

## Town of Franklin



## Planning Board

February 10, 2014  
Meeting Minutes

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TOWN OF FRANKLIN  
TOWN CLERK

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, and Liz Hoey, Planning Board Secretary.

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

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

There was no General Business on the agenda.

**7:15 PM PUBLIC HEARING – Initial  
Zoning Bylaw Amendment 14-728  
Washington Street Re-Zoning**

*Documents Presented:*

1. None

Ms. Dahlstrom stated that since zoning bylaw amendment 14-728 was not recommend to the Board by the Town Council at their last meeting, she recommends that Public Hearing is withdrawn. There is no certainly as to when the proposed amendment will be back on the Town Council's agenda.

***Motion to withdraw the Public Hearing for zoning bylaw amendment 14-728. Halligan. Second: Carroll. Vote: 5-0-0***

***Motion for a twenty (20) minute recess. Halligan. Second: Carroll Vote: 5-0-0***

**7:20 PM PUBLIC HEARING – Continued  
308 West Central Street  
Site Plan and Special Permit**

*Documents Presented:*

1. Letter dated February 4, 2014 from the DPW to the Board
2. Letter dated February 6, 2014 from the DPCD to the Board
3. Letter dated January 11, 2014 from David and Doris Foley of 280 West Central Street to the Board
4. Letter dated January 23, 2014 from Mr. Rick Kaplan of 380 West Central LLC to the Building Commissioner
5. Letter dated January 24, 2014 from the Building Commissioner to the Board

6. *DPCD Memorandum response from the Police Department to the Board*
7. *Public Hearing Notice*
8. *Application for Approval of A Site Plan and Special Permit*
9. *Certificate of Ownership*
10. *Abutters List*
11. *Addendum to the Special Permit dated January 27, 2014 from Attorney Hogan to the Board*
12. *Color photos of the existing building provided by the Applicants*
13. *Site Plan by United Consultants, Inc. of Wrentham, MA dated December 26, 2013 revised through January 4, 2014 and entitled "Limited Site Plan 308 West Central Street."*
14. *Letter dated February 1, 1983 from the Zoning Board of Appeals to the Building Commissioner outlining the special permit decision*
15. *Letter dated September 28, 1982 from the Zoning Board of Appeals to the Town Clerk outlining the special permit decision*
16. *Abutters List (1982)*
17. *Letter from the petitioner Robert LaRosa to the Zoning Board of Appeals dated August 9, 1982 requesting a special permit or variance*

Attorney Gary Hogan of Gilmore, Rees and Carlson as well as co-applicants, Bill Wright and Rick Kaplan of ReMax Executive Realty were present at the public hearing. Mr. Kaplan stated that both he and Mr. Wright would be buying the property, however Mr. Wright's offices would be located there.

Attorney Hogan gave a brief review of the Special Permit application indicating the Applicants were applying for a site plan and special permits under Section 185 of Town's Zoning Bylaw. Attorney Hogan indicated that currently the two-story office/ warehouse building houses an electrical supply storage company on the lower level of the building, indicating this permit was granted by the ZBA through a variance in the 1980's. Hogan further added that in the 1980's, the ZBA also granted a special permit for office use upstairs. Attorney Hogan stated that the intent is to convert the current electrical company storage space into office space (approximately 22% of the area). He added that there were three (3) concerns from the Board at the last meeting; parking layout, drainage effectiveness, and plan lighting.

Mr. Soucy, Engineer, presented the revised plan and stated that he met with the DPW regarding the site changes prior to the meeting. The new plan shows a 10'x10' dumpster pad with impervious brick pavers and a 6'-0" high chain link fence. Also, the parking layout now includes two (2) handicap spaces. The existing lighting will remain which includes two (2) flood lights at the front, two (2) on back, and one (1) residential style fixture on the side. Photos were provided to the Board illustrating the existing lights. Mr. Soucy stated that no additional lighting is proposed.

Chairman Padula stated that if this was a new project, he would request a light in parking lot for safety. He requested that the dumpster pavers are replaced with a concrete pad. Also, he stated that the screening shall include privacy slats or changed to a wood fence. The Engineer confirmed that that the parking lot will be restriped and the dumpster pad will be changed to poured concrete.

At the last hearing, there was significant discussion regarding the approved 1987 plan and why the current site is not constructed in accordance with that plan. Chairman Padula asked that DPCD and Engineering Department further review parking and drainage at the site. After significant discussion at the first public hearing regarding discrepancies between the current layout of the site and what was actually approved in 1987, the applicant proposed changes to the parking layout to accommodate a dumpster pad, screen the dumpster with appropriate fencing and bring the parking area compliant with handicap accessibility requirements. The Town Engineer reviewed the 1987 drainage and indicated while it does not meet present day regulations; the drainage at the site is installed as required by the 1987 plan and appears to be functioning properly. He also stated that the parking layout appears to be adequate but to ensure there is enough room at the garage door location in relation to the parking spaces. Mr. Soucy stated that the appropriate clearances will be made for all of the parking spaces.

The Applicant is not intending to complete any exterior changes to the site except elimination of the garage doors. Attorney Hogan also asked the Planning Board for a determination of parking indicating that 36 spaces are required under the proposed use with the reconfiguration of parking spaces, only 30 will be proposed. Ms. Dahlstrom requested that the dimensions of the parking spaces are shown on the plan. Mr. Soucy stated that that they are all designed to code. Mr. Soucy asked if a solid vinyl fence is acceptable for the dumpster. Chairman Padula stated yes.

Building Commissioner Brown indicated that the second floor does not have handicap access and indicated Mr. Rick Kaplan submit a letter that any tenant use changes would be submitted to the Building Commissioner for review to ensure accessibility is not an issue. Mr. Brown indicated this should be a condition of approval of the Special Permit.

Attorney Hogan submitted an addendum of waivers for the record; however it was withdrawn from the hearing.

***Motion to close the public hearing for a special permit at 308 West Central Street, Carroll. Second: David. Vote: 5-0-0***

A motion was made to approve the Special Permit; however it was realized that the procedure has to be a roll call vote.

***Chairman Padula read the following special permit criteria items and Clerk Carroll read the roll call vote. Mr. Ballarino recused himself. Mr. Rondeau's Alternate Vote was activated. The voting is as follows:***

(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 Rondeau	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 Rondeau	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 Rondeau	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 Rondeau	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 Rondeau	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 Rondeau	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 Rondeau	YES		

*Motion to approve with standard and special conditions, a Special Permit for Use – Professional Office (Residential IV Zoning District) at 308 West Central Street with the following conditions:*

1. Dumpster pad shall be shown as a concrete pad on the plan prior to endorsement.
2. The dumpster shall be screened with privacy screening, white vinyl or wood fence.
3. Change of use/tenants will require Building Commissioner notification prior to occupancy.
4. The Special Permit shall be constructed consistent with the approved site plan. A new Special Permit shall be required from the Planning Board if any significant change of use or significant change to the site plan is proposed as defined in §185-31.Site Plan Bylaw
5. Use shall be limited to limited to real estate/ professional office use.
6. The Planning Board determines that 30 parking spaces are sufficient where 36 spaces are required.

**Roll Call Vote:**

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

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

Respectfully Submitted,



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Liz Hoey  
Planning Board Secretary