

## Town of Franklin



## Planning Board

August 18, 2014

**Meeting Minutes**

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 Wierling, Town Planner, Mike Maglio, Town Engineer, and Philip Paradis, BETA Group, Inc.

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

**7:00 PM Commencement/General Business****A. Approval of Meeting Minutes: July 21, 2014**

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for July 16, 2014. There was no comment from the Board.

*Motion to approve the Meeting Minutes for July 21, 2014. David. Second: Carroll. Vote: 5-0-0*

**B. Limited Site Plan Modification: 900 Chestnut Street – Franklin Children's School**

Mr. Don Nielsen, Engineer at Guerriere & Halnon, Inc. and Mr. Scott Tuxbury, Applicant, introduced themselves. Mr. Nielsen stated that the Franklin Children's School met with him 6 (six) weeks ago for the purpose of playground changes with no impervious area increases. At that time, there was discussion between suppliers and the school. Mr. Nielsen spoke with building commissioner who directed him to prepare a site plan which represented the concept of the playground. This is provided to the Board for review and includes sketches and rendering specific of materials (i.e. mulch bed, berm) at the site.

Mr. Tuxbury stated that he is a Board member of the school who decided to change the playground for safety reasons through fundraising about a year ago. Their Board voted to move forward with the project last January. Timing was an issue due to the summer vacation and impact to the school. He stated that the playground manufacture encouraged him to speak with the Building Department about building permits. Mr. Tuxbury spoke with Mr. Brown and told him that they were not changing the landscaping, just equipment. Mr. Brown stated via email that he didn't believe that permit was required since it was only equipment changes. Following that email, Mr. Tuxbury noticed that the Contractor's RFP included \$1,800.00 for excavation. He

decided to contract with a local excavation company. Mr. Brown happened to drive by the site and noticed the dirt being moved. At this time, he thought a permit may be required and contacted Mr. Tuxbury. Mr. Tuxbury asked what could be done to satisfy the Town. Mr. Brown suggested that he hire an engineer and follow the steps for a building permit. The School then contracted with Guerriere & Halnon, Inc. At this time, the drainage was reviewed and a topographic map was generated to ensure that drainage was acceptable. Mr. Brown suggested that the transition from playground to parking lot was changed to grass and the School spent \$7,000 on landscaping. Mr. Tuxbury stated that they were advised to schedule a public hearing with the Board ensure no further issues.

Mr. Nielsen stated that the playground is in place and constructed. Chairman Padula stated that this is a problem. Mr. Nielsen stated that the school's need for quick turnaround accounted for the lapse in the review process. He added that there are minor changes to the site plan that is currently constructed. An as-built and Form H will be provided. Chairman Padula asked that handicap access and septic system location are added to the plan. Mr. Nielsen agreed.

Ms. Wierling stated that her comments were addressed. Mr. Ballarino asked that the equipment specifications are provided to Mr. Brown. Mr. Tuxbury stated that this would not be an issue.

Mr. Nielsen asked for an approval at this meeting and a future endorsement.

***Motion to approve the Limited Site Plan Modification entitled "Playground Area – 900 Chestnut Street" dated July 7, 2014 and revised through August 19, 2014 by Guerriere & Halnon, Inc.. Ballarino. Second: Carroll. Vote: 5-0-0***

**7:15 PM      PUBLIC HEARING – Initial**  
**Southern Acres**  
 Grace Lane  
 Recognition of Street Acceptance and Certificate of Compliance

*Documents presented to the Board:*

1. Letter dated August 13, 2014 from GZA GeoEnvironmental, Inc. to the Planning Board
2. Public Hearing Notice
3. Legal Ad
4. Plan entitled "Street Acceptance Plan Grace Lane (Southern Acres)" dated November 25, 2013 and revised through February 18, 2014 by Guerriere & Halnon, Inc. of Franklin, MA
5. Plan entitled "As-Built Grace Lane (Southern Acres)" dated November 25, 2013 and revised through February 18, 2014 by Guerriere & Halnon, Inc. of Franklin, MA

***Motion to waive the reading. Ballarino. Second: Carroll. Vote: 5-0-0***

Chairman Padula read a letter from GZA Environmental, Inc. dated August 13, 2014 which stated that the work was completed according to the plan and GZA has no objection the release of the bond for completion of the subdivision work.

*Motion to accept the completion for the Subdivision known as Southern Acres and to release the bond in the Amount of \$16,445.00. Ballarino. Second: Carroll. Vote: 5-0-0*

*Motion to recommend street Acceptance for Grace Lane for the Subdivision known as Southern Acres to the Town Council. Halligan. Second: Carroll. Vote: 5-0-0*

**7:20 PM**      **PUBLIC HEARING** – Initial

**Mine Brook Place**

Nina Lane

Recognition of Street Acceptance and Certificate of Compliance

*Documents presented to the Board:*

1. *Public Hearing Notice*
2. *Legal Ad*
3. *Plan entitled "Acceptance Plan for Nina Lane" dated April 4, 2014 and revised through June 18, 2014 by Colonial Engineer*

Mr. Maglio stated that upon inspection, all work is complete and the DPW recommends bond release. He clarified the location of the subdivision and when it was approved. He added that the water line work on Beech Street is complete.

*Motion to accept the completion for the Subdivision known as Mine Brook Place and authorize the Applicant to terminate the Performance Bond being held as surety for the completion of the subdivision. Halligan. Second: Carroll. Vote: 5-0-0*

*Motion to recommend street Acceptance for Nina Lane for the Subdivision known as Mine Brook Place to the Town Council. Halligan. Second: Carroll. Vote: 5-0-0*

*Motion for an 8 minute recess. Halligan. Second: Carroll. Vote: 5-0-0*

**7:30 PM**      **PUBLIC HEARING** – Initial

**Winter Garden Estates**

Preliminary Subdivision

84 Jordan Road

*Documents presented to the Board:*

1. *Letter dated August 12, 2014 from the DPCD to the Planning Board*
2. *Letter dated August 14, 2014 from the DPW to the Planning Board*
3. *Form B – Application for Approval of a Preliminary Plan received July 28, 2014*
4. *Certificate of Ownership received July 28, 2014*
5. *Irrevocable Trust received July 28, 2014*
6. *Abutter's List Request Form received July 28, 2014*
7. *Certified Abutter's List received July 28, 2014*
8. *Public Hearing Notice*
9. *Legal Ad*
10. *Plan set entitled "Winter Garden Estates – A preliminary Subdivision" dated July 16, 2014 by United Consultants, Inc. of Wrentham, MA*

*Motion to waive the reading. Ballarino. Second: Carroll. Vote: 5-0-0*

*Mr. Halligan recused himself.*

Mr. Rick Goodreau of United Consultants, Inc., introduced himself and the Applicants, Mr. Tony Accaro and Mr. Joseph Venturoso. He described the project location. He stated that the roadway is less than 600 feet long with five (5) building lots and frontage off Jordan Road. The storm drainage system is located on a separate lot. He is requesting a waiver for the lot asking for less than the required frontage. Also, a water main will be installed within the roadway. He added that another waiver request was submitted pending the outcome of the water map amendment with Town Council. He added that another waiver for finished floor elevations heights was submitted in order to promote dialogue regarding Town well requirements and finished floor elevations over 390'. Mr. Goodreau stated that the DPCD provided a review letter and will review the waiver requests if the Board would like to hear them. He also received a letter from the Town Engineer outlining items for a definitive plan.

Mr. Maglio stated that the homes will require septic systems and water lines through the Town Council. Also, the 100' buffer zone from the existing wetland may warrant a review from the conservation commission.

Ms. Wierling suggested that the Board address concerns with the waivers now, and that if they don't agree with them, they shouldn't approve the preliminary plan at this time.

Chairman Padula reviewed the waivers. He does not have issue with the stormwater components located on a separate lot. The next waiver is to allow fill in excess greater than 5 feet. Mr. Goodreau stated the fill would vary 7'-8' in the cul-de-sac area. Chairman Padula stated that the reduction in cover over drain pipe would require class V pipe. They discussed installing a double catch basin and one drain manhole at the cul-de-sac. Mr. Maglio stated that this is acceptable pending a full review of the drainage analysis. Chairman Padula stated that historically there is no issue to constrict one sidewalk as long as upright granite is used and cape cod berm is not acceptable.

Mr. Goodreau asked if the water map amendment does not pass, will wells be acceptable on each lot. The Applicant would prefer to install a water main and fire hydrant. Mr. Goodreau stated that ten (10) percolation tests were performed and witnessed by the Board of Health.

An abutter asked what the variance is for. Ms. Wierling and Chairman Padula explained the waiver process regarding drainage and the preliminary subdivision process.

Mr. Frank Fontana of 79 Jordan Road stated that there is town water on his site and fire hydrant is located across from their lot. Chairman Padula stated that the Town Council can grant them permission to utilize this line. The parties discussed the gas lines and it was decided there would be an outside conversation for this.

*Motion to approve the Preliminary Subdivision entitled "Winter Garden Estates – A Preliminary Subdivision" by United Consultants, Inc. dated July 16, 2014 and revised through August 19, 2014. Carroll. Second: Ballarino. Vote: 4-0-0*

**7:45 PM**      **PUBLIC HEARING** – *Continued*  
**Planet Chrysler Jeep Dodge**  
 400 & 406 East Central Street  
 Site plan

*Documents presented to the Board:*

1. Letter dated August 14, 2014 from the DPCD to the Planning Board
2. Letter dated August 14, 2014 from the DPW to the Planning Board
3. Letter dated August 14, 2014 from BETA Group, Inc. to the Planning Board
4. Letter dated August 5, 2014 from the Board of Health to the Planning Board
5. Letter dated August 12, 2014 from Guerriere & Halnon, Inc. to the Planning Board
6. Form P – Application for Approval of a Site Plan received June 10, 2014
7. Certificate of Ownership received June 10, 2014
8. Abutter's List Request Form received June 10, 2014
9. Certified Abutter's List received June 10, 2014
10. Public Hearing Notice
11. Legal Ad
12. Plan entitled "Truck Turning Path" dated August 13, 2014 by Guerriere & Halnon, Inc. of Franklin, MA
13. Plan set dated June 9, 2014 and revised through August 13, 2014 entitled "Site Plan Modification Planet Chrysler Jeep Dodge" by Guerriere & Halnon, Inc. of Franklin, MA
14. Stormwater report dated June 10, 2014 and revised through August 12, 2014 by Guerriere & Halnon, Inc. of Franklin, MA

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

Mr. Don Nielsen, Engineer at Guerriere & Halnon, Inc. introduced himself. He stated the project was reviewed by the Technical Review Committee in June for the 12,000 square foot parcel of land that will be developed for storage parking. At that meeting, it was discussed that the combination of the two (2) properties into one (1) lot would eliminate the need for a special permit. Also, additional treatment of stormwater management and drainage was discussed which does not meet present day requirements. He added that the Vortex systems will be utilized.

Mr. Nielsen stated the plan is to extend the existing site to add parking storage which includes razing an existing building and garage. The parking spaces would then be re-aligned for storage of 67 vehicles at 8 ½' x 18'. Landscaping and screening will also be performed. A number of trees will be removed for the benefit of all parties. Additional spaces are added to the front of the existing building for patrons. He added that a letter from the Fire Chief approves the locations of the parking spaces on the side of the building closest to Big Y.

There is a storage basin on site for recycled oil filters only and no oil. Removed oil remains in the building. Mr. Nielsen stated that metal and tires will be located in dumpsters. The trucking patterns for a 63' car carrier were performed and can be accommodated by pulling in, not backing in. Further information is required by the Applicant for other carrier options. Mr. Nielsen further discussed the drainage, parking, striping, islands, lighting and landscaping as shown on the plan set. In discussion with Design Review, they have requested a larger tree

along the roadway, which are provided. Lighting plan will add two light poles with some spillage onto the sidewalk.

Chairman Padula stated that he does not agree with the existing conditions plan provided and would like to see what was originally approved. He does not believe that the parking is grandfathered. There were 146 spaces approved previously. Mr. Nielsen discussed the drainage that was installed in 1986, which comprises two systems. Chairman Padula does not agree with the modified cape cod berm within 10' of the roadway. It should be reinforced concrete or granite.

Mr. Maglio stated that he would like additional spot grades on the plan set and sizing of the storm water treatment system. Also, he would like further information on the oil filter storage container.

Ms. Wierling stated that existing parking spaces should be relocated away from the street and re-striping is required. The location was discussed due to concern of close proximity to the sidewalk. It was decided that further review is required.

Mr. Philip Paradis, Engineer at BETA Group, Inc., was asked by the town to review the project. He indicated a few issues primarily related to the impact to abutters, most notably to the adjacent house at 414 East Central Street.

Mr. Paradis indicated that the impact of this expansion may adversely impact this adjacent parcel. The trees to be cut down are adjacent to the home owner's garage which is next to a pool and playground area. Mr. Nielsen noted that the trees are adjacent to that property line. Mr. Nielsen stated that the garage on the adjacent lot is close to the property line and plans for a 6' fence that will run length of abutting property line. Mr. Nielsen points out that due to the fence being put in at the same level as the parking lot, approximately 2'-4' will be added, putting the fencing at approximately 8-10' high abutting that residential property. Lighting has been put into the middle of the expansion. With regard to the trees, Mr. Nielsen noted that it was at the request of the adjacent landowners to remove the trees; therefore, it being agreeable to both parties to remove the trees.

Mr. Paradis indicated he had received the modified plan addressing many of the major issues. But, he mentioned that the idea is how the existing lot should be brought up to current standards. The modified plan adds many spaces to the sight. Although the fire lane is not an issue with the Fire Department, the truck turning area in the new plan needs review and more detail, as does the new retaining wall on the east side. Mr. Nielsen indicated he did not have issue with any of these concerns at this time.

***Motion to open Public Hearing of Mount View Farms and continue it at the conclusion of the Public Hearing for Planet Chrysler Jeep Dodge. Ballarino. Second: Carroll. Vote: 4-0-0.***

Mr. Nielsen raised additional discussion points. He was concerned with narrowing of the entrance to the site. He mentioned that the width was reviewed by MassDOT a few years ago when they reconstructed the entire stretch of road for Big Y. He would prefer to leave the entrance as is. Mr. Paradis indicated that keeping access to what is required is preferable.

Chairman Padula stated that there does not seem to be a downfall to having a wider entry way. Mr. Paradis indicated that there are many wide driveways throughout this area, so this is not a unique situation.

Another point of concern was the storage of the liquid oil in an outside container. Mr. Nielsen said he will provide information to board and BETA group. Chairman Padula stated that if he oil filters are draining in any way, a concrete container system must be in place. Mr. Nielsen said he would check and confirm the type of the containment.

Mr. Paradis indicated that the current lighting plan shows only what is being installed, and there is currently a significantly high existing lighting system in place with spotlights off the utility poles. Mr. Padula indicated lighting will need to be further reviewed as once trees are removed, there may be lighting that will spill onto the adjacent property. Mr. Carroll questioned whether the lights are on continuously or will they be put on a timer to shut off. Mr. Nielsen will find out if they will be turned off or dimmed which could help the lighting spillage problem. Mr. Nielsen said he will verify the condition and talk with the neighbor as well.

Ms. Wierling noted to the board that Mr. David will not be present at the next planning board meeting. She wanted to alert the applicant that if Mr. Halligan recuses himself, there will only be three board members available to vote.

*Motion to grant request for continuance for Planet Chrysler Jeep Dodge until September 22, 2014 at 7:15pm. Carroll. Second: Ballarino. Vote: 4-0-0.*

**8:00 PM**      **PUBLIC HEARING** – *Continued*  
**Mount View Farms**  
 880 Upper Union Street  
 Subdivision Modification

*Documents presented to the Board:*

1. Letter dated August 14, 2014 from the DPW to the Planning Board
2. Letter dated August 14, 2014 from the DPCD to the Planning Board
3. Letter dated August 5, 2014 from the Board of Health to the Planning Board
4. Letter dated August 12, 2014 from Mr. Bruce Wilson to the Planning Board
5. Form C-1 – Application for Approval of Modification Plan received April 22, 2014
6. Certificate of Ownership received April 22, 2014
7. Abutter's List Request Form received April 22, 2014
8. Certified Abutter's List received April 22, 2014
9. Public Hearing Notice
10. Legal Ad
11. Plan set dated April 2, 2014 and revised through August 12, 2014 entitled "Mount View Farms" by Frank O. Waterman of Blackstone, MA
12. Stormwater report dated July 21, 2014 and revised through August 12, 2014 by Boardman Engineering of Swansea, MA

*Mr. Halligan re-entered the public meeting.*

Mr. Bruce Wilson, Principal Engineer from Frank Waterman and Associates, Inc., introduces himself and Mr. John Marguerite, Applicant. Mr. Wilson said he has met with the Town Engineer in the past and there were a few minor changes based on the last submission. Mr. Wilson and the Town Engineer met again this morning and there were additional minor changes discussed. Mr. Wilson said he will provide these new submissions tomorrow, and indicated that these were minor changes at best. He said notes were added to the plan and the adjusted drainage report based on the Town Engineer's comments. Mr. Wilson they said have addressed concerns based on the storm water on the lot and the soil that shows it meets intent. Mr. Wilson noted that the soil will probably have to be cleaned-up to bring it back to proper working order, and client, Mr. Marguerite, is willing to do that. They would like to meet on site with the Town Engineer to address anything needing to be cleaned up.

Mr. Padula asked if the roadway will be finished. Mr. Wilson responded that it would be.

Town Engineer, Mike Maglio, said he met with Mr. Wilson this morning to review comments, and he has one outstanding comment regarding the existing stone channel. Excavation will be needed as it must be verified that there is still enough void space left or it needs to be reconstructed prior to, or as part of, this project. As well, there has been a note added about a long-term maintenance plan for this stone channel. If it stops working or becomes silted-up the future owners will be required to reconstruct it.

Mr. Padula indicated that a new private way covenant is needed and asked Mr. Maglio if he would like it done before approval or before endorsement. Mr. Maglio stated before endorsement. Mr. Marguerite indicated he did not have issue with that condition.

Mr. Wilson stated that that most likely it would have to be reconstructed and mentioned that there was silt buildup on the top and that it is not working properly. Mr. Marguerite indicated that it can work better, and it needs some attention.

Ms. Wierling said the applicant has addressed all of her comments. She also stated that Mr. Marguerite has submitted a request for withdrawal of the waiver to waive drainage calculations. Ms. Wierling stated the Board will need to vote to accept that waiver. She also stated that the applicant must correct a typographical error on the waiver request. Therefore, the document should be corrected to state a waiver request to allow the street to be classified as a private road with a paved surface width of 18', not 12'. She also noted that this change would be made before endorsement. Chairman Padula confirmed that this was waiver 300-10-A & B. Streets. Classifications & Location and Alignment.

Ms. Wierling also indicated that prior to endorsement the applicant will need to submit a Private Road Covenant to the Town Attorney for review, and a Home Owner's Association Document will have to be reconfigured to represent the request for two (2) lots.

#### **Motions to accept waivers:**

#### **1. §300-10-A & B. Streets. Classifications & Location and Alignment.**



To amend the 56' wide private way for 2 single-family lots. The road will be maintained by the applicant. Waiver requested to allow the street to be classified as a "Private Road". Waiver to be amended to 18' from the previously approved width of 12'. **Halligan. Second: Carroll. Vote: 5-0-0.**

**2. §300-10.H. Curbing.**

To install Cape Cod asphalt curbing on right side of roadway only. To construct left side of roadway without any curbing to accommodate open ditch drainage. **Halligan. Second: Carroll. Vote: 5-0-0.**

**3. §300-12.A. Water Supply**

To install a private well for the water supply to the new lot. Town Water is not currently available to this property. **Halligan. Second: Carroll. Vote: 5-0-0.**

**4. §300-13.A Sidewalks.**

To waive the construction of sidewalks. **Halligan. Second: Carroll. Vote: 5-0-0.**

**Other**

The applicant has submitted a request to withdraw the following waiver:

1. §300-11. To waive drainage calculations. **Ballarino. Second: Carroll. Vote: 5-0-0.**

Chairman Padula restates that a new private roadway covenant with maintenance schedule must be submitted before endorsement.

***Motion to approve. Halligan. Second: Ballarino. Vote: 5-0-0.***

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

Respectfully submitted,



Liz Hoey  
Planning Board Secretary

Judith Lizardi  
Recording Secretary