

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: September 1, 2022
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: 585 King St
Special Permit & Site Plan

General:

1. Planning Board closed the Public Hearing on August 8, 2022.
2. The applicant is proposing to construct a Warehouse/Storage facility. Storage facilities require a Special Permit in the Business Zoning District, under 185 Attachment 4, 3.10.

Recommended Conditions prior to endorsement:

1. The elevations of the top and bottom of the proposed retaining wall between the parking area and the truck access on the southeast side of the building should be noted similar to the other proposed walls on the site.
2. The retaining wall along the I-495 layout may require a protective fence along a portion of its length due to the 11-ft. height.
3. The plans call for HDPE piping for drainage; however, the Planning Board requires reinforced concrete pipe for drainage.
4. Any drainage pipe within the Town right-of-way should also be reinforced concrete pipe.
5. The row of arborvitaes being proposed should be placed outside the limits of the proposed subsurface sewage disposal system to ensure that they will be maintained when the system is replaced.

Special Conditions of Approval:

1. Any offsite improvement plans shall be reviewed, approved, and permitted by DPW as well as MassDOT prior to issuance of a building permit.
2. The Applicant is required to apply with the Design Review Commission for any signage for the site.
3. A sign is to be added to the plans stating "No right turn on Red" leaving the site.
4. This decision is subject to MEPA approval.

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

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

Special Permits: To allow a storage facility in the Business Zoning District, under 185 Attachment 4, 3.10 (a)

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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

Gregory Rondeau	YES	NO	Jennifer Williams	YES	NO
Rick Power	YES	NO	Beth Wierling	YES	NO
William David	YES	NO			

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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: September 6, 2022
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Eastern Woods
Definitive Subdivision

General:

1. The Planning Board endorsed a subdivision plan on November 1, 2021 for 4 house lots known as Eastern Woods.
2. The Owner/Applicant is required to provide a Covenant. The Covenant has been provided and is attached.
3. Mark Cerel, Town Attorney, has reviewed the Covenant and finds it accurate to accept.
4. Planning Board will need to vote to accept the Covenant and endorse.

COVENANT

This Covenant is entered into this ___ day of _____, 2022 by and between 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 (the "Board") and Kyle McNamara of _____ owner of the property subject to this Covenant (the "Applicant" or "Current Owner").

PREAMBLE

WHEREAS, on or about November 1, 2021, based upon the Applicant's application and after duly noticed public hearing(s), the Board approved a Definitive Subdivision Plan showing four (4) residential lots and one (1) drainage lot, which plan is entitled: "Definitive Subdivision Plan of Land Eastern Wood Estates Franklin Massachusetts" (the "Approved Subdivision"), recorded at the Norfolk County Registry of Deeds (the "Registry") on April 21, 2022, in Plan Book 711, Page 34 (the "Approved Plan");

WHEREAS, M.G.L., Chapter 41, s.81U requires the Board to secure the construction of ways in an approved subdivision before endorsing its approval on the Approved Plan;

WHEREAS, the Applicant has decided to secure construction of the ways servicing the development by means of a COVENANT;

WHEREAS, the Board has determined that the form of this Covenant is sufficient to secure the construction of the ways serving the development of the Approved Subdivision;

WHEREAS, the Applicant's construction of ways within the Approved Subdivision is subject to the requirements of M.G.L. Chapter 41, §§ 81K- 81GG (the "Subdivision Control Law"); the Board's Subdivision Rules and Regulations applicable to this Approved Subdivision; the application submitted for approval of this Subdivision; the certificate of approval and all conditions of approval of this Subdivision as set forth in the ~~Appendix attached~~ to and made an enforceable part of this Covenant; the Approved Plan; all conditions subsequent to approval of this Subdivision due to any amendment, modification, or rescission of the approval of the Plan; all of the provisions set forth in this Covenant and any amendments thereto; all requirements of the registered professional engineer representing the Board (collectively, the "Approval Instruments");

NOW THEREFORE, for and in consideration of the foregoing factual recitations and the mutual promises set forth below, and other good and valuable consideration, the parties agree as follows:

SECTION 1. INCORPORATION OF PREAMBLE

The Preamble shall be incorporated into and become an enforceable part of this Covenant.

SECTION 2. EFFECTIVE DATE

This Covenant shall be effective upon its execution, subject to the recording or registering of the Approved Plan and of this Covenant by the Board at the Registry at the expense of the Applicant.

SECTION 3. RUNS WITH THE LAND

This Covenant shall run with the land and shall be binding upon the Applicant and all subsequent parties who have any title, interest, or rights in and to the parcel of land subdivided under the Approved Subdivision, or a portion thereof. This Covenant shall operate as a restriction upon the land until released.

SECTION 4. OBLIGATIONS, DUTIES AND RIGHTS OF THE BOARD

- (a) Upon completion of the construction of ways in accordance with the Approval Instruments, the Board shall release the Applicant from this Covenant and shall issue a certificate of completion and release that shall be executed by a majority of the Board and shall thereafter be recorded or filed at the Registry by the Board or its agent at the expense of the Applicant and Purchaser.
- (b) Upon construction of a portion of the ways in accordance with the Approval Instruments, the Board may release the Applicant from this Covenant as to those lots within the Subdivision that are adequately served by the ways so constructed, so long as the construction of ways are, in the opinion of the Board, sufficiently secured by another method as provided in M.G.L. Chapter 41 §81. A certificate of release shall be executed by a majority of the members of the Board and shall be recorded or registered at the Registry by the Board or its agent at the expense of the Applicant and Purchaser.
- (c) The Board may revoke any release under Section 4(b) for breach of any provision of this Covenant or any amendments thereto.

Notwithstanding the foregoing, no revocation or rescission shall affect any lot in the Approved Subdivision which has been sold or mortgaged in good faith and for a valuable consideration

subsequent to the approval of the Approved Plan without the consent of the owner of the lot and of the holder of any mortgage on the lot.

SECTION 5. OBLIGATIONS, DUTIES AND RIGHTS OF THE OWNER

(a) The Applicant shall not convey or transfer title to any lot within the Subdivision, except as otherwise provided in this Covenant, until completion of the construction of the ways for this Subdivision in accordance with the Approval Instruments, unless and until the Applicant provides the Board with another method of securing construction of the ways deemed sufficient by the Board.

(b) The Applicant shall not build upon any lot within this Subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways for the Approved Subdivision in accordance with the Approval Instruments, unless and until the Applicant provides the Board with another method of securing construction of the ways deemed sufficient by the Board;

(c) The Applicant shall complete construction of the ways for this Subdivision no later than four (4) years after execution of this Covenant. At the expiration of the four (4) years, the Board may renew this Covenant.

(d) The Applicant agrees and understands that failure to complete construction of the ways by the agreed upon date in the absence of an extension of such date granted by the Board shall result in automatic rescission of approval of the definitive Subdivision plan by the Board. The Board shall forthwith carry out the rescission as provided in M.G.L. Chapter 41, § 81W.

(e) No provision of this Covenant shall prevent the Applicant from varying the method of securing the construction of ways from time to time or from securing by one, or in part by one and in part by another of the methods as provided in M.G.L. Chapter 41, § 81 U, as long as the Board deems the methods chosen for securing the construction of ways as sufficient.

(f) The Applicant shall at all times provide the Board forthwith (no more than 14 days after transfer title) with the name of the current holder(s) of title to the Subdivision or portions thereof. The Applicant shall also provide the Board with the name(s) and addresses of any owner(s) of one or more lots, who purchase such lots for the purpose of constructing improvements thereon. The Applicant agrees and understands that failure to comply with this

provision could result in rescission of approval of the Approved Plan, subject to the consent(s) required in Section 4 above.

(g) The Applicant hereby appoints the Board as its agent to record or register the Approved Plan; this Covenant, upon its execution; and any certificates of release of this Covenant, or portions thereof, at the Norfolk County Registry of Deeds; and the Applicant further agrees to pay the costs of such recordings.

The Applicant agrees to pay all costs incurred by the Board for engineering review to determine if construction of ways are complete in whole or in part, legal costs, and other related expenses. No lot or lots in the Subdivision shall be released from this Covenant until such costs and expenses are paid.

SECTION 6. MORTGAGEES AND SUCCEEDING OWNERS

Nothing in this Covenant shall preclude the Applicant from mortgaging the entire parcel of land, or a portion thereof, which constitutes this Subdivision. If the mortgagee acquires title to the entire parcel of land, or a portion thereof, shown on the Approved Plan, through foreclosure or by other means, such as accepting a deed in lieu of foreclosure, then the mortgagee and any succeeding purchaser of the land transferred by the mortgagee may sell any lot, subject to that portion of this Covenant which provides that no lot shall be built upon until the ways are constructed are installed to serve such lot. Said mortgagee and any succeeding owner shall be subject to all other applicable provisions of this Covenant and any amendments thereto.

SECTION 7. CONVEYANCE OF LAND OR LOTS SUBJECT TO COVENANT

Nothing in this Covenant shall preclude the Applicant from conveying by a single deed, the entire parcel of land shown on the Approved Plan, or all lots not previously released from the terms of this Covenant by the Board, so long as the deed provides that the land conveyed is subject to this Covenant, and any amendments thereto, with proper reference to the book and page where this Covenant, and any amendments thereto, are recorded or registered at the Registry. A deed of any part of the Subdivision in violation of this Covenant, or any amendments thereto, shall be voidable by the grantee prior to the release of this Covenant, but not later than three years from the date of such deed.

SECTION 8. BINDING EFFECT

This Covenant, and any amendments thereto, shall be binding on the Applicant and such party's agents and representatives, and any successors to the Applicant's title, interest, and rights in the parcel of land constituting this Subdivision, including executors, administrators, devisees, heirs, successors and assigns of the Applicant. Use of the term Purchaser is for convenience only and

should not be considered as a limitation on those parties who may be subject to and bound by the provisions of this Covenant and any amendments thereto. Use of the term Board is for convenience only and may include agents or representative of the Board.

SECTION 9. APPOINTMENT OF AN AGENT

If someone other than the Applicant will represent the Applicant, the Applicant must designate such representative below.

N/A

In executing this Covenant, the Applicant hereby authorizes the person or persons named above to represent the Applicant's interests before the Board with respect to the Subdivision that is the subject to this Covenant.

SECTION 10. AMENDMENTS

This Covenant may be amended, in writing, by agreement of all the parties to this Covenant.

SECTION 11. GOVERNING LAW

This Covenant and any amendments thereto, shall be governed by the laws of the Commonwealth of Massachusetts.

SECTION 12. SEVERABILITY

If a court of competent jurisdiction determines that any provision of this Covenant is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned hereby certifies under the pains and penalties of perjury, the information contained in this Covenant, set our hands and seals to this Covenant on the date(s) written below.

PLANNING BOARD OF THE TOWN OF FRANKLIN:

Planning Board Member Date Witness

Planning Board Member Date Witness

Planning Board Member Date Witness

Planning Board Member Date Witness

Planning Board Member Date Witness

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ___ day of _____, 2022, before me, the undersigned notary public, personally appeared the above Planning Board Members, as aforesaid, proved to me through satisfactory evidence of identification, which was personally known to me, to be the persons whose names

are signed on the within document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief, and acknowledged that they signed it voluntarily for its stated purpose on behalf of the Planning Board of the Town of Franklin.

Notary Public
My Commission Expires

WITNESS:

APPLICANT:

Meagan Guertin

Kyle McNamara

~~COMMONWEALTH OF MASSACHUSETTS~~

County of Providence
Norfolk, ss.

State of Rhode Island

On this 22 day of August, 2022, before me, the undersigned notary public, personally appeared Kyle McNamara, as aforesaid, proved to me through satisfactory evidence of identification, which was Personal knowledge, he be the person whose name is signed on the within document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged that he signed it voluntarily for its stated purpose.

Meagan Guertin
Notary Public
My Commission Expires 9/10/23

Meagan Guertin
Notary Public
State of Rhode Island
My Commission expires: Sept. 10, 2023

TRIPARTITE AGREEMENT

AGREEMENT made this _____ day of _____, 20____, by and between the TOWN OF FRANKLIN, a Massachusetts Municipal Corporation, having its principal place of business at 459 Main Street, Franklin, Norfolk County, Massachusetts; and **Walsh Brothers Building Co, Inc** a Massachusetts Corporation, having its principal place of business in **Walpole, MA**, hereinafter referenced as the "Applicant" and **Norwood Cooperative Bank**, a Massachusetts Banking Corporation, having a principal place of business at **11 Central St Norwood MA 02062**, hereinafter referenced as the "Lender"; to secure the construction of ways and the installation of municipal services in a portion of the subdivision of land shown on a plan entitled "**Uncas Ave Extension**" dated **3/19/2021**, prepared by **GLM Engineering 19 Exchange St Holliston** and filed with the Norfolk County Registry of Deeds as Plan No. _____ of 20____ in Plan Book _____; which premises are owned by **Walsh Brothers Building Co, Inc** and relative to land located in the Subdivision called "**Uncas Ave Extension**".

KNOW ALL MEN BY THESE PRESENTS

That the Applicant and the Franklin Planning Board have executed a Covenant dated 3/10/2014 and recorded with the Norfolk Registry of Deeds in Book 32141, Page 91;

That the Applicant has recorded a first mortgage with the Lender dated 10-25-16 and recorded with the said Registry of Deeds in Book 34597, Page 592, covering said Subdivision, as shown on the above-referenced Plan, as security for the payment of a certain Note in the principal amount of \$ ~~335,102.00~~ 1,250,000

This Agreement shall apply to the improvements to be constructed by the Applicant on Uncas Ave Street (Road or Way) at Stations 0+00-6+00 / end of cul de sac, (if applicable), based on a Vote of the Planning Board dated 3/10/2014.

The work called for in constructing improvements to Uncas Ave Street (Road or Way), as set forth herein, shall be completed on or before _____. In the event such work is not completed on or before the date set forth herein, any funds remaining undisbursed shall be made available to the Town of Franklin for completion.

The Applicant and Lender hereby bind and obligate themselves, and their successors and assigns, jointly and severally, the Town of Franklin, acting through its Planning Board, in the sum of \$ 335,102, and have secured this obligation by the Lender retaining said sum of money of said principal sum otherwise due the Applicant to insure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

The Planning Board may, at the request of the Applicant from time to time, authorize a reduction of the security as provided herein and in such case shall deliver a written certificate specifying such reduction to the Applicant and Lender. The Lender in such case shall have the right to rely on said written certificate without further inquiry and shall be relieved of liability to the Applicant and the Town of Franklin of its action in reliance thereon.

Notwithstanding anything contained herein to the contrary, the Lender shall have the right at any time prior to completion of the work, to deposit the balance of undisbursed funds in a savings account in the name of the Town of Franklin, and shall be released from further liability to the Town and to the Applicant of its obligation under this Tripartite Agreement.

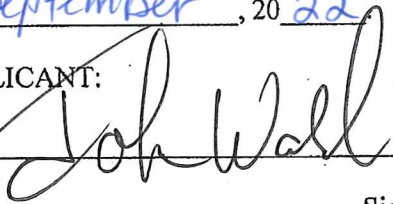
The Town of Franklin, acting through its Planning Board, hereby agrees to release lots within said subdivision upon the operation of the above-referenced Covenant given, if applicable, pursuant to General Laws, Chapter 41, Section 81U, without receipt of a bond or deposit of money; and further, to accept this Agreement and the funds in the amount specified hereto to be retained by the Lender as security for the performance of the project as aforesaid. Upon the delivery of this Agreement to the Planning Board, said lots shall be released as set forth on said Certificate of Release.

Any amendments to this Agreement and to the aforesaid security shall be agreed upon, in writing, by all parties to this Agreement.

IN WITNESS WHEREOF, we have hereunder set our hands and seals this 6th day of September, 20 22

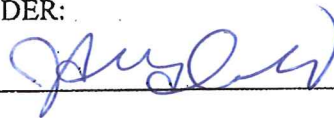
APPLICANT:

By:



LENDER:

By:



Signatures of a Majority
of the Planning Board
of the TOWN OF FRANKLIN

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

September 6th, 2022

On this 6th day of September 2022, before me, the undersigned notary public, personally appeared John J. Walsh (name of applicant), proved to me through satisfactory evidence of identification, which were known to me to be the person whose name is signed on the preceding document in my presence.



[Signature]

(Official signature and seal of notary)

Notary Public:

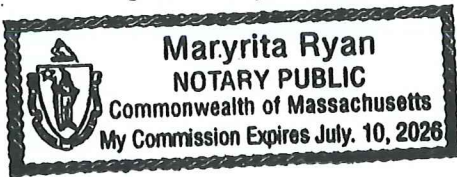
My Commission Expires: April 8, 2027

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

September 6, 2022

On this 6th day of September 2022, before me, the undersigned notary public, personally appeared Julie A. McDermott (name of lender), 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.

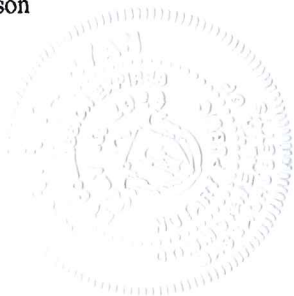


[Signature]

(Official signature and seal of notary)

Notary Public:

My Commission Expires: 7/10/2026



COMMONWEALTH OF MASSACHUSETTS

_____, SS.

_____, 20__

On this _____ day of _____ 20____, before me, the undersigned notary public, personally appeared _____ (one of the members of the Planning Board for the Town of Franklin), 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: _____



JOB
CALC
DESC

UNCAS AVENUE SUBDIVISION
MJC

BOND ESTIMATE

NO. 4831 06
DATE 07/26/22
DATE
SHEET 1 OF 1

Item Description	Unit	Quantity	Unit Cost	Item Cost
PAVEMENT TOP COURSE	TON	199.92	\$ 140	\$ 27,989
UNCLASSIFIED EXCAVATION	CY	685	\$ 50	\$ 34,231
FINE GRADING AND COMPACTING	SY	1973	\$ 9	\$ 17,760
HOT MIX ASPHALT PAVEMENT (DRIVEWAYS)	TON	96.57	\$ 215	\$ 20,762
CEMENT CONCRETE SIDEWALKS	SY	352	\$ 75	\$ 26,417
CEMENT CONCRETE CURB RAMPS	SY	23	\$ 106	\$ 2,473
VERTICAL GRANITE CURBING	LF	570	\$ 65	\$ 37,050
CAPE COD BERM	TON	27.38	\$ 250	\$ 6,844
GRAVEL BORROW FOR SIDEWALKS + DRIVEWAYS	CY	178	\$ 56	\$ 9,969
GRAVEL FOR ACCESS ROAD	CY	141	\$ 56	\$ 7,881
MISCELLANEOUS PAVEMENT REHABILITATION	LS	1	\$ 10,000	\$ 10,000
MAINTENANCE OF INFILTRATION BASINS	LS	1	\$ 1,000	\$ 1,000
LOAM (6") & SEED	SY	1450	\$ 14	\$ 20,590
STREET LIGHT	EA	2	\$ 10,000	\$ 20,000
SEWER MANHOLE (SMH #1a)	EA	1	\$ 7,195	\$ 7,195
SANITARY STRUCTURE ADJUSTED	EA	4	\$ 475	\$ 1,900
DRAINAGE STRUCTURE ADJUSTED	EA	8	\$ 475	\$ 3,800
PROPERTY BOUND	EA	17	\$ 700	\$ 11,900
SIGN POST	EA	1	\$ 175	\$ 175
SIGN	SF	9	\$ 16	\$ 144
Subtotal				\$ 268,082
Contingency (Engineering Services & Bid Documents, etc)	25%			\$ 67,020
ORDER OF MAGNITUDE CONSTRUCTION COST				\$ 335,102



TOWN OF FRANKLIN - SITE OBSERVATION REPORT

Uncas Avenue Subdivision

Report No.: **4831 063 – 028** Date: **7/12/22** Arrive: **1:00 PM**
Observers: **Nick O’Connell** Weather: **Mostly Sunny, ~61° - 72°** Leave: **2:15 PM**
Owner: **John Walsh** Contractor: **Jones Contracting, Inc.**
Walsh Bros. Building Co., Inc. **735 Washington Street**
11 Saddle Way **Walpole, MA 02081**
Walpole, MA 02081 **Russell Jones Jr.**

Items Observed: **Construction Status for Bond Estimate**

OBSERVATIONS

Observation Requested By: John Walsh – Walsh Brothers Building Co., Inc.

Met/walked site with: N/A

Current Activity on Site: N/A

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 a significant portion of the work items have been completed and noted outstanding work items as documented in the July 27, 2022 Cost to Complete Estimate (attached). Due to approximately five years of inactivity at the site vegetation has overtaken most of the pervious areas and the binder course has deteriorated in some locations, which will require repair.

SITE PHOTOS



Typical pavement distress



Typical pavement damage adjacent to SMH 1A, which will require repair.



Typical vegetation in pervious areas



Typical cracking in the cul-de-sac pavement

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: September 6, 2022
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Uncas Ave Extension
Tri-Partite Agreement

General

1. The Planning Board approved on November 19, 2007 a Definitive Subdivision plan entitled "Uncas Ave Extension". A modification to the approval was endorsed on March 10, 2014.
2. All utilities have been installed at the site.
3. BETA provided a site observation report and an estimated cost to complete of \$335,102.
4. Applicant has provided a Tri-partite agreement with the Town.
5. The Tri-Partite agreement must be signed by the Planning Board.

September 5, 2022

Town of Franklin
Franklin Planning Board
Franklin, MA 02038

To whom it may concern,

In regard to the project ongoing at Bogan Way, Franklin Ma I would like to submit a request for a field change to remove the requirement of trees being planted per zoning bylaws § 185-30 Tree planting and Subdivision bylaw section on street trees, § 300-13(E)(2)(a). The residents of Bogan Way are requesting this change since the proposed location of said trees now would be planted on their personal property. Once planted the trees could be removed by each property owner causing a waste of time, money, and natural resources. This proposed change will not interfere with the completion of the road itself, sidewalk, drainage, or any other aspect of completing the road per specification outlined in the approved sub-division plan.

Please see below a list of all residents addresses and signatures proposing this field change and hereby request to abstain of the planting of trees on personal property.

Thank you.

Michael and Elizabeth Bogan
10 Bogan Way, Franklin MA

Michael Bogan
9/5/2022

Elizabeth Bogan
9/5/2022

Cito and Gina Perez
7 Bogan Way, Franklin MA

Cito Perez
9/5/22

Gina Perez (Sawadame)
9/5/22

Tyler and Rachel Peabody
6 Bogan Way, Franklin MA

Tyler Peabody
9/6/2022

Rachel Peabody
9/7/2022

Anthony Lorusso
1 Bogan Way, Franklin MA

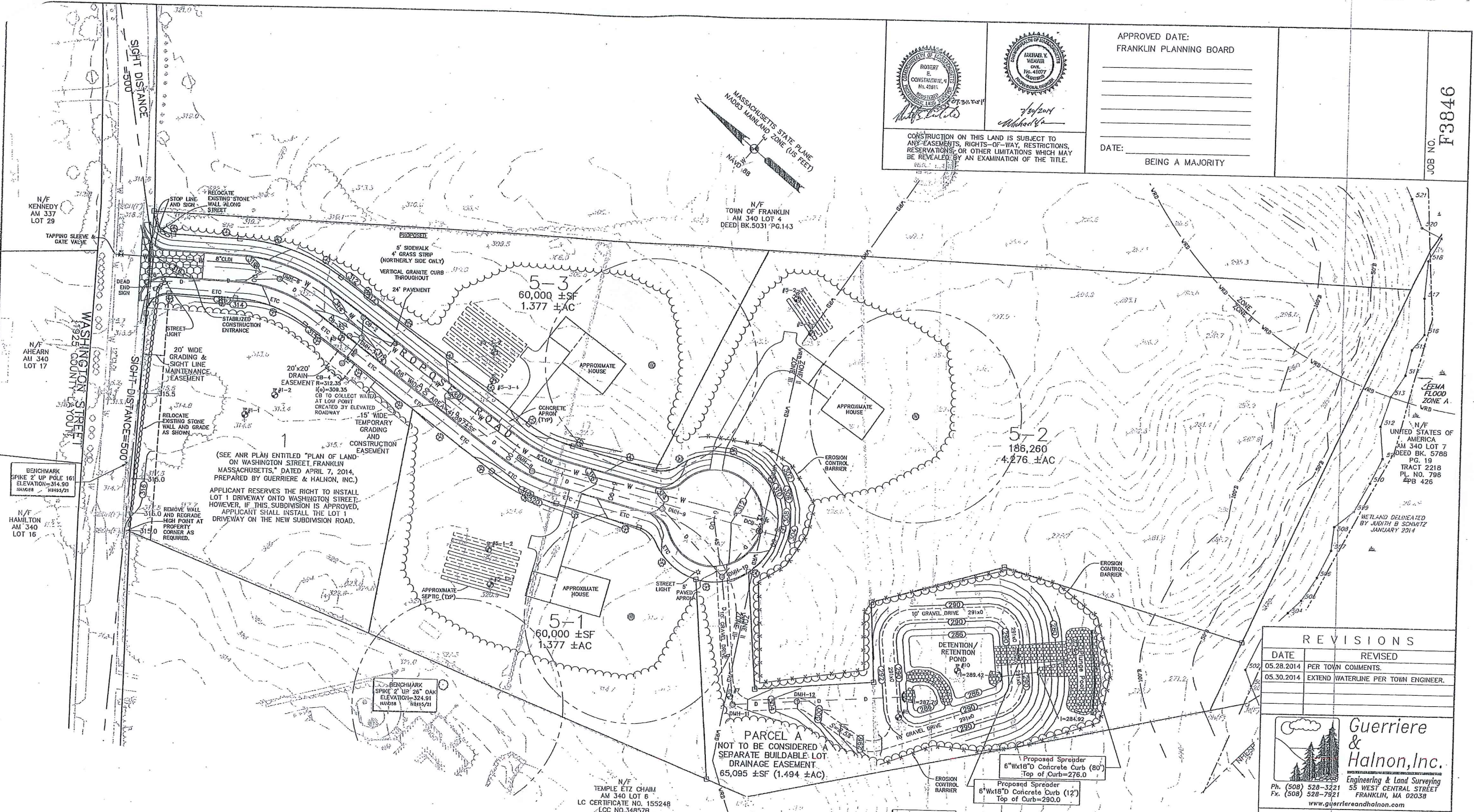
Anthony Lorusso
9/16/2022

APPROVED DATE:
FRANKLIN PLANNING BOARD

DATE: _____
BEING A MAJORITY

JOB NO. **F3846**

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.



REVISIONS	
DATE	REVISED
05.28.2014	PER TOWN COMMENTS.
05.30.2014	EXTEND WATERLINE PER TOWN ENGINEER.

Guerriere & Halnon, Inc.
Engineering & Land Surveying
Ph. (508) 528-3221
Fx. (508) 528-7921
www.guerriereandhalnon.com

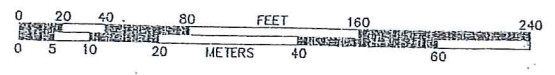
BOGAN ESTATES
DEFINITIVE SUBDIVISION
IN
FRANKLIN MASSACHUSETTS

GRADING, UTILITY & EROSION CONTROL	
DATE APRIL 8, 2014	SCALE 1"=40'
SHEET 4 OF 7	JOB NO. F3846

APPLICANT:
MICHAEL BOGAN
23 FRANCES BARBER DRIVE
HOPE VALLEY, RHODE ISLAND 02832

OWNER:
JANICE DOLORES MINUTO
1 MAGELLAN STREET
PROVIDENCE, RI 02906
DEED BK. 11888 PG. 518
A.M. 340 LOT 5

LEGEND			
- - - -	EXISTING CONTOUR	○	UTILITY POLE
- - - -	EXISTING WATER LINE	⊗	WATER GATE VALVE
- - - -	EXISTING DRAIN LINE	⊙	DMH1 DRAIN MANHOLE
- - - -	100' WETLAND BUFFER	⊕	CB1 CATCH BASIN
—	EROSION CONTROL BARRIER	⊖	BENCH MARK
—	PROPOSED CONTOUR	⊙	
—	PROPOSED DRAIN LINE	⊙	
VGC	VERTICAL GRANITE CURB		
DTH	DEEP TEST HOLE		



FOR REGISTRY OF DEEDS USE ONLY

ZONING INFORMATION
 ZONE: RR 1
 MINIMUM AREA: 40,000 S.F.
 MINIMUM FRONTAGE: 200'
 MINIMUM SETBACKS:
 FRONT 40'
 SIDE 40'
 REAR 40'

DEED BOOK 29093 PG 178
 PLAN BOOK 437 PLAN 131 OF 1996
 ASSESORS PARCEL ID 310-001

PROPERTY OWNED BY: HARRY AND BARBARA COCHRAN TRUSTEES OF THE 30 SPRING STREET REALTY TRUST DEED BOOK 29093 PG 178

PARCEL A TO BE DEEDED TO ERIC AND KRISTEN POLITO

LOT B
 N/F ERIC AND KRISTEN POLITO
 DEED BOOK 30094 PG 202
 ASSESORS PARCEL ID 323-043
 PLAN BOOK 437 PLAN 131 OF 1996

LOT 1
 91,427±S.F.
 2.09 ACRES

THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS IN THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 8/24/22
 BRUCE E. WILSON, JR. P.L.S. #36870

PLAN OF LAND
 LOCATED IN
 FRANKLIN, MASSACHUSETTS

OWNED BY
 30 SPRING STREET REALTY TRUST
 30 SPRING STREET
 FRANKLIN MASSACHUSETTS 02038

SCALE: 1" = 40' JUNE 24, 2022

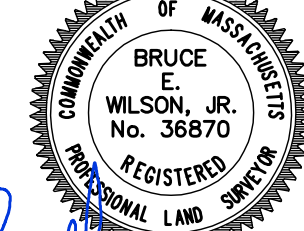
ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH THE ZONING BYLAWS OF THE TOWN OF FRANKLIN FOR ALL LOTS AFFECTED.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW
 NOT REQUIRED
 FRANKLIN PLANNING BOARD

DATE _____

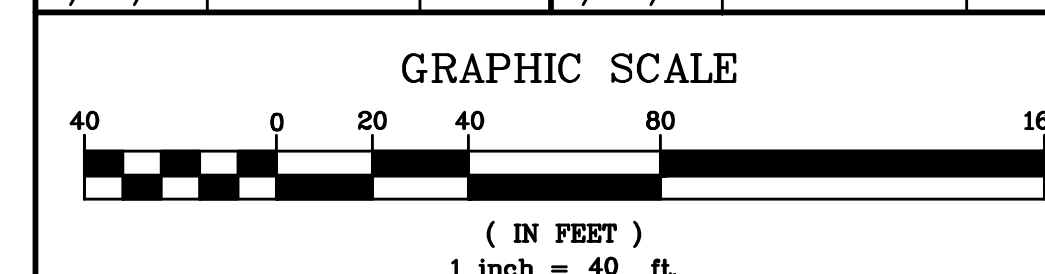
REVISIONS				
NO.	DATE	DESIGN	CHECKED	DESCRIPTION
1				
2				
3				
4				
5				
6				
7				

I CERTIFY THAT THE PREPARATION OF THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS



DATE: 8/24/22
 BRUCE E. WILSON, JR. P.L.S. #36870

DATE	INT.	DATE	INT.
6/1/18	FIELD BY: BEW	9/27/21	DESIGNED BY: BEW
BK#	FIELD BOOK PG#	6/24/22	DRAWN BY: BEW
6/18/18	CALCS BY: BEW	6/24/22	CHECKED BY: BEW



GW SITE SOLUTIONS
 248 ELM STREET
 BLACKSTONE, MASSACHUSETTS 01504
 EMAIL: BWILSONJR@GWSITESOLUTIONS.COM
 TEL: (508) 553-9233 FAX: (508) 876-2258

DATE: JUNE 23, 2022 JOB NO.: 2022-33 SHEET NO.: 1 OF 1

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: September 8, 2022
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: 81-P ANR – Spring Street

The DPCD has reviewed the above referenced 81-P (ANR) application for the Monday, September 12, 2022 Planning Board meeting and offers the following commentary:

General

1. The applicant has resubmitted a Form A application for 81-P Plan Review to accompany the plan of land for Spring Street dated June 24, 2022 and submitted to DPCD on September 8, 2022.
2. This same plan was submitted to the Planning Board at the November 15, 2021 meeting. The Planning Board approved the ANR plan with a vote of 5-0.
3. The endorsed plan was never recorded at the registry and is now missing.
4. The owners have resubmitted a plan for endorsement to be recorded at the registry.

ANR Summary

- The applicant has asked that fee be waived of \$350, since it was paid with the last plan submitted in November.

PLANNING BOARD
FRANKLIN, MASSACHUSETTS

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

TOWN OF FRANKLIN
TOWN CLERK
2022 SEP -8 A 9:18
RECEIVED

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: Harry and Barbara Cochran
Address of Applicant: 30 Spring St. Franklin, MA 02038
Phone No.: 508 294 4280 Email: barbaraecochran@verizon.net
2. Name of Owner (if not the Applicant): Harry and Barbara Cochran
Address of Owner: 30 Spring St. Franklin, MA 02038
Phone No.: 508 294-4280 Email: barbaraecochran@verizon.net
3. Name of Engineer: G.W. Site Solutions Bruce Wilson PLS.
4. Deed of Property recorded in Norfolk Co. with Norfolk Registry, Book 29093, Page 178
5. Location and Description of Property: Corner of Spring St and Cochran Way
6. Assessor's Map & Lot: 310-01
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 Spring St., 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: _____

Harry & Barbara Cochran
Signature of Applicant

Harry & Barbara Cochran
Signature Owner

HARRY B. COCHRAN BARBARA E COCHRAN
Print Name of Applicant

HARRY B. COCHRAN BARBARA E COCHRAN
Print Name of Owner

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

Date of Plan: Map/Parcel#: 310-01

Prepared by: B.W. Site Solutions Bruce Wilson PLS

Applicant Name & Address: Harry and Barbara Cochran 30 Spring St. Franklin, MA 02038

SECTION B:

Name of Record Owner(s): 30 Spring St. Realty Trust

Address of Record Owner(s): 30 Spring St. Franklin, MA 02038

**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):

Harry and Barbara Cochran 30 Spring St. Franklin

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

Same

*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:

Trust B15149 P 554 6/14/01 Norfolk County

Executed as a sealed instrument this

Barbara E. Cochran Harry G. Cochran

Signature of Applicant

Barbara E. Cochran Harry G. Cochran

Signature of Owner

day of BARBARA E. COCHRAN HARRY G. COCHRAN

Print name of Applicant

BARBARA E. COCHRAN HARRY G. COCHRAN

Print name of Owner

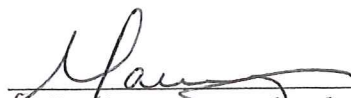
***Must be Notarized on back page

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

20 22

On this 7th day of September 20 22 before me, the undersigned notary public, personally appeared Harry Cochran (name of owner), proved to me through satisfactory evidence of identification, which were Arves Liscian 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: 4/27/29




COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

2022

On this 07th day of September 2022, before me, the undersigned notary public, personally appeared Barbara Cochran (name of owner), proved to me through satisfactory evidence of identification, which were Drivers License 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: 4/27/29



Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

PLANNING BOARD

August 8, 2022 Meeting Minutes

Chair Gregory Rondeau called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams; Jay Mello, associate member. Members absent: None. Also present: Amy Love, Town Planner; Michael Maglio, Town Engineer; Gary James, BETA Group, Inc.

7:00 PM Commencement/General Business

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

Chair Rondeau stated that he was taking the General Business items out of order.

A. Decision: 230 East Central Street

Motion to Vote on the Special Permit to allow Multi-Family in the Commercial I Zoning District, under 185 Attachment 7, 6.1. Wierling.

ROLE CALL VOTE:

Ms. Wierling read aloud the following.

a) Proposed project addresses or is consistent with neighbor or Town need.

Rondeau-YES; David-YES; Wierling-NO; Power-YES; Williams-YES. Vote: 4-1 (4-Yes; 1-No)

Ms. Wierling stated that she said NO as in the location proposed the density of 33 units per acre, the proposed project does not address neighborhood need.

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

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-NO. Vote: 4-1 (4-Yes; 1-No)

Ms. Williams stated that she said NO regarding the existing challenges increasing the number of vehicles and pedestrians coming in and out of the site and the safety challenges in this area of town.

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

Rondeau-YES; David-YES; Wierling-NO; Power-YES; Williams-NO. Vote: 3-2 (3-Yes; 2-No)

Ms. Williams stated that she said NO as similar to her last comment that this area is already failing regarding public roadways and infrastructure and therefore will not accommodate the increase in this area.

Ms. Wierling stated that she said NO as the Town of Franklin's public roadways are not adequate and will not be upgraded to accommodate development, and she reviewed that it has been noted in the traffic study that existing traffic conditions in this area are operating at or over capacity. She noted safety concerns as well.

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

Rondeau-YES; David-YES; Wierling-NO; Power-YES; Williams-YES. Vote: 4-1 (4-Yes; 1-No)

Ms. Wierling stated that she said NO because the directly abutting neighborhood consists mainly of single-family homes with a few two-family and three-family homes mixed in which have features consistent with a single-family home neighborhood, and existing residences are one to two stories tall and densities are well below the 33 units per acre presented in this project. She stated the neighborhood character will be negatively impacted.

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.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-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.

Rondeau-YES; David-YES; Wierling-NO; Power-YES; Williams-NO. Vote: 3-2 (3-Yes; 2-No)

Ms. Williams stated that she said NO as she believes the significant bulk of the proposed project will deprive neighbors of light as well as contribute to noise in the area.

Ms. Wierling stated that she said NO because it is unclear if the constructability of the retaining wall shown on the western side can be completed without excessive noise or vibrations which will impact the abutters.

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.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-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.

Rondeau-YES; David-YES; Wierling-NO; Power-YES; Williams-NO. Vote: 3-2 (3-Yes; 2-No)

Ms. Williams stated that she said NO based on all the reasons she has given so far. Ultimately, this project is far too dense for the site.

Ms. Wierling stated that she said NO for all the reasons that she previously stated. In addition, the site being only one acre and the proposal to create 33 units which is 33 units per acre, along with the

associated parking, lighting, and site infrastructure needed to support 33 units, will have an adverse effect which will overbalance its beneficial effects on both the neighborhood and the Town.

Chair Rondeau stated that the Special Permit has been denied.

Ms. Wierling left the meeting.

B. Field Change: Bogan Estates Subdivision

Ms. Love reviewed that the Planning Board approved a four-lot subdivision on June 2, 2014, as well as a drainage lot. Four waivers were granted with the approval. She stated that the applicant is requesting to not install the vertical granite corners at the driveway entrances. She stated that per Section 300-10.H(4)(a), two ft. vertical granite radius corner pieces shall be placed at all driveway openings along vertical granite curbing. Since the road will become an accepted Town roadway, it is recommended that the granite pieces be installed according to the Subdivision Regulations.

Mr. Maglio stated that he does not have an issue with how it was installed. He did not want to approve it as a field change; he thought it should come to the Planning Board.

Chair Rondeau recommended that the radiuses be put in at the driveways following the rules and regulations.

Motion to Have the applicant install the radiuses for Bogan Estates Subdivision. Rondeau. Second: David. Vote: 4-0 (4-Yes; 0-No).

C. Limited Site Plan Modification: 16 Forge Parkway

Ms. Love reviewed that the applicant is proposing to install a concrete pad for two gas tanks. She stated that due to regulations, the increase in impervious surface requires that they come in with a Limited Site Plan. She stated that the applicant has provided pictures.

Mr. Maglio reviewed that the plan proposes to eliminate two accessible parking spaces and install a concrete pad that overlaps the parking spaces and adjacent grass island. Although it appears minimal, the applicant should indicate the resulting net change in impervious area. The applicant should also identify the total number of accessible spaces on site to ensure that they will be in compliance based on the overall number of parking spaces. Based on a total of 424 proposed spaces, 9 accessible spaces are required.

Ms. Williams stated that there will be accessible spaces, but the two that are being eliminated are not being replaced relative to the entrances and exists they are servicing. The nine spaces seem remote to the door. Facilities Manager for the Franklin sites stated that there are 11 more spots towards the northwest and northeast corner of the building. He reviewed the entrances and locations. He reviewed the increase in impervious area. He stated that the new site plan shows about 100 ft. of reclamation area.

Mr. David confirmed that nitrogen will be installed in a tank. He asked how far apart the bollards will be. The Facilities Manger stated 4 ft. apart. Chair Rondeau confirmed that there will be no glass wall. Ms. Love stated that it was not sent to the Fire Department. She noted that the applicant will need a building permit to do this. She stated that the Planning Board can put it as a condition to have the Fire Department weigh in.

Motion to Approve the Limited Site Plan Modification for 16 Forge Parkway with the condition that the Fire Department looks at the tanks and the locations and provides their approval. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

D. Meeting Minutes: June 6 & June 27, 2022

Motion to Approve the Meeting Minutes for June 6, 2022. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the Meeting Minutes for June 27, 2022. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Initial*
 700 Union Street
 Site Plan Application
 Documents presented to the Planning Board are on file.

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

Attorney Mark Bobrowski representing Primrose Schools; Mr. Joshua Kline, Engineer of Stonefield Engineering; and Site Acquisition Director for Primrose Schools Matt Taylor addressed the Planning Board for the proposal to construct a 13,525 sq. ft. daycare with 50 parking spaces. Mr. Bobrowski stated that this is a Dover Amendment application, a childcare facility. Mr. Kline provided an overview of the project. He stated that this is a vacant property, and it is a permitted use. He described the location and abutting properties. He reviewed the site selection process. He stated that Primrose Schools operates hundreds of daycares across the county. He stated that they want to make sure from all aspects that these fit. He reviewed the difference between daycares and schools. He stated that schools experience spikes; for daycare, drop off and pick up is spread over many hours. Therefore, traffic is spread out over time. He discussed the licensed capacity versus how many children are actually there. He stated that in reality, the sites do not see the number of children at capacity. He showed and explained, using the provided maps and diagrams, the existing conditions and the proposed layout of the building. He noted the building is one story. He stated that along the rear most of the natural wooded vegetation will remain. He reviewed the proposed drop off and pick up operation and the layout of the proposed parking. He stated that the playground is about 10,000 sq. ft. located behind the building. He stated that elevations were submitted. He reviewed the Primrose architectural features on the exterior; the architecture will be all around the building. He stated that typical operating hours are 7:30 AM to 6:30 PM. He discussed that the trash will be picked up by a private hauler two to three times a week. He stated that there is not a full kitchen; it is just a warming area. He stated that they did soil testing. There will be water infiltration and they have stormwater facilities. He noted that they focus the lighting in the parking areas for safety. All of the lighting is 40 ft. to 60 ft. from the rear of the property. The closest residence is 120 ft. away. He stated that the landscaping will incorporate 13 new trees and over 300 new shrubs, grasses, and perennials. He stated that they already met with the Fire Department; he reviewed the Fire Department's requests which have been added to the plans.

Ms. Love stated that the applicant should show the abutting structures on the site plan, they will need to file with the Design Review Commission for signage and building façade, and an ANR plan will need to be filed to combine the two lots prior to construction. She stated that a Traffic Impact Assessment has been submitted by the applicant; BETA is going to review the traffic study. Chair Rondeau recommended waiting for Mr. James to do a review. Mr. Kline stated that they received a positive recommendation for the architecture and the signage from the Design Review Commission.

Mr. Maglio reviewed some of his comments as outlined in his letter to the Planning Board dated August 4, 2022. He pointed out that the plans include a detail for concrete curb; the Planning Board has typically required concrete curb to be reinforced concrete. He noted that vertical granite curb will be required for the entrance radii within the Town right-of-way. The plans call for HDPE drainage pipe; however, the Planning Board typically requires reinforced concrete pipe for on-site drainage systems. The drainage design will need to document that it meets the Town's stormwater bylaw section 153-16 which requires on site retention of the volume of runoff equal to or greater than 1 in. multiplied by the total post-construction impervious surface.

Mr. James reviewed his Site Plan and Special Permit Review letter to the Planning Board dated August 4, 2022. He pointed out that the grades on the site are tremendous; most are 3:1. He requested more information. He reviewed his concerns regarding stormwater as outlined in his letter. He discussed the headwalls and the outlets coming out of them. He asked if there are rights associated with those. He stated that the driveway is about 12 percent; he would like the Fire Department's comments on that as it exceeds the recommendations.

Mr. Kline stated that they reached out to Conservation Commission about a year ago. He stated that he would provide that information. He stated that this would be a fill site. He stated that they reviewed the plans with the Fire Department; he would be happy to meet with them again.

Planning Board members asked questions and made comments. Ms. Williams asked for the reasoning for two-way traffic as opposed to one-way traffic with a loop around the site. She requested information on the flow of the parking lot. Mr. Kline discussed that these sites do not have a surge effect. He reviewed the proposed flow of the parking lot. He stated that he does not think one-way flow adds any amount of safety. Ms. Williams asked about snow storage. Mr. Kline showed on the plans where it was proposed. Mr. David asked about the height of the proposed retaining wall and requested curb stops or bollard so cars could not jump forward. Mr. Kline stated that it is about 5 ft. to 6 ft. at the corner. The playground will be fully fenced in. He agreed with additional curb stops. Ms. Williams agreed and suggested all the way down the walkway. Chair Rondeau recommended additional snow storage and that it should be located on the drawing. He asked about the basin in the rear of the site and if it would need fencing. He asked how many students and teachers there would be per day. Mr. Kline stated that 183 children and 28 staff are licensed. However, a mature facility is at about 80 percent which would bring it to 146 children. He noted that there are about 10 percent absent per day and many are part time. He stated that staff moves with the number of children enrolled. Chair Rondeau asked for documentation on this information. He asked for the distance from the side of the building on the left side. Mr. Kline stated that it was 40 ft. from the property line at the pinch point.

Mr. Ken Macklin, 28 Spruce Pond Road, asked for clarification of the location of the facility on the property. Mr. Kline reviewed the location based on Mr. Macklin's property. Mr. Macklin stated that a traffic study cannot be done until the hotel is opened. He would like an independent traffic study done when the hotel is constructed and opened. He stated that there is only one way out of the Spruce Pond condominiums which is Union Street so this will have a major impact on us. He stated that he objects to this totally.

Mr. John Potter, 47 Quince Landing, wanted to reinforce the issue about traffic and asked the Planning Board to look carefully at the traffic study. He explained that it is already hazardous for people to exit Spruce Pond.

Ms. Karen Miller, 246 Washington Street, stated that all three projects being heard tonight are within one mile of each other. So, all the traffic should be considered.

Mr. Taylor of Primrose Schools reviewed that the project was started over one year ago and there were lots of issues to sort out. He stated that he wanted to clarify that they operate at 6:30 AM not 7:30 AM. He discussed pick up and drop off. He stated that parents must park, bring the child into the building, and return to the car. He has done hundreds of jobs and safety is very important. He discussed that 10 to 14 dedicated spaces to pick up and drop off are more than enough. He agreed that signs would be posted for pick up and drop off. Ms. Williams questioned the size of the drop off spaces. Mr. Taylor stated they could look at the width of the spaces. He stated that they would incorporate the request for bollards.

Mr. Bobrowski noted that there is an operating Primrose School in Foxboro that the Planning Board members could look at.

Motion to Continue the public hearing for 700 Union Street, Site Plan Application, to September 12, 2022. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Initial*
 704 Washington Street
 Site Plan Application
 Documents presented to the Planning Board are on file.

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

Attorney Edward Cannon stated that he wanted to make sure that the Town has adopted the Mullen's Rule for when members are absent. Chair Rondeau stated yes. Mr. Love confirmed yes.

Mr. Cannon on behalf of Amego Schools, Mr. John Randall, CEO of Amego Schools, and Mr. Adam Hunt of Level Design Group (via Zoom) addressed the Planning Board. Mr. Cannon reviewed the proposed location of the site and stated that currently, it is a single-family residence. The proposal is to take that away and put in two group homes for five residents each.

Mr. Hunt reviewed the proposed plans. He confirmed the proposed demolition of the existing building and construction of two new homes. He reviewed the septic design, stormwater improvements, and infiltration basin. He stated that there would be a shared driveway and 10 parking spaces for each building. He shared his screen and showed pictures of the existing site which include the existing house and barn on the property which all will be demolished. He showed pictures of the adjacent property. He noted that the nearest fire hydrant is approximately 150 ft. He showed pictures of the proposed building style that is going to be used including the fence style.

Ms. Love reviewed that the site is in the Rural Residential I zoning district. The applicant is proposing to demolish an existing house and construct two new group homes. The applicant is exempt from zoning under the Dover Amendment which would allow one residential structure on a lot in RRI. She stated that the applicant is required to comply with Section 185-31, Site Plan Review. She stated that details should be provided for curbing, landscaping, and paving, and a lighting plan should be submitted. The applicant will need to file with the Design Review Commission. She stated that the Fire Department expressed a few concerns with turning and access in the rear. She recommended that the applicant show structures abutting the property within 300 ft.

Mr. Maglio reviewed his letter to the Planning Board dated August 1, 2022. He reviewed that with the construction of the new driveway entrance, the existing entrance shall be closed off with granite curbing and that section of the sidewalk reconstructed. The proposed water service connections should be shown on the plan. Based on the grading, it appears that a section of the retaining wall will be removed; he requested the applicant identify the limits of wall removal. He noted that the stormwater report detailing the design of the drainage system and compliance with the Town's stormwater requirements that he requested was submitted.

Mr. James reviewed his Site Plan Peer Review letter to the Planning Board dated August 3, 2022. He stated the applicant is subject to the stormwater standards. He noted the overall disturbance and stated that the applicant would have to file an NOI with the EPA. He noted they are in a water resource district and they have some increased requirements regarding stormwater. He noted that the proposed driveway is 14 ft. wide; he does not believe the Fire Department will accept that, and he believes the bylaw requires 24 ft. He stated that there is no curbing proposed around the parking lot.

Planning Board members asked questions and made comments. Ms. Williams requested a package of clearer drawings overall with more information. She stated that it is hard to comment on what is in from of her in a meaningful way at this point. Mr. Mello stated that he was going to comment on snow storage. Chair Rondeau stated the plan is lacking information.

Attorney Stephen Kenney of Medway representing Mark and Julie Seifert stated that it appears from the plan that the existing buffer area on the easterly side will be left; having it remain is one of his clients' major concerns. He reviewed that the vegetative buffer along the buffer line be maintained and specifically outlined on the plan or made a condition of the Planning Board's decision. He stated that lighting and stormwater plans are needed. He stated that they will look for revised and updated plans.

Motion to Continue the public hearing for 704 Washington Street, Site Plan Application, to September 12, 2022. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
585 King Street
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Attorney Edward Cannon on behalf of Marcus Partners and Mr. Josh Berman of Marcus Partners addressed the Planning Board. Mr. Berman provided an update. He stated that they were first before the Planning Board in November 2021. They provided a site plan for an industrial warehouse building of approximately 300,000 sq. ft. After discussions, it was recommended they rotate the building so the loading was closest to Rt. 495. In December 2021, they returned to the Planning Board with an updated plan with the building rotated and shrunk by approximately 50,000 sq. ft. He stated that they received a recommendation from the Design Review Commission. They have filed with the state as part of the MEPA application which is ongoing. They received an Order of Conditions from the Conservation Commission. They have been working with BETA and DPW regarding stormwater, traffic, and site plan reviews. He stated that there are some minor comments from BETA and DPW which they have asked be made a condition of approval.

Ms. Love reviewed that the Planning Board requested hours of operation for the truck traffic and possible tenants. As part of the regrading plan, work will be performed on the abutting property at 627 King Street; a letter has been provided by the abutter. The Planning Board asked for a detailed plan of

the roadway improvements, including sidewalks, road widening, and lights. She noted that the changes being proposed to the Rt. 495 South ramp and asked what if any communication has been made with MassDOT; she requested DPW be kept in the loop. She stated that she does not know if the plans submitted which are dated June 11, 2022, include any changes to the plan per Conservation Commission.

Mr. Maglio reviewed his letter to the Planning Board dated July 11, 2022. He stated that the proposed development includes modifications to the King Street traffic signal and lane widening along King Street, some of which is MassDOT jurisdiction and some of which is Town jurisdiction. If the Planning Board decides to approve the project, he requested that it be conditioned that the offsite improvement plans be reviewed, approved, and permitted by DPW as well as MassDOT prior to issuance of a building permit. The elevations of the top and bottom of the proposed retaining wall between the parking area and the truck access on the southeast side of the building should be noted similar to the other proposed walls on the site. The retaining wall along the I-495 layout may require a protective fence along a portion of its length due to the 11-ft. height. The plans call for HDPE piping for drainage; however, the Planning Board requires reinforced concrete pipe for drainage. Any drainage pipe within the Town right-of-way should also be reinforced concrete pipe.

Mr. James noted that there were changes with the Conservation Commission and those changes should be referenced and made on the plans. He stated that the applicant has some other items to address and update some calculations. He noted that the applicant was asked to provide more screening for the buffer.

Mr. David Chester Cove, 391 Oak Street, stated that his father lives at 627 King Street and is the abutter to the property. He stated that his concern is traffic. He requested a no right turn on red for the new street that is going in for traffic safety.

Ms. Karen Miller, 246 Washington Street, stated that her concern is traffic. She stated that she would discuss the whole package regarding the traffic at the intersection. They are adding over 500 trips per day into a small area. She noted that they are adding the daycare along with the fire trucks and the traffic coming up from Rhode Island. She stated that the applicants have provided promises about the times the trucks will come and go, but that cannot be legally enforced. She asked the Planning Board to think about what it is doing to the whole area. She asked how people are going to get off of Rt. 495. The ramps are not designed for massive trucks and traffic. These are not curved and long ramps. She noted it is the traffic in the area and questioned how it is going to work.

Mr. Rick Ciccone, 185 Chestnut Street, stated that he is not a direct abutter and he is not opposed to the project; however, we continue as a town to lose sight going forward of the quality of life of people in Franklin. He discussed that traffic around this community continues to spiral out of control. He stated that he does not think we can continue on this path in Franklin. The roads in and out of this community are overstressed.

Chair Rondeau stated that Franklin has a great school system, Fire Department, water, sewer, two MBTA stations, two on ramps to the highway, and is 30 miles to Boston, Providence, and Worcester. He stated that as Franklin offers all these things, we are still seeing growth. This will be for us to deal with for the next years. He stated that we, as a board, go by what the professionals give us for information. Ms. Williams asked if the Town is planning to do a comprehensive traffic study in this area any time soon as it relates to all the proposed development and construction. Chair Rondeau stated that

this developer is going to improve this intersection. Mr. Maglio reviewed that the Town looks at specific areas if there is a specific issue, but there is no town-wide study.

Motion to Close the public hearing with the conditions of a couple of lose items that Mr. James and Mr. Maglio had, for 585 King Street, Special Permit & Site Plan. Rondeau. Second: David. Vote: 4-0 (4-Yes; 0-No).

Ms. Love stated that the EDC and Steering Committee are meeting this Wednesday at 6 PM in the Council Chambers and on Zoom; it could be a several hour meeting and they will be prioritizing the zoning changes they would like to bring forward to the Town. They would like to narrow it down to the top three.

Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Meeting adjourned at 8:49 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

Town of Franklin

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PLANNING BOARD

August 16, 2022 Meeting Minutes

Chair Gregory Rondeau called the above-captioned Special Planning Board meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams; Also present: Amy Love, Town Planner; Mark Cerel, Town Attorney.

7:00 PM Commencement/General Business

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

A. Decision: 230 East Central Street

Chair Rondeau turned over the meeting to Town Attorney Cerel to provide a briefing on the reason to call a Special Planning Board Meeting. Town Attorney Cerel explained that he was informed of the Planning Board closing the public hearing for 230 East Central Street and taking a vote on the special permit criteria, which had resulted in 3 votes in favor, and 2 opposed. Historically, under the special permit provision of the general laws under zoning, that vote would have resulted in the project failing to be approved by the Planning Board, as at least 4 votes in favor were required for the project to pass. However, during the Covid-19 pandemic, the Massachusetts State Legislature was addressing a need for multifamily housing, and passed legislation in December 2020 that went into effect July 2021 and changed the quantum of voting. In the case of certain proposed multifamily projects—including ones which 1) are within 0.5 miles of a rail station or public transportation, and 2) are mixed use and located within a commercial district—a project which meets one or both requirements and also meets the 10% minimum required affordable housing component can be passed with simple majority vote.

This project arguably meets one or both of those requirements. There needed to have been an appeal to the courts, who likely would have determined that the vote was positive and the Planning Board upheld it as only needing a simple majority to pass. In that situation, the Planning Board would be faced with having to approve the project with no conditions whatsoever.

Town Attorney Cerel continued by saying that, having conferred with the Planning Board Chair and Clerk, Town of Franklin Staff, and the Attorney for the project applicant, he recommended scheduling this meeting. Here, Town Attorney Cerel would recommend the Planning Board leave the vote intact but declare it to be passed instead of defeated, and from that point determine what conditions, if any, the Planning Board would want to impose on the project.

Ms. Williams asked Town Attorney Cerel to describe for the public what defines affordable housing units, which he answered is the State standard of having 80% of the housing units be affordable to households which make 80% of the median housing income of the Boston area.

Ms. Wierling addressed the audience and said she was not in favor of this project and is sorry the project is going through.

The members of the Planning Board clarified that the conditions they are imposing on this project are not specific to it but are applied on all projects that are approved and agreed upon by all members.

The Board read the following standard conditions:

- Soil logs and test pit locations be shown on the revised plans from M.F. Engineering & Design to verify results, for the retaining wall.
- The Appendix is not specifically noted in the O&M plan. The long-term Operation and Maintenance plan should be a stand-alone document. Therefore, Appendix 11 should be directly incorporated into the plan and reference. Along with the sample Inspection for and a plan of the BMPs.
- The manifold invert be raised to Elevation 278.95. This would provide an additional 12” of sediment storage in the separator row and further protect the long-term viability of the system. If any disturbance is shown on Hill Ave, then the Applicant is to submit an alternative plan to the Planning Board that shows no disturbance on Hill Ave.

Motion to accept the standard conditions. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).

Motion to accept a request by the applicant for a waiver for §185-21.C.4 – Requirement: Loading areas and parking areas for 10 or more cars shall provide screening in accordance with § 185-35. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).

Motion to accept the special conditions #1 - 9. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).

1. The Applicant must meet the requirements under MGL Chapter 184, Affordable Housing Guidance, providing a deed restriction on the property for the 10% affordable units, in perpetuity. This must be completed prior to commencement of construction and pre-construction meeting. If this condition is not met, then the Special Permit fails to comply with Chapter 40A, Section 9 and the project would require a Super Majority vote for approval.
2. Bollards will be inset to the fence posts centered to the parking spaces along the east side of the property, in front of the fence on the 230 East Central Street property.
3. A Limited Site Plan is required prior to occupancy of the two Commercial spaces within the building.
4. The Applicant will contribute \$5,000 towards a future “traffic signal study” for the intersection at West Central Street and King Street, funds are to be submitted to the Town prior to the Building permit.
5. Test holes should be conducted directly in the area of the proposed infiltration structure, prior to commencement of construction.
6. Commercial space will not be used as a leasing office.
7. There will be no disturbance to Hill Ave.
8. Prior to issuance of a Building Permit and start of any site work, property lines shall be staked and reviewed by DPW and Building Commissioner.

At Town Attorney Cerel's recommendation, Motion to have all approved conditions be attached to the original decision and be recorded at the Registry of Deeds. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).

Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

Meeting adjourned at 7:15 PM.

Respectfully submitted,

Tyler Paslaski,
Administrative Assistant