

Town of Franklin



Planning Board

August 4, 2014
Meeting Minutes

2014 SEP 23 PM 1:23
TOWN OF FRANKLIN
RECEIVED

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, Philip Paradis, BETA Group, Inc., Gus Brown, Building Commissioner, and Liz Hoey, Planning Board Secretary.

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

7:00 PM Commencement/General Business

A. Endorsement: Bogan Estates

Ms. Dahlstrom stated that the Planning Board approved the application for the definitive subdivision plan on June 2, 2014. She added that the Planning Board will need to vote to accept the Covenant submitted in place of a performance bond. As long as DPW and all other Departments, Commissions and Boards have no issues, DPCD recommends the Planning Board endorse the above referenced Subdivision Modification.

Motion to endorse the definitive subdivision plan entitled "Bogan Estates – Definitive Subdivision in Franklin, Massachusetts" dated April 8, 2014 and revised through June 4, 2014 by Guerriere & Halnon, Inc.. Carroll. Second: David. Vote 5-0-0

Motion accept the Covenant submitted in place of a performance bond. Carroll. Second: David. Vote 5-0-0

B. Request for Extension of Time: 485 East Central Street - Franklin Retirement Residence

Chairman Padula referenced a letter from the Applicant's counsel, Doherty, Ciechanowski, Dugan, & Cannon, P.C. dated July 25, 2014 which requested one (1) year extension to complete the project at 485 East Central Street. This plan was approved in April 2013 and the Applicant was unable to begin construction until 2104 due to the appeal of the use variance from the Zoning Board. Project completion is expected for March 2015.

Motion to grant a one (1) year extension to complete the project at - Franklin Retirement Residence. Halligan. Second: David. Vote: 5-0-0

C. Deliberation and Vote: Village at Cooks Farm

Chairman Padula asked if there was any discussion. Mr. Jeff Nutting stated the Town Council approved the water and sewer permit extension at their 2nd reading.

Chairman Padula stated that a special conditions of approval should include that; (1) a private road covenant shall be approved by Town Council prior to endorsement of plans; (2) a homeowner's association shall be established to provide maintenance of all roadway related infrastructure and utilities; (3) legal documents creating such homeowners' association shall be submitted to the Town for review and shall be determined to be acceptable prior to plans being endorsed by the Planning Board; (4) an 81-P plan combining the lots shall be filed with the Planning Board prior to endorsement. He added that it should also include that all stormwater management shall be in place prior to building permits and two (2) means of egress are maintained throughout all construction phases. Mr. Halligan stated that he believed the Applicant agreed to these prior. Chairman Padula added that the all means of egress will be maintained by developer, not the DPW, and the homeowner's association. Chairman Padula asked that the dwellings are built as designed and any change would warrant a special permit.

Mr. Halligan asked if each phase will have two (2) means of egress, as he doesn't want a false impression that everything will be complete. Chairman Padula stated yes, each phase should have two (2) means of egress for safety. Mr. Don Neilsen stated that a portion of Phase 3 utilizes a looping road so there will be one (1) means of egress. Chairman Padula asked how far off the street it would be. Mr. Neilsen stated 800 feet, but it is a loop. Chairman Padula stated that is acceptable since someone could enter either way. Attorney Cerel suggested that the special condition apply to Phases 1 and 2 only.

Mr. Halligan asked if the Board agreed that the dwellings are built as designed and any change would warrant a special permit. This would be a condition of approval.

Mr. Neilsen asked for Chairman Padula to repeat the special conditions requested. Chairman Padula stated that all stormwater management shall be in place prior to building permits, two (2) means of egress are maintained throughout phases 1 and 2, all means of egress will be maintained by developer and that the dwellings are built as designed and any change would warrant a special permit.

Mr. Halligan asked to clarify the changes to the building condition. For example, what would happen if a porch was changed? Chairman Padula stated that he was speaking in reference to the value of the house itself changing.

Mr. Halligan stated that they will be similar to the ones attached to the site plan. Chairman Padula stated that the proposed value of houses is \$550,000 and doesn't want to see \$300,000 homes.

Mr. Roux stated that there are ten (10) styles submitted. Mr. Nutting stated that the intent is to build what is shown. He suggested a percent reduction in size variable in order to return to the Board, for example; a minimum change of 2,000 square feet. Chairman Padula stated that he is not concerned with the size. Mr. Nutting stated that value can't be capped, as there is no legal basis and they can't control real estate market. Mr. Cerel stated substantially as shown and value is legally questionable. He suggested that the developer construct substantially what is shown with minimum footprints proposed. Mr. Halligan asked how to enforce this with the building

inspector. Chairman Padula stated that he is concerned about the architectural feeling, not size. Mr. Cerel stated that the Board should reference what is presented to the Board that is in the record. Chairman Padula asked if he could reference the ten (10) renderings. Mr. Roux stated that he would like to be able to change renderings for other projects. Mr. Cerel stated that the generally, condominium project restricts developers. Mr. Halligan asked if there could be covenants per phase and Mr. Cerel stated that this is unlikely. Mr. Halligan suggested a less than 20% renovation variable. Mr. Cerel stated that size and physical appearance could be held. He added that the lack of communication is usually the issue with construction changes but all parties are all in the room tonight. Ms. Dahlstrom noted that two (2) sets of renderings were submitted Plan set #1 and #2 which are attached to the site plan and are part of the special permit. There are a total of ten (10) house styles.

Motion to open the public hearing for Mount View Farms and continue it at the conclusion of the public hearing for the Village at Cooks Farm. Halligan. Second: Ballarino. Vote: 5-0-0

Mr. Nutting asked for clarification regarding Chairman Padula’s special condition for all stormwater management to be in place prior to building permits. Chairman Padula stated that it was just a request. Mr. Cerel stated that the stormwater management by-law will cover his concerns pre, during, and post construction. Earlier subdivisions did not include this by-law.

Based upon the applicant’s responses to the special permit findings, their detail application, including the site plan and supporting documentation and information presented by Town staff and abutters, the Planning Board adopted this information to support its findings that:

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

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

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

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

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

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

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

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

- (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.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

- (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.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

- (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.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

Based upon the information submitted during the public hearings, Planning Board's specific findings, the Planning Board specifically determines that allowing the Use – Multiple, Single-Family Dwelling Units in the Residential VII Zoning District at 636-664 East Central Street and a portion of 672 East Central Street (Franklin Tax Assessor's Map 299, Lot 001, Map 300, Lot 003, Map 284, Lot 025, 026, 027 & 028 and Map 300, Lot 002) 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.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
John Carroll	YES	William David	YES
Gregory Ballarino	YES		

The following special conditions of approval were read:

1. A private Road Covenant shall be approved by Town Council prior to the endorsement of plans.
2. A homeowner's association shall be established to provide maintenance of all roadway related infrastructure and utilities. Legal documents creating such homeowners' association shall be submitted to the Town for review and shall be determined to be acceptable prior to plans being endorsed by the Planning Board (per Chapter 185-50.2.G.(1) & (2))
3. An 81-P plan combining lots shall be filed with the Planning Board prior to endorsement.
4. Two means of egress shall be maintained at all times during the construction of Phase I and Phase II.

5. All means of egress shall be maintained by the developer pre- and post-homeowner's association and shall not be the responsibility of the Department of Public Works at any time.
6. Dwellings shall be built in substantial conformance with Plan Set 1 & 2; "Village at Cook's Farm" renderings by MZO Group, dated June 5, 2014 included with "Site Plan for Village at Cook's Farm" dated March 10, 2014 and revised through endorsement prepared by Guerriere & Halnon, Inc.
7. The applicant agreed to the condition that stormwater management be completed in each phase prior to the issuance of building occupancy permits.

Motion to approve the ten (10) standard and seven (7) special conditions of approval. Halligan. Second: Carroll. Vote: 5-0-0

Motion to open the for Planet Chrysler Jeep Dodge and continue it until the conclusion of Mount View Farms. (No Vote)

Mr. Don Neilsen requested that the public hearing is continued.

Motion to continue the public hearing for Planet Chrysler Jeep Dodge until August 18, 2014 at 7:45PM. Halligan. Second: Carroll. Vote: 5-0-0

7:15 PM PUBLIC HEARING – Continued
Mount View Farms
 880 Upper Union Street
 Subdivision Modification

Documents Presented to the Board:

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

Ms. Wierling stated that the Applicant will have to withdraw the waiver request for the elimination of drainage calculations, as the plan to submit the calculations. Also, the Applicant intends to provide underground utilities. She asked that page 5 of 5 is removed from the plan set which refers the previous approvals. Also, prior to endorsement, the Applicant will need to submit P Road Covenant and Home Owner's Association Documents. She reviewed the waiver requests as follows; (1) 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 allow a paved surface width of 18’ from the previously approved width of 12’; (2) 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; (3) To install a private well for the water supply to the new lot. Town Water is not currently available to this property; (4) To waive the construction of sidewalks.

Mr. Maglio stated the DPW has met with the Applicant and additional drainage materials will be provided based on their conversation. Also, he asked that they provide a turn around area, snow storage, and that the infrastructure remains private. The drainage will work with the additional requested materials and further research. It was clarified that the Town storm water by-law triggers the MA DEP stormwater regulations for this site.

Motion to continue the public hearing for Mount View Farms until August 18, 2014 at 8:00PM. Halligan. Second: Carroll. Vote: 5-0-0

The Applicant will provide an extension request if required.

D. Approval of Meeting Minutes: July 15, 2014 – Special Meeting

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for July 15, 2014. There was no comment from the Board.

Motion to accept the meeting minutes dated July 15, 2014. Halligan. Second: Carroll. Vote: 5-0-0

Motion for a five (5) minute recess. Ballarino. Second: Carroll. Vote: 5-0-0

7:30 PM **PUBLIC HEARING** – *Continued*
Planet Chrysler Jeep Dodge
 400 & 406 East Central Street
 Site plan

Applicant requested continuance until August 18, 2014 meeting.

7: 45 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)

Documents Presented to the Board:

- 1. Letter dated July 30, 2014 from the DPCD to the Board*
- 2. Letter dated July 18, 2014 from GZA Environmental, Inc. to the Board*
- 3. Letter dated April 1, 2014 from the Police Department to the Board*
- 4. Letter dated June 6, 2014 from the Board of Health to the Board*
- 5. Letter dated June 2, 2014 from the DPW to the Board*

6. *Letter dated February 28, 2014 from the Fire Department to the Board*
7. *Memorandum dated May 12, 2014 from Kim Hazarvartian of TEPP LLC in Salem, NH to the Board*
8. *Memorandum dated July 25, 2014 from Kim Hazarvartian of TEPP LLC in Salem, NH to the Board*
9. *Zoning Board of Appeals Decision #1 Notice received May 28, 2014 to Deborah Pellegrini, Town Clerk*
10. *Zoning Board of Appeals Decision #2 Notice received May 28, 2014 to Deborah Pellegrini, Town Clerk*
11. *Design Review Decision April 22, 2014*
12. *Supplement to the Design Review Decision April 22, 2014*
13. *Design Review Decision March 25, 2014*
14. *Email dated July 21, 2014 from Mr. Ron Mueller to the Ms. Dahlstrom*
15. *Letter dated July 16, 2014 from Terracon to Mr. Gregg Lisciotti*
16. *Letter dated July 2, 2014 from Bohler Engineering to the Board*
17. *Email dated June 26, 2014 from Terracon to Mr. Austin Turner of Bohler Engineering*
18. *Saturday Parking Demand schedule by Ron Mueller & Associates received May 7, 2014*
19. *Weekday Parking Demand schedule by Ron Mueller & Associates received May 7, 2014*
20. *Saturday Parking Demand schedule by Ron Mueller & Associates received July 3, 2014*
21. *Letter #1 dated April 3, 2014 from Bohler Engineering to the Board*
22. *Letter #2 dated April 3, 2014 from Bohler Engineering to the Board*
23. *Letter #1 dated May 7, 2014 from Mr. Austin Turner of Bohler Engineering to the Board*
24. *Letter #2 dated May 7, 2014 from Mr. Austin Turner of Bohler Engineering to the Board*
25. *Letter dated April 24, 2014 from Ron Mueller & Associates to Mr. Jonathan Gulliver of MassDOT District 3*
26. *Letter dated May 27, 2014 from Mr. Austin Turner of Bohler Engineering to the Board*
27. *Letter dated May 27, 2014 from Terracon to Bohler Engineering*
28. *Memorandum in Support of and Application for Special Permit (Allowance of a Vehicle Service Establishment) received May 28, 2014*
29. *Letter dated May 21, 2014 from Ron Mueller & Associates to the Board*
30. *Letter dated March 19, 2014 from Charles Burkert of Cedar Realty Trust and its subsidiary, CSC Franklin Village LP to the Board*
31. *Letter dated March 13, 2014 from Antonio Pinto of Pinto Realty Estate to the Board*
32. *Letter dated May 23, 2014 from Mr. Clifford Trautman to the Board*
33. *Email date August 1, 2014 from Ms. Anne Jordan to the Board*

34. *Custom Soil Report dated March 10, 2014 by the USDA*
35. *Application for a Site Plan and Special Permits (2) received February 20, 2014*
36. *Memorandum in Support of and Application for Special Permit (Allowance of Impervious Coverage) received February 25, 2014*
37. *Memorandum in Support of and Application for Special Permit (Allowance of a Vehicle Service Establishment) received February 20, 2014*
38. *Certification of Ownership received February 20, 2014 (2 total)*
39. *Quitclaim Deed received February 20, 2014 (2 total)*
40. *Unofficial Property Records received February 20, 2014 (3 total)*
41. *Abutter's List Request Form received February 20, 2014*
42. *Abutters List*
43. *Public Hearing Notice*
44. *Legal Ad*
45. *MEPA ENF*
46. *Letter dated March 25, 2014 to Mr. Jonathan Gulliver of MassDOT from Ms. Anne Jordan on behalf of the Old West Central Street Residents*
47. *Drawing Set entitled "Site Development Plans for Lisciotti Development 648 Old West Central Street" dated February 17, 2014 and revised through July 30, 2014 by Bohler Engineering of Southborough, MA*
48. *Traffic Impact and Access Study dated February 12, 2014 by Ron Mueller & Associates*
49. *Drainage Report dated February 20, 2014 and revised through July 1, 2014 by Bohler Engineering*

Mr. Richard Cornetta, Jr. of Cornetta, Ficco, & Simmler, P.C. introduced himself as the Applicant's representative and Mr. Greg Lisciotti as Principal of Franklin Retail, LLC and the Applicant for the project. He also introduced Mr. Matt Smith and Mr. Austin Turner of Bohler Engineering, project engineers, and Mr. Ron Mueller of Ron Mueller & Associates, project traffic engineer. Mr. Cornetta stated that traffic patterns and spaces were discussed at the last meeting. He referenced the letter from TEPP LLC which stated that they concur with Mr. Mueller's statements that the fifty (50) spaces are sufficient, as are the forty-five (45) spaces if five (5) are used for snow storage.

Ms. Wierling stated that she provided suggested standard and special conditions for approval which include the Zoning Board of Appeal's decision. She recommended that the special findings are read into the record prior to the hearing closure. She added that the Board should discuss hours of operation for the VSE and delivery hours. Special conditions such as add a detail showing the dumpster pad, a detail of the 6' white vinyl fence and 81-P plan will need to be filed to combine lots into one (1) parcel.

Mr. Maglio stated that the drainage issues have been addressed. Outstanding comments include loading hours, the retaining wall and snow storage. Chairman Padula asked if the snow storage issue was resolved. Ms. Wierling stated that the updated plan show that five (5) parking spaces

will be utilized for storing and will require a waiver from the Board for the additional reduction in parking. These spaces can still be utilized for parking outside of the winter months. Ms. Wierling clarified that there are 61 spaces require with a proposed amount of 50. She added that the Board will have to make a determination of lighting due to the glare onto the roadways and sidewalks. It was clarified that the lighting spillage is located at the intersection of the driveways and not private property. The lot will be lit by security lighting after hours.

Chairman Padula discussed hours of operation stating the Applicant requested similar hours to the existing Dunkin Donuts from 5:00am-11:00pm. Mr. Halligan stated that this is acceptable for drive-thru, but not trash trucks due to noise. Chairman Padula confirmed that the Town's construction hours are 7:00am-9:00am. Chairman Padula suggested loading hours to be the same. Mr. Ballarino doesn't believe these hours will be followed by the Vendors. Mr. Halligan agreed and stated that the enforcement could be made if not followed. The Applicant originally requested 6:30am but agreed to 7:00am-10:30am for deliveries hours. For the evening delivery hours, Chairman Padula suggested 6:30pm-9:00pm due to the residences. The Applicant requested the following drive-thru hours: Monday-Thursday 5:00am-9:00pm, Friday 5:00am-10:00pm, Saturday 6:00am-10:00pm, and Sunday 6:00am-9:00pm. Chairman Padula requested a 6:00am start time. Mr. Cornetta stated that the hours were requested by Starbucks. Chairman Padula and Mr. Cornetta discussed the existing Dunkin Donuts abutting residences and the hours. Mr. Cornetta stated that a state-of-the-art, automatic volume level speaker box will be installed which will adjust according to the noise level based on the time of day. This will never exceed the setting installed and the existing home is 120' away from the speaker box. He understands the concern but feels the sounds levels will be controlled. Chairman Padula agreed.

Chairman Padula asked if a fence is installed around the property to block sound and light. Mr. Cornetta stated yes. Mr. Cornetta stated that 7:00am-10:30am for deliveries hours was acceptable but requests 6:30pm-10:00pm. Chairman Padula stated that he prefers 9:00pm for the residences. Delivery frequencies were discussed. Mr. Halligan stated that 10:00pm was acceptable. Mr. Carroll agreed. Mr. Halligan is favorable the VSE hours described above. Chairman Padula asked if only box trucks would be used. He does not feel that a tractor trailer will be too big for the parking and loading area with a full parking lot. Mr. Cornetta stated that he understands the concern but during that last conversation, it was discussed that the large tractor trailers are being utilized by companies. Mr. Carroll agreed that the box trucks are preferable. Mr. Cornetta stated that it is unreasonable to ask the national chains to refrain from utilizing a box truck. Also, documentation does show that the site can accommodate a tractor trailer. Mr. Halligan understands the nature of the business and doesn't want this to be a make or break deal. He is concerned with hours of delivery. Mr. Cornetta stated it would be the hours discussed and would not be delivered during the busy hours, therefore spaces will be free. Chairman Padula stated that he doesn't like the idea tractor trailers on site and it's a problem all over Town. Mr. Halligan stated that the trailers would not back in on this site. Chairman Padula stated that the delivery location is where patrons will be parking and waiting from the drive-thru. Mr. Turner stated that that the location was chosen based on the store hours and the tractor trailer will not be the normal delivery which will be quick. Chairman Padula agreed but added there are multiple restaurants for deliveries. Mr. Halligan requested the other store hours. Mr. Cornetta replied that the Noodles hours are 11:00am – 10:00pm and the healthcare hours are 8:00am-8:00pm. The parties further discussed deliveries and store hours. It was stated that the condition to only have a box truck is untenable since they are national chains and would inhibit

negotiations. The box truck is the preferred method for the site. Mr. Nutting stated that as a customer, if there is no parking then he is leaving. Therefore, the burden is on the tenant and owner to make sure operations are running smoothly when it comes to delivery. He added that any vehicle should not inhibit the way of an emergency vehicle.

Chairman Padula and Mr. Cornetta agreed on delivery times of 7:00am-10:30am and 6:30pm – 10:00pm. They also agreed that the hours of operation for the drive through only are Monday-Thursday 5:00am-9:00pm, Friday 5:00am-10:00pm, Saturday 6:00am-10:00pm, and Sunday 6:00am-9:00pm. Chairman Padula added that any new tenant would warrant a return to the Board for hours of operation. Attorney Cornetta agreed that the loading and unloading would not impeded emergency vehicles.

Ms. Wierling stated that the Board had to discuss the waiver for the sidewalks on Old West Central Street. In past projects with sidewalk waivers, the Applicant has worked with the DPW to allot fund to install a sidewalk in another area of Town as compensation. Mr. Cornetta stated that the Applicant is in agreement. The parties discussed the sidewalk by-law. Also, Ms. Wierling reviewed the lighting by-law and the headlights onto the adjacent properties. The Engineer stated that they have met several property owners on this matter and discussed screening. Ms. Wierling asked if this could be added as a condition. Chairman Padula asked Mr. Cornetta if the Applicant agreed to speak with Mr. William Chouinard of 647 Old West Central Street and the Babbin's of 649 Old West Central Street. Mr. Lisciotti stated that he has spoken to Mr. Chouinard who spoke on behalf of the Babbin's. Mr. Lisciotti stated that he would be happy to provide fencing and landscaping to these two (2) property Owners. Mr. Cornetta stated that the specific have not worked out and there was talk about a cash alternative. He added that the property owners aren't present tonight. Chairman Padula stated he is not comfortable with a cash settlement and the condition should be screening only. Mr. Lisciotti stated that he spoke with building inspection regarding restrictions for fencing heights and locations which may inhibit the installation of a fence. There was discussion of the 4'-0" height restriction and setbacks and whether it would make a difference for the abutters based on typography. It was decided that the screening would have to meet the town by-law. Mr. Halligan stated that a monetary limit should be addressed. Mr. Cerel stated that it has to be part of the decision and can't be left to a third party. He added that that an agreed proposal should be presented and resolved prior to plan acceptance. Mr. Cerel discussed the by-law and how it addressed glare or nuisance on adjacent properties. He added that incidental doesn't have to be eliminated but needs to be below a hazard or nuisance, which is subjectively determined. Mr. Halligan asked if it include motor vehicle lights, which happens all over town. Mr. Cerel stated that it doesn't state that in the by-law. Mr. Cornetta stated that would be a problem at every site in Town. Chairman Padula asked what should be added as a special condition. Mr. Cornetta stated that the lights from the cars are not a hazard and the Applicant has attempted to aid those that may be affected most. He added that the abutters are not present tonight; therefore their concern level is low compared to the Board's. He asked that a condition is not placed in the decision, as it may pose a problem moving forward. Chairman Padula replied the drive-thru situation is different than others. He would like to see an agreement with the abutter's and would like to mention it in the decision. Mr. Cerel stated that it should be determined that the lights are not an issue or the Board needs to come up with remediation under the developer's control and subject to the Town's review. He added that legally, they can't delegate the third party. Chairman Padula stated that he doesn't want to hold up the project for documentation from third party. Mr. Halligan

asked if it becomes a hazard or nuisance after approval, can the Board call the Applicant back on the special permit. Mr. Cerel replied that the Abutter's have private rights of actions whether the nuisance is light, flooding, etc. The Board may have authority depending how decision is worded but he does not recommended this unless it's specific to light fixtures, not car headlights.

Chairman Padula reviewed the items discusses which included, that loading or unloading will not impeded emergency vehicles, the waiver of sidewalks, the waiver of (11) parking spaces, delivery times, and VSE hours. Mr. Halligan stated that the Abutter across the street from the property was present at the last meeting and stated that he was satisfied with the Developer's approach for the light issue. Therefore, Mr. Halligan will base his decision based on this statement from the Abutter. Chairman Padula asked if the screening property is located on the plan. Mr. Turner stated yes.

Ms. Wierling stated the Board will have to make at determination that lighting levels are acceptable. Also, the Board will have to indicate that the Applicant agreed to provide funding to the sidewalk fund or construct a sidewalk at a location to be determined. This has been done previously on other projects. Ms. Wierling added that there are conditions provided in her memo that should be addressed, which include the Zoning Board of Appeal decisions. It was determined that trash removal and delivery times would be concurrent. It was also determined that based on the special permit by-law, if Starbuck's moves out, the new VSE hours will be reviewed by the Board under a new special permit. This will be made a condition of the permit.

It was determined that the special permit criteria (a)-(g) did not have to be read into the record since the written submittal is a record document.

When asked, the public did not provide comment.

Motion to close the public hearing for 648-652 Old West Central Street. Halligan. Second: Carroll. Vote: 5-0-0.

Mr. Cornetta submitted a voluntary waiver withdrawal request for the impervious coverage to be filed with the Town Clerk.

Motion to accept the voluntary withdrawal of the special permit waiver request for impervious coverage reduction without prejudice. Carroll. Second: David. Vote: 5-0-0.

Motion to accept the waiver request for the requirements of §185-28; elimination of a sidewalk on Old West Central Street and allot funding for a new sidewalk in Town with the amount and location to be determined. Carroll. Second: David. Vote: 5-0-0.

Motion to accept waiver request for fifty (50) parking spaces to be provide where sixty-one (61) are required. Carroll. Second: David. Vote: 5-0-0.

Motion to allow the Applicant to utilize five (5) parking spaces for temporary seasonal snow storage as designated on the plan dated February 17, 2014 and revised through endorsement. Carroll. Second: David. Vote: 5-0-0.

Motion that a determination of the lighting levels as shown on the photometric plan dated February 17, 2014 and revised through endorsement are acceptable. Carroll. Second: David. Vote: 5-0-0.

Based upon the applicant's responses to the special permit findings, their detail application, including the site plan and supporting documentation and information presented by Town staff and abutters, the Planning Board adopted this information to support its findings that:

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

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

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

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

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

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

4. Neighborhood character and social structure will not be negatively impacted.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

5. 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.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

6. 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.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

7. 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.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
William David	YES	John Carroll	YES
Gregory Ballarino	YES		

Based upon the information submitted during the public hearings, Planning Board’s specific findings, the Planning Board specifically determines that allowing the Use – Vehicular Service Establishment at 648-650 Old West Central Street (Franklin Tax Assessor’s Map 271, Lots 030, 031 & 032) 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 subject to standard and special conditions of approval.

The following members of the Planning Board were present at the hearing and voted as follows:

Anthony Padula	YES	Joseph Halligan, Jr.	YES
John Carroll	YES	William David	YES
Gregory Ballarino	YES		

Chairman Padula stated that he standard conditions include items (1) – (10) within the record documents.

Chairman Padula stated that the special conditions include the following:

1. Conditions of the ZBA decisions, dated April 24, 2014 shall be incorporated:
 - The three (3) trees shown on the Plans along the northern boundary of the property along Old West Central Street, located west of the proposed curb cut shall be removed from the plans. No trees shall be planted in this area of the property.
 - The applicant, its successors and or assigns, shall promptly remove snow accumulation and shall maintain free from snow the top of retaining wall and the landscaped area located between the retaining wall and driveway along the western boundary line of the property as proposed by the applicant and shown on the plans, in order to maximize sight distance for egressing vehicles looking west along Old West Central Street.
2. Retaining wall design shall be submitted to the Town with documents filed in support of the Building Permit application.
3. All vegetation proximate to driveway entrances / exits shall be maintained at a height not to exceed 36” above the pavement surface elevation. Plantings and vegetation shall not obstruct motorist’s line of sight.
4. Prior to endorsement an 81-P plan shall be filed to combine lots into one parcel.
5. Prior to endorsement a detail showing the dumpster pad and 6’ white vinyl fence shall be shown on the plan.

- 6. The Planning Board made a determination that 50 parking spaces where 61 are required is sufficient and also voted to allow 5-parking spaces to utilize for snow storage during winter months.
- 7. Loading and unloading of delivery vehicles shall not impede safe passage of emergency vehicles at the site.
- 8. The Planning Board voted to waive the requirements of §185-28. Sidewalks. and the applicant agreed to provide funding to the sidewalk fund or construct a sidewalk at a location to be determined. The applicant agreed to work with the Department of Public works to determine the appropriate funds for sidewalk construction equivalent to what would have been required (length of sidewalk) for the approved project.
- 9. The Planning Board made a determination that the lighting levels as shown on the plan dated February 17, 2014 and revised through endorsement are acceptable.
- 10. The Special Permit for the Vehicular Service Establishment shall be for Starbucks only and any change to the use of the Vehicular Service Establishment shall require a new Special Permit from the Planning Board.
- 11. Hours of operation for the Vehicular Service Establishment shall be: Monday – Thursday: 5 AM to 9 PM, Friday: 5 AM to 10 PM, Saturday: 6 AM to 10 PM and Sunday: 6 AM to 9 PM.
- 12. Delivery and maintenance vehicles, as agreed by the applicant, to include trash pick-up shall be between the hours of 7 AM to 10:30 AM and 6:30 PM to 10:00 PM only.

Motion to accept the special and standard conditions as noted above. Vote: 5-0-0.

8:00 PM PUBLIC HEARING – Continued
Villages at Oak Hill
Limited Site Plan Modification & Special Permit

The applicant requested continuance until September 8, 2014.

Motion to accept the continuance for Villages at Oak Hill September 8, 2014 at 7:15pm. Carroll. Second: David. Vote: 5-0-0

Motion to go into executive session for Eastern Management and Development Vs. Franklin Planning Board - Pending Litigation for public decision, with prejudice, of the Town's position.

Anthony Padula	YES	Joseph Halligan, Jr.	YES
John Carroll	YES	William David	YES
Gregory Ballarino	YES		

Respectfully Submitted,



Liz Hoey
 Planning Board Secretary