

DRAFT FOR REVIEW**Town of Franklin**TOWN OF FRANKLIN
TOWN CLERK

2018 AUG 21 A 10:43

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Planning Board**August 6, 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, Alternate Rick Power. Members absent: Gregory Rondeau. Also present: Michael Maglio, Town Engineer; Bryan Taberner, Director, Department of Planning and Community Development; Amy Love, Planner; Joseph Freeman, 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: 471 West Central Street – Change in Use

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. and Mr. Roger Calarese addressed the Planning Board. Ms. Cavaliere stated the change of use was to remove the Japanese restaurant and put in a nail salon and medical office for physical therapy.

Ms. Love stated the applicant was before the Planning Board recently for two restaurants: the Japanese restaurant and Jersey Mike's. They are not going to put in the Japanese restaurant and would like to put in the nail salon and rehab center. She noted the application shows a different ownership name than has been on previous applications.

Ms. Cavaliere stated proof of ownership was provided to Planning this morning via email; Mr. Vendetti is partial owner.

Chairman Padula stated the problem is that when they applied, they did not have proof of ownership and his name was not on the application.

Mr. Calarese stated it was not intentional.

Chairman Padula stated he had no problem with the change of use and confirmed it was for a nail salon and rehabilitation. He asked for an explanation of the trees that were cut down that were not supposed to be cut down.

Mr. Calarese stated the information from the site contractor to the tree cutting crew was incorrect. He went back to Presidential Arms and it was agreed that the owner of the tree cutting company would provide 8 to 10 trees, not of the same caliper, but more of them. Some additional white pines were also put in.

Motion to Accept Limited Site Plan: 471 West Central Street – Change in Use. Halligan. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

DRAFT FOR REVIEW**B. Lot Release and Bond: Maple Preserve**

Ms. Love stated the Planning Board approved the subdivision plan on April 24, 2017. A Covenant was recorded on November 15, 2017. An application was received with a Form G requesting release of 10 lots for the subdivision. They have submitted a Tripartite Agreement with the Town for the bond amount of \$219,330 that was proposed by BETA. She noted the applicant was fined for the 10 trees that were cut down along the Town-owned property. They were fined by Brutus Cantoreggi, Tree Warden, \$500 per tree for a total of \$5,000; they paid the fine.

Chairman Padula stated he has no problem accepting the bond or releasing the lots. He does have a problem with the \$500 per tree, especially big trees; it seems to be miniscule. He requested that instead of having the DPW Director coming up with a price for the worth of the trees, he would like to have a professional that sells trees provide an estimate of what it would cost to replace the trees.

Planning Board members informally agreed with the request.

Motion to Approve Bond Amount of \$219,330 for Maple Preserve. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Approve Lot Release of the 10 Lots for Maple Preserve. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

C. Meeting Minutes: July 9, 2018 & July 23, 2018

Motion to Approve the July 9, 2018, Meeting Minutes. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Approve the July 23, 2018, Meeting Minutes. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Initial*
 Zoning By-Law Amendments
 18-818 – Maximum Building Height

Documents presented to the Planning Board:

1. *Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-818 with Received by Town Clerk date July 12, 2018*
2. *Town of Franklin Zoning Bylaw Amendment 18:818 Maximum Building Height Dimensional Regulations*
3. *Memorandum dated June 28, 2018 from Bryan Taberner, AICP, Director, to Jeffrey Nutting, Town Administrator*

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

Mr. Taberner stated this amendment relates to the maximum building height dimensional regulations which are found in Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements. This amendment began as one part of recommended changes for the CI zoning district. As it was being discussed, other proposed changes were added. The amendment now has changes related to building heights in CI, CII, Downtown Commercial, and Business Zoning Districts. Currently, by-right, all four of those zoning districts are allowed up to three stories and maximum height of 40 ft; no changes are proposed for by-right maximum building height. The changes being proposed are for where a special permit may be required. He reviewed both the current and the proposed maximum building height by special permit in each of the four noted zoning districts; this amendment would allow for a maximum of

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50 ft. building height in each of the four zoning districts. He noted that having a 60 ft. building in the CI Zoning District would be out of character.

Mr. Halligan asked questions about Attachment 9 regarding a three-story building and up to 50 ft.

Mr. Taberner responded that buildings up to 50 ft. in height may be permitted by special permit.

Mr. Halligan pointed out the wording was not properly written; it should be up to four stories, 50 ft., special permit from the Planning Board.

Mr. Taberner stated it should be buildings up to 50 ft. regardless of the number of stories.

Chairman Padula stated it should be recommended to the Town Council with that change.

Mr. Carroll asked about Note 6 on Attachment 9, regarding 60 ft. height.

Mr. Taberner stated it was difficult to see, but it was crossed out and refers to Note 14; the proposal is stating 50 ft., not the current 60 ft.

Motion to Recommend to the Town Council Zoning Bylaw Amendment 18-818, Maximum Building Height, with the change as noted. Carroll. Second: David. Vote: 3-0-1 (3-Yes; 0-No; 1-Abstain). Mr. Halligan abstained.

7:10 PM **PUBLIC HEARING** – Continued
 Timberline Estates – Phase I
 Definitive Subdivision Modification

Documents presented to the Planning Board:

1. Memorandum dated July 31, 2018 from DPCD to Franklin Planning Board
2. Letter dated July 17, 2018 from Stephen J. O'Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board
3. Subdivision Modification Plan of Timberline Estates, Phase 1 in Franklin, MA, Plan Sheets, prepared by Andrews Survey & Engineering, Inc., dated June 11, 2018, with Revision date July 26, 2018, with Received by Planning date July 26, 2018
4. Form C, Application for Approval of a Definitive Plan with applicant listed as Anthony Marinella, Marinella Construction, Inc., with Received by Planning date June 18, 2018
5. Certificate of Ownership with Received by Planning date June 18, 2018
6. Form R, Franklin Planning Board Subdivision Waiver Request for Timberline Estates (Modification), with Received by Planning date June 18, 2018
7. Abutters List Request Form dated March 9, 2018, with Received by Planning date June 18, 2018
8. Abutters List Report dated March 12, 2018
9. Letter dated March 15, 2018, from Town of Bellingham, Assessment Administration Office, RE: Abutter to Abutter within 300 Feet of Map 81, Parcel 3
10. Subdivision Modification Plan of Timberline Estates, Phase 1 in Franklin, MA, Plan Sheets, prepared by Andrews Survey & Engineering, Inc., dated June 11, 2018, with Received by Planning date June 18, 2018
11. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date June 25, 2018

Ms. Love stated that from the last meeting there were several requests made by the Planning Board to list on the change of plans and also to consult the town attorney on some of the changes. Based on the

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conversation with the town attorney, the applicant was to specifically label the revised Definitive Subdivision Plans as follows: there will be no further development including use for access to abutting land on the proposed non-buildable lot, no access to the Town of Bellingham, added the location of the house and driveway, and labelled the easement as a drainage easement.

Mr. Halligan questioned the area on the road that was to be deeded over to the other lots; it still says private unimproved road on the plan.

Chairman Padula confirmed with the applicant that it would be put on the final plan before the Planning Board signs it.

Motion to Approve Timberline Estates – Phase I, Definitive Subdivision Modification, with the change showing the conveyance on the other people’s properties (the plan to be endorsed will show the change). ► Applicant asked Chairman Padula for specifics on what should be shown that the private way will be extinguished. ► Chairman Padula explained that the private way being extinguished is in the minutes, so now the applicant will add that to the people’s lots as far as the size of their lots so they will not have a separate lot attached to their lot; the new plan will show that. ► Mr. Halligan asked if the neighbors were in agreement with that. ► Chairman Padula stated Yes, they were; they were here at the last meeting. ***Halligan. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

7:15 PM **PUBLIC HEARING** – *Continued*
 116 Alpine Place
 Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. *Memorandum dated August 1, 2018 from DPCD to Franklin Planning Board*
2. *Memorandum dated July 23, 2018 from G. B McCarraher, Fire Chief, to DPCD*
3. *Letter dated July 5, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
4. *Memorandum dated July 3, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
5. *Letter dated July 12, 2018 from Daniel Campbell, Level Design Group, to Franklin Planning Board*
6. *Alpine Green, Multi-Family Housing, 116 Alpine Place, Franklin, MA, Plan Sheets, prepared by Level Design Group, dated June 29, 2018, with Received by Planning date June 29, 2018*
7. *Alpine Green, Multi-Family Housing, 116 Alpine Place, Franklin, MA, Color Rendering of Front Elevation, prepared by JG Architecture, dated June 20, 2018, with No Received by Planning date*
8. *Application for Approval of a Limited Site Plan and Special Permit(s) with Modification with applicant listed as NE Premier Properties, LLC, with Received by Planning date July 13, 2018*
9. *Certificate of Ownership with Received by Planning date July 13, 2018*
10. *Deed, Massachusetts State Excise Tax, Norfolk Registry of Deeds, dated March 30, 2018*
11. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date June 2018*

Ms. Love stated no one was present for this hearing. She stated her understanding is that the applicant is still working out the details with the land court and would like to continue the hearing to the next meeting; they hope to have something this week.

Chairman Padula stated they would Continue the public hearing for 116 Alpine Place, Special Permit & Site Plan Modification, to August 20, 2018, at 7:05 PM. No Motion or Vote was taken.

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Chairman Padula stated they would Continue the public hearing for 116 Alpine Place, Special Permit & Site Plan Modification, to August 20, 2018, at 7:05 PM. No Motion or Vote was taken.

7:20 PM **PUBLIC HEARING** – Continued
 Chestnut Senior Village
 Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. *Site Plan Modification, Chestnut Senior Village, Chestnut Street, Franklin, MA, Plan Sheets, prepared by Guerriere & Halnon, Inc., dated July 26, 2018, with Received by Planning date July 26, 2018*
2. *Memorandum dated August 1, 2018 from DPCD to Franklin Planning Board*
3. *Letter dated August 2, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
4. *Memorandum dated July 31, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
5. *Letter dated July 27, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: Planning Board Comments*
6. *Letter dated July 27, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Department of Public Works, Ref: Department of Public Works Comments*
7. *Letter dated July 26, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to BETA Group, Inc., Ref: BETA Group Inc. Comments*
8. *F-3183-5, Project Narrative prepared by Guerriere & Halnon, Inc., with Revised date July 26, 2018, with Received by Planning date July 26, 2018*
9. *F-3183-5, Special Permit Application for Senior Village Overlay District for Chestnut Street Senior Village, to allow construction of 27-units for senior housing, dated March 30, 2018, Revised July 26, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date July 26, 2018*
10. *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, Revised July 26, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date July 26, 2018*
11. *Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., Revised July 26, 2018, with Received by Planning date July 26, 2018*
12. *Letter dated July 16, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
13. *Memorandum dated July 3, 2018 from Jeffrey Nutting, Town Administrator, to Franklin Planning Board*
14. *Memorandum dated July 3, 2018 from Matthew Crowley, BETA Group, Inc., to Amy Love, Town Planner*
15. *Memorandum dated June 28, 2018 from DPCD to Franklin Planning Board*
16. *Letter dated July 2, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
17. *Memorandum dated June 26, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
18. *F-3183-5, Project Narrative prepared by Guerriere & Halnon, Inc., with No date, with Received by Planning date June 22, 2018*
19. *F-3183-5, Special Permit Application for Senior Village Overlay District for Chestnut Street Senior Village, to allow construction of 27-units for senior housing, dated March 30, 2018, Revised June 15, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date June 22, 2018*
20. *Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., with No date, with Received by Planning date June 22, 2018*

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Chairman Padula recused himself.

Note: Vice Chairman Halligan activated alternate Planning Board member, Mr. Power, at the April 23, 2018, Planning Board meeting, as this public hearing is for a special permit.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. and Mr. Richard Whittington of Whitman Homes addressed the Planning Board. Ms. Cavaliere stated they have been before the Planning Board a few times to discuss the proposed project for the Senior Village. Based on the last meeting, they discussed the building had been reduced in size by six units, they have modified parking spaces, and they just received comments from BETA Group late this afternoon and they are currently going through any outstanding issues. There are some issues referenced from BETA that they are deferring to the Planning Board; she asked if the Planning Board would like to discuss those items. She stated the drainage report has been provided and it is in process of being reviewing for the drainage modifications.

Vice Chairman Halligan stated that as a rule the Planning Board does not accept any documents the night of the meeting, but he would be interested in hearing anything that is of significant importance that BETA has brought up.

Ms. Love stated the BETA letter is in the Planning Board members' binders; although Ms. Cavaliere just received the documents, she received them from BETA already. Ms. Love stated there are a few remaining outstanding items. The applicant is still proposing the modified Cape Cod berm within the parking area; this is typically not allowed. The lighting plan still has not been received. As this is in a Residential Zone, it will not be going to Design Review. The Planning Board may want to request a color rendering of the building. The applicant still has outstanding issues with the Fire Chief.

Ms. Cavaliere stated the lighting plan would be submitted under separate cover.

Mr. Maglio stated most of his previous comments have been addressed with the revised plans. He stated there were a few outstanding issues including, but not limited to, the outstanding stormwater reports, the berm within the site, and the fire lane access.

Mr. Joseph Freeman, BETA Group, stated there were a number of issues they would like to highlight. He referred to BETA Group's letter of August 2, 2018. He reviewed a few of the issues including a tree located near Chestnut Street may be a safety issue, a driveway access crosswalk that is visually blocked, there is a dumpster and three parking spaces that were a safety issue. The Planning Board may wish to discuss both passive and active recreation on the site. He confirmed BETA has the updated stormwater report and they are reviewing it. They have no further comments on traffic.

Ms. Cavaliere responded to some of the comments. She discussed impervious coverage and the previous approval.

Ms. Love stated that as this is a modification, the current zoning regulations are applied. She stated she could double check that with Mr. Cerel, Town Attorney.

Vice Chairman Halligan stated it would be a special permit with the ZBA, not a variance. He stated some of the comments BETA made were discussed at the last meeting. He noted there is one Planning Board member not in attendance tonight, but that member can review the DVD of the meeting and still be up to date and able to vote.

Mr. Carroll asked if the Cape Cod berm would be changed to granite or reinforced concrete. He asked about the horseshoe pit/bocce court. He confirmed it was changed and they got their parking spaces.

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Vice Chairman Halligan noted that to be fair to all applicants the Planning Board requires a minimum reinforced concrete curbing.

Mr. Whittington stated they proposed the reinforce concrete adjacent to the building and granite curbing out at Chestnut Street to the entrance to the private drive.

Ms. Cavaliere discussed the curbing out to Chestnut Street and the radius.

Mr. Maglio stated Chestnut Street was recently redone.

Vice Chairman Halligan asked for the 30-ft. granite radiuses to be added to the plan.

Ms. Cavaliere stated that can be added to the plan.

Vice Chairman Halligan, Planning Board members, and Mr. Whittington discussed the use of the Cape Cod berm to be driven over as shown on the plans, and where the reinforced concrete and granite curbing would be used.

Ms. Love stated the Planning Board has never allowed modified Cape Cod berm; concrete or vertical granite has always been required.

Vice Chairman Halligan reviewed other projects that reinforced concrete/granite was required. He stated for this project he wanted reinforced concrete, radius of the entries, and renderings in color; other than that, he is pretty much okay with the product. They must also meet all DPW and BETA Group comments.

Ms. Cavaliere asked about one of BETA's comments that they will defer to the Planning Board and the Fire Chief regarding the roadway width; the access road they are proposing is 22 ft. wide in accordance with the regulations and the Planning Board has issued a minimum of 24 ft. requirement on other projects.

Vice Chairman Halligan stated he would defer this question to Mr. Maglio.

Mr. Maglio stated for a typical driveway they like to see a minimum of 24 ft. width.

Ms. Cavaliere stated 22 ft. was approved as part of the previous site plan; 24 ft. would be a little tight.

Mr. Carroll stated it is not a road, it is a driveway; it is being privately plowed. He does not have a problem with it. He confirmed the proposed concrete apron near the dumpster pad. He requested the applicant bring in the colors for the project.

Vice Chairman Halligan noted that at the last meeting they requested the applicant to see if they could bring down the project a couple of more units.

Mr. Whittington stated they looked if they could remove any more units and with the inflationary costs of materials and labor right now, and what is being added on the infrastructure, it is going in the wrong direction.

Ms. Cavaliere confirmed they have been to Conservation; as Conservation will not have a quorum on August 9, 2018, the applicant will go to the meeting after that.

Ms. Love stated based on that schedule, the next Planning Board meeting for the applicant would be September 10, 2018.

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Ms. Cavaliere requested to schedule for the next Planning Board meeting and noted they could then request to continue based on Conservation if needed.

Vice Chairman Halligan asked the Planning Board members, and he noted there is one member not present tonight, if there were general consensus that what the applicant is proposing is what the Planning Board would like to see them go with to Conservation.

Planning Board members informally agreed they are all set for the applicant to go to Conservation.

Motion to Continue the public hearing for Chestnut Senior Village, Special Permit & Site Plan Modification, to August 20, 2018, at 7:10 PM. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Carroll. Second: David. Vote: 3-0-0 (3-Yes; 0-No). Chairman Padula had not re-entered the meeting. *Meeting adjourned at 7:50 PM.*

Respectfully submitted,

Judith Lizardi
Recording Secretary

Town of Franklin

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Planning Board

355 East Central Street
Franklin, Massachusetts 02038-1352

Missed Meeting Certification

I, Greg Roudman, member of the Franklin Planning Board, do hereby certify that I have examined all evidence, including a video recording thereto, of the Planning Board meeting held on (date) 8/6/18 for the following project:

Project name: Chestnut St. St. Village
Applicant: Whitman Homes
Application type: Special Permit

This certification is pursuant to G.L. Chapter 39, Section 23D accepted by the Town Council by Resolution 09-40 dated June 10, 2009.

Signature: Greg Roudman

