



FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

DATE: December 1, 2020
TO: Planning Board
FROM: Department of Planning and Community Development
RE: 70, 72 88 & 94 East Central Street
Special Permit and Site Plan – Mixed Use

The DPCD has reviewed the above reference Special Permit and Site Plan Application for a Mixed-Use development for the Monday, December 7, 2020 Planning Board meeting and offers the following commentary:

General

1. The project is located at 70 East Central Street in the Commercial I Zoning District (Assessor's Map 286, Lot 032).
2. The applicant is proposing to construct a four (4) story, mixed used building and single family house with, a total of Fourteen (14) residential units and, with retail/office on the first floor with drainage, grading, parking and other associated infrastructure. There are two existing single-family residential houses which one will be demolished and the second is included in the plans.
3. Two Special Permits have been filed
 - Zoning By-Law §185 Attachment 9: Maximum Height of Building: (Note 9) – requires applicant to file a Special Permit for Stories and/or feet of the structure. The Applicant is proposing a four story, 49.5 foot building.
 - Zoning By-Law §185 Attachment 7: Multifamily authorized under Special Permit Planning Board for Commercial I zoning District.

Waiver Requests:

1. To allow less than 42" of cover over the RCP drain pipe proposed class V RCP.
2. To allow the use of HDPE pipe from catch basin 92 to the pond, from the pond to drain manhole 93, from the trench drain to drain manhole 91 and the roof leader collection system to the pond.

Comments:

1. Apply to Design Review for Recommendation. Applicant has received recommendation from Design Review.
2. Apply to the Historical Commission. Historical Commission has provided a comment letter.
3. Applicant has provided a letter agreeing to Special Conditions listed below.

Suggested Special Condition:

1. Prior to issuance of the occupancy permits for the final two (2) residential units within the building to be located at 94 East Central Street, the applicant shall have completed the exterior renovations/additions to the building located at 88 East Central Street, and said structure is weather tight and built according to exterior plan, to the satisfaction of the Building Commissioner.
2. This special permit is personal to this applicant, or an entity owned by the applicant, and shall NOT run with land; any proposed change in the project, including a change of ownership, shall require submittal to and approval by Franklin Planning Board.

ROLE CALL VOTE:

This determination shall be in addition to the following specific findings:

1. **Special Permits VOTE:** §185 Attachment 9: Maximum Height of Building and §185 Attachment 7: Multifamily.

If you vote NO on any of the following, please state reason why you are voting NO:

- (a) Proposed project addresses or is consistent with neighborhood or Town need.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

- (b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

- (c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

- (d) Neighborhood character and social structure will not be negatively impacted.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

- (e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

(f) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

(g) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Joseph Halligan	YES	NO	Rick Power	YES	NO
William David	YES	NO	Gregory Rondeau	YES	NO

Suggested Standard Conditions of Approval:

1. This Special Permit shall not be construed to run with the land and shall run with the Site Plan as endorsed by the Planning Board. A new Special Permit shall be required from the Planning Board if any major change of use or major change to the site plan is proposed.
2. This Special Permit shall lapse if a substantial use or construction has not begun, except for good cause, within twenty four (24) months of approval, unless the Board grants an extension. No final Certificate of Occupancy shall be issued until all requirements of the Special Permit have been completed to the satisfaction of the Board unless the applicant has submitted a Partial Certificate of Completion for the remainder of the required improvements. The applicant's engineer or surveyor, upon completion of all required improvements, shall submit a Certificate of Completion. The Board or its agent(s) shall complete a final inspection of the site upon filing of the Certificate of Completion by the applicant. Said inspection is further outlined in condition #4.
3. Construction or operations under this Special Permit shall conform to any subsequent amendment of the Town of Franklin Zoning Bylaw (§185) unless the use or construction is commenced within a period of six (6) months after the issuance of this Special Permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
4. The Planning Board will use outside consultant services to complete construction inspections upon the commencement of construction. The Franklin Department of Public Works Director, directly and through employees of the Department of Public Works and outside consultant services shall act as the Planning Board's inspector to assist the Board with inspections necessary to ensure compliance with all relevant laws, regulations and Planning Board approved plan specifications. Such consultants shall be selected and retained upon a majority

vote of the Board.

5. Actual and reasonable costs of inspection consulting services shall be paid by the owner/applicant before or at the time of the pre-construction meeting. Should additional inspections be required beyond the original scope of work, the owner/applicant shall be required to submit fees prior to the issuance of a Final Certificate of Completion by the Planning Board (Form H). Said inspection is further outlined in condition #4.
6. No alteration of the Special Permit and the plans associated with it shall be made or affected other than by an affirmative vote of the members of the Board at a duly posted meeting and upon the issuance of a written amended decision.
7. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary licenses, permits and approvals shall be obtained by the owner/applicant.
8. Prior to the endorsement of the site plan, the following shall be done:
 - The owner/applicant shall make a notation on the site plan that references the Special Permit and the conditions and dates of this Certificate of Vote.
 - A notation shall be made on the plans that all erosion mitigation measures shall be in place prior to major construction or soil disturbance commencing on the site.
 - All outstanding invoices for services rendered by the Town's Engineers and other reviewing Departments of the Town relative to their review of the owner/applicant's application and plans shall have been paid in full.
 - The owner/applicant shall submit a minimum of six copies of the approved version of the plan.
9. Prior to any work commencing on the subject property, the owner/applicant shall provide plans to limit construction debris and materials on the site. In the event that debris is carried onto any public way, the owner/applicant and his assigns shall be responsible for all cleanup of the roadway. All cleanups shall occur within twenty-four (24) hours after first written notification to the owner/applicant by the Board or its designee. Failure to complete such cleanup may result in suspension of construction of the site until such public way is clear of debris.
10. The owner/applicant shall install erosion control devices as necessary and as directed by the Town's Construction Inspector.

LAW OFFICES
CORNETTA, FICCO & SIMMLER, P.C.
ATTORNEYS AT LAW
4 WEST STREET
FRANKLIN, MASSACHUSETTS 02038

RICHARD R. CORNETTA, JR.

VOICE (508) 528-5300
FAX (508) 528-5555

November 23, 2020

Mr. Joseph Halligan, Acting Chairman
Franklin Planning Board
Town of Franklin
355 East Central Street
Franklin, MA 02038
ATTN: Amy Love, Town Planner
Via email: alove@franklin.ma.us

Re: **Applicant: 70 EAST CENTRAL STREET, LLC**
Property: 70,72, 88, 94 East Central Street, Franklin, Massachusetts

Dear Chairman Halligan:

This firm is counsel to the applicant, 70 East Central Street, LLC, as to the application for special permit/s and site plan modification being proposed for the above-entitled property.

At the request of the Board, this correspondence has been provided in order to memorialize the applicant's voluntary consent to the following special conditions to be included in any Decision of the Board to grant special permit/site plan relief, to wit:

- a. *Prior to issuance of the occupancy permits for the final two (2) residential units within the building to be located at 94 East Central Street, the applicant shall have completed the exterior renovations/additions to the building located at 88 East Central Street, and said structure is weather tight and built according to exterior plan, to the satisfaction of the Building Commissioner.*
- b. *This special permit is personal to this applicant, or an entity owned by the applicant, and shall NOT run with land; any proposed change in the project, including a change of ownership, shall require submittal to and approval by Franklin Planning Board.*

Thank you for your attention to this matter.

Very truly yours,

Richard R. Cornetta, Jr

Richard R. Cornetta, Jr.

Authority

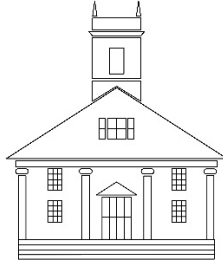
The undersigned applicant acknowledges the contents contained within this correspondence and hereby voluntarily consents to the aforementioned proposed special conditions as stated herein. Further, the undersigned, as Manager, has obtained any and all necessary votes, approvals or consents needed to enter into this consent and the undersigned party has been authorized to act in the name and on behalf of the herein named limited liability company, and to execute and deliver any and all documents required in connection with this consent, and that the signature of the undersigned party appearing on this consent shall be conclusive evidence of its having been deemed necessary or appropriate and ratified and approved by the limited liability company and of its binding effect upon the same.



By: Bradford T. Chaffee

Its: Manager

70 EAST CENTRAL STREET, LLC.



FRANKLIN HISTORICAL COMMISSION
FRANKLIN, MA

December 1, 2020

Anthony Padula, Chairman
Franklin Planning Board
355 East Central St,
Franklin, MA

RE: 88 East Central Street

The Franklin Historical Commission met on November 18, 2020. As part of our agenda we reviewed, with Brad Chaffee, the latest proposal for redevelopment being proposed by 70 East Central Street LLC for the structure and property located at 88 East Central Street, Franklin, MA. The commission acknowledges the historical significance of the existing structure identified as the Lewis R. Whitaker House, constructed on or about 1870, identified as Inventory No. FRN.88 on the Massachusetts Cultural Resource Information System. During our meeting we reviewed and approved the latest architectural elevation renderings, prepared by Kuth Ranieri, dated October 23, 2020, which depict the proposed renovations to be completed to the Lewis R. Whitaker House by 70 East Central Street LLC.

Part of the Historical Commission's purpose is to preserve and protect Franklin's history, especially its historic architecture. As historic assets become more limited, it is very important to preserve what's left. We feel the plan set forth to restore and add to the Lewis R. Whitaker home is a great opportunity to highlight a part of Franklin's history as well as enrich the downtown. We would not be in favor of demolishing the house.

Sincerely,

Mary Olsson
Chairperson
Franklin Historical Commission