

Town of Franklin



Planning Board

June 2, 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, John Carroll, William David, and alternate Gregory Rondeau. Also present: Beth Dahlstrom, Town Planner, Mike Maglio, Town Engineer, Peter Williams, GZA Environmental, Inc., and Gus Brown, Building Commissioner. Absent: Gregory Ballarino.

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

Chairman Padula stated that the both the public hearings for 648-652 Old West Central Street and the Village at Cook's Farm will be continued until June 16, 2014.

7:00 PM Commencement/General Business

A. Endorsement: 76 Chestnut Street, Wise Eye Care

Mr. Maglio stated that that there are no issues with the submitted plan.

Ms. Dahlstrom stated that the plan is being presented to the Planning Board for endorsement which was approved with Standard Conditions at the April 7, 2014 Planning Board Meeting. All issues have been addressed and the Certificate of Vote has been indicated on the plan as required prior to endorsement. She added that as long as DPW and all other Departments, Commissions and Boards have no issues, DPCD recommends the Planning Board endorse the plan.

Motion to endorse the site plan entitled "76 Chestnut Street" by Guerriere & Halnon, Inc. dated April 2, 2014 and revised through May 5, 2014. Carroll. Second: David. Vote: 4-0-0

B. Limited Site Plan Modification: 23 Hutchinson Street - Franklin TV

Mr. Maglio stated that a drainage analysis was not submitted, therefore he cannot comment on the impact of the additional impervious coverage proposed.

Mr. Don Neilsen Guerriere & Halnon, Inc. stated that he is the Engineer of Record for the project. He stated that the Applicant proposed the modification of the building footprint which is increased by 700 square feet. He added that Franklin TV has been before Design Review. They would also like to add small band, local radio station and are still looking for an antenna

location. In regards to parking, 28 spaces are required by use; however they are asking for 16 spaces. They believe that the employees only require 14 spaces. In regards to drainage, he stated that he is working with Mr. Maglio to develop a plan for this.

Chairman Padula asked if the initial plan approval was for a TV station only. Ms. Dahlstrom stated yes. Mr. Carroll expressed concern with the location of the antenna. Mr. Neilsen stated that it is his understanding that it will be located on the Town's land near the DPW maintenance yard. Mr. Carroll asked for confirmation that there will be no antenna on the site. Mr. Neilsen stated no, just at the DPW site and Carroll stated that this was OK. Chairman Padula asked if there would be transformers or increased noise on site. Mr. Neilsen stated no.

Ms. Dahlstrom stated that the Board has to make a determination that the (16) spaces are sufficient for the additional use and size of the building.

Chairman Padula asked Mr. Maglio if they need a drainage plan. He replied yes, but since it's minor it's something that he can work with Mr. Neilsen on prior to the endorsement.

Motion to approve the limited site plan modification entitled "Franklin TV" by Guerriere & Halnon, Inc. dated May 19, 2014 and revised through June 3, 2014. Halligan. Second: David. Vote: 4-0-0

C. Form H – Certificate of Completion: 656 King Street, Emeritus Assisted Living

Mr. Don Neilsen Guerriere & Halnon, Inc. stated that he is the Engineer of Record for the project. He stated that he is here to request the Form H certificate of completion. All materials were submitted to the independent consultant Engineer, Mr. Maglio and Ms. Dahlstrom.

Chairman Padula asked if the Applicant or Owner was present. Mr. Neilsen stated no. Chairman Padula stated that if it was up to him, he would recommend that the Form H was not signed for two (2) weeks from now and that the zoning enforcing agent can fine the Applicant for violations because he has been open for business. Mr. Neilsen replied that he has not been open. Chairman Padula stated that he has spoken to people who have applied to be tenants and the Applicant blamed the Board for the delayed opening. He added that he has people who will testify to this. Chairman Padula asked Commissioner Brown what permission he gave to the Applicant. Commissioner Brown stated that he allowed housekeeping and Furniture Company onto the site but did not approve viewing of the rooms for potential tenants. Mr. Neilsen stated that he was not aware of this.

Mr. Williams stated that he believes they have completed the project according to plan. He added that he will continue working with Mr. Maglio in regards to drainage.

Motion to endorse the Form H Certificate of Completion for 656 King Street, Emeritus Assisted Living. Halligan. Second: Carroll. Vote: 4-0-0

**7:15 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 May 29, 2014 from Mr. Craig Ciechanowski to the Board*

Chairman Padula read a letter from the Mr. Craig Ciechanowski to the Board requesting continuance to June 16, 2014.

Motion to continue the public hearing for the Village at Cook's Farm to June 16, 2014 at Halligan. Second: Carroll. Vote: 4-0-0

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

Mr. Maglio stated that the Applicant's Engineer provided a Form H Certificate of Completion stating that the form was not complete, as there are nine (9) items that are outstanding on site. The non-conforming issues are in regards to the retaining wall built after the approval of the plan. He added the he will not sign off on the Form H until the items are addressed, built according to the plan, or the Board chooses to waive the items. Chairman Padula asked if the retaining wall was in the wrong location. Mr. Maglio stated that it was reconstructed after the approval of the plan date of 2007.

Chairman Padula asked the reason the wall was in place. Ms. Kerry Webber, Applicant, stated that the earth was falling down. She added that she did this after Mr. David Roach stated in a letter in 2009 that she didn't have to act on anything.

Chairman Padula stated that the Zoning enforcing agent does not have any jurisdiction over the Board. He is supposed to support the Board when there is an approved plan, not to tell the Applicant that they don't have to follow it. Chairman Padula asked if Ms. Webber had a copy of the letter. She stated that she only has her copy. Chairman Padula requested a copy from Commissioner Brown.

Ms. Webber stated that she had no intentions of moving out of this location and was forced to move due to the economy. When she built the wall, she had intended to stay on site following Mr. Roach's letter. Chairman Padula stated that he reviewed the letter long time ago and it's unauthorized to stop any site plans. He added that the only relief can come from the Board. Ms. Webber stated that she was unaware of this.

Mr. Halligan stated that disregarding the letter, he was involved in meeting about a year ago with all parties at which time Ms. Webber promised that all items would be installed according to the plan. Ms. Webber stated that she did agree to that but didn't remember what was approved on the plans from 2007. Chairman Padula stated that she put in the wall knowing that it was not on the plan. Ms. Webber stated that it was not done maliciously, but because she had the letter from Mr. Roach.

Mr. Halligan stated the paver or someone should have realized that the work done did not reflect the plan. Chairman Padula stated that in the letter, if she decided to sell or move, the site plan

would have to be followed. Ms. Webber attested to this but stated at the time of the wall installation, she did not intend to move.

Mr. Halligan stated that back in the fall, the Applicant agreed that site would be constructed according to the approved plan and he supported this.

The Applicant's husband stated that main components such as reducing imperious coverage and installing the drainage system are complete per the approved plan set. He added that certain items that were fixed due to financial burden, including the retaining wall. He stated that this wall was installed to add one (1) parking spot so that there are now two (2) more spots than the Town requires.

Mr. Halligan stated that he respects all of that but things were promised in the Fall and fines were to be issued if not complete. At that time, he felt bad because of her hardship and they gave her one (1) last chance to complete the approved site plan until the spring time. The Applicant's husband stated that they are only asking for several items of relief, including the wall which has been installed for five (5) years and is structurally sound. He added that the drainage and parking were completed to plan. He stated that he has been waiting for the list of items before asking for relief from the Board. The Applicant's husband then introduced himself as her husband, Terry.

Mr. Halligan asked if they had read the part of the letter from Mr. David Roach which stated any reuse or sale would trigger the site to be installed as approved. Chairman Padula continued to read the letter from Mr. David Roach. He reminded the Applicant that the Board has made many for exceptions for this site, including drainage and dumpsters. The Applicant stated that the dumpster pad is not required for the new tenant. Chairman Padula stated that the approved site plan requires a dumpster pad.

Mr. Webber stated that there are nine (9) waivers requested for the site plan; however some of them have been taken care of.

Mr. Halligan asked Mr. Maglio what the most detrimental items on site are. Mr. Maglio stated the drainage, which was completed to satisfaction. Chairman Padula reminded everyone that the Board allowed the Applicant not to hire an independent inspection or that all site plans require. Mr. Halligan stated that the drainage was the main issue.

Mr. Maglio stated that he supports the waiver for a reduction of one (1) parking space. He added that he can't confirm the stripping on site. Chairman Padula stated that all items were supposed to be performed by tonight's meeting or there would be daily fines of \$300. Ms Dahlstrom stated that the Applicant was required to be here tonight by this deadline, regardless of item were completion. Chairman Padula stated that the Applicant is asking for waivers because items are not complete. Mr. Halligan suggested that the she comes back on June 16, 2014 after Mr. Maglio and Commissioner Brown review the site for what is required. Mr. Webber stated that he will be requesting three (3) waivers including fencing, dumpers and pad, and the retaining wall. He added that all parking spots are 9' x 19'. Chairman Padula expressed concern with the paving composition. Ms. Webber stated that she can provided photos of construction.

Chairman Padula stated that her business that applied for the site plan required a dumpster and pad.

The Applicant will return on June 16, 2014.

7:30PM **PUBLIC HEARING** – *Continued*
Bogan Estates
 Washington Street
 Definitive Subdivision

Documents Presented to the Board:

1. *Letter dated May 29, 2014 from the DPW to the Board*
2. *Letter dated May 28, 2014 from the DPCD to the Board*
3. *Letter dated February 14, 2014 from the Fire Department to the Board*
4. *Letter dated May 6, 2014 from the Board of Health to the Board*
5. *Street Name Approval Form dated May 27, 2014*
6. *Applicant's Response to the DPW comment letter dated May 8, 2014*
7. *Application for water extension permit dated May 27, 2014*
8. *Form C – Application for Approval of a Definitive Plan received April 22, 2014*
9. *Form R – Subdivision Waiver Request (Five (5) total)*
10. *Certificate of Ownership (Two (2) total)*
11. *Stopping Site Distance explanation*
12. *Abutter's List Request Form received April 16, 2014*
13. *Certified Abutter's List received April 16, 2014*
14. *Public Hearing Notice*
15. *Legal Ad*
16. *Plan set dated April 8, 2014 and revised through June 4, 2014 entitled "Bogan Estates Definitive Subdivision" by Guerriere and Halnon, Inc. of Franklin, MA*

Mr. Neilsen of Guerriere & Halnon, Inc. stated that they have applied for a water extension permit and the Town Clerk approved the street as Bogan Way. He stated that changes were made as recommend by the Town Engineer, including site distance, test pits and grading. He added that there are outstanding waivers to be discussed. This includes constructing one (1) sidewalk where two (2) are required on both sides of the road. On the other side, he would like to install vertical granite curbing in lieu of slant granite curbing. Also, he would like to reduce pavement width from 26' to 24' since there are four (4) houses on street. There is a small section of roadway where they exceed the fill 5' above road grade. Lastly, they would like the stormwater drainage components to be located on a separate lot, not conforming to zoning requirements.

Mr. Maglio stated he has received the water line revision with water main extension permit. He will comment on these and will forward a memo to Town Council.

Ms. Dahlstrom stated that prior to endorsement, a water main extension permit must be filed with the Town Council, a covenant has to be filed with the Board, and the Board will have to vote on the Waivers.

Mr. Halligan asked if a reduction in pavement width is common practice by the DPW or Board. Chairman Padula stated that 26' is typically required for a minor roadway. They have reduced a major roadway from 28' to 26', but never to 24'. Mr. Halligan asked if the fire chief accepts 24'. Ms. Dahlstrom stated that he has made comment as to the water main, but not street width. She added that if there was a negative comment, he would have made stated this at the time. After discussions with him during the Preliminary Phase, he did favor the waiver. According to the Town Attorney, Mr. Cerel, if it is favored during the Preliminary Phase, it should not be an issue during the Definitive Phase. Chairman Padula stated that he found issue with the sidewalk and pavement width during the Preliminary Phase. He added that the 24' width is not in the bylaw for subdivision regulations. Mr. Halligan asked why the Applicant needs the 24' reduction. Mr. Neilsen replied that the extra pavement is not required since there are only three (3) houses on site. There was discussion regarding the fact that the Applicant asked for 22' and changed to 24' during the Preliminary Phase. This will be a Town road.

Motion to close the public hearing for Bogan Estates. Halligan. Second: Carroll. Vote: 4-0-0

Motion to approve the waiver request for §300-13(A)(1): To construct one sidewalk where two are required on both sides of the road. Halligan. Second: Carroll. Vote: 4-0-0

Motion to approve the waiver request for §300-10H(1): To install vertical granite curbing in lieu of slant granite curbing. Carroll. Second: David. Vote: 4-0-0

Motion to deny the waiver request for §300-10(C)(1): Reduce pavement width from 26 feet to 24 feet. Carroll. Second: Carroll. Vote: 4-0-0

Motion to approve the waiver request for §300-10-D(5): To fill 5 feet above or below road grade. Halligan. Second: Carroll. Vote: 4-0-0

Motion to approve the waiver request for §300.11A(3) Stormwater Management. To allow stormwater drainage components to be located on a separate lot, not conforming to zoning requirements. Halligan. Second: Carroll. Vote: 4-0-0

Motion to approve, with conditions, the Definitive Subdivision plan for Bogan Estates dated April 8, 2014 and revised through June 4, 2014 by Guerriere & Halnon, Inc. Carroll. Second: Halligan. Vote: 4-0-0

15 Minute Recess

7:45PM **PUBLIC HEARING** – *Continued- Continuance Requested Until June 16, 2014*
Mount View Farms
 880 Upper Union Street
 Subdivision Modification

Mr. Bruce Wilson submitted a letter prior to the meeting requesting a continuance to June 16, 2014 at 7:45pm.

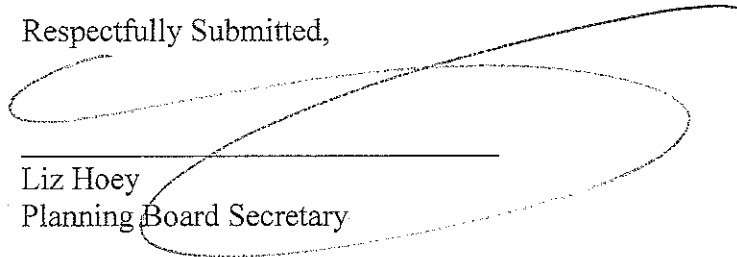
8:00PM **PUBLIC HEARING** – *Continued*
648-652 Old West Central Street
 (2) Special Permits and Site Plan
 Vehicular Service Establishment (VSE)
 Impervious Coverage (83% where 80% is allowed)

Chairman Padula read a letter from the Applicant to the Board requesting continuance to June 16, 2014.

Motion to continue the public hearing for 648-652 Old West Central Street until June 16, 2014 at 8:00pm. Halligan. Second: Carroll. Vote: 4-0-0

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

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to be 'Liz Hoey', is written over a horizontal line. The signature is fluid and loops around the line.

Liz Hoey
Planning Board Secretary