

Town of Franklin



Planning Board

March 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: Bryan Taberner, Planning Director, 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. Endorsement: Definitive Subdivision - Uncas Avenue Extension

Mr. Taberner read the letter from the DPCD stating that The Planning Board approved the application for the Definitive Subdivision Modification Plan on January 27, 2014 and the applicant is requesting endorsement. He added that the Planning Board will need to vote to accept a Covenant submitted in place of a performance bond. Town Attorney Mark Cerel has reviewed the document which is being presented for acceptance by the Planning Board. As long as DPW and all other Departments, Commissions and Boards have no issues, DPCD recommends the Planning Board endorse the Plan.

Motion to accept the covenant submitted in place of a performance bond. Carroll. Second: David. Vote: 5-0-0. The signed covenant will be submitted for record with the meeting minutes.

Motion to endorse the Definitive Subdivision Plan Entitled "Uncas Avenue Extension in Franklin, MA" by GLM Engineering Consultants, Inc. dated March 19, 2012 and revised through January 28, 2014. Carroll. Second: David. Vote: 5-0-0.

B. Limited Site Plan: 147 Pond Street, Tri-County Vocational School

Mr. Maglio read the letter from the DPW stating that upon review of the Stormwater report and revised plans, there are two (2) additional minor concerns relating to the long-term pollution prevention & maintenance plans. He feels that all other previous concerns have been addressed and these concerns can be added to the final plan prior to endorsement.

Motion to approve the Limited Site Plan modification for 147 Pond Street, Tri-County Vocational School. Carroll. Second: David. Vote: 5-0-0.

C. Endorsement: Site Plan – 308 West Central Street

Chairman Padula stated that there is a revised plan that was presented to the Board prior to the Meeting. Mr. Taberner clarified that the revised plan incorporates the DPCD's request to add the Certificate of Vote and Standard and Special Conditions. Also, the Applicant provides a copy of the recorded approval decision for record as requested. Therefore, the DPCD has no issues with plan endorsement.

Motion to endorse the Site Plan entitled "Limited Site Plan 308 West Central Street" by United Consultants, Inc. dated December 26, 2013 and revised through February 18, 2014. Halligan. Second: Carroll. Vote: 4-0-1 (Ballarino Abstained).

D. Approval of Meeting Minutes: February 10, 2014

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for February 10, 2014. There was no comment from the Board.

Motion to approve the meeting minutes for February 10, 2014. Ballarino. Second: David. Vote: 5-0-0

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

7:15 PM **PUBLIC HEARING** – *Initial*
 76 Chestnut Street
 Site Plan

Documents Presented to the Board:

1. Letter dated March 3, 2014 from the DPW to the Board
2. Letter dated March 4, 2014 from the DPCD to the Board
3. Design Review Commission Decision Letters dated February 25, 2014 with approvals
4. Letter dated February 14, 2014 from the Fire Department to the Board
5. Form P – Application for Approval of a Site Plan received February 6, 2014
6. Certificate of Ownership received February 6, 2014
7. Zoning Board of Appeals Application Form dated January 28, 2014
8. Abutter's list request form
9. Abutter's List
10. Legal Ad
11. Public Hearing Notice
12. Site Plan entitled "Site Plan 76 Chestnut Street" by Guerriere & Halnon, Inc. dated February 4, 2014

Motion to waive the reading. Halligan. Second: Ballarino. Vote: 5-0-0

Mr. Don Neilsen of Guerriere & Halnon, Inc. introduced himself as the Applicant's representative and Engineer. He stated that the home on the subject property has been on the market for over a year and Wise Eye Care would like to relocate their store to this location. Their purchase and sales is subject to all building permits. He reviewed how the Applicant has been before the ZBA for change of use which was approved 2 weeks ago. Also, they have been approved by Design review for signage, awnings, parking, and landscape. He added that the intent on site is to add nine (9) parking spaces and one (1) handicap. The driveway and garage will be razed. Drainage will be accomplished by a drainage recharge basin with no outlet and will be stored on site. In discussions with the Building Commissioner, he feels that the handicap access should be located at the front of the building. Therefore, the parking spaces will be modified from what is presented tonight on the site plan to accommodate the recommendation. All lighting is residential lighting. The building footprint encompasses 1,400 square feet on the first floor for personal office space and will not be rented or leased to another entity.

Mr. Halligan expressed concern with the abutting property, as the subject parcel currently provides their driveway. With this driveway being removed, the abutting property will no longer have access to their house. Mr. Neilsen stated that this is correct. Right now, the parcels are owned by the same family. Therefore, the abutting property will need to create a new driveway. Mr. Neilsen stated that a year ago, the family found that the lot lines between these 2 properties ran through the existing house. The family applied to the ZBA who approved the revised lot lines which alleviated this issue. The Board and Mr. Neilsen continued to discuss the issue of the shared driveway and it's history. There was concern expressed by Chairman Padula that the ZBA approved this lot line change.

Chairman Padula requested a dumpster on-site. He also stated that snow storage is minimal. Mr. Neilsen stated that it could be pushed to the rear.

Mr. Halligan stated that the commercial site is in water resource district. Therefore, a special permit may be required for the 80% threshold of impervious coverage through the Board. All parties will review the issue. Mr. Neilsen believes that a hydrogeologist is required to review the site and must be requested by the Board.

Mr. Maglio stated that since the site is located in a Zone II Wellhead Protection Area, a 44% pre-treatment should be provided before discharge into the infiltration basin. Also, the easement issue shall be granted prior to final approval. Mr. Neilsen stated that this wasn't an issue

Mr. Taberner stated that many of the DPCD comments were addressed this evening but the applicant must still add a professional stamp to the plan set, sidewalks must be added to the site per the by-laws, and a hydrogeologist must be hired by Town and paid for by Applicant since the site is in a Water Resource District.

Mr. Halligan read part of the by-law regarding sites in a Water Resource District.

Mr. Ballarino expressed concern that the abutting property will no longer have a driveway. Chairman Padula stated that issue is not for the Board, as the ZBA has created the non-conformance issues. There was further discussion of the lot history. Mr. Neilsen will speak to the Applicant regarding this issue.

Mr. Maglio and Mr. Neilsen will coordinate the hydrogeologist.

Motion to give permission to Mr. Neilsen to engage the DPCD for a hydrogeologist quote. Halligan. Second: Carroll. Vote: 5-0-0

Motion to continue the public hearing for 76 Chestnut Street to March 24, 2014 at 7:30 PM. Halligan. Second: Carroll. Vote: 5-0-0

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

8:00 PM **PUBLIC HEARING** – *Initial*
 14 Ruggles Street
 Site Plan and Special Permit

1. Documents Presented to the Board:
2. Letter dated March 5, 2014 from the DPW to the Board
3. Letter dated March 5, 2014 from the DPCD to the Board
4. Letter dated March 5, 2014 from the Building Department to the Board
5. Letter dated March 4, 2014 from GZA Environmental, Inc. to the Board
6. Email dated March 5, 2014 from Tia Ristaino-Siegel to the Board
7. Letter dated February 24, 2014 from the Fire Department to the Board
8. Design Review Commission record decision dated February 25, 2014
9. Design Review Commission approved drawing sheets and product cut sheets
10. General list of Permits and Comment from the Applicant received February 6, 2014
11. Application of a Site Plan and Special Permits (s) received February 6, 2014
12. Request for Special Permit Application from the Applicant received February 6, 2014
13. Certificate of Ownership received February 6, 2014
14. Quitclaim Deed fro 14 Ruggles Street received February 6, 2014
15. Form Q – Design Review Application received February 6, 2014
16. Application for a Special Permit received February 6, 2014
17. Abutters List Request Form
18. Abutter's List
19. Legal Ad
20. Public Hearing Notice
21. Drawings set entitled "Ruggle Street Apts" dated August 3, 2013 thorough September 23, 2013 by AD Architect
22. Drawing set entitled "Site Plan 14 Ruggles Street" dated November 12, 2013 through February 25, 2014 by Guerriere & Halnon, Inc.

Motion to waive the reading, Halligan. Second: Ballarino. Vote: 5-0-0

Mr. Don Neilsen of Guerriere & Halnon, Inc. introduced himself as the Applicant's representative and Engineer. Mr. Dana Franco introduced himself as the Applicant. Mr. Nielsen stated that the intent of the project is to build a mixed use building with office space on the 1st floor and apartments on the 2nd floor. In this commercial district, there is no parking required by the By-Law. However, the Applicant provided parking for both uses on site with seven (7) spaces, including handicap. The lighting on site is low key, residential and approved by Design Review. He stated that the site was a former bakery and purchased by the Applicant. Part of the design is to remove most of the pavement, reducing the impervious coverage from 75% to 47%. Drainage is provided on site with a local catch basin and a 10" diameter pipe from Ruggles Street which will be used for the detention basin. The sewer access is provided from the adjoining property and the sewer service is in place from the previous building. A new water and gas line will be brought on site. He added that the intent is to sprinkler the building, so a fire water line will be installed, although not required. He stated that this addresses the Fire Chief's safety concerns. Landscaping includes white vinyl fencing and plantings around the site. On the south side, an existing retaining wall will support the abutting properties upgrading.

Mr. Maglio stated that the main issue is tying the drainage into the existing system as presented and an evaluation is required before it can be used. Mr. Neilsen and the Board clarified where the drainage and sewer lines are shown on the plan. Mr. Maglio stated that there are a lot of questions regarding what it is currently installed. Also, he stated that the flow is being increased to that existing system so everything needs to be evaluated.

Mr. Taberner stated that the Board will be voting on a Special Permit and the site plan is a condition of the special permit. He added that the Applicant needs a professional stamp on the plan set, site distance must be added, and snow storage needs to be shown. He stated that the Town's policy is to pick up trash/recycling for Residential but only recycling for the Commercial. Therefore, a dumper is required for the office space. Also required on the plans are dimensions of parking isles and abutting properties are needed to show impact on neighborhood for the Special Permit. Mr. Taberner asked for clarification regarding retail or office use on the 1st floor. Mr. Neilsen stated that it would be office space. Mr. Taberner also stated that clarification on how many stories are proposed is required, as there is conflicting information in different places. He suggested that the special permit conditions include office use only and that a new special permit will be required if a change of use is proposed.

Mr. Carroll asked if there was access around the building or if it was grass. Mr. Neilsen stated yes. He also stated that the building is 60' from the parking lot and there will be a 5' sidewalk provided for access; along with handicap access.

Chairman Padula asked about screening between the residences. Mr. Neilsen stated that trees, new shrubs, and a new 6', white vinyl fence will be in place. Chairman Padula questioned how one would back out of the handicap space, as they would have to back out into another space. Therefore, it needs to be revised for appropriate distances.

As requested by Chairman Padula, Mr. Taberner clarified that there are no parking requirements for the Commercial I Zone. He added that zoning changes related to this zone are currently on hold. Mr. Franco stated that he has still provided spaces, even though it's not required. Mr. Halligan stated that if parking is shown, it must comply with parking standards (i.e. dimensions).

Chairman Padula asked if there would be two (2) residential units and two (2) offices. Mr. Franco stated yes and that the 3rd floor is the bedroom for the residential unit. Therefore, the units are 1.5 stories.

Mr. Williams reviewed his review letter highlighting drainage issues, parking isle widths, site distances, and storm water issues. It was clarified that the site is not located within a Water Resource District. Mr. Halligan expressed concerned with runoff to adjacent water resource districts and if there was any way to protect that.

Chairman Padula read the Fire Department's letter which states their concern that the nearest point of building access is more than 60' feet away and that there is not access to all sides of the building.

Ms. Christine Symmes of 20 Ruggles Street introduced herself as a direct abutter of the property. She stated that the Applicant previously had agreed to a fence along her property; however it has not been shown on the plan. Also, there are mature trees in place that she asks are shown on the plan and to show if they are to be removed. She expressed concern that her land is at a higher grade than the site catch basin and would like to know how that will effect her property, Also she asked that the gas line is installed in the driveway as to limit disturbance to the tree line. Mr. Neilsen stated that there is no intent to cut trees. A 6' high stockade fence walk will be installed. He stated

that he will review the drainage issue. Chairman Padula stated that the fence issue will be between the Applicant and Ms. Symmes.

Motion to continue the public hearing for 14 Ruggles Street to March 24, 2014 at 8:00 PM. Halligan. Second: Carroll. Vote: 5-0-0

8:30PM **PUBLIC HEARING** – *Continued*
 Bogan Estates
 Preliminary Subdivision

1. Documents Presented to the Board:
2. Letter dated March 5, 2014 from the DPW to the Board
3. Letter dated March 5, 2014 from the DPCD to the Board
4. Letter from the Conservation Commission dated February 19, 2014 to the Board
5. Letter from the Fire Department dated February 14, 2014 to the Board
6. Form B – Application for the Approval of a Preliminary Plan received February 6, 2014
7. Certificate of Ownership received February 6, 2014 (2 total)
8. Legal Ad
9. Public Hearing Notice
10. Plan entitled "Bogan Estates Preliminary Subdivision in Franklin" dated January 28, 2014 and revised through February 26, 2014 by Guerriere & Halnon, Inc.

Mr. Don Neilsen of Guerriere & Halnon, Inc. stated that as requested by the DPCD, waivers requests were added to the plan set. Chairman Padula read the waivers from the DPCD's letter which include the following:

§300-11.(A).(3): Stormwater components must be located on a separate lot that conforms to zoning requirements;

§300-13.(A).(1): To construct one sidewalk where two are required on both sides of the road.

§300-10.(C).(1).Minor Street: Reduce pavement width from 26 feet to 22 feet.

§300-10-D.(5): To allow fill in excess greater than 5 feet.

Chairman Padula stated that he would like to see vertical granite at the sidewalk and that he has issue reducing the width to 22 feet. Mr. Carroll and Mr. Halligan stated that they would like to see 24'. Mr. Nielsen stated that he will need the drainage and fill waivers for the project. Chairman Padula stated that he does not foresee any issues with this.

Chairman Padula stated that he would prefer to see the waivers on a revised plan to be approved.

Mr. Taberner stated that the Applicant will need to submit a letter authorizing the Board an extension of time to complete a vote since the March 24, 2014 planning board meeting exceeds the 45 days threshold after their date of original submission. As a representative of the Applicant, Mr. Neilsen submitted a 45 day extension letter for record which is attached to these meeting minutes.

Motion to continue the public hearing for Bogan Estates to March 24, 2014 at 8:30PM. Halligan. Second: Carroll. Vote: 5-0-0

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

Respectfully Submitted,


 Liz Hoey
 Planning Board Secretary

CERTIFY
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

COVENANT

WHEREAS, Walsh Brothers Building Company, Inc., a Massachusetts corporation with an address of 11 Saddle Way, Walpole, Massachusetts 02081 (the "Applicant") has submitted an application to the Franklin Planning Board (the "Board") for approval of a subdivision plan of land located in Franklin, Massachusetts (the "Town"), entitled "Definitive Subdivision Modification Plan, 'Uncas Avenue Extension', in Franklin, Massachusetts", prepared by GLM Engineering, Inc., dated March 19, 2012, and last revised January 28, 2014 (the "Plan"), and has requested the Board to approve the Plan without requiring a performance bond; and

WHEREAS, the Board issued a Certificate of Vote dated January 27, 2014, approving the Plan subject to certain conditions enumerated therein (the "Certificate of Approval");

NOW, THEREFORE, in consideration of the Board approving said Plan without requiring a performance bond, and in consideration of one dollar (\$1.00) in hand paid, the receipt of which is hereby acknowledged, the Applicant hereby covenants and agrees with the Board and the Town as follows:

1. The Applicant represents and covenants that he is the owner in fee simple absolute of all of the land included in the above-referenced subdivision and shown as Lots 1R through 9R on the Plan (the "Lot" or "Lots") and that there are no mortgages of record or otherwise on any of the Lots, except for those described below and subordinated to this covenant, and that the present holder of any such mortgages has assented to this covenant prior to its execution by the Applicant.

2. The Applicant will not sell any of the Lots or erect or place any permanent building on any such Lot until the construction of roadways and all related infrastructure and installation of utilities and municipal services and off-site improvements as specified in the approved Plan and described in the Certificate of Approval have been completed in the manner specified in the Application, the Plan and the Certificate of Approval, and in accordance with the covenants, conditions, agreements, terms and provisions thereof. The Applicant expressly agrees that construction of said roadways and all related infrastructure, including, but not limited to a stormwater management system, and the installation of said utilities and municipal services shall be completed to the satisfaction of the Board within four (4) years of the date the Certificate of Approval became effective.

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the Applicant.

4. It is the intention of the Applicant and it is hereby understood and agreed that this covenant shall constitute a covenant running with the land shown on the Plan and shall operate restrictions upon the Lots.

SEE PLAN FILED IN

PLAN BOOK 629 PAGE 65

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APR 01 2014

PLANNING

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2014 APR -9 PM 12:00

TOWN OF FRANKLIN
CLERK

COMPTROLLER

2014 APR -9 PM 12:00

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Walsh Franklin Recording

RECEIPT
Printed: March 26, 2014 @ 13:23:37
Norfolk Registry of Deeds
William P O'Donnell
Register

Trans#: 61669 Oper:FRANCESS

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Book: 32141 Page: 91 Inst#: 21552
Ctl#: 933 Rec:3-26-2014 @ 1:23:32p
FRKL

DOC	DESCRIPTION	TRANS AMT
COVENANT		
	10.00 rec fee	10.00
	20.00 Surcharge	20.00
	5.00 Tech.Surcharge	5.00
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
	Total fees:	76.00

Book: 629 Page: 65
Ctl#: 934 Rec:3-26-2014 @ 1:23:32p

DOC	DESCRIPTION	TRANS AMT
PLAN		
	25.00 rec fee(PLAN)	25.00
	State Fee \$25.00(PL.	25.00
	20.00 Surcharge(PLAN)	20.00
	5.00 Tech.Sur.(PLAN)	5.00
	Total fees:	75.00
	*** Total charges:	151.00
	CHECK PM 2556	151.00

RECEIVED
APR 01 2014
PLANNING

3/10/14

RECEIVED

MAR 10 2014

PLANNING

Franklin Park Bd

Ref Extend Review Period

Dear Bd Member
On Behalf of the student

Please Extend the Review Period

For One AS DAY

⁴⁵
Paul Nale
Governor Johnson Inc

2014 APR -9 PM 12:00
RECEIVED
HOWARD FRANKLIN
TOWN OF FRANKLIN
TOWN OF FRANKLIN