

Town of Franklin



Planning Board

November 3, 2014

Meeting Minutes

Chairman Anthony Padula called the above-captioned meeting to order on this date at 7:00 p.m. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Ballarino, and alternate Gregory Rondeau. Also present: Beth Wierling, Town Planner; Mike Maglio, Town Engineer; and Andrew Ogilvie, from BETA Group, Inc.

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

7:00 PM: Commencement/General Business

A. Site Plan Endorsement – 400 & 406 East Central Street

Beth Wierling stated the Site Plan entitled “Site Plan – Planet Chrysler Jeep Dodge Ram – 400 & 406 East Central Street” was approved by the Planning Board on October 6, 2014 and the applicant was seeking endorsement. Mrs. Wierling stated the DPCD had no further issues and recommended endorsing the plan as submitted.

Chairman Padula requested the applicant remove reference to the five parking spaces closest to the Big Y as required in the Special Conditions of Approval. Ms. Wierling indicated that the plans submitted for endorsement did not show the five parking spaces as referenced by the Chairman. Chairman Padula requested the parking schedule be revised to accurately reflect the Planning Board decision.

The Chairman then made a motion to the endorse plan, requesting a new mylar be submitted with the changes discussed.

Motion to endorse the site plan entitled “Site Plan – Planet Chrysler Jeep Dodge Ram – 400 & 406 East Central Street” dated June 9, 2014 and revised through November 4, 2014 David. Seconded, Ballarino (5-0-0)

B. Limited Site Plan Modification: 23 Hutchinson Street

Mike Maglio stated all DPW comments had been addressed had been satisfied by the applicant’s latest revisions. He stated the DPW had already noted one (1) typo on the drainage plan, but that

error did not affect the design at large and indicated the drainage calculation could be corrected prior to endorsement.

Mr. Padula asked Don Nielson, engineer and representative from Guerriere and Halnon, Inc., whether this plan included the sound barrier discussed in previous meetings; Mr. Nielsen confirmed.

Mrs. Wierling stated the applicant completed the requirements issued by the Conservation Commission. However, she stated the Planning Board still needed to make a determination whether the elimination of one (1) additional parking space is acceptable whereas sixteen (16) were previously approved. This would reduce the total number of parking to fifteen (15) parking spaces.

Motion that fifteen (15) parking spaces were acceptable where sixteen (16) spaces were previously approved. David. Seconded, Carroll (5-0-0)

Motion to approve the Limited Site Plan Modification entitled "Limited Site Plan Modification for Franklin TV – 23 Hutchinson Street" Carroll. Seconded, David (5-0-0)

C. Endorsement 81-P: 400 & 406 East Central Street

Mrs. Wierling explained that the 81-P plan being presented combines lot 285-007-000 (7.125 acres) and lot 285-006-000 (.289 acres) together to allow for the construction of a parking area for Planet Chrysler Jeep Dodge Ram. The site plan for the parking area was endorsed earlier in the meeting.

Motion to authorize the chairman to sign the 81-P entitled "Plan of Land: 400 & 406 East Central Street," David. Seconded, Ballarino (4-0-1) Joseph Halligan: abstained.

D. Endorsement 81-P: Village at Cooks Farm

Mr. Nielsen indicated the 81-P plan combines a portion of the Franklin Country Club property and the Cooks Family properties into one lot for the development of The Village at Cooks Farm. Mr. Nielsen indicated the combination of the lots was a requirement of the approval of the Site Plan for the Village at Cooks Farm.

Mr. Nielsen explained the application depicted the combination of Parcels B1 (642,211 s.f.), A1 (207,603 s.f.), A2 (6,825 s.f.), A3 (11,049 s.f.), A4 (829 s.f.) to create a buildable Lot 1 (868,544 s.f., 19.939 AC) and indicated Parcel B2 (84 s.f.) was being conveyed to Franklin Country Club.

Motion to authorize the chairman to sign the 81-P entitled "Plan of Land: East Central Street, Franklin Massachusetts" Carroll. Seconded, Halligan (5-0-0).

E. Approval of Meeting Minutes: October 6, 2014

Chairman Padula asked if there were any additions or deletions to the meeting minutes as submitted.

Motion to approve the October 6, 2014 Planning Board meeting minutes as submitted. Halligan. Seconded, David (5-0-0).

PUBLIC HEARING –Continued***Winter Gardens*****Definitive Subdivision*****Documents presented to the Board:***

1. *Letter from DPW dated October 30, 2014*
2. *Letter from BETA Group, Inc. Dated October 30, 2014*
3. *Letter from the DPCD dated October 29, 2014*
4. *Letter from the DPCD dated October 21, 2014 to the applicant*
5. *Form R: Subdivision Waiver Request dated October 20, 2014*
6. *Letter from United Consultants dated October 20, 2014*
7. *Letter from the Franklin Health Department dated October 20, 2014 to the Planning Board*
8. *Letter from the Department of Public Works dated October 16, 2014 to the Planning Board*
9. *Letter from the DPCD dated October 15, 2014 to the Planning Board*
10. *Letter from BETA Group, Inc. data October 14, 2014 to the Planning Board*
11. *Letter from the Franklin Board of Health dated October 7, 2014 to the Planning Board*
12. *Legal Ad*
13. *Public Hearing Notice dated September 23, 2014*
14. *Letter from the Town Administrator dated September 18, 2014 to the Planning Board*
15. *Site plan entitled "WINTER GARDENS Definitive Subdivision in Franklin, Massachusetts," dated September 18, 2014 and revised through October 24, 2014 by United Consultants, Inc.*
16. *Environmental Impact Analysis dated September 18, 2014*
17. *Drainage Analysis dated September 18, 2014 and revised through October 24, 2014 by United Consultants, Inc.*
18. *Certification of Ownership dated September 18, 2014*
19. *Memorandum from the DPCD dated September 18, 2014*
20. *Form C: Application for Approval of a Definitive Plan dated September 18, 2014*
21. *Abutter's List Request Form received September 18, 2014*
22. *Six (6) Form R: Subdivision Waiver Request dated September 11, 2014*

Mr. Halligan and Mr. Ballarino recused themselves from this hearing.

Mr. Maglio stated that during their last meeting the Planning Board requested he visit the site and reevaluate the drainage analysis. Mr. Maglio stated he visited the site before and after a rainstorm that had occurred during the week prior and indicated, as currently designed, the post-development flow from the subdivision will be less than what is currently being discharged from the site in question and will be channeled through the existing and naturally occurring swale. Mr.

Maglio stated the grading of the Bussey property is such that he did not foresee any adverse drainage impacts from the proposed development, including negatively restricting the future use of the land in question. Mr. Maglio elaborated further, stating the Bussey residence is currently higher than the proposed drainage site. As such, he did not foresee any major issues based on the design presented by the applicant.

Mr. Maglio then commented on the sight distance on the proposed roadway, stating that, after reevaluating the existing conditions more closely, the applicant can meet the desired sight-intersection distance for right turns closest in proximity to Jordan Road, as well as the stop-sighting distance for left turns coming out of the proposed roadway. Mr. Maglio stated that, in order to meet the minimal sight-distance criteria, the applicant would first need to undertake tree cutting/trimming measures along Jordan Road, within the public right-of-way. He also noted that a portion of this road had been recognized as a scenic roadway, indicating any changes within the Town's right-of-way would require a scenic road work permit and public hearing through the Planning Board. Mr. Maglio asked that the plans indicate the actual limits of trimming and clearing be determined in the field during construction to better achieve the desired sight-distances, while avoiding unnecessary clear-cutting. He also stated that more directional and warning signs should be erected to better ensure the safety of motorists when turning from a leftward direction.

Mr. Maglio then commented on the outlet control structure and granite curbing, which he characterized as minor issues.

Chairman Padula inquired about the status of the Fire Department, specifically their estimation of the onsite wells. Mr. Maglio stated he had spoken with the Fire Chief and Water Superintendent and determined that another fire-flow test will be conducted to better ensure adequate supply and pressure.

Andy Ogilvie, from BETA Group, Inc., stated that, aside from the detention basin, the applicant's engineers have adequately addressed the majority of his comments. Mr. Ogilvie stated he agreed, on principal, with the applicant's engineer on the adequacy of their stormwater management design.

Mr. Padula asked if anyone from the public wished to address the Planning Board. In response, June Bussey stood before the Planning Board and described her property, in her opinion, as being the one most jeopardized by this project. As such, Mrs. Bussey stated she would erect a berm the entire length of her property in response to the project, indicating that nobody had a right to use her property for drainage purposes. Mr. Padula explained that, in accordance with the Franklin bylaws, the post-construction conditions shall discharge no more water than what is currently flowing toward her property. Since the natural flow of water running through her property is preexisting, and since the proposed development will actually lessen the flow of runoff than what is currently being discharged, Mr. Padula stated the developer was within his right to continue with their presentation before the Planning Board.

Mr. Maglio warned that a berm may in turn alter the intended drainage flow that had been verified as structurally sound by engineers, resulting in misdirected water adversely affecting other abutters. Mr. Bussey indicated he had issues with the proposed roadway layout and indicated he believed the developer should change the proposed roadway to avoid placing water on his property. Mr. Bussey indicated the berm he proposed to build on his property to block any water from the proposed subdivision would be 8' high and 6' wide along the whole length of his property.

Mr. Maglio indicated Mr. and Mrs. Bussey's intent to construct a berm may pose legal risks that, as an engineer, he could not comment on. Mr. Padula expressed his concern that, despite the opinion of two licensed engineers who had independently verified the proposed development would not impose any adverse effects on the Bussey property, instead actually reducing the overall impact of storm water, he did not want to involve the Town in a legal matter concerning the degradation of anyone's property, either the Bussey's or abutters affected as a result of the proposed berm. Mr. Padula asked if it was possible to have an alternative drainage design at the site. Mr. Maglio indicated he had only assessed the design as it currently stood. Mr. Maglio stated alternate drainage designs are something that would have to be determined by the applicant's engineer; but reiterated that, as the design currently stood, he did not feel as though the proposed development would allow any negative impact on the surrounding area to occur. Conversely, the erection of the proposed berm on the Bussey property certainly could have a detrimental impact on the surrounding properties, even if the proposed development didn't go forward. Mr. Padula stated he was unsure on how to proceed without harming someone's property as a result of the berm. Mr. Maglio suggested seeking the advice of Town Council because he could not speculate on the possible legal ramifications.

Mr. Goodreau indicated he has looked into alternatives for the alternatives to the drainage system, but options were extremely limited given the existing grade. He stated such a substantial road change was not practical or economically feasible from an engineering standpoint. According to Mr. Goodreau, such a change in elevation would only impose new and more severe drainage issues on the Bussey property. Mr. Goodreau then clarified for Chairman Padula that the natural swale running through the Bussey property and the manmade drainage system located on the Franklin Commons would work congruently with each other.

Chairman Padula felt any possible legal ramifications would have to be determined by the Town attorney prior to voting on the plan. Chairman Padula stated he wanted the Town attorney present for the next Planning Board meeting to provide his legal opinion on the matter of the Bussey's constructing a berm on their property and how it may impact abutters.

Motion to continue the public hearing for "Winter Gardens Definitive Subdivision" until November 17, 2014 at 7:15 pm, Carroll. Seconded, David (3-0-0).

PUBLIC HEARING – *Continued*

Villages at Oak Hill

Special Permit & Limited Site Plan Modification

Documents presented to the Board:

- 1. Letter from the DPCD dated October 28, 2014.*
- 2. Revised Special Permit Criteria for Villages at Oak Hills dated October 17, 2014*
- 3. Letter from the Franklin Fire Department dated October 17 2014*
- 4. Letter from the DPCD dated October 16, 2014*
- 5. Letter from the DPW dated October 16, 2014*
- 6. Letter from the DPW dated October 16, 2014*
- 7. Letter from Heritage Design Group dated October 6, 2014*
- 8. Continuance Letter dated October 1, 2014 from Heritage Design Group to the Planning Board*
- 9. Letter dated September 9, 2014 from Heritage Design Group to the Planning Board*
- 10. Letter dated September 3, 2014 from Heritage Design Group to the Planning Board*
- 11. Letter dated August 5, 2014 from the Board of Health to the Planning Board*

- 12. Letter dated July 30, 2014 from Heritage Design Group to the Planning Board
- 13. Letter from Franklin resident to the Planning Board dated July 23, 2014
- 14. Letter from the Conservation Commission dated July 22, 2014
- 15. Letter dated July 18, 2014 from the Fire Department to the Planning Board
- 16. Letter dated July 17, 2014 from the DPW to the Planning Board
- 17. Letter dated June 27, 2014 from the Fire Department to the Planning Board
- 18. Public Hearing Notice dated June 25, 2014
- 19. Letter dated June 20, 2014 from Heritage Design Group to the Planning Board
- 20. Special Permit Criteria by Heritage Design Group received June 10, 2014
- 21. Application for Approval of a Limited Site Plan and Special Permit(s) received June 10, 2014
- 22. Certificate of Ownership received June 10, 2014
- 23. Town of Wrentham Abutter's List received June 10, 2014
- 24. Abutter's List received June 10, 2014
- 25. Legal Ad
- 26. Storm water Report by Heritage Design Group dated June 10 2014 and revised through October 7, 2014
- 27. Drawing Set entitled "Site Plan Modification for the Village at Oak Hill" dated June 24, 2014 and revised through October 7, 2014 Heritage Design Group of Whitinsville, MA

Mr. Halligan and Mr. Ballarino rejoined the meeting.

Mrs. Wierling stated the applicant had received approvals as needed from the Conservation Commission at their last meeting, which was the only outstanding item left to address from the last Planning Board meeting. Mrs. Wierling stated the DPCD saw no further outstanding issues.

Chairman Padula inquired whether the Franklin Fire Department was satisfied with these plans. Mrs. Wierling stated that the Fire Chief had no further comments.

Mr. Maglio stated the applicant had fulfilled all the DPW's requirements and saw no further outstanding issues.

Chairman Padula asked the members of the Planning Board if anyone found issue with the site plan & special permit application before them. The members of the Planning Board found no more outstanding issues.

Motion to close the Public Hearing for "Villages at Oak Hill," Halligan. Seconded, Carroll. (5-0-0)

ROLE CALL VOTE:

(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 Ballarino	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 Ballarino	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 Ballarino	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 Ballarino	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 Ballarino	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 Ballarino	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 Ballarino	YES		

B. Vote: Senior Village Criteria:

(a) That the senior village is designed in a comprehensive, landscape sensitive manner, according to the process outlined in the conceptual plan.

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

(b) That the senior village is consistent with all senior village open space standards, senior village development standards, affordable unit restrictions, and all applicable standards and requirements set forth in this bylaw.

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

(c) That the proposed senior village will, by its design and layout, succeed in:

- i. Preserving open space for conservation and/or recreation purposes, and providing appropriate public access to the open space;
- ii. Protecting natural and cultural features of the site which are important to the character and health of the Town;
- iii. Creating a true village setting with a pedestrian orientation and character consistent with the historic development patterns of the Town of Franklin.

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

C. VOTE:

ROLE CALL VOTE:

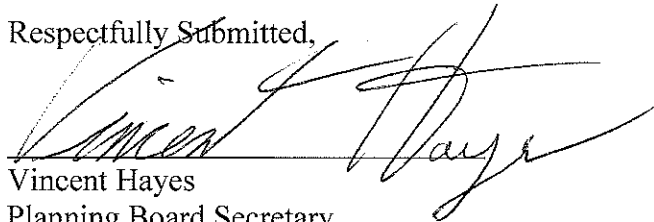
The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

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

The Planning Board made a motion to approve, with standard conditions, Special Permit for a Senior Village (modified) at "The Villages at Oak Hill" to be constructed in accordance with the site plan dated May 20, 2014 and revised through endorsement. Carroll. Second: David. (5-0-0)

Motion made to adjourn, Carroll. Second: David (5-0-0).

Respectfully Submitted,



Vincent Hayes
Planning Board Secretary