

Town of Franklin



Planning Board

June 16, 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 Wierling, Town Planner, Mike Maglio, Town Engineer, Peter Williams, GZA Environmental, Inc., and Liz Hoey, Planning Board Secretary.

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

7:00 PM Commencement/General Business

A. Form H – Certificate of Completion: 323 West Central Street, Forever French

Ms. Kerry Webber introduced herself, along with her Uncle.

Mr. Maglio stated that since the last meeting, he visited the site to review items that require completion or a waiver. He stated that there seven (7) instead of eight (8) parking spaces provided; however they have the correct dimensions of 9' x 19'. There is no dumpster or dumpster pad. Also, neither of the 6' or 4' high fences is installed. Chairman Padula asked if the retaining wall is sufficient. Mr. Maglio stated that there are loose joints; however since it's a short wall less than 4', it appears structurally sound. Chairman Padula stated that the existing 1st step at the wall could use work and Mr. Maglio agreed. Chairman Padula asked if there are items that aren't complete. Mr. Maglio stated yes, therefore they must be finished or the Board can decide to grant waivers. Chairman Padula questioned the dumpster. Mr. Maglio stated that the Applicant did not provide this and is utilizing the Town's waste management systems for waste and recycling. Chairman Padula stated that he did not think this was allowed for a Commercial Use building. Mr. Maglio stated that it is on a case-by-case basis and Ms. Webber has an account with the DPW. Mr. Maglio confirmed that one (1) parking space is missing.

Chairman Padula asked the Board how to proceed with the outstanding items. Mr. Halligan questioned if change of use on site would warrant the Applicant to return to the Board. Ms. Wierling proceeded to read the zoning bylaws regarding change of use. It was determined that it is ultimately the decision of the zoning enforcement agent if it's a significant change of use. She clarified that it is currently a residential zone property with a commercial use. Mr. Halligan asked if they could add a note to the plan that any change of use would warrant a new Planning Board review. Ms. Wierling referenced the zoning bylaw which references the use table. Mr. Halligan asked if the Applicant would be willing to add this note. Ms. Wierling stated that this is

up to the Board to decide. He added that he believed that they had originally provided one (1) extra parking spot; therefore the number of spaces is sufficient. Ms. Webber replied yes, this is correct. Chairman Padula asked where the handicap parking is provided and it was noted that it's in the front of the building.

Mr. Halligan asked if the 6' screening fence at the back of the property due to the change in property elevations it would make a difference. Ms. Webber replied that she would be willing to install landscaping in lieu of a fence but doesn't feel it would make a difference. Mr. Maglio stated that is only a 7' elevation drop. Mr. Halligan stated that the fence would be useless. Chairman Padula asked if the split rail fence at the top of the retaining wall is required. Mr. Maglio said since there is landscaping, it may not be required but to refer to the Building Commissioner. Mr. Maglio stated that there is not a walkway above the wall.

Mr. Maglio confirmed that the drainage is underground and connected.

Mr. Ballarino stated that the site is an improvement and it should be added to the plan that a change of use would warrant reporting to the Board. Chairman Padula agreed. He asked if Ms. Webber has used the 2nd floor for other uses. She stated no.

Chairman Padula stated that the plan should reflect that any substantial change of use for the building would require Ms. Webber to return to the Board to re-evaluate the dumpster and parking waiver decisions. Ms. Webber stated that she does not foresee this being an issue.

Motion to allow 7 parking spaces rather than 8 parking spaces as previously approved. Halligan. Second: Carroll. Vote: 5-0-0

Motion to waive the construction of the dumpster pad and dumpster as previously approved. Halligan. Second: Carroll. Vote: 5-0-0

Motion to waive the construction of the 6' high stockade fence along the rear parking lot as previously approved. Halligan. Second: Carroll. Vote: 5-0-0

Motion to waive the construction of the 4' high split rail fence along the top of the existing retaining wall as previously approved. Halligan. Second: Carroll. Vote: 5-0-0

Motion to make an amendment that any substantial change in use or increase in use at the site will require the applicant or user of the site to return to the Planning Board to re-evaluate the waiver of parking and elimination of the dumpster and dumpster pad at the site. Halligan. Second: Carroll. Vote: 5-0-0

The applicant agreed return to the Planning Board on July 21, 2014 with a revised Form H for approval and acceptance by the Planning Board which includes the waivers noted above.

7:15 PM **PUBLIC HEARING – Initial**
Definitive Subdivision Modification
 Countryside Estates - September Drive and Prospect Street

Documents Presented to the Board:

1. *Letter dated June 12, 2014 from the DPW to the Board*
2. *Letter dated June 10, 2014 from the DPCD to the Board*
3. *Letter dated June 6, 2014 from the Board of Health to the Board*
4. *Letter dated October 23, 2013 from Chairman Padula to Ms. Deborah Pellegrini*
5. *Form C Application for Approval of a Definitive Plan received May 21, 2014*
6. *Certificate of Ownership received May 21, 2014*
7. *Abutters List received May 21, 2014*
8. *Form R Waiver Request received May 21, 2014*
9. *Legal Ad*
10. *Public Hearing Notice*
11. *Plan dated May 15, 2014 by Guerriere & Halnon, Inc. entitled "Subdivision Modification of Curbing for Countryside Estates, Franklin, Massachusetts"*

Mr. Don Neilsen of Guerriere & Halnon, Inc. introduced himself as the Applicant's Engineer. He stated that they are requesting a waiver of the curbing which was approved as slant granite to match an adjacent portion approved with modified bituminous. He added that it makes sense to be consistent. He stated that the Town utilizes modified bituminous curbing on 25-30 streets. It would allow a shallow transition and continue what is already installed on September Drive and Countryside Lane for approximately 1,300 feet of roadway. Mr. Neilsen attested to it's consistency and character.

Chairman Padula stated that he does not agree and has denied this request before. He added that cape cod berm may be used in Town, but it's not legal and not right. He stated that the subdivision regulations approve slant and upright granite curb only due to it's longevity and resistance against plows. He named several subdivisions with slant granite. He added that the existing Cape Cod berm on site is not installed correct. The Applicant would be the only one to save the money and the Town needs to accept a road that can last. Mr. Carroll agreed that the cape cod berm is unfavorable. Chairman Padula stated that he would like slant granite.

Motion to close the Public Hearing for the Definitive Subdivision Modification for Countryside Estates. Ballarino. Second: Carroll. Vote: 5-0-0.

Motion to deny the applicant's request To allow modified Cape Cod berm where slant granite curb was previously approved at Countryside Estates. Ballarino. Second: Carroll. Vote: 5-0-0.

B. Approval of Meeting Minutes: May 12, 2014

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for May 12, 2014. There was no comment from the Board.

Motion to approve the meeting minutes as written for May 12, 2014. Carroll. Second: Ballarino. Vote: 5-0-0

C. Approval of Meeting Minutes: June 2, 2014

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for June 2, 2014. There was no comment from the Board.

Motion to approve the meeting minutes as written for June 2, 2014. Carroll. Second: David. Vote: 5-0-0

D. Limited Site Plan Modification: 650 Pleasant Street

Ms. Wierling stated that the applicant was granted a variance by the ZBA on October 25, 2012 to allow up to 21.4% impervious coverage where 15% is allowed in a Water Resource District. They are proposing a net reduction of 22.1 +/- square feet of impervious coverage at the site to accommodate the relocation of the handicap ramp, addition of a walkway and other minor site changes. She stated that the DPCD has no concern with these changes as long as the impervious coverage does not exceed the amount granted through the ZBA decision. She added that they are also requesting changes to drainage structures and defers to Mr. Maglio to address the impact this will have on the site. They are also requesting changes to the parking striping and the DPCD has no issues with this as long as there is no loss in the number of approved parking spaces. Therefore, the DPCD recommends the Board vote to approve the plan with the Applicant addressing the above issues prior to endorsement of the plan. Ms. Wierling clarified that this is a daycare facility. They have had problems with the drainage onto adjacent property in the past and have been before the Board since 2012. They are currently not open for business.

Mr. Maglio stated that the catch basin issues were resolved with Mr. Neilsen utilizing a roof top run off system. The location of the basin was moved and is reflected on the new plan. He added that since the site is in Zone II, metal roofs are not allowed and this should be added to the plan prior to endorsement.

Motion to approve, with standard conditions, the Limited Site Plan Modification entitled 650 Pleasant Street dated December 29, 2013 and revised through May 13, 2014 by Guerriere & Halnon, Inc. Halligan. Vote: Carroll. 5-0-0

All parties discussed the definition of a metal roof. It was clarified that the condition note shall read "bare metal roof" as stated in the MA DEP guidelines.

7:30 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 June 12, 2014 from GZA Environmental, Inc. to the Planning Board*
2. *Letter dated June 12, 2014 from the DPW to the Board*
3. *Letter dated June 11, 2014 from the Fire Department to the Board*
4. *Letter dated June 10, 2014 from the DPCD to the Board*
5. *Letter dated May 1, 2014 from the Conservation Agent to the Conservation Commission*

6. *Letter dated May 15, 2014 from the Conservation Agent to the Conservation Commission*
7. *Letter dated April 29, 2014 from the Board to the Conservation Agent*
8. *Letter dated April 15, 2014 from Guerriere & Halnon, Inc. to the Conservation Commission*
9. *Letter dated April 2, 2014 from the Conservation Commission to the Board*
10. *Letter dated April 8, 2014 from the Conservation Commission to the Board*
11. *Letter dated April 22, 2014 from the Conservation Commission to the Board*
12. *Letter dated April 23, 2014 from the Conservation Commission to Mr. Don Neilsen of Guerriere & Halnon, Inc.*
13. *Letter dated April 25, 2014 from Mr. Randall Bragdon to Kaari Hayward*
14. *Letter dated May 8, 2014 from the Conservation Commission to the ZBA*
15. *Letter dated May 6, 2014 from the Board of Health to the Board*
16. *Statement from the Police Department to the Board stating "No Comment"*
17. *Memorandum in Support of Application for a Special Permit received June 6, 2014 from Mr. Craig Ciechanowski*
18. *Letter with attachments dated April 4, 2014 from Mr. Ron Roux to the Design Review Board*
19. *Email dated March 28, 2014 from the MassDEP to the Conservation Commission*
20. *Letter dated June 6, 2014 from Guerriere & Halnon, Inc. to the Board*
21. *Letter dated June 5, 2014 from Guerriere & Halnon, Inc. to the Board*
22. *Letter dated June 6, 2014 from Guerriere & Halnon, Inc. to the Conservation Commission*
23. *Letter dated May 29, 2014 to the ZBA from Mr. Theodore Morine*
24. *Letter dated March 19, 2014 from the Conservation Commission to Mr. Don Neilsen of Guerriere & Halnon, Inc.*
25. *Application for Approval of a Site Plan and Special Permit(s) received March 11, 2014*
26. *Certificate of Ownership (2 total) received March 11, 2014*
27. *Sewer Evaluation Memorandum from Guerriere & Halnon, Inc. received March 11, 2014*
28. *Abutters List received March 11, 2014*
29. *Abutters List (Wrentham)*
30. *Public Hearing Notice (2 total – Franklin and Wrentham)*
31. *Legal Ad*
32. *Design Review Decision dated March 25, 2014*
33. *Email dated April 6, 2014 from Mr. Bryan Lary of 2 Russet Hill Road to the Board*
34. *Geosystem Geoblock 5150 Porous Pavement System product data*

35. *Traffic Impact and Access Study dated April 2014 by Vaness & Associates, Inc.*
36. *Stormwater Report dated March 10, 2014 and revised through June 3, 2014 by Guerriere & Halnon, Inc.*
37. *Plan set dated March 10, 2014 by and revised through June 5, 2014 Guerriere & Halnon, Inc. entitled "Site Plan for Village at Cooks Farm"*
38. *Plan set dated April 17, 2014 by The MZO Group entitled "Village at Cooks Farm"*
39. *Plan set dated March 10, 2014 and revised through April 23, 2014 by Hawk Design Group, Inc. entitled "Village at Cooks Farm"*
40. *Plan dated April 23, 2014 and revised through May 1, 2014 by Guerriere & Halnon, Inc. entitled "Utility Plan Stream Crossing"*
41. *Plan dated February 24, 2014 by Guerriere & Halnon, Inc. entitled "Exhibit 1, Plan of Land East Central Street, Franklin, Massachusetts"*
42. *Plan dated February 24, 2014 by Guerriere & Halnon, Inc. entitled "Exhibit 1A, Easements, Plan of Land East Central Street, Franklin, Massachusetts"*
43. *Plan dated March 6, 2014 by Guerriere & Halnon, Inc. entitled "Exhibit 1B, Concept Plan of Village at Cooks Farm East Central Street, Franklin, Massachusetts"*

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. Mr. Ciechanowski stated that they provided modified plans and Mr. Neilsen provided a letter stating which Department issues were addressed. He added that the special permits for impervious coverage and earth removal were granted by the ZBA.

Mr. Neilsen stated that the main plan changes include the Phase III road layout. This utilizes the land adjacent to the site from the Franklin Country Club. This includes the elimination of 10,000 square feet of buffer disturbance in the wetlands areas. Access was also added for looping the roadways. The building layout and entrances are the same. Drainage was also modified according to the Mr. Maglio and Mr. William's comment. He added that there is a Conservation Commission hearing scheduled to address all Department comments. Mr. Neilsen added that he will respond to all drainage comments. The process with Planning Board and Conservation is expected to take 4-5 weeks.

Mr. Maglio stated that there are still outstanding comments regarding drainage and that the parties will meet with the DPW director to discuss the water and sewer extensions. He had additional comments today for the Conservation Commission regarding flood plains, the stream crossing, and wetlands. These comments will be provided to the Applicant tonight.

Mr. Williams stated that he has minor comments regarding details and calculations. He asked the plan references sight distance triangles at the entrances. He also recommends conditions of approval are added which includes a three (3) bedrooms unit note. Mr. Williams asked that a condition also include that a handicap accessible house is provided if one was requested in the future.

Ms. Wierling stated that her main concern is that the Board should not issue a vote until they have received information to satisfy the regulations of Chapter 185-50 and the answers to all special permit criteria as defined in Chapter 185-45. In regards to the criteria that public roadways, drainage, utilities and

other infrastructure are adequate or will be upgraded to accommodate development, she stated that the DPW has received permits for the extensions but at this point in time, this criteria is outstanding and does not recommend the Board votes until this is addressed.

Ms. Wierling shares Mr. William's concern with handicap accessible housing; however she feels it should be met with more than a condition on the plan. She stated that as stated in Massachusetts Smart Growth Principles "to expand housing opportunities, it should support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and smaller single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means."

She added that would like expansion on how this project is designed to attract local "empty-nesters" and the senior population to address a housing need as indicated in the Master Plan and special permit criteria. This cannot be guaranteed since there is no age restriction for the development. She added the Applicant states the development will be served by the GATRA bus system; however the last stop is at the BIG Y approximately .6 of a mile from the proposed project area.

Ms. Wierling asked that the Applicant elaborates on the range of housing opportunities and choices available, as their design should include range of housing opportunities and choices to meet the special permit criteria and Master Plan. This includes affordable units and handicap accessible units to meet the need of the Town. Chairman Padula stated that he likes Ms. Wierling's comments.

Chairman Padula stated that since new comment letters from the Fire Department, GZA, Conservation Commission and DPW were received at tonight's meeting, he recommends a continuation until July 21, 2014. The Conservation Commission will be held on July 17, 2014. Ms. Wierling stated that since the ZBA issues have been resolved, the Applicant will be able to proceed with the Conservation Commission.

All parties discussed the proposed pavers. Chairman Padula expressed his concern with their drainage qualities and construction. The Applicant stated that at they have not been utilized in Massachusetts; however they have been used throughout the northern part of the county coast-to coast. Chairman Padula expressed his concern with plowing over them and frost heaving.

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

The parties reviewed a sample of the paver material. Mr. Ciechanowski stated that they company has used these in similar situations and were plowed. Mr. Halligan asked who would be responsible for repairs if they were damaged. The Applicant stated that it would be the development resident's responsibly.

The Applicant confirmed that the development would be serviced by Town trash. Chairman Padula expressed concern with trash trucks on an 18' wide road.

Motion to continue the public hearing for the Village at Cooks Farm until July 21, 2014 at 7:15 PM. Halligan. Second: Ballarino. Vote: 5-0-0

Attorney Cerel stated that there is legal distinction between closing and continuing a hearing. He suggested that when a meeting is closed for a complex project, the Board also schedules time for deliberation. This is where concerns and conditions are discussed for a thorough decision. It would be a scheduled public meeting other than a Planning Board meeting. He also discussed project phasing and the approval by the Board. There is no project phase lapse in permits and

decisions for completions. Stipulations cannot be made to phasing times by the Board. The Board asked that Attorney Cerel be at the July 21, 2014 meeting.

7:45 PM **PUBLIC HEARING** – Continued - Continuance Requested Until July 7, 2014
Mount View Farms
880 Upper Union Street
Subdivision Modification

Documents Presented to the Board:

1. *Letter dated June 11, 2014 to the Board from Mr. Bruce Wilson*

Chairman Padula stated that the Applicant requested a continuance.

Motion to continue the public hearing for Mount View Farms until July 21, 2014 at 7:30 PM. Halligan. Second: Ballarino. Vote: 5-0-0

Motion for a four (4) minute recess. Halligan. Second: Carroll. Vote: 5-0-0

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)

Documents Presented to the Board:

1. *Letter dated June 16, 2014 to the Board from Mr. Richard R. Cornetta*

Chairman Padula stated that the Applicant requested a continuance.

Motion to continue the public hearing 648-652 Old West Central Street until July 21, 2014 at 7:45 PM. Carroll. Second: Halligan. Vote: 5-0-0

CITIZEN COMMENTS - None

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

Respectfully Submitted,



Liz Hoey
Planning Board Secretary