

NOTE:
PLANNING BOARD ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH ZONING REGULATIONS OR CONFORMANCE WITH THE GENERAL BY-LAWS OF THE TOWN OF FRANKLIN FOR ALL LOTS AFFECTED.

**APPROVAL UNDER SUBDIVISION CONTROL LAW
NOT REQUIRED
FRANKLIN PLANNING BOARD**

DATE _____

THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS

I DECLARE THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

ANDREW C. MURPHY
No. 35042
PROFESSIONAL
LAND SURVEYOR

Andrew C. Murphy
12/1/2020

ANDREW C. MURPHY P.L.S. #35042

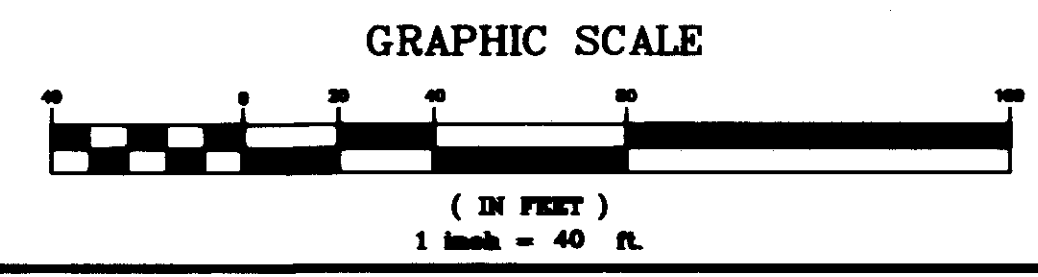
REFERENCES:

- LOT 2-C
OWNERS: THE BENT REALTY TRUST
FLOYD L. & SYLVIA M. BENT TRUSTEES
ASSESSORS MAP 284 LOT 016
DEED BOOK 25838 PAGE 325
- LOT 5-B
OWNER: SANDRA MCDERMOTT
ASSESSORS MAP 284 LOT 002
DEED BOOK 29108 PAGE 100
- 1927 S.H.L.O.
DEED BOOK 3948 PAGE 588 PLAN 1245 of 1961
DEED BOOK 3865 PAGE 10 PLAN 1322 of 1961
DEED BOOK 4084 PAGE 805 PLAN 743 of 1963
PLAN BOOK 481 PLAN 715 of 1997
PLAN BOOK 583 PLAN 7 of 2008

PARCEL A TO BE REMOVED FROM LOT 2-B TO FORM LOT 2-C CONTAINING 258,032 SF±
PARCEL A TO BE COMBINED WITH LOT 5-A TO FORM LOT 5-B CONTAINING 30,018 SF

PARCEL	AREA
LOT 2-B	258,188 SF
PARCEL A	180 SF
LOT 5-A	29,862 SF
LOT 2-C	258,008 SF
LOT 5-B	30,042 SF

ZONING: SINGLE FAMILY RESIDENCE III
FRONTAGE: 125'
AREA: 20,000 SF
SETBACKS: F-40', S-25', R-30'



PLAN OF LAND
LOCATED IN
FRANKLIN, MASSACHUSETTS
PREPARED FOR
JAMES MCDERMOTT
212 JORDAN ROAD
FRANKLIN, MASSACHUSETTS

UNITED CONSULTANTS INC.

850 FRANKLIN STREET SUITE 11D
WRENTHAM, MASSACHUSETTS 02093
508-384-8880 FAX 508-384-8888

DATE	November 24, 2020	PROJECT	UC 1478
SCALE	1" = 40'	SHEET	1 of 1
NO.	DATE	DESCRIPTION	BY

PLANNING BOARD
FRANKLIN, MASSACHUSETTS

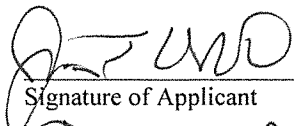
FORM A
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED
NOT TO REQUIRE APPROVAL (§1-p)

_____, 20_____

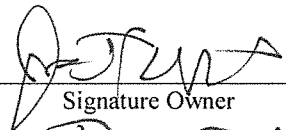
To the Planning Board of the Town of Franklin, Massachusetts:

The undersigned, believing that the accompanying plan of land in the Town of Franklin does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reason outlined below, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: James McDermott
Address of Applicant: 212 Jordan Road Franklin, MA
Phone No.: _____ Email: jamesmcdermott904@gmail.com
2. Name of Owner (if not the Applicant): Sandra McDermott
Address of Owner: 212 Jordan Road Franklin, MA
Phone No.: _____ Email: _____
3. Name of Engineer: United Consultants, Inc.
4. Deed of Property recorded in _____ with Norfolk Registry, Book 29106 Page 100
5. Location and Description of Property: 212 Jordan Street
6. Assessor's Map & Lot: Map 284 Lot 2
7. Reasons approval is not required (check as applicable):
 - a) Every lot shown has the area and frontage required by the Zoning By-Law on a way as defined by the Subdivision Regulations _____
 - b) a public way or way which the Town Clerk certifies is maintained and used as a public way, namely Jordan Road, or
 - c) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____, and subject to the following conditions _____; or
 - d) a private way in existence on March 12, 1954, the date when the subdivision control law became effective in the Town of Franklin having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.
 - e) Other: _____



Signature of Applicant
James T. McDermott
Print Name of Applicant



Signature Owner
Sandra McDermott
Print Name of Owner

PERSONAL REPRESENTATIVE

LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE	Docket No. NO18P1622EA	Commonwealth of Massachusetts The Trial Court Probate and Family Court
Estate of: Sandra L McDermott Date of Death: <u>01/26/2018</u>	Norfolk Probate and Family Court 35 Shawmut Road Canton, MA 02021 (781)830-1200	

To:
James T McDermott
8 Monterey Drive
Franklin, MA 02038

You have been appointed and qualified as Personal Representative in Supervised Unsupervised administration of this estate on July 13, 2020 (date)

These letters are proof of your authority to act pursuant to G. L. c. 190B, except for the following restrictions if any:

- Pursuant to G. L. c. 190B, § 3-108(4), the Personal Representative shall have no right to possess estate assets as provided in § 3-709 beyond that necessary to confirm title thereto in the successors to the estate and claims, other than expenses of administration, if any, shall not be paid.
- The Personal Representative was appointed before March 31, 2012 as Executor or Administrator of the estate.



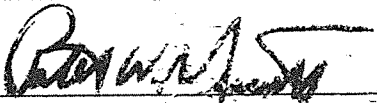
(Do Not Write Below This Line-For Court Use Only)



CERTIFICATION

I certify that it appears by the records of this Court that said appointment remains in full force and effect. IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court.

Date July 27, 2020


Patrick W McDermott, Register of Probate

CERTIFICATE OF OWNERSHIP

I the undersigned Applicant, do hereby certify to the Town of Franklin, through its Planning Board, that all parties of interest to the below-listed plan are identified in Section B: below,

SECTION A:

Type of Plan (circle one) ANR 81-P; Preliminary Subdivision

Definitive Subdivision.; Site Plan; Special Permit

Title of Plan: Plan of Land located in Franklin, Massachusetts

Date of Plan: 11/17/2020 Assessor's Information: Map 284 lots 2 & 16

Prepared by: United Consultants, Inc.

Applicant Name & Address: James McDermott

SECTION B:

Name of Record Owner(s): Sandra McDermott

Address of Record Owner(s): 212 Jordan Road Franklin, MA

****Attach Property Deed matching the owner name's listed above.**

*If in the name of a Trust, Corporation or Partnership, list the names and addresses of all Trustee(s), Corporate Officer(s) or Partner(s):

*If in the name of a Trust or Corporation, list the Beneficiary(ies) of the Trust or the Shareholder(s) of the Corporation:

*If in the name of a Trust or Corporation, list the date, county, book and page of recording of the Trust Instrument, or the date and State of incorporation:

Executed as a sealed instrument this 19th day of Novem 20 20

[Signature]
Signature of Applicant

JAMES T. McDERMOTT
Print name of Applicant

[Signature]
Signature of Owner

JAMES T. McDERMOTT
Print name of Owner

Personal Representative

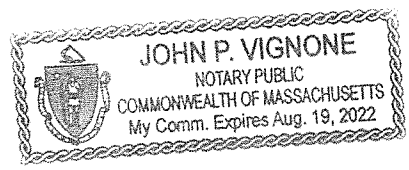
COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

2020

On this 19th day of Novemb 2020, before me, the undersigned notary public, personally appeared JAMES T. McDermott (name of owner), proved to me through satisfactory evidence of identification, which were Personal Knowledge to be the person whose name is signed on the preceding document in my presence.

[Signature]
(Official signature and seal of notary)
Notary Public:
My Commission Expires: _____



CERTIFICATE OF OWNERSHIP

I the undersigned Applicant, do hereby certify to the Town of Franklin, through its Planning Board, that all parties of interest to the below-listed plan are identified in Section B: below,

SECTION A:

Type of Plan (circle one) ANR 81-P; Preliminary Subdivision

Definitive Subdivision.; Site Plan; Special Permit

Title of Plan: Plan of Land located in Franklin, Massachusetts

Date of Plan: 11/17/2020 Assessor's Information: Map 284 lots 2 & 16

Prepared by: United Consultants, Inc.

Applicant Name & Address: James McDermott

SECTION B:

Name of Record Owner(s): The Bent Realty Trust, Floyd & Sylvia Bent, Trs.

Address of Record Owner(s): 605 E. Central Street Franklin, MA

****Attach Property Deed matching the owner name's listed above.**

*If in the name of a Trust, Corporation or Partnership, list the names and addresses of all Trustee(s), Corporate Officer(s) or Partner(s):

*If in the name of a Trust or Corporation, list the Beneficiary(ies) of the Trust or the Shareholder(s) of the Corporation:

*If in the name of a Trust or Corporation, list the date, county, book and page of recording of the Trust Instrument, or the date and State of incorporation:

Executed as a sealed instrument this day of 20

Signature of Applicant

Floyd L. Bent
Signature of Owner

Sylvia Bent
Signature of Owner

Print name of Applicant

Floyd Bent

Print name of Owner

Sylvia Bent


Print name of Owner

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

2020

On this 27th day of November 2020, before me, the undersigned notary public, personally appeared Floyd + Sylvia Bent (name of owner), proved to me through satisfactory evidence of identification, which were MARL to be the person whose name is signed on the preceding document in my presence.



(Official signature and seal of notary)

Notary Public:

My Commission Expires: 11/20/2026



JENNIFER MARIE McAULIFFE
Notary Public
Commonwealth of Massachusetts
My Commission Expires November 20, 2026



FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

DATE: December 1, 2020
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: 81-P ANR – 212 Jordan Road

The DPCD has reviewed the above referenced 81-P (ANR) application for the Monday, December 7, 2020 Planning Board meeting and offers the following commentary:

General

1. The applicant has submitted a Form A application for 81-p Plan Review to accompany the plan titled “Plan of Land, 212 Jordan Rd, Franklin, Massachusetts” dated November 24, 2020.
2. The purpose of the plan is to move existing lot lines increasing the lot size for 212 Jordan Road
3. The above application depicts a location within the Single Family III Zoning District. The proposed lot shown conforms to lot requirements associated with this zoning district.
 - Minimum Lot area: 20,000 s.f.
 - Minimum Frontage: 125’
 - Lot Width: 112.5’
4. The above application depicts the land known on Assessors Map 284 Lot 002.

ANR Summary

ANR plan depicts 2 conforming lots.

ZONING REQUIREMENTS
SINGLE-FAMILY RESIDENTIAL III

REQUIRED	
AREA	20,000 SF
LOT FRONTAGE	125 FEET
LOT DEPTH	160 FEET
LOT WIDTH	112.5 FEET DIA.
MINIMUM YARDS:	
FRONT	40 FEET
SIDE	25 FEET
REAR	30 FEET

ALL YARD LOCATIONS TO BE CONFIRMED WITH BUILDING INSPECTOR PRIOR TO COMPLETION OF FINAL PERMIT PLANS.

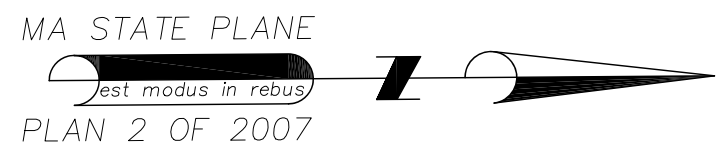
LOCUS OWNER:
JAMES A. & BETH C. COLACE
55 COUTU STREET
FRANKLIN, MA 02038
ASSESSOR'S LOT #304-031-002
DEED BOOK: 27017, PAGE: 540
PLAN BOOK: 576, PAGE: 2

FEMA:
LOCUS LIES WITHIN THE FEMA FLOOD ZONE X AS SHOWN ON THE F.J.R.M. MAP #25021C0309E EFFECTIVE JULY 17, 2012.

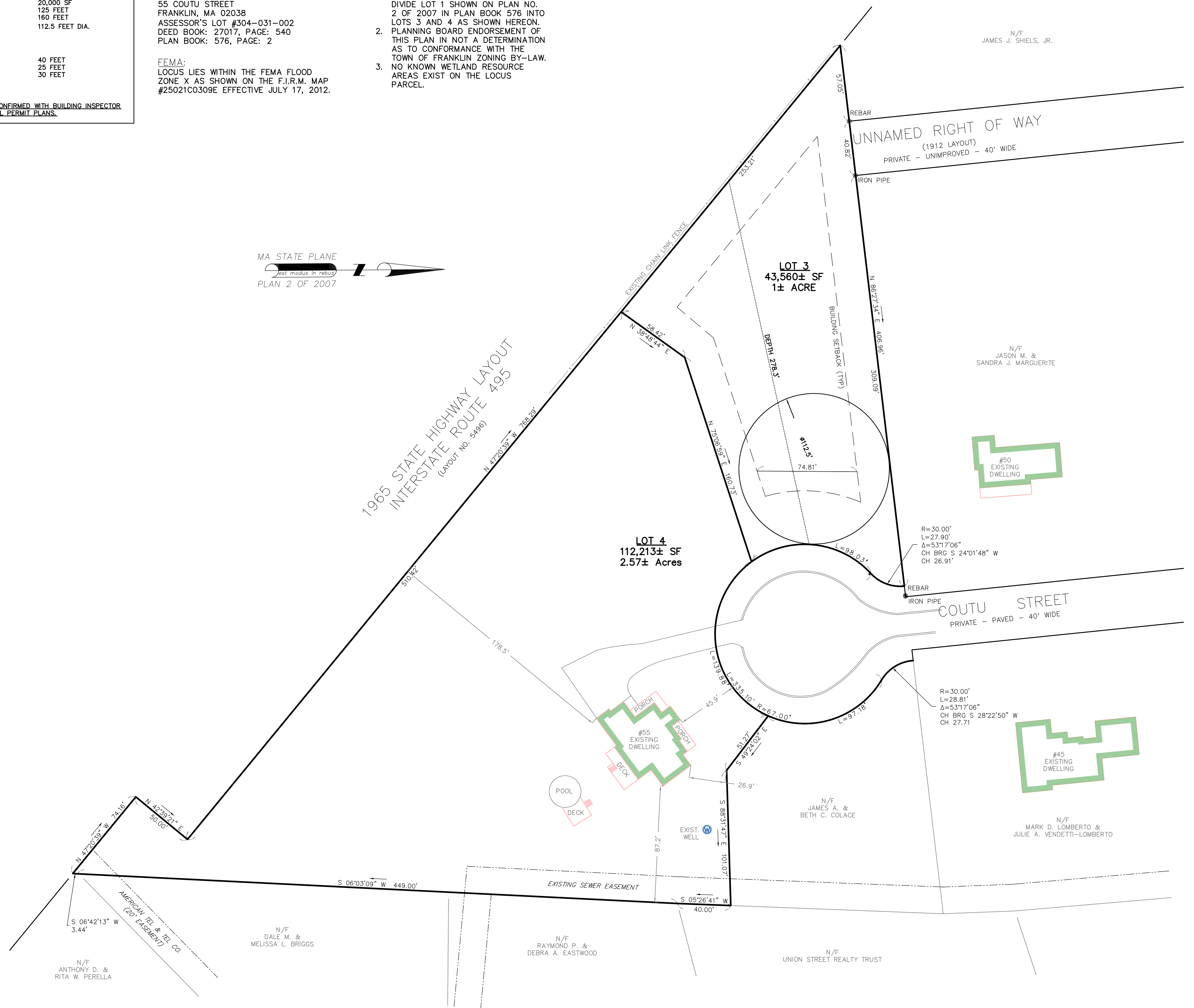
SURVEY NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DIVIDE LOT 1 SHOWN ON PLAN NO. 2 OF 2007 IN PLAN BOOK 576 INTO LOTS 3 AND 4 AS SHOWN HEREON.
2. PLANNING BOARD ENDORSEMENT OF THIS PLAN IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE TOWN OF FRANKLIN ZONING BY-LAW.
3. NO KNOWN WETLAND RESOURCE AREAS EXIST ON THE LOCUS PARCEL.

FOR REGISTRY USE ONLY



1965 STATE HIGHWAY LAYOUT
INTERSTATE ROUTE 495
(495out No. 9488)



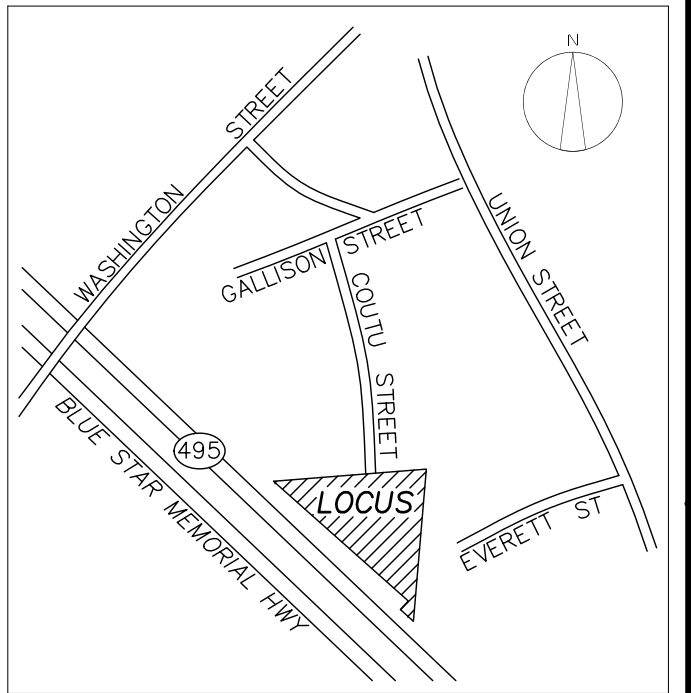
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

DATE ENDORSED: _____

FRANKLIN PLANNING BOARD

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

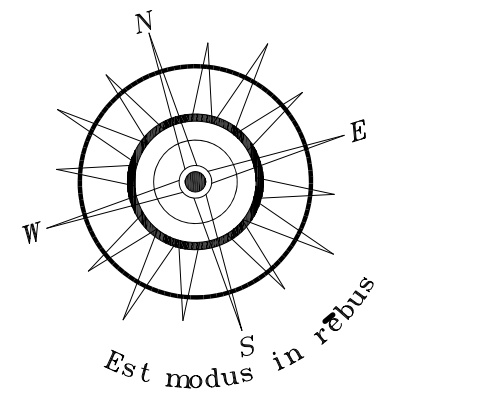
PROFESSIONAL LAND SURVEYOR _____ DATE _____



LOCUS MAP N.T.S.

REVISIONS	DATE

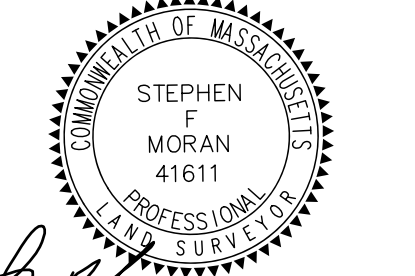
PLAN OF LAND
PREPARED FOR
JAMES A. & BETH C. COLACE
55 COUTU STREET
FRANKLIN, MA



MORAN SURVEYING INCORPORATED

14 William Ave
Pembroke, MA 02359
Telephone 781.293.5601
Fax 781.293.1952
Professional Land Surveyors
Land Planners
www.moransurveying.com

I CERTIFY THAT THE LOCATION OF THE EXISTING STRUCTURES AS SHOWN ON THIS PLAN ARE CORRECT AND ARE THE RESULT OF AN ACTUAL "ON THE GROUND" SURVEY PERFORMED BY MORAN SURVEYING INC. ON FEBRUARY 2019



STEPHEN F. MORAN DATE 25 MAR 2019

SCALE: 1" = 40'
0 40 80 120

DATE: 25 MARCH 2019
COMP./DESIGN: SFM
CHECK: SFM
DRAWN: DB
FIELD: SFM/DRS
APPROVED: SFM
DWG.No. 19-007 ANR SHEET 1 OF 1
JOB No. 19-007

PLANNING BOARD
FRANKLIN, MASSACHUSETTS

FORM A
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED
NOT TO REQUIRE APPROVAL (81-p)

November 12, 2020

To the Planning Board of the Town of Franklin, Massachusetts:

The undersigned, believing that the accompanying plan of land in the Town of Franklin does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reason outlined below, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: JAMES A. AND BETH C. COLACE
Address of Applicant: 55 COUTY STREET, FRANKLIN, MA 02038
Phone No.: 508 369 2890 Email: bethcolace@msn.com
2. Name of Owner (if not the Applicant): _____
Address of Owner: _____
Phone No.: _____ Email: _____
3. Name of Engineer: MORAN SURVEYING INC, STEPHEN F. MORAN P.L.S.
4. Deed of Property recorded in _____ with Norfolk Registry, Book 27017, Page 540
5. Location and Description of Property: _____
6. Assessor's Map & Lot: 304-031-002-000
7. Reasons approval is not required (check as applicable):
 - a) Every lot shown has the area and frontage required by the Zoning By-Law on a way as defined by the Subdivision Regulations _____
 - b) a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
 - c) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____, and subject to the following conditions _____; or
 - d) a private way in existence on March 12, 1954, the date when the subdivision control law became effective in the Town of Franklin having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.
 - e) Other: _____

Beth C Colace
Signature of Applicant

Jim Colace
Signature Owner

Beth C Colace
Print Name of Applicant

Jim Colace
Print Name of Owner

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
William P O'Donnell
WILLIAM P. O'DONNELL, REGISTER

QUITCLAIM DEED

I, **JAMES A. COLACE**, of Franklin, Norfolk County, Massachusetts, for consideration paid and in full consideration of less than One Hundred and 00/100 (\$100.00) Dollar, Grant to **JAMES A. COLACE** and **BETH C. COLACE**, husband and wife, as Tenants by the Entirety both of 7 Gallison Street, Franklin, Norfolk County, Massachusetts, with **QUITCLAIM COVENANTS**

The land located in Franklin, Norfolk County, Massachusetts and being shown as Lot 1, Lot 2 and Proposed Private Coutu Street Extension on a plan entitled "Private Definitive Subdivision Coutu Street Extension Plan of Land in Franklin Massachusetts", dated January 26, 2006, Scale 1" = 40', drawn by Guerriere & Halnon, Inc. Engineering & Land Surveying 38 Pond Street, Suite 206, Franklin, MA 02038 and recorded with Norfolk County Registry of Deeds as Page No. 2 of 2007, Plan Book 576.

Lot 1 contains 155,773± square feet (3.576± acres) according to said plan.

Lot 2 contains 22,434± square feet (0.515± acres) according to said plan.

Proposed Private Coutu Street Extension contains 14,924± square feet (0.343± acres) according to said plan.

The above described proptery is conveyed with the benefit of a grant of roadway easements described in the following deeds: Book 23114, Page 508, Book 23114, Page 511, Book 23114, Page 514, Book 23114, Page 518, Book 23114, Page 522, Book 23114, Page 525, Book 23114, Page 528, Book 23114, Page 531, Book 23114, Page 534, Book 23114, Page 536, Book 23114, Page 538.

Subject to all easements as shown on said Plan.

Subject to a Covenant with the Town of Franklin dated September 1, 2006 and recorded with said Deeds in Book 25307, page 88.

Subject to a Town of Franklin Resolution dated January 17, 2007 and recorded with said Deeds in Book 25307, Page 91.

Subject to a grant of easement to American Telephone and Telegraph Company dated August 1, 1968 and recorded with said Deeds in Book 4532, Page 311.

Property Address: 55 Coutu Street, Franklin, MA 02038

Subject to an Order of Taking by the Town of Franklin and recorded with said Deeds in Book 5578, Page 271.

Subject to a Taking by the Commonwealth of Massachusetts and recorded with said Deeds in Book 4295, Page 405.

Subject to a grant of easement to Massachusetts Electric Company and Verizon New England, Inc. dated June 25, 2009 and recorded with said Deeds in Book 26903, Page 215.

Meaning and intending to convey and hereby conveying the same premises conveyed to me by Deed dated November 1, 2005 and recorded with the Norfolk Registry of Deeds in Book 23114, Page 505.

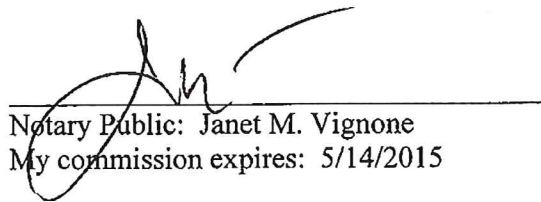
WITNESS My Hand and Seal this 27th day of August, 2009.

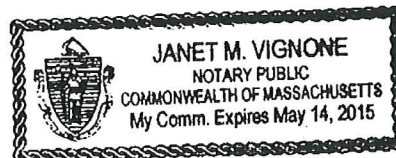

JAMES A. COLACE


COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 27th day of August, 2009, before me, the undersigned notary public, personally appeared JAMES A. COLACE, proved to me through satisfactory evidence of identification, being (check whichever applies): *Driver's License or other state or federal governmental document bearing a photographic image*, *Oath or Affirmation of a credible witness known to me who knows the above signatory*, or *My Own personal knowledge of the identity of the signatory*, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


Notary Public: Janet M. Vignone
My commission expires: 5/14/2015



A true copy from Lib. 27017 Fol. 540
in Norfolk County Registry of Deeds
Dedham, MA
Certify: 
Register



FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

DATE: December 1, 2020
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: 81-P ANR – 55 Couto Street

The DPCD has reviewed the above referenced 81-P (ANR) application for the Monday, December 7, 2020 Planning Board meeting and offers the following commentary:

General

1. The applicant has submitted a Form A application for 81-p Plan Review to accompany the plan titled “Plan of Land, 55 Couto Street, Franklin, Massachusetts” dated March 25, 2019.
2. The purpose of the plan is to move existing lot lines and create 1 conforming buildable lot.
3. The above application depicts a location within the Single Family III Zoning District. The proposed lot shown conforms to lot requirements associated with this zoning district.
 - Minimum Lot area: 20,000 s.f.
 - Minimum Frontage: 125’
 - Lot Width: 112.5’
4. The above application depicts the land known on Assessors Map 304 Lot 031.

ANR Summary

1. 55 Couto Street is known as a one (1) Lot Subdivision “Couto Street Extension” approved by the Planning Board on March 6, 2006.
2. On page 4 of the Certificate of Vote, #12 condition reads:
 - No further subdivision will be allowed
 - Site will remain a 2-lot subdivision with 1 buildable lot and 1 drainage lot
3. The Certificate of Vote for the Subdivision is attached to this memo.

Recommendation:

DPCD recommends that the applicant file a Definitive Subdivision Modification with the Planning Board. Subdivision Plans are recorded at the registry of deeds.

Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



2006 JUN 20 AM 9:35

Planning Board

355 East Central Street
Franklin, Massachusetts 02038-1352

March 27, 2006

Deborah L. Pellegrini, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

I, Deborah L. Pellegrini, Town Clerk, Franklin, Mass.
do hereby certify that no appeal has been received
since the decision of the Planning Board,
Attest: *Deborah L. Pellegrini*
Date: *June 19, 2006*

CERTIFICATE OF VOTE – DEFINITIVE SUBDIVISION PLAN – COUTU STREET EXTENSION

Subdivision Plan: Coutu Street Extension

Owner/Applicant: **James A. Colace**
7 Galliston Road
Franklin, MA 02038

Prepared By: Surveyor/Engineer GLM Engineering Consultants, Inc.
Dated: January 26, 2006 and revised through March 21, 2006
Property Location: End of Coutu Street.
Assessors Map 304, Lot 031

Dear Mrs. Pellegrini:

Please be advised that at its meeting on Monday, March 6, 2006 the Planning Board voted (5-0-0) to **APPROVE, WITH CONDITIONS**, the above referenced Definitive Subdivision Plan. The Conditions of Approval are listed on pages 2-5, attached hereto. They also voted (5-0-0) to waive the Subdivision Application Fee of \$3,450.00.

If you have any questions concerning this determination, please contact the Department of Community Planning at (508) 520-4907.

Sincerely,

Anthony Padula,
Chairman

cc: Building Commissioner
DPW Director
Applicant
Owner
Engineer
Assessor

S:\4 Franklin\subdivisions\Decisions\2006\Coutu Street Extension cert of vote 3-24-06.doc

CONDITIONS OF APPROVAL – DEFINITIVE SUBDIVISION – COUTU STREET EXTENSION

1. The subdivision shall be built in accordance with the Subdivision Rules and Regulations (Chapter 300, SUBDIVISION OF LAND) of the Town of Franklin, except as stated otherwise in this Certificate of Vote. The approval of said plan shall not be construed to be an acceptance or dedication of any way shown on said plan. In the event the Town must perform any service, maintenance and/or repair in an emergency, the Town shall not be held responsible for any damage to any property and shall be reimbursed fully by the owner/applicant for any such work performed.

The Planning Board's (Board) Subdivision Inspector shall inspect all construction of ways and the installation of water, drainage, erosion control systems, landscaping, sidewalks, and appurtenances thereto. The owner/applicant shall pay for the Subdivision Inspector's time and any tests through a project review fee.

2. Coutu Street, as shown on the referenced plans, shall be constructed in accordance with the standards set forth in Section 300, Subdivision of Land Rules and Regulations of the Town of Franklin except those waived by the Planning Board. Maintenance and repair of the access drive, parking area, water supply system, sewer pipes, electric distribution system, and stormwater system shall be the responsibility of the owner/applicant and shall never be the responsibility of the Town and the Town shall never be required to perform any service, repair or maintenance with respect to said ways, areas, or any of the aforementioned systems within the subject property. The Town will never be required to provide snow plowing or trash pickup, with respect to the subject property.
3. The owner/applicant shall deliver to the Board, for review and approval by the Board and by Town Attorney, easements granting the Town, its agents and personnel, the right to enter the premises within such easements for the purposes of inspecting, maintaining, and/or making emergency repairs to the ways and municipal facilities and utilities, including, but not limited to, water, drainage, and electricity. Said easements shall be approved and delivered to the Town, as set forth above, prior to the endorsement of the definitive subdivision plan sheets.
4. No alteration of these plans 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.
5. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary permits and approvals shall be obtained by the owner/applicant.
6. Prior to the endorsement of the definitive plan, the following shall be done:
 - The owner/applicant shall make a notation on the plans, which references 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 road construction 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 the approved version of the plan on a three-and-one-half-inch diskette(s), in AutoCAD Release-14 (or compatible software), to the Department of Public Works for review and approval. A transmittal letter from the Department of Public Works verifying receipt of such information and compliance with Department of Public Works standards shall be submitted to the Planning Board. Failure to submit such information to the Department of Public Works and obtain the compliance letter shall be cause for the Planning Board to rescind approval or not to endorse said plans.
7. Prior to endorsement of its approval of said plan, the owner/applicant shall agree to complete, without cost to the Town, all improvements required by the Town and shall provide security that he will do so, either by covenanting not to sell or build upon any lots until completion of the improvements (which covenant must be referred to on the plan and registered or recorded with it) or by posting bond or other security which the Town can utilize in the event that the improvements are not completed within two years or by some combination of these.
 8. Prior to any work commencing on the subject property, the following conditions shall be met:
 - 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 subdivision until such public way is clear of debris.
 - The owner/applicant shall submit to the Board six (6) complete prints of the recorded plan, and two fifty-percent (50%) reduced prints. In addition, the applicant shall furnish five (5) blue line prints of the approved plan, reduced to a scale, which will fit on an eight-and-one-half-by-eleven-inch sheet. One copy of each of the above shall also be submitted to the Town Clerk.
 9. The owner/applicant shall supply erosion control devices as necessary and as directed by the Town's Construction Inspector and Conservation Agent.
 10. All roadways, utility, and other improvements within the subdivision shall be built within four (4) years of the date of plan approval per §300-8H(8).
 10. Prior to construction activities, there shall be a pre-construction meeting with the owner/applicant, and his contractor(s), and Department of Public Works.
 11. Approval of this Definitive Subdivision Plan is subject to the rules and regulations and approvals of the Conservation Commission, Board of Health, Police Department, Fire Department, and Department of Public Works.

12. Prior to endorsement the following items will be included onto the plan.
- *Comments 1 through 11 from the DPW memo of February 27, 2006.*
 - *Memos from DPCD, Fire Department and BOH.*
 - *No further subdivision will be allowed.*
 - *Site will remain a 2-lot subdivision allowing one (1) buildable lot and one (1) drainage lot.*
 - *Coutu Street will be designated a Private Road.*
 - *As many of the primary trees as possible will be saved.*

13. Prior to endorsement, all changes necessitated by the foregoing conditions shall be made on the plan.

WAIVERS – DEFINITIVE SUBDIVISION PLAN – COUTU STREET EXTENSION

Based on its finding that the requested waivers would be in the public interest and consistent with the intent and purpose of the Subdivision Control Law, the Planning Board voted 5-0-0 to **APPROVE** the applicant's request for the following waivers:

<u>SECTION</u>	<u>ALLOWED</u>
§300-10.E.(1) Dead End Streets	Construct a 67' radius cul-de-sac instead of 60'
§300-10.E.(4) Dead End Street	Extend Private road 78' to form turn around for emergency vehicles.
§300-10.C.(1) Right-of-way radius	To reduce pavement to 47' in radius, from 57' in radius.
§300-10.C.(1) Width requirements	To reduce the width of Coutu Street to 16' of Pavement.
§300-13.A. Sidewalks	Install no sidewalks in place of two
§300-10.H.(1) Curbing	Install Modified Cape Cod Berm from the high point of the roadway around the cul-de-sac.
§300-10.D.(5) Water for Fire control & §300-12. Utilities and Water Supply	Applicant has adequate water pressure at site & Water supply will meet Board of Health Requirements.
§300-11.B.(2) Piping	Use Class 5 RCP pipe and cover as much as feasible.
§300-12.C.(1) Underground Wiring & §300-12.C.(2)(w) Overhead Light	Allow overhead wiring with no overhead light.

All work, not explicitly waived in this Certificate of Vote, within COUTU STREET EXTENSION, shall comply with Chapter 300, Subdivision of Land, of the Code of the Town of Franklin.

PROCEDURES - DEFINITIVE SUBDIVISION PLAN – COUTU STREET EXTENSION

A copy of this Certificate of Vote shall be filed with the Town Clerk, and one copy shall be mailed to the Owner/applicant. This decision may be appealed by any person aggrieved to the Land Court or to the Superior Court within twenty (20) days of its filing with the Town Clerk.

This Certificate of Vote shall become effective only upon the recording of a copy certified by the Town Clerk with the Norfolk County Registry of Deeds. A copy of the recorded Certificate of Vote shall be submitted to the Board within thirty (30) days of recording.

FORM H - Partial
CERTIFICATE OF PARTIAL RELEASE

WHEREAS, on _____, the Town of Franklin, a Massachusetts municipal corporation, acting through its Planning Board, with an address of Municipal Building, 355 E. Central Street, Franklin, Massachusetts 02038 [hereinafter "board"] received a request for a Certificate of Partial Release concerning the construction of ways and installation of municipal services in a subdivision owned by MDTA CONSTRUCTION, with an address of 65 CAPE ROAD
MENLOW MA. 01756,
[hereinafter "owner"];

WHEREAS, on _____, based on the owner's application dated _____, and after duly noticed public hearing(s), the board approved a definitive subdivision plan showing 5 lots, which is entitled: ACORN HILL ESTATES by: _____ and recorded or registered at the Norfolk County Registry of Deeds as Plan # _____;

WHEREAS, the approved definitive subdivision plan shows the division of a parcel of land located at ACORN PLACE / ACORN HILL ESTATE [hereinafter J. V. OOR LANE "subdivision"] and further described in a deed or deeds dated _____ and recorded at the Norfolk Registry of Deeds in Book(s) _____, Page(s) _____; or is registered in Norfolk County Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____;

NOW THEREFOR, the board has determined that the construction of ways and installation of municipal services have been partially completed to the satisfaction of the board, as set forth in a vote attached hereto; and that:

_____ the following enumerated lots are hereby released from the covenant dated: _____

_____ the performance guarantee, which secures the construction of ways and installation of municipal services, as provided in the _____ agreement dated _____, may be reduced in the amount of _____, and the Treasurer of the town of Franklin is hereby directed to release such sum as provided in the agreement.

Duly executed as a sealed instrument this _____ day of _____, by a majority of the members of the Planning Board of the Town of Franklin.

PLANNING BOARD OF THE TOWN OF FRANKLIN

Planning Board member

Planning Board member

Planning Board member

Planning Board member

Planning Board member

COMMONWEALTH OF MASSACHUSETTS

_____, SS. _____, 20__

On this _____ day of _____ 20__, before me, the undersigned notary public, personally appeared _____ (*name of document signer*), proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding document in my presence.

(*Official signature and seal of notary*)
Notary Public:
My Commission Expires: _____

cc: Town Clerk, Town of Franklin
Treasurer, Town of Franklin
Building Department



TOWN OF FRANKLIN - SITE OBSERVATION REPORT

Acorn Hill Estates

Report No.:	4831 49 – 16	Date:	December 2, 2020	Arrive:	9:45 PM
Observer:	Matt Crowley, P.E.	Weather:	Clear, ~45°	Leave:	10:15 PM
Owner:	Joan P. Kerpelman, Trustee 9 Puritan Road Acton, MA 01720 C/O Thomas Haynes	Contractor:	Titan Contractors 118 Washington Street Holliston, MA 01746 Dave Zercoe – 508-889-2059		

Items Observed: **Overall Construction Status in Conjunction with Bond Reduction Request**

OBSERVATIONS

Observation Requested By: Mike Curatola

Met/walked site with: N/A

Current Activity on Site: No current activity

Observed Construction: BETA arrived on site to document the overall status of construction in conjunction with the Owner's request for bond reduction. BETA observed that almost all work items have been completed and noted outstanding work items as documented in the December 2, 2020 Cost to Complete Estimate (attached). In addition to the documented outstanding work items, BETA notes the following:

- There is some remaining evidence of erosion was along the southerly curb line and sidewalk near the intersection of Acorn Place. Eroded areas should be repaired as necessary and monitored to ensure full stabilization before the roadway is accepted by the Town. Any accumulated sediment in the catch basins should also be removed before acceptance.
- The drainage manhole cover at the intersection of Acorn Place has a bituminous patch over the area that typically has "DRAIN" cast into the cover. The cover should be cleaned or replaced if "SEWER" is cast into the cover.



Installed granite radius stones with minimal reveal



Grading revised between sidewalk and residential lots to make a mild transition



Typical installation of street tree



Small area of erosion behind curb line



Small area of erosion adjacent to sidewalk



Manhole cover with bituminous patch over lettering



JOB ACORN HILL ESTATES, FRANKLIN, MA
 CALC CRL
 CHKD MJC
**ORDER OF MAGNITUDE
 CONSTRUCTION COST**

NO. 4831 49
 DATE 06/26/18
 DATE 12/02/20
 SHEET 1 OF 1

ACORN HILL ESTATES

Item Description	Unit	Quantity	Unit Cost	Item Cost
MISCELLANEOUS EROSION REPAIR, LOAM, AND SEED	LS	1	\$ 500	\$ 500
LIGHT POLE & FOUNDATION	EA	1	\$ 6,550	\$ 6,550
STREET LIGHT	EA	1	\$ 600	\$ 600
REPLACE UNMARKED COVER WITH DMH COVER	EA	1	\$ 325	\$ 325
AS-BUILT SURVEY	LS	1	\$ 4,000	\$ 4,000
Subtotal				\$ 11,975
Contingency per §300-8.E.(3)(d)	25%			\$ 2,994
ORDER OF MAGNITUDE CONSTRUCTION COST				\$ 14,969

Unit Prices based on MassDOT current unit prices



FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120

FRANKLIN, MA 02038-1352

TELEPHONE: 508-520-4907

FAX: 508-520-4906

MEMORANDUM

DATE: December 3, 2020
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Bond Reduction
Acorn Hill Estates

The Department of Planning and Community Development (DPCD) has conducted a review for the above referenced Application for the Monday, December 7, 2020 Planning Board meeting and offers the following commentary below.

General

1. The Planning Board approved on May 8, 2017 a Definitive Subdivision plan entitled "Acorn Hill Estates – Acorn Place"
2. The Planning Board is currently holding a bond in the amount of \$77,635.00.
3. The applicant has requested a bond reduction for work that has been completed.
4. Matt Crowley, BETA Group, has performed an on-site inspection and has estimated the cost for completion is \$14,969.00.

Summary

- Planning Board will need to vote to release \$62,666 of the Bond be held.



Craig A. Ciechanowski
cac@cdlawma.com

21 Cocasset Street Suite 2
Foxboro, MA 02035
TEL. NO. (508) 618-7269
FAX NO. (508) 618-7575

November 25, 2020

Anthony Padula, Chairman
Planning Board
Town of Franklin
355 East Central Street
Franklin, MA 02038

Re: 29 Hayward Street
Map 278, Lot 016

Dear Chairman Padula:

This office is counsel to K Fisher Street LLC, the owner of the above-referenced property.

Earlier this year, the owner submitted to the Planning Board an application for a change in use of this property. The Planning Board approved the change in use pursuant to a Certificate of Vote dated August 26, 2020. The application and the Certificate of Vote incorporated a number of conditions, including a requirement that a physical barrier be installed between the property and 5 Fisher Street and a full site plan review for any further change in use at 5 Fisher Street.

The initial filing was necessitated because the owner anticipated leasing 29 Hayward Street to Mass Standard Materials, which would use the property as a Manufacturing & Processing, Light & Medium Use. Unfortunately, for reasons outside of the control of the owners, MSM was unable to occupy the property.

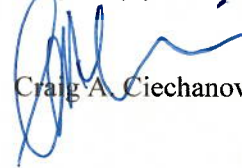
The owner has secured another tenant, Pulse Group USA, Inc., who is willing to lease the property for a use which is also a Manufacturing & Processing, Light & Medium Use. Pulse sells new and preowned athletic equipment and will use the property for warehousing, distribution and repair of equipment, together with ancillary office use. The property will not be used as a sales room or for retail sales. I have enclosed a short summary of what Pulse does, its operations (including number of employees) and anticipated vehicle traffic.

Anthony Padula, Chairman
Planning Board
November 25, 2020
Page 2

The owner respectfully requests that the previously issued Certificate of Vote be amended so as to allow Pulse Group USA, Inc. to occupy 29 Fisher Street in lieu of Mass Standard Materials. Not other amendments to the Certificate of Vote are requested.

Thank you and the Board for your consideration of this request.

Very truly yours,



Craig A. Ciechanowski

CAC:
enclosure
cc: K Fisher Street LLC



Pulse Group USA, LLC dba: Pulse Fitness Group sells new and preowned equipment to Health clubs, Colleges, High Schools, Professional Sports Teams, and the hospitality industry. They are the exclusive distributor of the Pulse Line of Equipment in the United States. They also deliver and service fitness equipment thru-out New England, carry a full line of cardiovascular equipment i.e. treadmills, bikes elliptical, etc. and sell all types of strength and free weight equipment as well.

Pulse Fitness Group also offers consulting, designing, and Cad Drawing on all types of fitness facilities. Their staff has over 65 years of combined experience in every facet of the fitness industry.

29 Hayward Street will be used for warehousing, distribution and repairing of equipment as well as a small office staff will have a presence.

The expected details of how the facility is to be used is as follows:

Hours of Operation: Expected to be 7:30am to 6:00pm Monday to Friday with an occasional Saturday at shorter hours.

Employees: 4 office, 2 warehouse, 4 light manufacturing

Shifts: 1

Deliveries: 2 to 4 tractor trailers per week during normal business hours
FedEx and UPS during normal business hours

Town of Franklin



Planning Board

**September 28, 2020
Meeting Minutes**

Chair Anthony Padula called the above-captioned **Remote Access Virtual Zoom Meeting** to order this date at 7:00 PM. Members in attendance: Joseph Halligan, William David, Gregory Rondeau, Rick Power, Associate member Jennifer Williams. Members absent: None. Also present: Amy Love, Planner; Michael Maglio, Town Engineer; Matthew Crowley, BETA Group, Inc.

*As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, the Planning Board will conduct a **Remote Access Virtual Zoom Meeting**. The Massachusetts State of Emergency and the associated state legislation allows towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link also provided on the agenda.*

7:00 PM **Commencement/General Business**

Chair Padula read aloud the Zoom platform call-in phone number and the Zoom link which were also provided on the meeting agenda.

A. Partial Form H: Lakeview Terrace Subdivision

Ms. Love stated the Planning Board approved a Definitive Subdivision on August 9, 2009, known as Lakeview Terrace, located off of Brandywine Road, for a private roadway to construct two single-family homes; the roadway will remain private. There is a private covenant accepted by the Town Council. She received an email that indicated the applicant has completed much of the work listed on BETA's report.

Mr. Crowley stated the site was visited a number of times, and a report dated September 22, 2020, was submitted. He stated it appears as though the applicant completed some of the items listed in the report. He noted some of the swale has been regraded. There were a few additional items including that a small portion of the entry way is pitched away from the drainage swale, and the catch basin still has the filter fabric in it.

Chair Padula discussed the pitch of the roadway and said the check dam looks like it was just put in; all the drainage was supposed to be put in and functioning before any construction took place. He stated that the abutting properties are getting filled with silt. He stated that with the cul de sac with the 12 ft. wide paved way, the trucks are running over the island as they cannot make the radius. He asked if the Cultec systems have been inspected. Mr. Crowley said they observed the Cultec systems go in during construction. Chair Padula discussed the silt and the functioning of the Cultec system. He noted there are still many issues. It does not look correct. The drainage is going onto abutting properties. He will not sign the Form H. It must be taken care of. Planning Board members informally agreed with Chair Padula. Chair Padula reviewed the history of the subdivision. He stated the contractor must make this right before the Form H is signed. Mr. Halligan stated his main concerns regard safety.

Ms. Love reviewed BETA's involvement since 2009. Mr. Crowley explained BETA's oversight and site visit protocols.

B. Final Form H: 31 Hayward Street - Parking

Ms. Love stated the Planning Board approved the Site Plan Modification on November 13, 2017. The project entailed reconfiguring and expanding one parking lot that created an additional 22 parking spaces. In addition, stormwater management and landscaping were constructed with the additional parking spaces. The endorsed Site Plan Modification is included in the meeting packet. The applicant has submitted a Final Form H and Engineer’s Certificate of Completion along with an as-built plan. She stated that BETA has provided an observation report.

Chair Padula asked Mr. Crowley if he recommended a car stop. Mr. Crowley stated a vehicle could slip over the edge and get stuck; a car stop could be beneficial. Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., stated she would speak with the applicant; it should be fine.

Motion to Sign the Final Form H for 31 Hayward Street - Parking. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Continued*
162 Grove Street
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Ms. Love stated that from the last public hearing, the only item left to discuss was traffic mitigation. She noted that in her memorandum dated September 22, 2020, she included suggested Special Conditions. She stated that she has been informed by the Town Administrator that there will be a resolution by the Town Council regarding the mitigation for the lights.

Planning Board members informally agreed with the Special Conditions. Chair Padula read the Special Conditions aloud. He asked Ms. Love for the Design Review Commission’s recommendations. Ms. Love stated they were provided in a previous meeting packet. Chair Paula stated that if the public hearing is closed tonight, the Planning Board has 90 days to make a decision. Traffic mitigation is still a concern.

Mr. Jamie Hellen, Town Administrator, stated that at the Town Council meeting on October 7, 2020, there will be a resolution to authorize borrowing of \$1.5 million for improvements around that intersection, including, but not limited to, the light and other infrastructure. The intent is to move the infrastructure improvement along. The stores’ revenues will pay it off.

Mr. Power asked for the time frame to get the light installed versus the applicant starting operations. Mr. Hellen stated the MassWorks grant would come back later in January regarding if funding was received. In the interim, the October 7th vote will allow the Town to start to occur costs on the design and eventual bid on the construction. Mr. Power asked if the applicant opens the doors and there is a backup of traffic as the signal light is being worked on, will a police detail be provided. Mr. Hellen stated there will be lag time for the infrastructure improvements. He is making sure the light will be ready to go as soon as possible. He noted the intersection has been a problem for decades. He stated if these stores are permitted quickly in October, both businesses will be on a path to success, and hopefully, the infrastructure improvements will be made in 2021. Mr. David discussed the need for a traffic detail officer and stated that if the applicant is not paying for it, the Town should as it is a problem area.

Ms. Amanda Rositano of NETA stated that the way they structured the traffic plan was with the reserve-ahead model; they can regulate the traffic flow. They have adjusted their traffic load during the difficult traffic times.

Motion to Close the public hearing for 162 Grove Street, Special Permit & Site Plan. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *To Be Continued*
70, 72 & 94 East Central St – Multi-Family
Special Permit & Site Plan Modification
Documents presented to the Planning Board are on file.

Chair Padula confirmed the applicant requested this hearing be continued to October 5, 2020.

Motion to Continue the public hearing for 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification, to October 5, 2020. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Initial*
Scenic Road Permit
274 Prospect Street
Documents presented to the Planning Board are on file.

Motion to Waive the reading. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Maglio stated that in August the applicant filed a driveway permit with DPW. As this is a scenic roadway, the location was checked; there was an existing stone wall, mostly buried, lower than the roadway. As such, he recommended a permit from the Planning Board be obtained.

Chair Padula asked if there were any plans to retain the stones.

Mr. M. Camire, applicant, stated their builder said that when they put in the driveway, anything that would have been removed will be pushed back into the area.

Chair Padula stated he would like the stones put back as they were once the boundaries.

Motion to Close the public hearing for the Scenic Road Permit for 274 Prospect Street. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Scenic Road Permit for 274 Prospect Street to allow a new driveway through the wall. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Continued*
164 Grove Street
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Ms. Carla Moynihan, attorney for the applicant PharmCann, addressed the Planning Board. She stated that they received their Order of Conditions on September 17, 2020, from the Conservation Commission. On September 18, 2020, they filed supplemental plans with the Planning Board that the Planning Board members had requested with respect to the shared common driveway. She stated that responses from BETA were received, and Mr. David Kelley of Meridian Associates, working on the civil and stormwater calculations and the shared access, responded in writing to those comments. She stated there is one outstanding issue; therefore, she is aware the public hearing will need to be continued.

Mr. Kelley stated they received Mr. Crowley's second round comment letter and there were five outstanding items. Four were completed. The fifth regarded performing another test pit. He stated he responded formally

that they could do a test pit prior to construction. Mr. Crowley requested that it be done now. Therefore, in the next week or so they will perform the test pit to show ground water elevations and provide the information to the Planning Board before the next meeting. Chair Padula questioned how test pits would be done as there has been no rain and there is low water. Mr. Crowley stated that there is a method that can be conducted to determine the historical high-water mark.

Mr. Maglio noted his comment letter of September 24, 2020, and reviewed his current comments.

Chair Padula reviewed that there is no real cul de sac to turn around, and the parking lot before COVID was already full. He does not know how trucks will be able to turn around without a cul de sac with everyone using the right of way. Ms. Rositano stated there will be no trucks going in and out from their location. Chair Padula stated there will be a trash truck entering and it is shown that it will back out. Mr. Kelley stated that plan was shown for a fire truck, not a rubbish truck. Chair Padula confirmed the rubbish truck will be smaller than a fire engine. Mr. Kelley said these were going to be small dumpsters.

Ms. Love stated the applicant provided the hours of operation and outlined employee parking. Planning Board members asked questions. Chair Padula noted that the building at 162 Grove Street is already up. It was asked if anything could be done with the flattening off at the top of the driveway/road. Chair Padula stated that he recommended that in the Order of Conditions there are signs for no queuing on the street.

Mr. Crowley noted that the applicant is requesting a waiver for HDPE pipe throughout the parking area. Chair Padula stated it needed to be RCP pipe. Ms. Williams asked if there were spots designated for curbside pickup and if that was part of the business model. She asked if those cars have been accounted for in parking/idling. Ms. Shelly Stormo of PharmCann Operations stated that was dependent on the Town's feeling on it; in some town's they do provide curbside pickup. It is site specific. They are not requesting it at this time. Chair Padula stated that if there was a police officer on duty, he would be more inclined to agree with curbside pickup for medical reasons; he does not agree for recreational purposes.

Motion to Continue the public hearing for 164 Grove Street, Special Permit & Site Plan, to October 19, 2020. David. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *To Be Continued*
 Maple Hill
 Definitive Subdivision
 Documents presented to the Planning Board are on file.

Chair Padula confirmed the applicant requested this hearing be continued to October 5, 2020.

Motion to Continue the public hearing for Maple Hill, Definitive Subdivision, to October 5, 2020. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** - *Continued*
 340 East Central Street
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Ms. Love reviewed concerns from the previous public hearing. Regarding building height, the current zoning allows the height of the building to be 50 feet. The applicant has provided revised drawings showing the accurate height of the building does not exceed the allowed 50 ft. She stated that the Planning Board requested additional plantings be installed along the west of the property line; no additional plantings have

been submitted. The applicant has indicated there is not enough space along the property line to add plantings; they are providing a chain link fence with slats. She stated that the Planning Board had inquired about deliveries and access around Building D. The applicant has indicated there is a door on the side for deliveries. The applicant changed the curbing detail to reinforced concrete on the plans; however, the detail pages still need to be added. She stated she has listed four Special Conditions in her memorandum of September 23, 2020: 1. Details for the Reinforced Concrete Curb should be added to the plans prior to Endorsement; 2. All units will be maximum two bedrooms each; 3. Color renderings and landscape plan shall be included in the endorsed set; and 4. Any signage for the property will need to be submitted to Design Review Commission. She mentioned there are three waiver requests for this project: 1. Chapter 185-21 (B) – To Allow 268 parking spaces where as 301 is required; 2. Chapter 300 Section 11(B)(2)(a) – Minimum cover is 42 inches above the top of the pipe; and 3. Chapter 300 Section 11(B)(2)(a) – To allow HDPE be allowed for oil/water separator.

Chair Padula and Mr. Crowley discussed the use of HDPE pipe. Mr. Erik Poulin, project engineer of Jones & Beach Engineers, Inc., reviewed the location and use of the proposed HDPE pipe. He stated the main protection of these pipes will be the depth in excess of 3 ft. Mr. Crowley stated the biggest concern with the HDPE is the construction traffic. Once the pavement is down, he does not believe there will be any issue.

Chair Padula confirmed the applicant will change the curb to reinforced concrete. Mr. Poulin noted that it appears on sheet D8 that there is a detail for vertical concrete curb. Chair Padula stated that what is labelled on the print is correct. Mr. Rondeau asked about roof top units. Mr. Poulin stated the AC units are anticipated to be on the top of the commercial buildings. He believes there is a note that all mechanicals need to be screened. Chair Padula stated they need to be screened for sound as they are abutting residential, and he requested at least a rail put around them for the visual. Mr. Poulin stated they would agree to have the units screened for sound. Mr. Mirajuddin Ahmed stated there will be a closet on the balconies with the pump in it; it will not be visible. He said the air conditioning condensers are inside the units in a closet. Ms. Williams asked to see those plans. Mr. Poulin stated they do not have details for the mechanicals in the units. Chair Padula requested that prior to endorsement, it is confirmed that they are internal mechanical units.

Motion to Close the public hearing for 340 East Central Street, Special Permit & Site Plan. Power. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Power. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:15 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

Town of Franklin



Planning Board

**October 5, 2020
Meeting Minutes**

Chair Anthony Padula called the above-captioned **Remote Access Virtual Zoom Meeting** to order this date at 7:00 PM. Members in attendance: Joseph Halligan, William David, Gregory Rondeau (existed meeting prior to conclusion), Rick Power, Associate member Jennifer Williams. Members absent: None. Also present: Michael Maglio, Town Engineer; Matthew Crowley, BETA Group, Inc.; Bryan Taberner, Director of Planning and Community Development; Maxine Kinhart, Administrative Staff.

*As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, the Planning Board will conduct a **Remote Access Virtual Zoom Meeting**. The Massachusetts State of Emergency and the associated state legislation allows towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link also provided on the agenda.*

7:00 PM **Commencement/General Business**

Chair Padula read aloud the Zoom platform call-in phone number and the Zoom link which were also provided on the meeting agenda.

A. Street Acceptance Procedures: Update from Town Attorney Cerel

Chair Padula stated he believes Ms. Love put this item on the agenda in regard to the bond release for Sandy Knoll Estates.

B. Bond Release: Sandy Knoll Estates

Mr. Mark Cerel, Town Attorney, stated this was one of the more complex street acceptances he has dealt with. He stated that at this time the Registry of Deeds is closed to the public. If it is a small project, the documents can be mailed; anything more complicated needs to be conducted face-to-face with the Registry. He does not know when the Registry will reopen. He noted street acceptances are very labor intensive and provided an overview of the procedure. He noted that he has not had access to his office in Town Hall since March. Chair Padula asked what the Town can possibly get by holding \$10,000 for the next two years as everything seems to be in place, and he asked about a land taking. Mr. Cerel stated he has not had an opportunity to review the mylars for Sandy Knolls. He noted that Land Court land is also part of the Sandy Knolls review. He stated that \$10,000 is much less than the amount that was previously held. He noted that there are not insignificant charges by the Registry even if everything is in fine shape and no corrections are needed. If it is necessary to tweak the plans, there is also the cost of notifying the abutters and legal notification in the newspaper. Chair Padula asked if the Town always takes those monies for acceptance from the contractor. Mr. Cerel stated there was a backlog of 50 or 60 roads going back to the 1990s or earlier that have not been accepted as the Town does not have the funds to do the work. A better job of getting the documents on record has been done for the more recent subdivisions in the last several years. Chair Padula confirmed there is nothing the Planning Board can do at this point regarding Sandy Knoll. Mr. Cerel stated the plan is to hopefully return to Town Hall by the end of the month; then, he can return to the street acceptances that were in process.

C. Decision: 340 East Central Street
Mr. Halligan recused himself.

Mr. Taberner referenced the September 29, 2020, memorandum from the Department of Planning and Community Development. He stated the Planning Board closed the public hearing on September 28, 2020. The Planning Board shall vote on the following Waiver Requests: 1. Chapter 185-21 (B) – To Allow 268 parking spaces whereas 301 is required; 2. Chapter 300 Section 11(B)(2)(a) – Minimum cover is 42 in. above the top of the pipe; and 3. Chapter 300 Section 11(B)(2)(a) – To allow HDPE be allowed for oil/water separator. He reviewed the Suggested Special Conditions: 1. Details for the reinforced concrete curb should be added to the plans prior to endorsement; 2. All units will be maximum two bedrooms each; 3. Color renderings and landscape plan shall be included in the endorsed set; 4. Applicant will provide the specifications for the AC units, any mechanicals located on the roof shall be screened; and 5. Any signage for the property will need to be submitted to Design Review Commission.

Chair Padula stated that the wording of Suggested Special Condition 4 should state: Applicant will provide the specifications for the AC Units **and all AC units will be unit contained**. Any mechanicals located on the roof **or ground** shall be screened.

Waiver Requests:

Motion to Allow 268 parking spaces where as 301 is required for 340 East Central Street. Power. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion that minimum cover is 42 inches above the top of the pipe for 340 East Central Street. Power. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Motion to allow HDPE be allowed for oil/water separator for 340 East Central Street. David. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Special Conditions:

Motion to Accept the following Suggested Special Conditions, and that the Suggested Special Conditions be included on the front page of the plans before they are endorsed by the Planning Board:

- 1. Details for the Reinforced Concrete Curb should be added to the plans prior to Endorsement;**
- 2. All units will be maximum two bedrooms each;**
- 3. Color renderings and landscape plan shall be included in the endorsed set;**
- 4. Applicant will provide the specifications for the AC Units and all AC units will be unit contained. Any mechanicals located on the roof or ground shall be screened; and**
- 5. Any signage for the property will need to be submitted to Design Review Commission.**

Padula. No Second or Vote taken.

ROLL CALL VOTE:

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

Special Permit VOTE for USE: §185 Attachment 9, Maximum Height of Building and §185 Attachment 3 Part II 2.16, to allow the use of a Vehicle Service Establishment.

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)

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

Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)

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

Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-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.

Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)

- f) Number, height, bulk, location and siting of building(s) and structures(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.

Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-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.

Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-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.

Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)

Chair Padula stated there were also the standard conditions of approval #1-13.

Motion to Approve 340 East Central Street, Site Plan. David. Second: Power. Vote: 4-0 (4-Yes; 0-No)

Mr. Halligan re-entered the meeting.

D. Discussion: 160 Grove Street – Phasing Plan

Mr. Jim Stukel of the Stukel Group stated that in their first submission they had a Phase One and Phase Two description. Ms. Love had stated a plan should be developed and brought before the Planning Board for discussion.

Chair Padula stated that this project was not phased on the Special Permit. Mr. Stukel stated that in the submission before the Planning Board it was phased; it was part of the project description. Mr. Taberner stated it was not really discussed when it was approved; he wants to make sure the Planning Board is happy with this plan. Chair Padula asked Mr. Taberner to confirm that on the Order of Conditions it is a phased project. Mr. Taberner noted that the Planning Department was provided with an additional set of documents that was not part of the Planning Board’s meeting packet.

Mr. Stukel shared the plans on the screen. He said the intent is to put in the entire infrastructure for the project in Phase One. He reviewed the Phase One Sitework Plan. Mr. Taberner reiterated what was going to be constructed in Phase One including the temporary basin. He noted that only part of the building will be constructed in Phase One. The temporary basin will go away when Phase Two of the project is done; he reviewed the Phase Two Sitework Plan. Mr. Stukel stated the concept was to not disturb anything to the east

of the wetland. Mr. Taberner stated that in September there was a two-phase plan submitted; it is similar to what was provided to the Planning Board tonight.

Chair Padula stated that he remembers the applicant talking about phasing for the grow facility; he does not recall that they were only going to put in some of the infrastructure. He said that the bylaws state all of the infrastructure including drainage and parking must be completed and working before building occupancy is granted. Mr. Halligan agreed with Chair Padula that the infrastructure must be in. He stated he does not remember anything about phasing. Mr. Stukel stated all infrastructure components will be in place for the part of the building that will be installed in Phase One. Ms. Williams questioned if there was any temporary fire lane access along the east side of the building. Mr. Stukel said that in previous discussions prior to COVID, the fire department wanted to access the entire perimeter of the property. He stated the entire building will be sprinkled. Mr. Halligan stated that phasing works in certain projects. He asked if the applicant were to gain support for phasing, what is the time schedule for the second phase, and would they be willing to forfeit occupancy of Phase One if Phase Two is not started. Mr. Stukel explained why he would not agree to that. Mr. Halligan stated he looks at these projects for the three percent of sales revenue and benefits to the Town.

Chair Padula noted this item was on for discussion tonight. He stated that research needs to be done. He believes that all the drainage infrastructure has to be in before occupancy. He does not believe that building half of the building was discussed; he believes that using half of the building was discussed. Mr. Taberner stated he has a diagram submitted in September 2019 and a letter submitted in October 2019 which shows a phased plan that is very similar to what is presented tonight; it shows that all the drainage and infrastructure was going to be installed. He stated the applicant is now asking for a temporary drainage basin in the middle. He noted a letter was submitted from Hennep Cultivation, LLC on September 25, 2019, regarding the Phase One and Phase Two descriptions. The phased part was discussed in detail; long before COVID. He suggested the Planning Board review whether the applicant must have the infrastructure in place in the back half as the applicant had said they would.

Chair Padula asked if the project encroached on wetlands. Mr. Taberner stated there was a great deal of Conservation jurisdiction. Putting the temporary basin in the middle would not impact the wetlands. However, the applicant would need to get extensions from Conservation. Mr. Halligan asked if the temporary basin would be within 100 ft. of wetlands. Mr. Taberner stated it would be between the 50 ft. to 100 ft buffer; it would have to go back before the Conservation Commission. Discussion commenced that the temporary basin could be moved outside the 100 ft. buffer. Chair Padula stated that this is a Site Plan Modification; therefore, BETA would look at it. Chair Padula reiterated that the Planning Board would never approve anything with a partial drainage system; by their rules and regulations it has to be working before an occupancy permit can be issued. Therefore, the applicant must determine if they want to return for a Site Plan Modification which would need to be reviewed by Conservation and BETA. Mr. Stukel asked questions. Chair Padula stated this is not a decision that would be made under General Business. He requested the departments look at the approved plans and special permit, meeting minutes, etc., so it is known exactly what was approved and how it was approved.

E. Meeting Minutes: September 14, 2020 & September 21, 2020

Motion to Approve the Meeting Minutes for September 14, 2020. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for September 21, 2020. David. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Continued*
Maple Hill

Definitive Subdivision

Documents presented to the Planning Board are on file.

Mr. Jeffrey Dirk, Vanasse & Associates, Inc., stated that since the last public hearing in which he appeared before the Planning Board, they have made significant progress with closing out some of the open items with the town engineer and BETA from a traffic perspective. He stated that he submitted a letter dated September 21, 2020, which outlines the refinements to the transportation improvement program which deals with three areas: sight line deficiency along Maple Street, traffic calming measures along both Bridle Path and Kimberlee Avenue, and traffic calming measures within the subdivision. He stated they have agreed to reconstruct about 225 linear ft. of Maple Street dropping the profile about 2 ft. to reduce the crest hill. This will involve some reconstruction of Franklin Springs Road as well to make sure the grades match with the existing pavement. They will also reconstruct the wheel chair ramps for ADA compliance and reinstall the sidewalks that are there. They will reconstruct utilities, water lines, and gas lines if needed for proper clearance to the pavement surface. He discussed that the general consensus was to remove raised islands and raised features such as speed bumps from the list of traffic calming measures. They agreed to construct three compact urban roundabouts at the intersections in the center.

Mr. Taberner noted a letter submitted by the homeowner at 59 Bridle Path which is provided in the meeting packet. He referenced the letter from the Department of Planning and Community Development dated September 30, 2020, which references a letter provided by the applicant and a list of requested waivers. He stated the biggest item to be discussed and considered is that the applicant is requesting a phased plan for construction. He noted the applicant is offering to pave Bridle Path. He stated the applicant requested an extension to October 30, 2020.

Chair Padula confirmed all Planning Board members read the letter from the homeowner. He read aloud a letter from Mr. Maglio dated August 30, 2020, indicating agreement with the applicant's proposed improvements. Mr. Crowley stated he reviewed the applicant's traffic calming measures and stated BETA is in agreement. Ms. Williams stated she thinks the traffic calming measures are a great idea and noted that having sidewalks on both sides of the road would be important. Chair Padula noted the Planning Board has usually waived two sidewalks in lieu of getting upright granite. Mr. Halligan noted this is the first time he has seen that the applicant has committed to repaving Bridle Path. Chair Padula noted the mini roundabouts are not in the Town's regulations at this time.

Mr. Chris Peterson, 66 Bridle Path, discussed concerns about the proposed roundabouts. He said this will negatively change the character of the neighbor and the 65 existing homes. He asked how the Town will plow the roundabouts and stated there is no benefit of the roundabouts for the Town or the neighborhood. He discussed that a second sidewalk should be considered. Mr. Taberner read aloud comments submitted via chat from residents: Ms. Kerry Campbell asked about road striping, Rebecca asked about slant granite; and Maegan Schlitzer asked about maintenance of the roundabouts. Mr. Maglio stated DPW reviewed the submittal, and they are in favor of the proposed roundabouts. He stated the DPW Director was also in favor of them and said it would not affect the plows. Mr. Maglio stated they were also in favor of the improvements proposed to Maple Street.

Mr. John Cetrano, 64 Bridle Path, reviewed the traffic calming measures and asked about the center islands, flush splitter island, and proposed roundabouts. Mr. Dirk provided responses. Chair Padula noted a suggestion from DPW of flower urns in the islands in the summer.

Mr. Steve Dunbar stated that mentioned two sharp curves on Kimberlee Avenue in his previous letters which were discussed at previous Planning Board meetings; however, there is no mention of the curves in BETA's letter, the applicant's letter, or listed on the waiver list. Mr. Maglio stated the issue of the existing curves on Kimberlee Avenue has come up in the past. Under the conditions of a collector street, it would not meet the guidelines. He is not sure if those curves could be reconstructed to conform; there may not be enough right of

way. He confirmed Kimberlee Avenue is an accepted street by the Town. Mr. Dunbar reiterated that as a collector street, the zoning rules would apply for the minimum requirement; this is a concern for the folks who live on the street.

Mr. Christopher Brady, 36 Kimberlee Avenue, expressed concern about the proposed Kimberlee Avenue roundabout. He stated this will have a direct impact on his property. Everything in his front yard would be disrupted. Mr. Maglio stated that the proposal shows the existing cul de sac would be reduced to a smaller roundabout; he reviewed the reduced pavement area. Mr. Halligan suggested the cul de sac/roundabout be moved down to the bend. He confirmed the work to be done would be on Town land, not on a private citizen's property. Mr. Dirk stated that all the work taking place would be in the Town right of way; all we are doing is giving the property owner more green space and extending their driveway. Mr. Brady asked about the Maple Street conversion being in Phase II. Mr. Dirk stated the traffic calming measures would be installed in the final paving.

Mr. Josh Lechter, 35 Kimberlee Avenue, indicated concern about the extension of their property and that having a piece of driveway installed rather than the entire driveway would not look good. He expressed concern about safety issues. Mr. Lincoln Purdy, 54 Bridle Path, referenced BETA's letter of August 4, 2020, and questioned the approximately 2,000 truckloads of road building material to be imported to the site, as well as the other contractor vehicles for this project. He noted the proposed traffic islands have not been installed in Town before and asked how they will be seen by the plows in the winter. Chair Padula stated the islands are made to be plowable. He asked if the applicant must go to ZBA when taking road material into a site. Mr. Taberner stated he thought a special permit to export material is needed; he would check regarding imported material. Mr. Halligan noted that if it was a water resource area, each load brought in would have to be sampled. Mr. Stephen Higgins, 4 Phaeton Lane, questioned the traffic calming measures. He would like the developer to provide locations where these have been installed so residents can talk to the neighbors in those areas to see what they are like. Mr. Dirk stated he will see if he can find some locations. Chair Padula stated these traffic calming measures are not in the regulations, but the Planning Board has asked the developer to put them in. Mr. Higgins expressed concern about the developer paving Bridle Path, but not all the side streets; it will look foolish and idiotic. Mr. Taberner mentioned the Norfolk roundabout has a raised island in the middle, so it is not an exact example. Mr. William Buckley of Bay Colony Group, Inc., representing the applicant, Carroll Construction Corp., stated they did not offer to repave Bridle Path. He stated his recollection is that when they were phasing the roundabouts and they were done in the third phase, they would be in sync with the Town's repaving plan for Bridle Path which was going to be 8 to 10 years; repaving of Bridle Path would be an undertaking by the Town.

Ms. Laura Dombroski, 20 Kimberlee Avenue, questioned traffic volume and safety. She stated there is a perfect storm with the curves on Kimberlee Avenue, and the number of trips will make this a high-volume road. She has reached out to MassDot; they noted this is up to the Planning Board. She discussed safety concerns regarding snow, road width, curves, and traffic volume. She asked if the Planning Board would have MassDot look at this. Chair Padula stated the Town's subdivision regulations supersede MassDot as the Town is more stringent. Mr. Michael Itani, 20 Bridle Path, stated there are other options that are more reasonable. He stated that children play in the street because it has not been a high-volume traffic road. This high-volume road is not what people moved to this neighborhood for. He hopes the Planning Board puts the best interest of the citizens first and talks to the residents before making a decision. Mr. Higgins asked for clarification of whether or not Bridle Path is going to be paved. Mr. Buckley stated the developer is not going to pave it. He reiterated that with the phasing of the development, the third phase would coincide with the Town's repaving schedule for Bridle Path in 8 to 10 years. He stated that with almost 60 lots, it might be a 10- or 12-year project; it depends on the economy. Chair Padula asked about the wear and tear on Bridle Path and Maple Street over 10 to 12 years from truck traffic. He stated that if a developer is responsible for putting all the truck traffic on a street which ruins the street, the developer should be responsible for repaving the street. Mr. Maglio stated he is pretty sure there was no commitment from the DPW to pave the road when the project is done; he will check. Mr. Ken Dagesse, 16 Kimberlee Avenue, discussed the impact of the many

construction vehicles on the two roads in the current neighborhoods. Mr. Halligan confirmed the through way from Bridle Path to Kimberlee Avenue would not be available for vehicles until the Phase III roads were finished, probably around year seven. Mr. Dunbar expressed concern about Kimberlee Avenue becoming a collector road; he requested the Planning Board have Vanasse & Associates, Inc. address the concern as to whether they must apply for a waiver. He would like to document that this concern is being pushed aside and not addressed. Chair Padula asked Mr. Taberner to put this down as a waiver. Mr. Dunbar stated it is probably difficult to find roundabouts in residential areas because usually traffic is not put through a residential area; they are located in downtown areas. He expressed concern that the 700 ft. of frontage that Mr. Labastie owns was not used to solve this problem. Mr. Taberner stated tonight's comments from the chat will be available in the next public hearing meeting packet. Chair Padula noted that most people do not like the traffic calming measures; he will take ideas from residents on other measures.

Motion to Continue the public hearing for Maple Hill, Definitive Subdivision, to November 2, 2020. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Recess for five minutes. Power. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Continued*
70, 72 & 94 East Central St – Multi-Family
 Special Permit & Site Plan Modification
Documents presented to the Planning Board are on file.

Chair Padula recused himself.

Mr. Richard Cornetta, attorney representing the applicant; Mr. Brad Chaffee, owner/applicant; Mr. Rob Marcalow of Kuth Ranieri Architects; and Mr. Rick Goodreau of United Consultants, Inc. addressed the Planning Board. Mr. Cornetta summarized that they were last before the Planning Board in August 2020. Since then, the applicant has made plan revisions and the Planning Board has received a plan with alterations to the original plan based on comments received from the Planning Board and Town staff. The applicant has shifted the building location, made the building longer, added an additional unit bringing the count to 14, modified the access drive around the building, and added seven parking spaces. The applicant plans to keep the integrity of the two lots; both lots will be in compliance with zoning frontage and setbacks. At 88 East Central Street they are proposing to renovate the existing structure and place an additional structure on it with a courtyard, add an additional 15 parking spaces, and have an access easement allowing circular vehicle travel to the adjacent site. They have received initial comments from BETA. They are seeking Site Plan approval and two Special Permits to allow multi-family in the C-1 zone and allow building height up to 50 ft.

Vice Chair Halligan stated that a Special Permit requires four votes; however, only three Planning Board members are present at this time. He expects Mr. Rondeau will review the meeting tape and be prepared for the next meeting. He noted that each Planning Board member is allowed to miss one meeting and make it up by reviewing the video tape; Mr. Rondeau will have to do that before the Planning Board can make a decision. Mr. Cornetta stated they understand.

Mr. Goodreau expanded on Mr. Cornetta's summary and provided additional details regarding the most recent filings. He provided an overview of the site layout and the changes made. He discussed the stormwater management plan and stated they have provided a stormwater report. He addressed comments from BETA regarding the proposed pipe type for the stormwater system; he requested input from the Planning Board on the preferred pipe type. He discussed the underground drainage system pipe size. He stated they plan to provide a resubmission addressing BETA's comments.

Mr. Taberner confirmed there are two waivers requested by the applicant. Mr. Goodreau reviewed the two waivers: to allow for less than 42 in. of cover over the RCP pipe and allow the use of HDPE pipe in one area.

He stated that possibly they will add another waiver or modify the waive to allow for the proposed roof recharge system piping. Mr. Taberner suggested the applicant clarify the waiver requests as two or three waivers in the next meeting. He stated the color renderings need to be included in the endorsed plans. Mr. Maglio reviewed the revised plans and stated he does not have any further comments at this time. Mr. Crowley reviewed comments he provided in his October 1, 2020 Site Plan Peer Review letter. He noted lighting spillage, request for clarification on how the applicant will combine the lots, confirmation that a passenger vehicle can enter the garage and waste collection vehicles can get to the dumpster, and existing conditions are being mimicked for the stormwater discharge.

Planning Board members asked questions. Ms. Williams noted the revised entrance/exit on the east side of the plan and asked if there has been any study done on the sight lines for exiting. Mr. Goodreau said the retaining wall that is currently there will remain; however, they provided sight distance calculation on sheet four of the plan set. Vice Chair Halligan agreed with Ms. Williams that with the retaining wall it will be difficult to see the traffic. He stated he is reversing his previous thoughts on having open access to the original development. He suggested having the fire breakaway gate to eliminate some of the traffic to reduce the safety issue. Mr. David stated agreement with Vice Chair Halligan on the safety breakaway gate being put back. He discussed the parking areas on the left side of the driveway and asked if a walkway was needed. Mr. Chaffee discussed the location of the centrally located sidewalk. Mr. David asked if there was enough space for a truck to pull into the dumpster area. Mr. Goodreau noted they will look at that as BETA also pointed it out. Additional concerns regarding noise screening for AC units, dumpster screening, turning radiuses, labelling on the plans, curbing as all vertical granite, and converting plastic pipe under parking to RCP pipe were discussed. Vice Chair Halligan asked if prior to endorsement all three parcels would be owned by the same entity. Mr. Cornetta stated they will be three separate parcels. Vice Chair Halligan confirmed this is not how the current plan before the Planning Board is presented. Mr. Cornetta explained how they plan to conform to the frontage setbacks; they will be showing a plan with the proposed lot lines for the three separate properties. Vice Chair Halligan reviewed the plans for the home at 88 East Central Street. He noted that as they will be separate lots, all lots need to comply including the dumpster area, dumpsters, dumpster pads, dumpster screening, and AC units screening. Ms. Williams asked about accessible parking spaces. Mr. Goodreau stated it has been complied with. Discussion commenced on the parking space requirements and signage for visitor parking spaces. Mr. Taberner noted a public comment from Liz, an abutter who has spoken in previous meetings, who expressed concern about the porches on the back ends of the property with it being four stories; there will be some vegetation in the summer, but not during the rest of the year. Mr. Chaffee said he met with Liz prior to this meeting about the porches. There will be four decks on the corner where her property is located. Vice Chair Halligan asked that the neighbor's concern be addressed; he would like to explore this further. Mr. David and Vice Chair Halligan requested a rendering of the back of the building to show the balconies and any existing tress that may provide screening.

Motion to Continue the public hearing for 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification, to October 19, 2020, at 7:20 PM. David. Second: Power. Vote: 3-0-0 (3-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Power. Second: David. Vote: 3-0-0 (3-Yes; 0-No). Meeting adjourned at 10:38 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

Town of Franklin



Planning Board

**October 19, 2020
Meeting Minutes**

Chair Anthony Padula called the above-captioned **Remote Access Virtual Zoom Meeting** to order this date at 7:00 PM. Members in attendance: Joseph Halligan, William David, Gregory Rondeau, Rick Power. Members absent: Associate member Jennifer Williams. Also present: Michael Maglio, Town Engineer; Amy Love, Town Planner; Matthew Crowley, BETA Group, Inc.; Maxine Kinhart, Administrative Staff.

*As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, the Planning Board will conduct a **Remote Access Virtual Zoom Meeting**. The Massachusetts State of Emergency and the associated state legislation allows towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link also provided on the agenda.*

7:00 PM Commencement/General Business

Chair Padula read aloud the Zoom platform call-in phone number and the Zoom link which were also provided on the meeting agenda.

A. Decision: 162 Grove Street

Ms. Love noted her letter to the Planning Board dated October 15, 2020. She reviewed that the Planning Board closed the public hearing, Conservation Commission approved, and Design Review Commission recommended. Three waiver requests and four conditions were discussed at the last Planning Board meeting.

Chair Padula referenced the Town Council meeting addressing funds for the traffic light at the intersection of Washington Street and Grove Street.

Waiver Requests:

Motion to Allow less than 42” of cover over the RCP drain pipe, proposed class V RCP. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to allow the use of HDPE pipe for manifolds and pond 11. Existing roof piping is 8’ PVC. Rondeau. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

Motion To allow minimal light spillage onto the abutting properties. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Special Conditions:

Chair Padula read aloud the following four special conditions and stated they will be included in the decision and put on the front page of the endorsed plans.

- 1. The proposed facility will operate as a Reserve Ahead-only dispensary, which would require customers and patients to place an order in advance and select a scheduled pick up time to retrieve the product. Applicant may request this be reviewed after 30 days of opening.**

- 2. The Transportation Demand Management Plan, submitted by the applicant, shall be included with the Certificate of Vote.*
- 3. Town Council will authorize funding in the form of a traffic control light at the intersection of Washington and Grove Streets.*
- 4. Design Review color recommendations shall be included in the endorsed set of plans.*

ROLL CALL VOTE:

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

Special Permits: To allow Non-medical marijuana facility under 185 Attachment 3, Part II Section 2.23 and to allow Medical Marijuana under 185-49(4)(b)(iii).

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-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.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- f) Number, height, bulk, location and siting of building(s) and structures(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.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-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.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-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.

Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)

Chair Padula stated the standard conditions of approval #1-13 will be part of the approval.

Motion to Approve 162 Grove Street, Special Permit & Site Plan. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: Panther Way – Site Plan

Ms. Love stated that the Planning Board approved the Site Plan and Special Permits on June 29, 2020, for Panther Way and West Central Street. She stated that the applicant has added the Certificate of Vote to the Site Plans, and DPCD recommends the Planning Board endorse the Site Plan. Mr. Rondeau questioned the limited landscaping. Mr. Crowley reviewed the landscaping plan.

Motion to Endorse Panther Way, Site Plan. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

C. 81-P ANR: 310 Chestnut Street

Ms. Love reviewed in detail her letter to the Planning Board dated October 13, 2020, noting the applicant has submitted a Form A application for 81-P Plan Review. The purpose of the plan is to divide an existing parcel with a house lot and create a buildable lot. The location is within the Single Family III Zoning District, and the proposed lot shown conforms to lot requirements associated with this zoning district. She stated that the application depicts the land known on Assessors Map 267 Lot 93; however, the plans are labeled as Map 76 Lot 52 which is incorrect and must be corrected prior to endorsement.

Motion to Approve 81-P ANR: 310 Chestnut Street. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. Limited Site Plan: 100 Financial Way – Parking Configuration

Mr. Doug Hartnett, representing Berkley Partners and the applicant, addressed the Planning Board. He reviewed the history of the project and the provided plans. He discussed the waivers being sought: to allow reduced required parking spaces for lot 5A from 722 spaces to 342 spaces, and to allow parking spaces greater than 300' from the building for Lots 5A & 5B. He explained that the applicant is requesting to create separate lots for real estate purposes.

Chair Padula stated the applicant is just drawing a line on the plan and has provided no screening for the two lots. He asked if the lighting and drainage for the parking lots will be shared by the two buildings/property owners. Mr. Crowley stated he has not reviewed this submission. Ms. Love stated she usually does not have BETA look at Limited Site Plans. Chair Padula stated that a Site Plan was approved for the whole site and now it is being split up for separate ownership. He stated that when it was approved, it was determined that when there were different/new tenants the applicant would return to review the parking. He asked how the drainage will work, who will maintain the parking lot surface, and how does snow storage work. A line cannot just be drawn in the middle of a Site Plan and determined that it will be separate ownership; however, it can be leased to separate owners. He will speak with Town Counsel regarding how this conforms and how it should be handled; it is not a simple Site Plan Modification.

Mr. Hartnett stated that a zoning conformance plan was done, and they reviewed the zoning regarding landscape buffers between the lots and saw no requirements in the regulations. Chair Padula asked if this application should come after the selling of the property and it is split and then the deed restrictions and reciprocal agreements be brought to the Planning Board. Mr. Hartnett stated that the lot needs to be subdivided before land can be conveyed. Discussion commenced regarding splitting the lots. Chair Padula reiterated he would need to speak with Town Counsel. Mr. Halligan stated he has experience in projects like this; one Site Plan controls the complete site. Discussion commenced whether a Site Plan can be subdivided; it was agreed that Town Counsel will need to be consulted. Chair Padula stated this item would be added to

the November 2, 2020, agenda. Ms. Love recommended the applicant provide additional details such as setbacks and wetlands, and then it can be determined if BETA should review.

E. 81-P ANR: 100 Financial Way

This item will be continued to the November 2, 2020, agenda.

F. Final Form H: Lakeview Terrace

Ms. Love reviewed in detail her letter to the Planning Board dated October 15, 2020, noting comments to the Planning Board's concerns expressed at their September 28, 2020, meeting. She stated the applicant has addressed many of the issues. She stated the Final Form H was submitted, but she has not received the engineer's stamped plan which she recommended be provided.

Chair Padula reviewed the listed concerns from the prior meeting and Ms. Love's comments. Mr. Crowley reviewed his Site Observation Report dated October 8, 2020, and noted some of the items completed as outlined in his report. He stated that regarding the clogged infiltration basin, upon his site visit both basins were fully functional. He noted no new erosion on the slope. Mr. Rondeau asked if the cul de sac would be fixed. Chair Padula stated it is a private roadway. Mr. Anthony Marinella stated it was done according to the plan.

Motion to Sign the Final Form H for Lakeview Terrace. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Continued*
 70, 72 & 94 East Central St – Multi-Family
 Special Permit & Site Plan Modification
 Documents presented to the Planning Board are on file.

Chair Padula recused himself.

Mr. Richard Cornetta, attorney representing the applicant; Mr. Brad Chaffee, owner/applicant; and Mr. Rick Goodreau of United Consultants, Inc. addressed the Planning Board. Mr. Cornetta stated that Mr. Goodreau will review the most recent changes to the plan and Mr. Chaffee will discuss some construction sequencing ideas.

Mr. Goodreau reviewed the latest revisions to the plans reflecting comments received from both BETA and the Planning Board at the last public hearing. He stated that most of BETA's comments have been addressed. He reviewed his response letter dated October 6, 2020, regarding the Planning Board's previous concerns. With respect to the fire gate, a proposed gate was added in the identified area. He addressed AC noise level concerns and stated fencing would be provided to mitigate noise levels, and arborvitaes would be added as screening. Regarding the ANR plan, it would be prepared prior to endorsement of the plans. He discussed the dumpster concern, AC units for the 88 East Central Street building, and identified parking spaces 24 and 25 as visitor parking spaces with proposed signage to demarcate those spaces.

Mr. Crowley reviewed his Site Plan Peer Review Update letter dated October, 14, 2020, and pointed out a few outstanding concerns as outlined in the letter.

Vice Chair Halligan stated he asked for the ANR plans to see the property lines. Mr. Goodreau discussed plan sheet 3 of 9 showing the property lines. Discussion commenced regarding the proposed lot lines as shown. Vice Chair Halligan noted this situation is almost identical to the previous applicant who presented to the Planning Board at this meeting. Mr. Cornetta stated he agreed with Vice Chair Halligan's interpretation of the ANR process. He stated they will provide the ANR plan that will show the lots and areas that are going to be conveyed. The Planning Board's decision will be to determine if the lots have legal access and

frontage. It is the applicant's responsibility to make sure the lots meet zoning requirements. They are confident the lots being created will conform to zoning requirements.

Mr. Goodreau stated that in the comments received from BETA, there seemed to be some confusion regarding the setbacks, so a more in-depth breakdown of the setbacks for the parcels was provided. Mr. Crowley noted the pipe under the parking lot was changed to RCP. Mr. Maglio stated they are all set with the plan as proposed. Mr. Rondeau asked if the building was increased in size, noted that he did not see any landscaping where the parking spaces are, requested more information on the proposed commercial building, stated that the addition to the white house is not conducive to the neighbor, and requested to see new renderings. Mr. David requested landscaping near the parking spaces and agreed that the addition to the existing house does not look like it belongs. He asked if the existing house is historical. Mr. Cornetta stated that the house is not a registered historical house; however, it is a property that is historically significant to the Town. Mr. Chaffee stated that he attended a meeting with the Historical Commission; the rendering presented to the Planning Board met with the Historical Commission's approval. He explained the intent of the current design. Mr. Rondeau stated he does not want this project phased. Mr. Power agreed with other Planning Board members and stated he does not like the proposed addition as it looks out of place.

Mr. Chaffee reviewed the proposed construction sequencing plan. He stated the phasing would take approximately 1 ½ years in total. Vice Chair Halligan stated the Planning Board members have expressed concern about the phasing. He asked if the applicant would be willing to hold occupancy permits on some units in the rear building so the Planning Board can be assured that the front building will get done. Mr. Cornetta stated that the Special Permit they are applying for would cover both of the lots even though they are under separate ownership. Vice Chair Halligan stated that the middle parcel is the showpiece of the entrance to this parcel. He noted in a prior project with Mr. Chaffee units were held for occupancy until it was all completed, and it worked well. Mr. Chaffee stated he would think about this. Planning Board members agreed with Vice Chair Halligan's idea of withholding occupancy permits until the middle building is in progress. For clarification, Vice Chair Halligan stated that two residential units could be built, but no occupancy permits issued until work is being performed on the front middle parcel; he noted the applicant will have 12 other occupancy permits as there are 14 proposed units. He stated the Planning Board must check with Town Counsel to make sure this is legal to do. He discussed that he has not seen a commercial parcel approved on a Site Plan that does not have a dumpster and dumpster pad on the plan. He confirmed the Site Plan that the Planning Board is being asked to approve encompasses all three lots. He asked if a grease trap should be installed in the parking lot now. Mr. Chaffee stated that by leaving it as a binder course, he can determine if a tenant would need a grease trap, and it would be easy to cut it in prior to the top coat. Vice Chair Halligan requested a Limited Site Plan for new or change of tenants. Mr. Chaffee stated he spoke with the abutter, Liz, and stated her concerns were addressed. He showed renderings of the rear view. Vice Chair Halligan asked if all the concerns addressed by the Planning Board that need to be attended to could be finished by the next meeting. Discussion commenced on the Planning Board's requested changes to the proposed addition to the middle house.

Motion to Continue the public hearing for 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification, to November 2, 2020. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Chair Padula re-entered the meeting.

7:10 PM **PUBLIC HEARING** – *Continued*
164 Grove Street
 Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Ms. Love stated that most of the comments from the last public hearing have been addressed; however, the concern regarding if a customer misses the entrance and ends up at Planet Fitness and how the vehicle would

turn around has not been addressed. She reviewed the one Waiver Request: to allow for HDPE storm drain pipe in lieu of class V RCP. She noted the four suggested special conditions as outlined on her letter dated October 15, 2020.

Mr. David Kelley of Meridian Associates addressed the requested waiver. Chair Padula noted concern about there not being a turnaround. Ms. Carla Moynihan, attorney for the applicant PharmCann, stated this issue was raised with Planet Fitness, and they said it was not a concern. She stated there would be adequate signage identifying where their property is and identifying the entrance. Chair Padula addressed his concern to the Town Engineer. Mr. Maglio stated he thinks the roadway will be able to take the traffic in its current condition. It will need maintenance over time. He stated the leveling off area seems to be working now; sight distance seems to be adequate.

Chair Padula asked if the Fire Department has commented. Ms. Love noted the Fire Department's comments and stated they have been addressed. Chair Padula stated this is not going to be a light volume facility. He noted concern about queuing going in and out. Mr. Halligan noted Mr. Maglio's letter expressing a concern regarding the stormwater model. Mr. Maglio explained his concern. Ms. Moynihan stated the comment can be addressed, and it can be a condition of approval. Mr. Kelley stated one more row of chambers was added addressing his Mr. Maglio's stormwater concern; the plans and calculations have been updated and are ready to be submitted. Ms. Moynihan stated they received an Order of Conditions from the Conservation Commission. Mr. Crowley noted and reviewed a few administrative concerns. Chair Padula stated that this is a Special Permit and construction vehicles cannot block the private way during construction. Ms. Love requested the suggested special conditions outlined in her letter of October 15, 2020, be reviewed prior to closing the public hearing.

Motion to Close the public hearing for 164 Grove Street, Special Permit & Site Plan. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9.00 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary