

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

2018 OCT-16 A 9:29

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**Planning Board****September 24, 2018  
Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, William David, Gregory Rondeau, Alternate Rick Power. Members absent: John Carroll. Also present: Michael Maglio, Town Engineer; Amy Love, Planner.

**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: 620 Old West Central Street**

Ms. Love stated the applicant is present. The applicant is proposing to add to the Limited Site Plan an additional 831 sq. ft. of pavement; plans have been submitted. DPCD is recommending some landscaping screening around the additional proposed pavement. Letters have been received from the fire department and the town engineer.

Applicant stated the abutting property is the Starbucks building.

Mr. Maglio stated he is all set with the dry well and all his previous comments have been satisfied; he is satisfied with the plan.

Chairman Padula confirmed with the applicant that the grate drain will be repaired/put back.

***Motion to Approve the Limited Site Plan Modification, 620 Old West Central Street. Halligan. Second: Rondeau. Chairman Padula added the stipulation that the grate drain is the first order of business on the site before this addition goes on. Vote: 4-0-0 (4-Yes; 0-No).***

Applicant asked what happens next.

Chairman Padula stated the applicant must show a plan with the landscaping screening and the correct abutter.

Ms. Love stated the screening was a recommendation and explained where the landscaping should be added. She stated the next step for the applicant is to submit that with the request for endorsement. She noted the applicant does not have to attend the endorsement meeting.

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

Mr. Rick Goodreau of United Consultants addressed the Planning Board and introduced Mr. Leo Dos Santos, property owner. He stated the applicant is proposing to construct an addition to the rear of the property. The addition is approximately 31 ft. from the abutting property in the rear; the applicant has obtained a variance from the Zoning Board of Appeals to allow for the reduction in setback. The applicant

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is proposing to remove a loading dock and the access to the loading dock space and construct a building. He discussed how the existing trench drain located at the loading dock will be modified and how the roof runoff from the proposed addition will be handled. He stated they have received and responded to comments from the various town boards.

Ms. Love stated the applicant had been before the Planning Board a few months ago when they realized they needed the variance from ZBA which has been granted. The applicant has requested two waivers: to reduce the number of parking spaces and to allow the dumpster to be on an asphalt surface with no fence enclosure.

Mr. Goodreau stated the owner is also renting space from the adjoining property so they have some additional parking in the area; he discussed the parking availability. He stated this is why they requested the waiver for reduction in parking. He explained the waiver request for the dumpster that will hold the stone to be on an asphalt pad.

Chairman Padula stated the dumpster for the stone will be heavy; he would prefer it be on a concrete pad.

Planning Board members informally agreed that the concrete pad would be better.

Mr. Goodreau stated the applicant would agree to the concrete pad.

Mr. Maglio stated his previous comment has been addressed. He stated when he was at the site he noticed at the rear of the property near the proposed addition the existing catch basin frame looked like it was deteriorating; it should be repaired as part of the overall project.

Chairman Padula stated that there will be a lot of cutting and therefore a lot of slurry. There is no town sewer there. Where will all the slurry go or get filtered?

Mr. Goodreau explained the trench drain located outside will be removed and the addition will have a drainage system connected to the downspouts. He explained the working of the trench drain in the inside of the addition. He stated there is very little water that makes it to the holding tank.

Mr. Maglio stated he did not check the drain/tank on the inside of the building; they do not get involved with the inside of buildings. He stated he will mention it to the plumbing inspector; he will ask Mr. Brown about.

Mr. Halligan stated that when there are commercial or industrial overhead doors, floor drains and an exterior gas trap is needed. He did not see where the gas trap was located on the plan.

Mr. Goodreau explained the floor drain will go to a gas trap.

***Motion to Approve the Limited Site Plan Modification, 60 Earl's Way. Halligan. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

**C. Discussion: 278-300 West Central Street**

***Mr. Halligan recused himself.***

Chairman Padula stated this is not a formal hearing, it is a discussion as to whether or not the Planning Board considers this to be a substantial change to the original Site Plan.

Mr. Mark Lanza, attorney representing Mr. Joel D'Errico, owner/prospective applicant, addressed the Planning Board. Mr. Lanza noted that no application has been formally filed. He stated there is a state law

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that states that if an application has been unfavorably acted upon, it cannot be resubmitted and acted upon favorably for two years unless there are specific and material changes to the conditions that led to the unfavorable action. He believes that is the issue the Planning Board is wrestling with. He stated the applicant takes the view that this application is so different, it is not the same application. Therefore, he thinks the law does apply. The issue is specific and material changes relative to the conditions that led to the denial. He stated the Planning Board's primary concerns were housing density. The proposal that was rejected was 30 dwelling units; this proposal is 25 units. This is a 17 percent decrease. The other significant issue was impervious surface; impervious surface has been reduced by 13 percent. As well, circulation within the site, specifically for large service vehicles, has been addressed. There was a concern about noise generated offsite impacting the units onsite. Their position is that under state law that is the responsibility of whoever is generating the noise. A proposal to use land cannot be denied because someone offsite is violating state law. He stated if the Planning Board were to approve the project with the condition that none of the units could be occupied until that issue was resolved, they would accept that condition; they would deal with the offsite source first. He stated he understands that if the Planning Board says the changes are significant and material, that is no guarantee that the concept plan/proposal is going to be approved; it only means the application could be entertained for a potential approval.

Chairman Padula noted that regarding Mr. Lanza's comment about noise, he should realize this is a special permit.

Mr. Lanza elaborated on the Planning Board's discretion for a special permit. He stated that even if all the criteria are met for a special permit, the Planning Board can say it is not in the Town's best interest for any number of reasons and deny it. He stated that typically that is not what happens in Franklin or anywhere else, but it is at the Planning Board's discretion.

Chairman Padula stated that it is irrelevant who the applicant is; there is no discrimination here. Everyone should be treated fairly. He stated he was going over items such as the width of the roads, the noise, and factors such as that. He stated there needs to be an okay from the abutters, they are still going for a special permit for impervious even though they reduced the impervious by 13 percent, and if the Planning Board feels that five units and dropping the size of the visitor's parking is a substantial change. This is what he believes they are asking the Planning Board for. He explained to the Planning Board members that this is for a recommendation to the applicant that the Planning Board sees this as a substantial change and to give the applicant direction as to resubmit his application. He noted that Planning Board member John Carroll is not present so they do not have his comments; he will be back for the next meeting on October 15. Chairman Padula stated his comment is that he does not feel it is a substantial change.

Mr. Power stated he thinks it is a step in the right direction, but he does not think there is enough change from a density standpoint. He would like to see a couple of more units taken off. He still has concerns about the traffic.

Mr. Rondeau stated those are also his sentiments. He has serious concerns about the traffic as to how it funnels into Rt. 140. He wants to make it safe for everyone.

Mr. David stated he feels the same; traffic is the issue and maybe a few more units taken off.

Chairman Padula stated that as this is not a public hearing, that is as far as he is going to go with general comments.

*Mr. Halligan re-entered the meeting.*

**DRAFT FOR REVIEW****D. Endorsement: 90 Hayward Street – Site Plan Modification**

Chairman Padula stated that the building inspector and traffic safety officer have been notified. Therefore, his concerns have been met. The owner of the building has been notified.

*Motion to Endorse 90 Hayward Street, Site Plan Modification – Change of Use. Rondeau. Second: David. Vote: 3-0-1 (3-Yes; 0-No; 1-Abstain).* (Mr. Halligan abstained.)

**E. Endorsement: 162 Grove Street - Site Plan Modification**

Ms. Love stated that the one outstanding issue was that the applicant had not provided any handicapped parking in the previous plan; they have since added two spaces to the plan for endorsement.

*Motion to Endorse 162 Grove Street, Site Plan Modification. David. Second: Rondeau.* Discussion: Chairman Padula asked if they also added a sign for what the site is. Ms. Love stated this sign comes from the state Agricultural Commission and is required. *Vote: 4-0-0 (4-Yes; 0-No).*

**F. Form H: 9 Forge Parkway**

Ms. Love stated the Site Plan was approved in January 2018. The applicant added 78 additional parking spaces to the parking lot. BETA has performed an onsite inspection and provided their observation report indicating the Site Plan is complete.

Chairman Padula confirmed that bollards were not required around the fire hydrant.

*Motion to Approve the Form H, 9 Forge Parkway. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).*

**G. Meeting Minutes: August 20, 2018**

*Motion to Approve the August 20, 2018, Meeting Minutes. David. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).*

**Chairman Comments/Discussion**

Chairman Padula asked when Planet Jeep coming back. They have parking lot traps that they have not put in. They are still parking on the right-hand side of the building.

Ms. Love stated they have filed a Form H about two months ago. BETA went back out there with a list of several items that are still not complete. As well, Mr. Maglio had some comments. So, we are still waiting to hear back from them.

7:05 PM

**PUBLIC HEARING – Continued****Chestnut Senior Village****Special Permit & Site Plan Modification*****Documents presented to the Planning Board:***

1. *Letter dated September 13, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board*
2. *Letter dated September 6, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated September 4, 2018 from Matthew Crowley, BETA Group, Inc., to Anthony Padula, Chairman Franklin Planning Board*
4. *Letter dated September 4, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
5. *Memorandum dated September 4, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
6. *Memorandum dated September 5, 2018 from DPCD to Franklin Planning Board*

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7. *Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018*
8. *Letter dated August 23, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to BETA Group, Inc., Ref: BETA Group Inc. Comments*
9. *F-3183-5, Project Narrative for Site Plan Modification and Special Permit for Senior Village Overlay & Impervious Coverage, Chestnut Senior Village, Franklin, MA, prepared by Guerriere & Halnon, Inc., with Revised date July 26, 2018, with Received by Planning date July 26, 2018*
10. *Letter dated July 16, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
11. *Memorandum dated July 3, 2018 from Jeffrey Nutting, Town Administrator, to Franklin Planning Board*
12. *Memorandum dated July 3, 2018 from Matthew Crowley, BETA Group, Inc., to Amy Love, Town Planner*
13. *Memorandum dated June 28, 2018 from DPCD to Franklin Planning Board*
14. *Letter dated July 2, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
15. *Memorandum dated June 26, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
16. *F-3183-5, Project Narrative prepared by Guerriere & Halnon, Inc., with No date, with Received by Planning date June 22, 2018*
17. *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*
18. *Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., with No date, with Received by Planning date June 22, 2018*

*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.*

Chairman Padula stated this hearing has been requested for continuance.

*Motion to Continue the public hearing for Chestnut Senior Village, Special Permit & Site Plan Modification, to October 15, 2018, at 7:10 PM. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).*

*Motion to Adjourn. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 7:36 PM.*

Respectfully submitted,

  
Judith Lizardi  
Recording Secretary

