

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2018 MAY 22 A 8:13

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Planning Board

May 7, 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. Limited Site Plan Modification: YMCA – Forge Parkway

Mr. Donald Nielsen of Guerriere & Halnon, Inc., representing the YMCA, addressed the Planning Board proposing to replace a shed and office trailer with a covered picnic craft area and office/equipment storage. He stated this project required a variance from the ZBA; the permit has been approved. He described the proposed craft and staff area which is larger than what is currently there.

Chairman Padula reminded Mr. Nielsen that the YMCA was told the last time they were before the Planning Board, no more on that site.

Mr. Nielsen stated they are replacing what is currently there; it is only a few hundred sq. ft. difference, and the impervious is not an issue on that site as it is quite less than the 80 percent.

Mr. Maglio stated he has no issues with the plan; he had one comment requesting a calculation for the underground infiltration system.

Ms. Love stated there are no issues from DPCD. She stated a Site Plan with the entire site including the proposed picnic/craft area be submitted.

Mr. Nielsen stated a full-size sheet with improvements shown on the plan can be provided before endorsement.

Motion to Approve Limited Site Plan Modification, YMCA. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

B. Limited Site Plan Modification: 60 Earl's Way

Mr. Jim Susi, United Consultants, addressed the Planning Board for a 22 ft. x 79 ft. addition to the rear of the existing building where the loading docks are currently located. He discussed the zoning setbacks currently and with the new addition. He noted the property behind this was Industrial zoned, but a Residential use.

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Chairman Padula stated the applicant must go to ZBA for the variance as it does not meet zoning.

C. Endorsement – 70 East Central Street – Special Permit & Site Plan

Chairman Padula recused himself.

Mr. Halligan asked for a copy of the colors for the building design.

Ms. Love stated the Design Commission's recommendations were referenced and the colors are on file.

Motion to Endorse 70 East Central Street, Special Permit & Site Plan. Carroll. Second: Rondeau.

Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula re-entered the meeting.

D. Street Recommendations: Sarah Lane, Sheila Lane, Tobacco Road, Padden Road, and Long Hill Road

Mr. Maglio stated these are subdivisions that have been completed in the past, all the bonds have been released, and the developers have turned in as-builts and street acceptance plans, but for some reason, they were never accepted. He has been working with the town attorney to update the mylars for those plans. This is just a recommendation from the Planning Board that will go to the Town Council. The Town Council will accept the streets and the mylars will be recorded at that point. He noted there are many more streets in town that also have not been accepted for some reason. This formalizes the process, so the town can legally take care of these roads.

Motion to Recommend to the Town Council Street Recommendations: Sarah Lane, Sheila Lane, Tobacco Road, Padden Road, and Long Hill Road. Rondeau. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

E. 81-P ANR – Hidden Meadows

Mr. John Vignone, for Hidden Meadows, addressed the Planning Board for approval of the 81-P Plan.

Chairman Padula stated he is not signing it; let it be approved by default. He stated the piece proposed for the ANR is probably the size of a flower garden. He noted there is a cul-de-sac in the subdivision on Sunken Meadow Road. The only way to access a big parcel in Bellingham is through this subdivision.

Mr. Vignone stated the question is whether it is an 81-P Plan or not.

Chairman Padula stated most of the 81-P Plan is in Bellingham. He discussed whether it was an ANR. Subdivision approval is required; it is in a subdivision. He has been designated by the Planning Board to sign 81-Ps and ANRs. He will not sign it. He noted he spoke to the town attorney about this; the town attorney indicated it would be approved by default.

Mr. Vignone questioned if the town planner's position on this was the same as Chairman Padula's.

Ms. Love stated it was not.

Mr. Vignone confirmed that it was not going to come to vote; no action.

F. 81-P ANR – 23 Winter Street

Chairman Padula recused himself.

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Ms. Love stated the applicant is creating a 10 sq. ft. parcel from the existing lot; it still allows adequate frontage for the existing lot.

Mr. Maglio stated he had no comments.

Mr. Rondeau asked why this was being done.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., representing Ranieri Trust, stated the purpose is to create Lot 1, believed to be a buildable lot, and Parcel A, a non-buildable lot, with the same percent impervious area before and after.

Ms. Love stated this is not creating a buildable lot and it does not require subdivision approval.

Motion to Approve 81-P, 23 Winter Street. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

G. 81-P ANR – 230 East Central Street

Mr. Halligan recused himself.

Mr. Carroll lead the proceedings.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., represented the applicant.

Ms. Love stated the applicant is moving a lot line and combining two lots to form one lot. They have adequate frontage on East Central Street; the frontage amount will remain the same. There is an existing structure on the property.

Mr. Maglio stated he has not reviewed the plan.

Motion to Accept the 81-P, 230 East Central Street. Rondeau. Second: David. Vote: 3-0-0 (3-Yes; 0-No).

Motion to Allow Chairman Anthony Padula to sign the 81-P, 230 East Central Street. Rondeau. Second: David. Vote: 3-0-0 (3-Yes; 0-No).

Chairman Padula re-entered the meeting.

Mr. Halligan re-entered the meeting.

7:05 PM **PUBLIC HEARING** – Initial
471 & 491 West Central Street
Site Plan Modification

Documents presented to the Planning Board:

1. Memorandum dated May 2, 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 April 19, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
4. Site Plan Modification for West Central Plaza and Presidential Arms in Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc. dated April 6, 2018, with Received by Planning date April 17, 2018
5. Memorandum dated April 27, 2018 from G. B. McCarraher, Fire Chief, to DPCD

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6. *Form P, Application for Approval of a Site Plan Modification with applicant listed as West Central Plaza c/o Roger Calarese, and name of owner listed as same and Presidential Arms, with Received by Planning date April 17, 2018*
7. *Certificates of Ownership (2) with Received by Planning date April 17, 2018*
8. *Photograph of Existing Presidential Arms Sign to be Replaced*
9. *Rendition of Proposed Presidential Arms Sign prepared by Signs by Cam*
10. *Declaration of Temporary Easement*
11. *Proposed Front Yard Enhancement, Proposed Side Yard Enhancement, Proposed Side Yard Plantings, Presidential Arms, Plan Sheets, Prepared by Guerriere & Halnon, Inc. dated April 6, 2018, with No Received by Planning date*

Motion to Waive the Reading. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Donald Nielsen of Guerriere & Halnon, Inc. and Mr. Roger Calarese addressed the Planning Board. Mr. Nielsen stated they were before the Planning Board about three months ago for a brief discussion about this proposed project for Presidential Arms. There will be some landscaping provided by Mr. Calarese's development company to Presidential Arms. They will be disturbing more than 5,000 sq. ft. They are proposing to eliminate two rows of pine trees that are overgrown. There is a sight line issue for Mr. Calarese's project; he has made an offer to Presidential Arms to remove the vegetation of the trees, remove the chain link fence, and do minor grading along the property line. They are also going to provide a new sign for Presidential Arms, re-landscape around the sign, and provide arborvitae screening along an access in front of the building. Overall, they are providing landscaping enhancement, some tree removal, and change grade slightly. He noted the signed document between Mr. Calarese's company and Presidential Arms that permit the discussed activity. He stated all the abutters have been notified.

Condominium association member of Presidential Arms stated we have reviewed the plan and worked with Mr. Calarese and are in agreement.

Mr. Halligan noted when they were previously before the Planning Board they had been asked to provide a color rendering. He asked if all condominium owners were notified of the proposed change.

Mr. Nielsen stated all owners have been notified.

Planning Board members discussed the proposed modifications to Presidential Arms.

Mr. Calarese stated the two substantive things being done on the Presidential Arms site are the row of current pine trees that are about to fall over that will be removed, and the island created in the back with arborvitae screening for the new sign.

Chairman Padula confirmed the project was done to give a better line of sight for leaving Mr. Calarese's property.

Mr. Carroll confirmed the existing retaining wall would remain.

Mr. Maglio stated he had no comments as the work was limited to minor grading and landscaping.

Ms. Love stated they will need to file with Design Review for any new sign to be put up. She noted that as this is a Site Plan Modification, all notices sent to abutters were sent via regular mail, not certified.

Motion to Close the public hearing for 471 & 491 West Central Street, Site Plan Modification. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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Motion to Approve 471 & 491 West Central Street, Site Plan Modification. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
 14 Ruggles Street
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Letter dated May 3, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
2. *Site Plan, 14 Ruggles Street, Mixed Use Apartments, Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc., dated January 25, 2017, with Revision date April 28, 2018, with Received by Planning date April 26, 2018*
3. *Letter dated May 2, 2018 from Matthew Crowley, BETA Group, to Franklin Planning Board*
4. *Memorandum dated May 2, 2018 from DPCD to Franklin Planning Board*
5. *Letter from Mark Fitzgerald, Chair, Design Review Commission, with Date of Hearing April 24, 2018*
6. *Letter dated April 23, 2018 from Guerriere & Halnon, Inc. to Franklin Planning Board, Ref: Planning Board Comments*
7. *Letter dated April 23, 2018 from Guerriere & Halnon, Inc. to Franklin Planning Board, Ref: Town of Franklin DPW Comments*
8. *Letter dated April 23, 2018 from Guerriere & Halnon, Inc. to Franklin Planning Board, Ref: BETA Group Comments*
9. *Memorandum dated December 21, 2017 from G. B. McCarraher, Fire Chief, to DPCD*
10. *Memorandum dated December 19, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
11. *Memorandum dated January 5, 2018 from Franklin Board of Health to Franklin Planning Board*
12. *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*
13. *Form P: Application for Approval of a Site Plan from Dana Franco, applicant, with Received by Planning date December 15, 2017*
14. *Certificate of Ownership with Received by Planning date December 15, 2017*
15. *Abutters List Request Form dated December 12, 2017, with Received by Planning date December 15, 2017*
16. *Abutters List Report dated December 15, 2017*
17. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 18, 2017*
18. *Drawings from AD Architect with Revision 2 date February 13, 2014, with received by Planning date December 15, 2017*

Chairman Padula recused himself.

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 they were here to follow up on some requests made at the last hearing as well as some modifications to the site plan. The property line has been staked. They have worked with Mr. Maglio and spoken to Ms. Love. They have made the associated changes to the plans.

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Mr. Maglio stated all his previous comments have been addressed. He restated that the proposed drain lines should be 12 in. RCP unless a waiver is approved by the Planning Board.

Vice Chairman Halligan and Mr. Maglio discussed the location of the proposed PVC pipe. Chairman Halligan stated he does not think the applicant will get approval from the Planning Board for the PVC pipe unless it is off the paved areas.

Mr. Carroll stated he does not want the Planning Board to allow some people to use PVC and some people to not; if it is waived, it must be waived all the way around.

Mr. Franco confirmed he must use reinforced concrete underneath the paving and once off the paving, they can switch to PVC.

Ms. Love stated most of her comments from the last meeting have been addressed. She noted the dumpster is still located next to the residential property and has not been moved. Snow storage is located in the back corner behind the building; getting the snow back there could be difficult. Should the Planning Board move forward and approve the plan, there is a list of special conditions recommended; she reviewed the conditions.

Mr. Franco stated a test pit was done by Mr. Nielsen.

Ms. Cavaliere stated everything is noted on the plan for the impervious barrier, if needed. Proposed office use and change of use notes have also been added to the plans.

Mr. Crowley stated concerns about the snow storage area, consider reducing impacts to trees that straddle the property line, and if impervious liner required, it should extend to bottom of basin.

Vice Chairman Halligan, Mr. Franco, and Mr. Rondeau discussed snow storage, emergency vehicles, and the retaining wall.

Mr. Franco stated if there is extensive snow, he owns a Bobcat and can distribute snow on the property.

Mr. Carroll stated that Mr. Franco just stated he was going to drive a Bobcat around his property on the grass area if needed for snow. Therefore, he should go with the RCP pipe all around since he may be driving all around the property.

Mr. Franco said he could not drive on the area that he would use the PVC pipe.

Ms. Christine Symmes, 20 Ruggles Street, stated she is the only abutter directly affected by this project and she has been to every public hearing. Mr. Franco still has not addressed her concern regarding the grade height in the back corner of the property between her property and Mr. Franco's. Her land is about 12 in. to 18 in. height difference. Her land is going to wash out when they are digging. She stated some trees fell onto her property after Mr. Franco did some work on the manhole and Mr. Franco has not responded to her concerns.

Mr. Franco stated the fence he is going to put up will probably have to be 6 in. to 12 in. onto his property to avoid the current row of trees.

Vice Chairman Halligan asked if Mr. Franco put up the fence and did not touch Ms. Symmes's property, would she be happy with that.

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Ms. Symmes stated she wanted Mr. Franco to put up the fence as soon as possible; she wants him to pick up the two trees that are leaning.

Vice Chairman Halligan stated this would not be endorsed until Mr. Franco had the trees moved.

Ms. Symmes asked where the building is going how high it would be.

Mr. Franco stated 36 ft.

Vice Chairman Halligan stated that what the applicant is building is a legal structure for that zoned piece of land; the Planning Board cannot limit that.

Ms. Symmes asked Mr. Franco for his plans to deal with the property height difference.

Mr. Franco explained his proposal to address the grade difference and he expects the water to flow from his property and her property to the manhole.

Mr. Maglio stated from the plans it sounds like Mr. Franco is raising the grade a little bit.

Mr. Crowley stated that no water will go onto Ms. Symmes's property; but without the grades on the plans, it cannot be seen where the water from her property will go.

Vice Chairman Halligan and Mr. Franco discussed how the height difference of the properties was going to be addressed. He stated this should be shown on the plans.

Mr. Franco and Ms. Cavaliere discussed the grade height as shown on the plans.

Ms. Symmes reiterated she would like the trees falling on her land to be removed and the fence to be put up as soon as possible.

Vice Chairman Halligan stated they can enforce this so applicant will not get occupancy until it is done.

Motion to Close the public hearing for 14 Ruggles Street, Special Permit & Site Plan. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Vice Chairman Halligan asked if there were color renderings for what is proposed. He wants something attached to the Special Permit to make sure that what everyone has been told, is what we get.

Ms. Love stated Design Review's recommendation with the color renderings can be a special condition.

Vice Chairman Halligan asked that the public hearing be reopened to allow the applicant to submit the color renderings. He stated the Planning Board had previously agreed that a color rendering would be attached to each Special Permit on the night of the vote.

Motion to Re-Open the public hearing for 14 Ruggles Street, Special Permit & Site Plan. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Vice Chairman Halligan stated he wanted to see the color renderings approved by Design Review to make sure the Planning Board is comfortable with what is going to be built and are guaranteed to get what is proposed as part of the Special Permit.

Mr. Franco stated he had color renderings in his vehicle and would go to get them.

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Motion for a Two-Minute Recess. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Vice Chairman Halligan stated the renderings Mr. Franco just provided to him were in black and white, but the colors were noted on the renderings. He reviewed the colors noted and Mr. Franco indicated they were incorrect. Vice Chairman Halligan stated this is why he wants to see the actual color renderings. He told Mr. Franco to have them for the next public meeting.

Motion to Continue the public hearing for 14 Ruggles Street, Special Permit & Site Plan, to May 21, 2018, at 7:15 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 May 3, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Letter dated May 3, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
3. Memorandum dated May 3, 2018 from DPCD to Franklin Planning Board
4. Letter from Mark Fitzgerald, Chair, Design Review Commission, with Date of Hearing January 23, 2018
5. Memorandum dated May 1, 2018 from George Russell, Conservation Agent, to Franklin Planning Board
6. Letter dated April 23, 2018 from Guerriere & Halnon, Inc. to Franklin Planning Board, Ref: Planning Board Comments
7. Letter dated April 23, 2018 from Guerriere & Halnon, Inc. to Franklin Planning Board, Ref: Town of Franklin DPW Comments
8. Letter dated April 23, 2018 from Guerriere & Halnon, Inc. to Franklin Planning Board, Ref: BETA Group Comments
9. Memorandum dated December 21, 2017 from G. B. McCarraher, Fire Chief, to DPCD
10. Memorandum dated December 27, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
11. Memorandum dated January 5, 2018 from Franklin Board of Health to Franklin Planning Board
12. Form P: Application for Approval of a Site Plan from John Padula, applicant, with Name of Applicant: 834-836 West Central Street Realty Trust – Denise DePedro Tr., with Received by Planning date December 15, 2017
13. Form P: Application for Approval of a Site Plan from John Padula, applicant, with Name of Applicant: Brookdale Mill Trust – Leonard S. French Tr., with Received by Planning date December 15, 2017
14. Certificates of Ownership (2) with Received by Planning date December 15, 2017
15. Grant of Easement, Norfolk County Land Court, dated March 3, 2005
16. Project Narrative
17. Detailed Record and Decision Letter of September 28, 2017, to Teresa Burr, Town Clerk, from Zoning Board of Appeals, with Received by Town Clerk date October 6, 2017
18. ZBA Application Form, Ownership Information
19. Abutters List Request Form for 840-842 West Central Street, dated August 24, 2017, with Received by Board of Assessors date August 24, 2017
20. Abutters List Request Form for 834-836 West Central Street, dated August 24, 2017, with Received by Board of Assessors date August 24, 2017

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21. *Abutters List Request Form for 860 West Central Street, dated August 24, 2017, with Received by Board of Assessors date August 24, 2017*
22. *Abutters List Report dated August 25, 2017*
23. *Memorandum dated October 26, 2017 from Kevin Martin, Geotechnical Engineer of UTS of Massachusetts, Inc., to John Padula, Realty Trust*

Chairman Padula recused himself.

Mr. Richard Cornetta, attorney for the applicant, and Mr. Donald Nielsen of Guerriere & Halnon, Inc. addressed the Planning Board for site plan approval. Mr. Cornetta stated they received a vote for approving the issuance of an Order of Conditions from the Conservation Commission; the property is in an environmentally sensitive area along Mine Brook. They have revised the plans. Tonight, they would like to address three items: 1.) a parking waiver issue—they are proposing 27 parking spaces, 2.) a sidewalk—as there is no sidewalk to the south or north of this site, they will possibly provide money to the town to finish the sidewalk on the opposite side of the street, and 3.) the access area—the area providing access to this site is owned by the neighboring property; the owner has an access easement which is shown on the plans. The French family has joined them as an applicant.

Vice Chairman Halligan asked for a letter from administration regarding agreed upon funds for the sidewalk on the opposite side of the street. He would like to have it to be approved with the plans.

Mr. Nielsen stated there has never been a formal discussion on this relative to dollars. It would be his recommendation that a condition be that prior to issuance of a building permit, there has to be an agreement of passing the funds to the town.

Vice Chairman Halligan confirmed Mr. Nielsen's recommendation of no building permit without funds agreement. Regarding the parking, he confirmed this is strictly for office use; no retail allowed. He noted that the applicant could bring a limited site plan for the possibility that retail could be entertained at some future point. He noted he had no issues with the easement agreement.

Planning Board members asked questions regarding parking spaces and office use.

Mr. Nielsen discussed how parking spaces were determined based on only the amount of useable square footage.

Mr. Rondeau stated this would be setting a bad precedent; this is going to backfire.

Ms. Love reviewed the Zoning Bylaws for determining parking spaces; it includes all building square footage with no deductions. Therefore, the need is for 51 parking spaces. It is a matter of if the Planning Board wants to grant a waiver and what the Planning Board feels is appropriate for the site.

Vice Chairman Halligan discussed the right of the Planning Board to waive the bylaw for specific uses that are justified. They take on each project on its own depending on use of the building.

Mr. Power stated he agrees with Vice Chairman Halligan that it should be looked at on a case-by-case basis.

Mr. Rondeau suggested maybe making it conditional to office space, maybe downsizing the building.

Vice Chairman Halligan stated that for office use, they do not need 50 parking spots; this is not for retail.

Mr. Carroll stated concern about the parking. We have no idea how many employees are going in here.

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Mr. Nielsen stated they do not rent out the office space until they have come before the Planning Board for approval. They are coming back for every use for each one of the offices. Some may have to stay empty. The owners must manage the use.

Planning Board members informally agreed they feel more comfortable with that condition.

Mr. Maglio stated they had some small comments on the drainage as outlined in his letter of May 3, 2018.

Ms. Love stated the applicant changed the curbing but left the detail for cape cod berm; it should be removed from the detail sheet. Parking was her last outstanding issue. Should the Planning Board approve this, she recommended special conditions of approval including should the use change, the applicant/owner must file a Limited Site Plan with the Planning Board, and the applicant is to comply with the Fire Chief's comments in letter dated December 21, 2017.

Mr. Crowley stated they had comments on the parking which has been discussed. He requested some additional detail clarification on the plans.

Mr. Nielsen said he would be prepared to have all the changes for the next meeting.

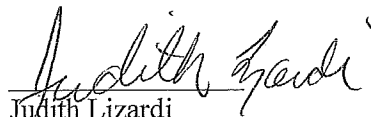
Vice Chairman Halligan stated he would like to see architectural drawings and color renderings submitted with the package, so we know what we are getting.

Mr. Nielsen stated it has all been approved by Design Review. He reviewed the colors, design, lighting, and signage as shown on a drawing.

Motion to Continue the public hearing for 834-836 & 840-842 West Central Street, Site Plan, to May 21, 2018, at 7:20 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No). (Chairman Padula had not re-entered the meeting.) ***Meeting adjourned at 8:36 PM.***

Respectfully submitted,


Judith Lizardi
Recording Secretary