

Town of Franklin



Planning Board

January 27, 2014
Meeting Minutes

2014 FEB 26 PM 1:05
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TOWN OF FRANKLIN

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: Bryan Taberner, Planning Director, 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. Limited Site Plan Modification: 147 Pond Street, Tri-County Vocational School

Chairman Padula stated that the applicant requested an extension until February 10, 2014.

B. Endorsement: 15 West Central Street – Black Box Theatre

Chairman Padula stated that the DPCD provided a letter dated January 22, 2014 stating that they reviewed the limited site plan for endorsement. Mr. Taberner read the letter which stated the DPCD finds no issues with the limited site plan and recommends it for endorsement. There was no comment from the Board.

Motion to endorse the limited site plan entitled "The Black Box 15 West Central Street" by Guerriere and Halnon, Inc. dated December 9, 2014 through January 22, 2014. Halligan. Second: Ballarino. Vote: 4-0-1

Chairman Padula stated that he abstained from the vote and that he will recuse himself from the meeting; however he will continue to run it as Chairman.

C. Approval of Meeting Minutes: December 16, 2013 & January 6, 2014

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for December 16, 2013. There was no comment from the Board.

Motion to approve the meeting minutes for December 16, 2013. Ballarino. Second: David. Vote: 4-0-1

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for January 6, 2014. There was no comment from the Board.

Motion to approve the meeting minutes for January 6, 2014. David. Second: Carroll. Vote: 4-0-1

Motion for a 15 minute recess. Ballarino Second: Carroll. Vote 4-0-1

7:15 PM PUBLIC HEARING - Continued
Uncas Avenue Extension
Subdivision Modification

List of Documents:

1. Letter to the Board from the DPW dated January 23, 2014
2. Letter to the Board from the DPCD dated January 8, 2014
3. Letter to the Board from the Conservation Commission dated December 10, 2013
4. Letter to the Board from the Board of Health dated December 5, 2012
5. Letter to the Board from the Franklin Fire Department dated December 6, 2013
6. Fax to Mr. Rich Gallogly from Mr. Mark Cerel dated September 18, 2013
7. Letter from Mr. Rich Gallogly to the Town Council dated December 30, 2013
8. Letter to Mr. Mark Cerel from Mr. Rich Gallogly dated September 6, 2013
9. Form C-1 – Application for Approval of Modification Plan
10. Letter to the Board from GLM Engineering Consultants, Inc. dated November 12, 201
11. Form R – Subdivision Waiver Request (5 total)
12. Certificate of Ownership
13. Abutters list request form
14. Abutters list report
15. Public Hearing Notice
16. Newspaper legal ad
17. Plan by GLM Engineering Consultants, Inc entitled "Existing & proposed Typography" dated 11/12/13
18. Plan by GLM Engineering Consultants, Inc entitled "Definitive Subdivision Modification Plan Uncas Avenue Extension" dated 5/25/2012 and revised through 11/12/13

The applicant, Mr. John Walsh of Walsh construction in Walpole, MA introduced himself. He stated that the last hearing was continued so that that the project could be presented to the Town Council, which passed at their first reading. The second reading will be on February 9, 2014. He stated that the Town Engineer requested an additional condition to have the off site work completed by August 15, 2014. Mr. Walsh believes that the second reading should be successful. He suggested that the Board votes positively for the project subject to this reading so that the Town Engineer and Walsh Brothers could start the appeal process a little earlier in order to start off site work in the spring. He stated that the alternate is to continue the public hearing again until after the Town Council's second reading. Chairman Padula stated that there are Planning Board meetings on February 10 and 27. Mr. Walsh stated that by deferring until February 10 and with the appeal period, they would not be able to start until the Spring. Chairman Padula reminded him that the plan would still need to be endorsed. Mr. Walsh suggested endorsement on February 10, 2014 provided the approval of Town Council's second reading.

Mr. Taberner stated that there are two (2) public hearings on the agenda tonight regarding this project. The 7:30pm public hearing is a continued hearing from the previous plans submitted in 2004. If the first hearing at 7:15pm is unsuccessful, the applicant would like the 2004 plan to be reviewed; otherwise it will be withdrawn. Mr. Taberner stated that the requested waivers have not been addressed. He stated that the sidewalk waiver does not need to be formally waived.

Chairman Padula stated that at the last meeting, the only request he made regarding the waivers was for granite inlets to be installed at the catch basins. This is provided in the updated waiver request.

There was no comment from the Board or the Audience. Chairman Padula continued to read the waivers.

Motion to approve the waiver #1; §300.11A.(3) Stormwater Management - To allow stormwater drainage components to be located on a separate lot, granting of this waiver creates an additional house lot with drainage components located within an easement in lieu of being located on a separate lot that conforms to subdivision regulations. Halligan. Second: Ballarino. Vote: 5-0-0

Motion to approve the waiver #2; §300-10.C.(1). Width Requirements - To allow pavement width of 24 ft. where 26 ft. is required. Halligan. Second: David. Vote: 5-0-0

Motion to approve the waiver #3; §300-10.H.Curbing Install vertical granite curbing along one side of roadway with a (5) ft. sidewalk behind curb and install Cape Cod berm on the opposite side of the roadway where there is no sidewalk; and granite inlet on catch basin. Carroll. Second: David. Vote: 5-0-0

Motion to approve the waiver #3; §300-13.A. Sidewalks - Construct one sidewalk where two are required. Halligan. Second: Ballarino. Vote: 5-0-0

Motion to approve the waiver #4; §300-13.B. Grass Plot - Allow grass plot to be located behind the sidewalk where usually installed in the front. Halligan. Second: Carroll. Vote: 5-0-0

Mr. Walsh suggested that the name of the subdivision street is changed to Uncas Avenue in lieu of Uncas Avenue Extension, as it is a continuation of the street. He added that the Town Engineer is in support of this change. Chairman Padula read a memorandum dated January 8, 2014 from Mr. Mike Maglio, Town Engineer, to Mr. Jeff Nutting, Town Administrator and Brutus Cantoreggi, Department of Public Works.

Chairman Padula asked Mr. Taberner who would be in control of making that request, as all of the paperwork references "Uncas Avenue Extension." He stated that it could be added as a request for conditions and approval from Town Council. He stated that the Planning Board has no issue, but it comes down to Public Safety.

Chairman Padula referenced the comments in a review letter from the DPCD dated January 23, 2014.

Motion to close the public hearing for Uncas Avenue Extension – Subdivision Modification. Ballarino. Second: Carroll. Vote: 5-0-0

Motion to approve the subdivision modification entitled "Definitive Subdivision Modification Plan Uncas Avenue Extension" by GLM Engineering Consultants, Inc dated 5/25/2012 and revised through 11/12/13 with the condition of approval of offsite mitigation as agreed upon by the applicant (referenced in the Memo dated January 8, 201), the five (5) waivers voted by the Planning Board tonight, all off site improvements shall be complete by August 15, 2014, and that the Planning Board will not endorse the plan until the second reading from the Town Council is voted upon. Halligan. Second: David. Vote: 5-0-0

7:30 PM PUBLIC HEARING – Continued
 Uncas Avenue Extension
 Subdivision Modification

List of Documents:

1. Plan by GLM Engineering Consultants, Inc entitled "Definitive Subdivision Modification Plan Uncas Avenue Extension" dated 5/25/04 and revised through 11/14/06

Mr. Walsh provided a signed statement to withdraw the subdivision modification entitled "Definitive Subdivision Modification Plan Uncas Avenue Extension" dated 5/25/04 and revised through 11/14/06. This statement was added to the project file.

Motion to accept withdrawal of the plan by GLM Engineering Consultants, Inc entitled "Definitive Subdivision Modification Plan Uncas Avenue Extension" dated 5/25/04 and revised through 11/14/06. Halligan. Second: Ballarino. Vote: 5-0-0

Motion for a 15 minute recess. Ballarino Second: Carroll. Vote 5-0-0

7:45 PM PUBLIC HEARING - Continued
 5 Forge Parkway
 Site Plan

List of Documents:

1. Letter to the Board from the DPW dated January 23, 2014
2. Letter to the Board from the DPCD dated January 22, 2014
3. Letter to the Board from the Fire Chief dated January 24, 2014
4. Letter to the Board from the Building Commissioner dated January 15, 2014
5. Letter to the Board from Guerriere and Halnon, Inc. dated January 22, 2014
6. Site plan by Guerriere and Halnon, Inc. dated December 9, 2013 and revised through January 21, 2014 entitled "Site Plan Modification 5 Forge Parkway in Franklin Massachusetts"
7. Plans by Vision Architects dated January 14, 2014 entitled "Marijuana Waste and Butane Storage Plan"

The following attendees introduced themselves; Mr. Don Neilsen of Guerriere and Halnon, Inc., Engineer of Record, Mr. Paul Hauser of Vision 3, architect, Mr. Kevin Fisher, of New England Treatment Access (NETA), President, and Mr. Arnon Vered, of NETA, CFO. Mr. Neilsen reference his letter dated January 22, 2014 which outlines the changes made to the plans based on the last public hearing comments. He noted that the number of parking spaces was reduced by four (4) due to these changes; leaving 160 spaces. He also referenced the plans and elevations of the waste storage areas; including the 10' butane separation as requested by the Fire Chief. Chairman Padula asked if a fire wall was requested. Mr. Neilsen stated no. Mr. Taberner read a letter from the Fire Chief dated January 24, 2014 which stated that that there are no further concerns to be addressed. Mr. Rondeau asked if the butane required ventilation. Mr. Hauser stated that it is on the exterior of the building. There was no comment from the public.

Motion to close the public hearing for 5 Forge Parkway. Carroll. Second: Ballarino. Vote: 5-0-0

Motion to approve the reduction in parking from 171 spaces to 160 spaces. Halligan. Second: Ballarino. Vote: 4-0-1

Motion to approve the site plan entitled "Site Plan Modification 5 Forge Parkway in Franklin Massachusetts" by Guerriere and Halnon, Inc. dated December 9, 2013 and revised through January 21, 2014.

Motion for a 10 minute recess. Ballarino Second: Carroll. Vote 5-0-0

**8:00 PM PUBLIC HEARING – Initial
308 West Central Street
Site Plan and Special Permit**

List of Documents:

1. Letter from Mr. Rick Kaplan to Mr. Gus Brown dated January 23, 2014
2. Letter from the DPW to the Board dated January 17, 2014
3. Letter from the Police Department to the Board dated January 7, 2014
4. Letter from Mr. David & Ms. Doris Foley to the Board dated January 11, 2014
5. Letter from Mr. Rick Kaplan to Mr. Gus Brown dated January 23, 2014
6. Letter from Mr. Gus Brown to the Board dated January 24, 2014
7. Application for Approval of a Site Plan and Special Permit
8. Certificate of Ownership
9. Abutter's List
10. Check receipt
11. Public Hearing Notice
12. Site Plan by United Consultants Inc. dated December 26, 2013 entitled "308 West Central Street".

13. *Plan by Konosky Associates, Inc. dated January 6, 2014 entitled "308 West Central Street, Franklin, MA"*

14. *Exterior photographs of the existing building*

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

Since Mr. Ballarino had recused himself from the meeting, Mr. Rondeau's alternate vote was activated.

The following gentlemen introduced themselves; Mr. Gary Hogan of Gilmore, Rees and Carlson, Attorney, Mr. Bill Wright of ReMax Executive Realty, Applicant, and Mr. Rick Kaplan of ReMax Executive Realty, Applicant. Mr. Kaplan stated that both he and Mr. Wright would be buying the property but Mr. Wright's offices would be located there.

Mr. Hogan stated that they are here to apply for site plan and special permits under Section 185 of Town bylaw. He explained that the site is zoned single family IV residential and a special permit for office use is required through the Planning Board by Section 185 Attachment 3; Use Regulations. He stated that the applicants have filed the request several weeks ago with appropriate advertising and are here to review the proposal. He continued to describe the site, stating that it is about (2) acres with frontage on both West Central Street and Beaver Street. It is also in a split zone with approximately half an acre in the Industrial Zone. Mr. Hogan presented the Board with a plan by Konosky Associates, Inc. dated January 6, 2014 entitled "308 West Central Street, Franklin, MA" and exterior photographs of the existing building. He explained the history of the site, stating that there are two (2) existing structures; a small single family house and a (two) 2 story gambrel structure. This structure contains lower level warehouse space currently used for electrical supply storage granted by a variance. In the 1980's, a special permit was given for office use upstairs. Chairman Padula asked if there was a copy of the special permit. Mr. Hogan presented a copy to Chairman Padula granted by the ZBA in 1982. Mr. Hogan stated that the current proposal is to convert the storage space to office space. Also, there is no exterior construction planned except for elimination of the garage doors. There is no change in impervious surface, parking area, or footprint. He added that there is a waiver request for six (6) parking space reduction. There are four (4) catch basins on site; which is fairly flat. There are no plan changes with respect to access/egress.

Chairman Padula asked what is on the second floor. Mr. Kaplan stated that currently there are four (4) offices, which will be left as is.

Chairman Padula stated that the site plan was approved in 1987 does not match the proposed site plan, as the proposed site plan is an as-built of what is there now. He suggested that a copy is made for the next meeting to review the differences. The parking lot does not match was approved in 1987. Mr. Brown presented the plan from 1987. The Engineer agreed that this plan does not match the proposed parking. Chairman Padula stated that the site never came back after 1987 for any changes made to what was approved. He added that it presently works but the Town Engineer will need to review drainage for compliance. He stated that he is not looking to throw the project out but would like it to comply with what was approved in 1987. There are currently no elevators for handicap access to the second floor. Also, there are is no list of the office uses. He would like the Town Engineer to review the parking, impervious coverage, drainage, and lighting.

Mr. Brown sated he performed a site visit which confirmed that the second floor does not have handicap access. He is not looking for elevator to be installed. He spoke to Mr. Rick Kaplan who agreed, in writing, that any future changes to the site will come before the Commissioner for review.

Chairman Padula stated that the parking does not appear to meet the uses. He would like the Board and Commissioner to review and comment. He is unclear why it's not built to the 1987 approved site plan and may have slipped through the cracks. He added the Town needs to straighten out sites that come to the Planning Board with past issues that weren't resolved.

Mr. Halligan questioned if the first floor was handicap accessible. Mr. Wright stated that it is handicap accessible with bathroom facilities.

Chairman Padula stated that he would like the Town Engineer to review the items as mentioned above. He would like to see it approved with the condition of office use only. Any other changes would have to come back to the Planning Board. The Applicants stated that this is acceptable.

Mr. Halligan asked if the drainage currently flows to the manholes or if there is runoff. Chairman Padula stated that there are leaching catch basins with inlets and no detention area. The Engineer believes that there is no run off and drainage is sufficient but he has not been there during a rainstorm. Mr. Halligan stated that he is trying to be fair, as

other local projects have to comply with drainage requirement prior to sale and this project is not being singled out. He is wondering if calculations were prepared for the drainage. Chairman Padula stated that it was calculated in 1987 but not built to what approved. Engineer stated that the two (2) retaining walls were not put in and impervious is less than what was in the 1987 proposal.

Chairman Padula stated that the meeting will be continued for the Town Engineer and Commissioner to further review the site.

Mr. Hogan reminded the Board that there is a request for a parking waiver. The Board discussed the Parking. The Engineer stated that the calculations based on the existing use require 27 spaces and 30 are provided. For the new use, 36 are required.

Motion to continue the public hearing for 308 West Central Street Site Plan and Special Permit to February 10, 2014 at 7:20 PM. Carroll. Second: David. Vote: 5-0-0

Chairman Padula reopened the public hearing.

Motion to close the public hearing. Carroll. Second: David. Vote: 5-0-0

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

Respectfully Submitted,


Liz Hoey
Planning Board Secretary

The applicant hereby requests,
withdrawal of the Sub division
known as UnCas Ave
dated May 25, 2004.

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JAN 27, 2014

PLANNING DEPT.

RECEIVED

JAN 1

PLANNING DEPT.

2014 FEB 13 AM 9:28

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John Wabby
John Wabby

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