.

Mr. D'Errico addressed Ms. Lyons' question about talking to the state. He said a copy of the plans were sent over one year ago to Worcester, and they said "subject to your approval" they will approve it as long as the drainage calculations and everything works, and they said it shall be entrance only. That is what they said; they did not give approval. He referenced a copy of an email that the Planning Board has that says we will approve this if the town does.

Mr. Edward Cannon, attorney on behalf of JNJ Industries, 290 Beaver Street, stated he submitted a couple of months ago a memorandum detailing reasons why the plan should not be approved, many of which the Planning Board touched on tonight; he will not rehash them. He stated he would provide some observations and thoughts. There have been no easements submitted. If the Planning Board is inclined to allow the project, a condition should be that the easement be in recordable form and approved by Town Council; right now, there is a letter. The applicant would like to close the public hearing. It is a little disturbing that the applicant would like to alter the plan on the fly tonight; we have been here since October. Most importantly, as stated in his memorandum, if the Planning Board is inclined to allow this project, the Planning Board has broad discretion on the conditions they can impose. Most concerning for his client, a thriving industrial use right next to this property, is noise mitigation/noise control. It is the applicant that is coming to the town to put residential units right next to a thriving, 24/7, industrial use, that has been a very good corporate citizen. It is the applicant who wants to put this in; it is the applicant that should be required to vigorously mitigate the noise. Also, he does not think it is unreasonable to require anyone that buys in there to have it noted on their deed that they are moving right next to an industrial use that is in operation 24/7. That is for everyone's benefit. This town will get complaints about the noise if those units are built; it will happen unless there is sufficient noise mitigation. Panera is a national, outstanding company and that is a key hub for them. They cannot be in a situation that they are faced with a shut down because of noise complaints. They would have to leave. That would be an injustice to his client, JNJ, that has carried on a successful business there. It is zoned industrial. He would like to leave the Planning Board with those thoughts.

Mr. D'Errico stated the second thing he did over one year ago was to hire a consultant on noise after he researched the state law. He stated this is not the purview of the Planning Board, but he wanted to educate the Planning Board. The company must abide by a state law as they are the producer of the noise. The decibel meter was on the property for 10 days over one year ago and they were out of compliance 213 times in 10 days, 24/7. When they are over the limit, it is up to them to fix it. He discussed a meeting he had one year ago with a company representative and others. He said the representative stated they wanted to cure the problem once and for all. So, he went ahead and filed his plans. The state law is clear. The receiver does not cure the problem; the producer cures the problem. After this plan is approved, he will attend to that vigorously and keep the town out of it.

Chairman Padula stated not to get into this too deep, especially at the eleventh hour, but he feels the town has a 16-year old business and they have never had any complaints from any of the neighbors. He noted a report from the town that when you put a cluster housing near an existing business, the new developer is responsible.

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Motion to Close the public hearing for 278, 280 & 300 West Central Street, Special Permit & Site Plan. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM

PUBLIC HEARING – Initial
Senior Village Overlay District Chestnut Street
 Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. Memorandum dated April 18, 2018 from DPCD to Franklin Planning Board
2. Gmail dated April 17, 2018 from Jeffrey Nutting, Town Administrator, to Amy Love, Town Planner
3. Application for Approval of a Site Plan and Special Permit(s) from Whitman Homes, Inc. (51 Chestnut Street, Franklin), applicant, with Received by Planning date April 2, 2018
4. Certificates of Ownership (2) with Received by Planning date April 2, 2018
5. Project Narrative prepared by Guerriere & Halnon, Inc. with Received by Planning date April 2, 2018
6. F-3183-5, Special Permit Application for Senior Village Overlay District for Chestnut Street Senior Village, to allow construction of 33-units for senior housing, dated March 30, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018
7. F-3183-5, Special Permit Application for Senior Village Overlay District for Chestnut Street Senior Village, to allow an increase in impervious coverage, dated March 30, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018
8. Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018
9. Abutters List Request Form dated February 13, 2018, with Received by Planning date April 2, 2018
10. Abutters List Report dated February 13, 2018
11. Plan Sheets for Chestnut Senior Village, Chestnut Street, Franklin, MA, prepared by Whitman Homes, with Received by Planning date April 2, 2018
12. Letter dated January 10, 2017, from Joseph Halligan, Vice Chairman Planning Board, to Teresa Burr, Town Clerk, RE: Certificate of Vote-Limited Site Plan and Special Permit Extension
13. WPA Form 7 – Extension Permit for Orders of Conditions dated August 31, 2006, Issued by Franklin Conservation Commission
14. Letter dated June 22, 2011, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegrini, Town Clerk, RE: Certificate of Vote-Special Permit
15. Letter dated June 12, 2008, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegrini, Town Clerk, RE: Certificate of Vote-Special Permit
16. Letter dated June 13, 2008, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegrini, Town Clerk, RE: Certificate of Vote-Site Plan
17. Letter dated June 12, 2008, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegrini, Town Clerk, RE: Certificate of Vote-Special Permit
18. Letter dated October 12, 2006, from Paige Duncan, Clerk, to Deborah Pellegrini, Town Clerk, RE: Certificate of Vote-Site Plan
19. Letter dated October 12, 2006, from Paige Duncan, Clerk, to Deborah Pellegrini, Town Clerk, RE: Certificate of Vote-Special Permit
20. Letter with Date of Hearing December 11, 2007, from Jennifer Peters, Design Review Commission, to Franklin Planning Board, RE: Certificate of Vote from Design Review Commission

Chairman Padula recused himself.

DRAFT FOR REVIEW

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

Mr. Donald Nielsen of Guerriere & Halnon, Inc., provided an overview of the project to construct a 33-unit residential building for over 55 in age; the applicant has requested five waivers. A previous special permit under senior village dated 2006 was approved by the Planning Board on June 12, 2008. He stated the zoning has changed from 2006 to the current. The initial zoning was based on the impervious area of the lot; the current zoning is based on upland impervious area. The two numbers do not match from the original approval to the current plan. Therefore, there must be some approval and acknowledgment from the Conservation Commission on this as well as the Planning Board. He stated they do have some side line issues relative to the property line of the building. Facing the Chestnut Street layout, there is a 40 ft. setback and it is recommended to have 50 ft; the Planning Board can waive that. They have a 15 ft. offset on the rear of the building which is adjacent to the Patalano Company, but that is in the middle of a swamp; it must be addressed. The building in the front yard of the site is supposed to be 20 ft. off the pavement/accessway; they have 5 ft. They have an issue of frontage and there was a waiver granted in the 2006 application to use the 40 ft. of frontage for the approval of that particular site plan. At present, they have 40.17 ft. They have asked for waivers for both of these as the minimum frontage is 100 ft. based on zoning. He stated they have landscaping, lighting, and fencing and have provided details for all pavement, drainage, sidewalks, and those types of improvements. He noted there are two elevators. He stated they have only received comments from the Planning Department; BETA and Mr. Maglio have not submitted comments as of today.

Ms. Love stated for this project the applicant needs a waiver; if the waiver is not granted, the project would not move forward. As Franklin is over the 2.5 percent units for senior housing, it requires a market study be submitted to show there is a critical need. BETA and Mr. Maglio have held off on their reviews as to not waste time until the need is determined. There is also concern from the Town Administrator for DHCD to accept the five affordable units towards the towns inventory. Sometimes with the age restrictions, it is not as easy for them to count.

Mr. Anthony Bonina, 181 East Central Street, stated the town is in a perpetual state of lack of water. With these big projects put in all the time, are we ever going to get water and not be on a drought every year so we cannot use our water?

Mr. Maglio stated there is a water conservation plan put in place every year. This goes through the DPW director.

Vice Chairman Halligan stated this is a concern that could be looked into prior to making a decision.

Mr. Bassalee, 97 Chestnut Street, asked if there are any drawings that abutters will get access to.

Vice Chairman Halligan stated Mr. Bassalee could go to the Planning Department at anytime and Ms. Love could help him; everything is open to the public.

Mr. Kevin Keefe, owner 33 & 35 Chestnut Street, stated we have been through this before. This is a bigger building than the older one. He was concerned about the old building and now he has more concerns.

Mr. Jeffrey Corish, 41 Chestnut Street, stated he is concerned about the wetlands. He sees the Ford dealership dumping large amounts of snow from their parking lot into the drainage area. Are they going to have to haul their snow away? He stated the pole lighting will be shining into his property. With so many variances requested, it seems like they are jamming this 33-unit building in a space not designed for it.

DRAFT FOR REVIEW

Vice Chairman Halligan stated they will address the snow storage issue when they get to it. He suggested Mr. Corish go to Conservation Commission as wetlands are not in the Planning Board's jurisdiction; Conservation Commission will give Planning Board a recommendation. BETA will report about the lighting and shadowing offsite. All these issues will be addressed. He noted there is a permit in place to develop it, although not to this scope. He asked Mr. Nielsen how much larger the building got.

Mr. Nielsen stated the footprint of the current building is 8,676 sq. ft. He said he would have the size information on the approved building and the proposed new building for the next meeting.

Vice Chairman Halligan asked for a description of why this project may be a little different than others that have come before the Planning Board on multi-housing units. This is over 55; why does this one have an affordable component where the one that is approved now does not.

Mr. Nielsen stated the other one did have one affordable unit.

Vice Chairman Halligan reiterated that without four of those affordable units getting accepted on the new proposed plan, it seems like this project may not go forward.

Mr. Nielsen stated there is some paperwork with Mass Housing. He suggested continuing the hearing for one month for enough time to work out issues with Mass Housing. He stated that 229 have been approved or built; he stated Ms. Love or Bryan Taberner would have to qualify that number. He noted that 10 are approved under the old site plan.

Vice Chairman Halligan stated some senior villages were built and some were bought out. He asked that for the ones that were bought out, do they still count as part of the 229. He questioned when they were bought, are they still an affordable component for 55 and older only, or was it made an affordable home for any resident in Franklin, but not addressing the senior village, so there are really not 229 units.

Mr. Nielsen stated he would provide that information at the next meeting. He noted that all over-55 units have 5 percent affordable component. In response to Planning Board members' questions, he discussed the zoning change on how to compute impervious coverage allowed.

Mr. Carroll asked for a plan that shows the development without coming to the Planning Board for waivers, as they have requested other applicants to provide.

Mr. Nielsen stated even the smaller building had waivers; they have more upland land now.

Mr. Rondeau asked about the fire access.

Mr. Nielsen discussed the fire access lane and the retaining wall.

Vice Chairman Halligan stated he feels there is a need for more senior housing for the future. He will rely on the expertise of the housing authority to tell them if there is a need.

Motion to Continue the public hearing for Senior Village Overlay District Chestnut Street, Special Permit & Site Plan Modification, to May 21, 2018, at 7:05 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM

PUBLIC HEARING – Continued
14 Ruggles Street
Special Permit & Site Plan

DRAFT FOR REVIEW

Documents presented to the Planning Board:

1. *Letter dated April 17, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board*

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.

Vice Chairman Halligan stated there was a request for continuance of this public hearing.

Motion to Continue the public hearing for 14 Ruggles Street, Special Permit & Site Plan, to May 7, 2018, at 7:10 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

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

Documents presented to the Planning Board:

1. *Letter dated April 17, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board*

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

Motion to Continue the public hearing for 834-836 & 840-842 West Central Street, Site Plan, to May 7, 2018, at 7:15 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No). (Chairman Padula had not re-entered the meeting.) Meeting adjourned at 7:58 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

