

Town of Franklin



Planning Board

April 28, 2014
Meeting Minutes

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TOWN OF FRANKLIN
PLANNING BOARD

Chairman, Anthony Padula called the above-captioned meeting to order this date at 7:00 p.m. Members in attendance: Joseph Halligan, Gregory Ballarino, John Carroll, William David, and alternate Gregory Rondeau. Also present: Beth Dahlstrom, Town Planner, Mike Maglio, Town Engineer, Mark Cerel, Town Attorney, Jeffrey Nutting, Town Administrator, and Liz Hoey, Planning Board Secretary.

Chairman Padula stated that the meeting would be recorded for broadcast.

7:00 PM Commencement/General Business

A. Limited Site Plan Modification: 656 King Street, Emeritus at Franklin Assisted Living

Mr. Don Neilsen of Guerriere and Halnon introduced himself as the Applicant's Engineer. He stated that they previously sat before the board to provide information regarding the relocation of shrubbery along the property lines. Since that time, the Applicant has been before the ZBA and Conservation Commission to relocate the shrubbery from in the buffer zone to outside the buffer zone more the 25'-0". They have received approval from both the ZBA and Conservation Commission. The Applicant is seeking the Board's input and approval of the relocation of the shrubbery which will be planted at both the low and high slopes along three (3) abutting residential properties.

Mr. Maglio stated that there are no comments in regards to the plan as long as the neighbors were able to provided input.

Chairman Padula stated that the Board of Health, Conservation Commission, and Fire Department provided letters approving the limited site plan modification.

Mr. Neilsen stated that he is also seeking approval to relocate the loading area to better accommodate the kitchen access door. Mr. Neilsen provided a copy of the plan reflecting the relocation to Ms. Deborah Murphy, one of the abutters. The Board provided no comment. Mr. Maglio stated that he finds this modification acceptable as a field change and it will provide less impervious area. This change will be reflected in the as-built plan.

Mr. Ballarino asked if the shrubbery fails, will they be replaced. Mr. Neilsen stated that there is a guarantee that if they don't survive, they will be replaced.

Motion to approve the limited site plan modification plan dated February 19, 2014 and revised through April 8, 2014 entitled "656 King Street – Emeritus at Franklin Assisted Living" by Guerriere and Halnon, Inc. Halligan. Second: Ballarino. Vote: 5-0-0

B. Approval of Meeting Minutes: March 24, 2014

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for March 24, 2014. There was no comment from the Board.

Motion to approve the meeting minutes for March 24, 2014. Ballarino. Second: Carroll. Vote: 5-0-0

Motion for six (6) minute recess. Ballarino. Second: Carroll. Vote: 5-0-0

7:15 PM **PUBLIC HEARING** – *Initial*
Zoning Bylaw Amendment 14-728-R
 Changes to Chapter 185-5 Zoning Map
Industrial to Single Family II (area along Washington Street)

Documents Presented to the Board:

1. *Memorandum dated April 24, 2014 from Ms. Dahlstrom to the Board*
2. *Zoning Bylaw Amendment 14-728-R Changes to Chapter 185-5 Zoning Map – Summary*
3. *Zoning Bylaw Amendment 14-728-R Changes to Chapter 185-5 Zoning Map – Zoning Map*
4. *Public Hearing Notice*

Chairman Padula stated that there are four (4) zoning bylaw amendments on the agenda tonight. The first public hearing was for Zoning Bylaw Amendment 14-728-R Changes to Chapter 185-5 Zoning Map.

Motion to waive the reading. Halligan. Second: David. Vote: 5-0-0

Mr. Nutting stated that the proposal is intended to clean up the areas on the map that are currently used for residential to reflect that use. He further explained the location of the land which has five (5) homes. One (1) parcel will remain industrial

Motion to recommend Zoning Bylaw Amendment 14-728-R Changes to Chapter 185-5 Zoning Map to Town Council. Halligan. Second: David. Vote: 5-0-0

Motion for a ten (10) minute recess. Ballarino. Second: David. Vote: 5-0-0

7:30PM **PUBLIC HEARING** – *Initial*
Zoning Bylaw Amendment 14-732
 Chapter 185-21. Parking, loading and driveway requirements

Documents Presented to the Board:

1. *Zoning Bylaw Amendment 14 Chapter 185-21. Parking, loading and driveway requirements – Summary*
2. *Public Hearing Notice*

Mr. Maglio stated that the proposed changes are to modify the existing 400'-0" sight distance requirement which is arbitrary and not based on anything. The change will include that the sight distance will be based on MassDOT project development guidelines which uses guidelines according to ASHTO design speeds and geometry of the roadway. Also, the Planning Board will now be the granting authority over this by law instead of the ZBA. Mr. Maglio further clarified the guidelines used by MassDOT.

Mr. Nutting stated that there is a currently a 150'-0" distance requirement between driveways which will now be granted by special permit through the Planning Board instead of the ZBA. Therefore there are two (2) changes in the by law; one (1) for sight distance and one (1) for the granting authority.

Chairman Padula recognized that he should have waived the reading for the public hearing.

Motion to recommend Zoning Bylaw Amendment 14-732 Chapter 185-21. Parking, loading and driveway requirements to Town Council. Halligan. Second: Carroll. Vote: 5-0-0

Motion for a fifteen (15) minute recess. Halligan. Second: Carroll. Vote: 5-0-0

7:45 PM PUBLIC HEARING – Continued
Village at Cook's Farm
 Special Permit and Site Plan
 Use Multiple Single Family Homes in RVII Zoning District

Documents Presented to the Board:

1. *Letter dated April 7, 2014 from GZA Environmental, Inc. to the Planning Board*
2. *Letter dated April 24, 2014 from the DPW to the Board*
3. *Letter dated April 2, 2014 from the Conservation Commission to the Board*
4. *Letter dated April 8, 2014 from the Conservation Commission to the Board*
5. *Letter dated April 22, 2014 from the Conservation Commission to the Board*
6. *Letter dated April 23, 2014 from the Conservation Commission to the Board*
7. *Letter dated April 24, 2014 from the Department of Planning to the Board*
8. *Letter dated March 18, 2014 from the Board of Health to the Board*
9. *Statement from the Police Department to the Board stating "No Comment"*
10. *Letter with attachments dated April 4, 2014 from Mr. Ron Roux to the Design Review Board*
11. *Email dated March 28, 2014 from the MassDEP to the Conservation Commission*
12. *Letter dated March 11, 2014 from Guerriere & Halnon, Inc.*
13. *Letter dated March 19, 2014 from the Conservation Commission to Mr. Don Neilsen of Guerriere & Halnon, Inc.*
14. *Application for Approval of a Site Plan and Special Permit(s) received March 11, 2014*
15. *Certificate of Ownership (2 total) received March 11, 2014*

16. *Memorandum in Support of Application for a Special Permit received March 11, 2014*
17. *Sewer Evaluation Memorandum from Guerriere & Halnon, Inc. received March 11, 2014*
18. *Abutters List received March 11, 2014*
19. *Abutters List (Wrentham)*
20. *Public Hearing Notice (2 total – Franklin and Wrentham)*
21. *Legal Ad*
22. *Design Review Decision dated March 25, 2014*
23. *Email dated April 6, 2014 from Mr. Bryan Lary of 2 Russet Hill Road to the Board*
24. *Geosystem Geoblock 5150 Porous Pavement System product data*
25. *Traffic Impact and Access Study dated April 2014 by Vaness & Associates, Inc.*
26. *Plan set dated March 10, 2014 by Guerriere & Halnon, Inc. entitled "Site Plan for Village at Cooks Farm"*
27. *Plan set dated April 17, 2014 by The MZO Group entitled "Village at Cooks Farm"*
28. *Plan set dated March 10, 2014 and revised through April 23, 2014 by Hawk Design Group, Inc. entitled "Village at Cooks Farm"*
29. *Plan dated April 23, 2014 by Guerriere & Halnon, Inc. entitled "Utility Plan Stream Crossing"*

The following parties introduced themselves; Mr. Craig Ciechanowski, Esq. of Doherty, Ciechanowski, of Dugan & Cannon, P.C., Counsel to the Applicant, Mr. Ron Roux, Applicant and Mr. Don Neilsen of Guerriere & Halnon, Inc., Engineer for the Applicant.

Attorney Ciechanowski stated that since the last Planning Board meeting, the Applicant has met with various Town Boards and Officials in regards to previous meeting comments. He stated that tonight the Applicant will only discuss three (3) issues and not all the issues that have been brought to their attending by the various Boards. These issues are parking, house elevations and the stream crossing.

Mr. Andy Zeleski, President of the MZO Group in Stoneham, MA, introduced himself as the Project Architect. He stated that there will be 55 homes where each has it's on personality to reduce repetition. He added that they have designed two (2) of the homes in detail with alternate elevations to show how they can take a basic layout and change the view from the street. The homes will include a Master bedroom on the 1st floor, a patio on the side of the home, and a garage in the back off alley. The front door is on the landscaped street since the cars are out of visible site. He review the submitted plans highlight the house elevations. The homes will be similar in design to Old Village Square in Medfield where they are similar in concept with no two (2) alike. He added that the material will follow the traditional New England looks with clapboards, stone or shingles, and double hung windows.

Attorney Ciechanowski stated that they have been before the Design review Board for the elevations and building materials, which has been approved. Mr. Zeleski confirmed that the siding would be fiver cement and stone (natural and manufactured). He added that the siding is non-combustible.

Attorney Ciechanowski stated that the concern of off street parking has been addressed. He reminded that Board that there are four (4) parking spaces provide per unit. They have added six (6), 8'-0" wide, paved off-street parking areas throughout the site which is acceptable to the Fire Chief. He added that they are obligated to provide two (2) parking spaces per unit but are now providing 4.5. There are no facilities on site that require central parking. Chairman Padula stated that standard parking spaces are typically 9'-0" wide. Attorney Ciechanowski clarified that the roads in the off site parking areas will be 20'-4" wide pavement, a 4'-0" wide shoulder and 8'-0" wide pavement for parking. He added that this will impact the impervious percentage, which still needs to be submitted to the ZBA.

Attorney Ciechanowski stated that they require the Board to find the submitted plan for the Utility Stream Crossing to be acceptable, not approved, before the Conservation Commission can vote on the plan. This request is outlined in a letter to the Board from the Conservation Commission in order to provide an order of conditions.

Mr. Neilsen directed the Board to the Utility Stream Crossing plan which shows the crossing to be constructed with a pitch towards the gutter line, as requested by Mr. Maglio. The alley ways will be crowned with catch basins on both sides. The stream crossing will be constructed with a 40" pervious paver shoulder, 20'-8" paved roadway, 5'-0" sidewalk, a grass shoulder with guardrail and fence, and a retaining wall. Mr. Neilsen stated that Mr. Maglio was concerned with guardrail placement at the rear of the retaining wall. He stated that there is letter from the design engineer that states there is no issue with this as shown on the plan. It could also be installed within the hollow wall. He explained that the actual construction of the wall may vary.

Motion to open the public hearing for 648-652 Old West Central Street to be continued until the conclusion of the public hearing for the Village at Cook's Farm. Halligan. Second: Ballarino. Vote: 5-0-0

Chairman Padula asked for clarification regarding the road construction. He asked if this type of construction, which utilizes the pervious pavers, is acceptable per the zoning by law. Mr. Neilsen stated that the by law states the paved road must be a minimum of 20'-0" wide with 4'-0" a shoulder. There is no requirement for the shoulder material; therefore the Applicant has chosen the pervious paver as a Green solution. He continued to explain the product to the Board and why they feel it is a better product than gravel or pavement for the shoulder. Chairman Padula asked if salt will be used. Mr. Neilsen stated that they will look into those issues. Attorney Ciechanowski stated that the roads are private and not part of the Town's jurisdiction, Also, the cost of the pavers is more than it would cost to pave the shoulder. Chairman Padula stated that he is concerned with how well they will stand up to traffic and not concerned with cost. Mr. Roux stated that extensive research was performed in choosing these pavers and they will also add aesthetic value. Mr. Neilsen stated that the pavers will not see daily traffic; however they will be a sufficient stable base if a car needs drive on them. Mr. Roux stated that the off site parking areas will be paved.

Mr. Neilsen stated that the crossing will be 40" pervious paver shoulder with a 20'-8" paved roadway but they would consider paving the entire road. Chairman Padula stated that he would prefer this construction of 24'-0' paved at the crossing. Mr. Neilsen stated that he agreed with this. Chairman Padula reminded the Board that the Conservation Commission requires an

acceptable, not approved, plan for the crossing. A vote is not required. All board members stated that the 24'-0" paved crossing road is acceptable. Mr. Maglio stated that some of the drainage may have to be modified. Mr. Neilsen stated that Board can find the road acceptable but the Conservation Commission will decide the actual location of the crossing. The Board will find the 24'-0" width acceptable.

Chairman Padula stated that a special permit includes criteria for vehicular traffic flow, parking and pedestrian safety. He is concerned that the first block of 36 homes does not this safely meet these criteria since the alley way is on 18'-0" wide and 1,100 feet long. He added that 600 feet is the maximum length for a cul-de-sac in the by law and 2 cars parked side by side is 18'-0". He feels that backing out onto the street will be a safety hazard and the alley way is a fire hazard. He proposed that one (1) of the houses is removed to provide an access point in the middle of the road. Attorney Ciechanowski stated that they would look into the issue but it is a one-way road and the by law states that an 18'-0" wide alley way is acceptable. Mr. Nutting stated that during the initial proposal phases, time was spent with the Fire Chief who found the 18'-0" wide alley way acceptable, as long as it was one-way and there was no parking. Mr. Nutting stated that this is better than the original plan which only had one (1) entrance instead of three (3) onto Route 140.

Mr. Halligan appreciates the off-site parking. He asked if there was a way to shorten the lots and make them deeper. Further discussions were had regarding their construction and all parties realized that this would not be a better solution.

Mr. Halligan stated that he is concerned that people will utilize the 18'-0" wide ally-way along the first block of 36 homes for parking, even though it's not permitted. There is no other area for them to park if four (4) cars are already parked at the house. There is no clear indication to guests that the off-site parking is located throughout the site, which is a significant distance from these homes.

***Motion to open the public hearing for 14 Ruggles Street to be continued until the conclusion of the public hearing for 648-652 Old West Central Street . Halligan. Second: Ballarino.
Vote: 5-0-0***

Further discussion was had regarding Mr. Halligan concern with ally-way parking. Attorney Ciechanowski stated that they would look into the issue.

Mr. Barry Zide, President of the Franklin Country Club stated that he represents the club members who are in favor of the project. He stated that notably the telephones poles and netting of their practice area along route 140 would be moved to an interior section of their property. This section of land would be purchased by the Applicant for the development.

Mr. Williams asked where the house numbers would be located. Mr. Roux stated the back and front of the house as requested by the Fire Chief.

Ms. Dahlstrom stated that roadway crossing letter needs to be addressed properly to the Conservation Commissions. If the Board finds the roadway acceptable as 24'-0" paving with a 5'-0" sidewalk, not as shown on the current plan with the 40" of pavers, she needs to reference

an accurate plan. Therefore the Applicant will revise the plan to reflect the changes as of May 1, 2014 which she will reference in her letter.

Ms. Dahlstrom stated that Water and Sewer Map Amendments are needed from Town Council. Also, the applicant will need to file with the Zoning Board of appeals for the following for impervious coverage. She stated that an engineering study is currently being conducted along this portion of East Central Street. She added that the Planning Board will need to coordinate with the Conservation Commission as well as the ZBA during the multiple Board and Commission Public Hearing processes to ensure plan consistency; as all Boards and Commissions will need to have the same plan on file.

Mr. Maglio stated that there are a number of outstanding comments from the DPW. Also, sight lines issues need to be addressed.

Mr. Nutting asked if the Planning Board is comfortable with the off-site parking so that the Applicant can calculate a number for impervious parking to file with the ZBA.

Chairman Padula asked if a roadway was ever considered at the middle entry way for traffic flow in and out of the entire complex. Mr. Roux stated when the project first started, that piece of land was not part of the project.

In response to Mr. Nutting's question, Attorney Ciechanowski asked if the Board could find the proposed off-site parking areas acceptable, recognizing that there will be further changes. That way, he can calculate a not-to-exceed number within the realm of what it currently shown on the plan for off-site parking. Chairman Padula asked if the Board found that the off site parking was a good start. The Board agreed.

The Planning Board agreed the proposed roadway over Uncas Brook is "acceptable" as referenced in the plan Site Plan for Village at Cooks Farm – Utility Plan Stream Crossing dated April 23, 2014 and revised through May 1, 2014 if designed at 24'-0" in width with one (1) sidewalk on the northerly side. The Planning Board also agreed that final design, including changes to culvert design and retaining walls may require changes that may impact plan revisions.

All parties discussed the next public meeting date.

Motion to continue the public hearing for the Village at Cook's Farm until June 2, 2014 at 7:15 PM. Halligan. Second: Ballarino. Vote: 5-0-0

Chairman Padula stated that the public hearing for Zoning Bylaw Amendment 14-733 will be continued until the conclusion of the public hearings for 14 Ruggles Street and 648-652 Old West Central Street.

8:00 PM PUBLIC HEARING – *Continued*
648-652 Old West Central Street
 (2) Special Permits and Site Plan
 Vehicular Service Establishment (VSE)
 Impervious Coverage (83% where 80% is allowed)

Chairman Padula read a letter dated April 23, 2014 from Mr. Richard Cornetta to the Board requesting a continuance of the public hearing until May 12, 2014.

Motion to continue the public hearing for the 648-652 Old West Central Street until May 12, 2014 at 7:45 PM. Halligan. Second: Ballarino. Vote: 5-0-0

8:15 PM **PUBLIC HEARING** – *Continued*
14 Ruggles Street
Site Plan and Special Permit

Documents Presented to the Board:

1. *Letter dated April 24, 2014 from the DPW to the Board*
2. *Letter dated March 24, 2014 from the Fire Department to the Board*
3. *Letter dated March 26, 2014 from Ms. Christine Symmes to the Board*
4. *Letter dated March 18, 2014 from the Board of Health to the Board*
5. *Letter dated March 5, 2014 from the DPCD to the Board*
6. *Letter dated March 5, 2014 from the Building Department to the Board*
7. *Letter dated March 4, 2014 from GZA Environmental, Inc. to the Board*
8. *Email dated March 5, 2014 from Tia Ristaino-Siegel to the Board*
9. *Letter dated February 24, 2014 from the Fire Department to the Board*
10. *Design Review Commission record decision dated February 25, 2014*
11. *Design Review Commission approved drawing sheets and product cut sheets*
12. *General list of Permits and Comment from the Applicant received February 6, 2014*
13. *Application of a Site Plan and Special Permits (s) received February 6, 2014*
14. *Request for Special Permit Application from the Applicant received February 6, 2014*
15. *Certificate of Ownership received February 6, 2014*
16. *Quitclaim Deed fro 14 Ruggles Street received February 6, 2014*
17. *Form Q – Design Review Application received February 6, 2014*
18. *Application for a Special Permit received February 6, 2014*
19. *Abutters List Request Form*
20. *Abutter's List*
21. *Legal Ad*
22. *Public Hearing Notice*
23. *Drawing entitled "Grading, Utility, & Landscaping, Site Plan 14 Ruggles Street" dated November 12, 2013 through February 22, 2014 by Guerriere & Halnon, Inc.*

Mr. Don Neilsen of Guerriere & Halnon, Inc., Engineer for the Applicant and Mr. Dana Franco, Applicant, introduced themselves.

Mr. Neilsen stated that notes were added to the submitted plan which requires discussion. Included are that a 4" sprinkler line will be shown on the plan and they have increased the drainage basin size, which added impervious pavement. A discussion was had regarding the existing drainage lines leaving the site and how to mitigate water from the site. Mr. Maglio stated that they do not know if repairs will be required for the existing system, as it is old. Mr. Neilsen stated he has opened up the drainage structures and provided the information as to what he found to Mr. Maglio. Mr. Maglio added that there are no easements for drainage and the condition of the pipes are unknown. Mr. Neilsen stated that he needs direction on what to do solve this problem.

Mr. Neilsen stated that they are proposing a fire escape ladder for the 3rd floor; however this has not been discussed with the Fire Chief. He added that the Chief had asked that the pavement is extended closer to building. Mr. Neilsen stated that a 6'-0" high fence will be installed along the northerly side of the Symmes property and that vegetation would have to be trimmed to accommodate site distance.

Mr. Neilsen stated that in order to move ahead, he requires direction from Mr. Maglio and the Fire Chief. Chairman Padula stated that there is a letter from the Chief dated March 24, 2014. Mr. Neilsen stated that he has spoken with the Chief since then but is awaiting further comments. Mr. Nutting stated that the Fire Chief is concerned with the safety of the site and further discussion is required with him regarding the proposal and changes.

Ms. Dahlstrom stated that Applicant has an outstanding invoice to GZA Environmental, Inc. in the amount of \$2,800.00. She recommends that no further public hearings are held until this is paid. The Applicant stated that they would pay the invoice tonight.

Motion to continue the public hearing for 14 Ruggles Street until May 12, 2014 at 8:00 PM. Ballarino. Second: David. Vote: 5-0-0

8:30 PM **PUBLIC HEARING** – *Initial*
Zoning Bylaw Amendment 14-733
 Changes to 185-5 Zoning Map – Alpine Row Area

Documents Presented to the Board:

1. *Zoning Bylaw Amendment 14-733 Changes to 185-5 Zoning Map – Alpine Row Area – Summary*
2. *Zoning Bylaw Amendment 14-733 Changes to 185-5 Zoning Map – Alpine Row Area – Zoning Map*
3. *Public Hearing Notice*

Mr. Nutting stated that part the property is in the right of way for the railroad and right of way of the MBTA. The changes come from a Town workshop and based on the master plan. Mr. Tim Harvey of 102 Alpine Place questioned the location of the properties. Mr. Nutting showed him on the map.

Mr. Joe Halligan recused himself from the meeting.

Ms. Jennifer Marcus of 27 Alpine Row stated that she was concerned with the use changes and what the thought process was for changing the use. Mr. Nutting stated that currently there is no parking, no setbacks, 3 stories are permitted by right, 5 stories are permitted by special permit, and commercial can be located on the 1st floor with mixed use on the 2nd. With the new use, there will be parking, set backs, 3 stories are permitted by right, and it's more restrictive. Ms. Marcus asked if it will affect traffic. Mr. Nutting stated that someone would have to have to develop a lot with a minimum of 5,000 square feet and go before the Board. Chairman Padula stated that it will be a good thing. Mr. Nutting stated that it will be less dense and more restrictive.

Motion to recommend Zoning Bylaw Amendment 14-733 Changes to 185-5 Zoning Map – Alpine Row Area to Town Council. Ballarino. Second: Carroll. Vote: 4-0-0

8:45 PM **PUBLIC HEARING** – *Initial*
Zoning Bylaw Amendment 14-734
Changes to 185-5 Zoning Map – Josephine Street

Documents Presented to the Board:

- 4. Zoning Bylaw Amendment 14-734 Changes to 185-5 Zoning Map – Josephine Street – Summary*
- 5. Zoning Bylaw Amendment 14-734 Changes to 185-5 Zoning Map – Josephine Street – Zoning Map*
- 6. Public Hearing Notice*

Motion to waive the reading. Carroll. Second: Ballarino. 4-0-0

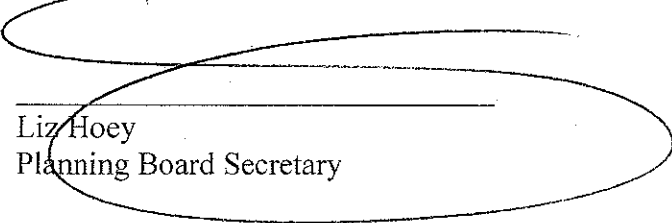
Mr. Nutting stated that part of the railroad right of way. The land would now all be zoned residential IV. He added that Franklin owns four (4) lots and there are two (2) existing houses, which would now be properly zoned. The Town land is wetland and undevelopable.

Mr. Tim Harvey of 102 Alpine Place asked if the Town owned the right of way. Mr. Nutting clarified. Mr. Harvey asked if the rezoning was for the Town of Franklin. Chairman Padula stated that no, it was to clean up the map because they don't want any industrial to be built in this area.

Motion to recommend Zoning Bylaw Amendment 14-734 Changes to 185-5 Zoning Map – Josephine Street to Town Council. Ballarino. Second: Carroll. Vote: 4-0-0

Motion made to adjourn. Carroll. Second: David. Vote: 5-0-0

Respectfully Submitted,



Liz Hoey
Planning Board Secretary