

Town of Franklin



Planning Board

October 20, 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, and alternate Gregory Rondeau. Also present: Beth Wierling, Town Planner; Mike Maglio, Town Engineer; Andrew Ogilvie, from BETA Group, Inc.; and Vincent Hayes, Planner/Design Review Coordinator. Gregory Ballarino was absent for this meeting.

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

7:00 PM Commencement/General Business

A. **Form H: Certification of Completion** - 323 West Central Street

Michael Magilo, Town Engineer, stated all outstanding issues initially found with the project have been either corrected or waived by the Planning Board. As such, the Department of Public Works felt comfortable with the plan's approval.

Anthony Padula, Planning Board Chairman, asked whether the striping of the parking spaces had been completed as planned. Mr. Magilo stated that everything was satisfactory and the striping is 9 x 19 as indicted in their site plan.

Mr. Padula asked the members of the Planning Board whether anyone had any further issues with the plan; there were no further issues.

Motion to accept the Form H Certification of Completion: 323 West Central Street, Forever French, Halligan. Seconded: David. Vote: 4-0-0

B. **Limited Site Plan Modification** – 23 Hutchinson Street

Mr. Magilo stated the Department of Public Works had reviewed the revised plans submitted by the applicant and found all previous comments have been addressed. As such, Mr. Magilo had no further recommendations concerning the project. However, he did note a minor error in the DPW's drainage calculation. Mr. Magilo stated after speaking with Don Nielsen, the project's engineer, Mr. Nielsen agreed to make corrections to the drainage based upon DPW comments prior to endorsement.

Mr. Padula read aloud a correspondence in which the Franklin Fire Chief, Gary B. McCarraher, stated he had no comments or suggestions for the proposal that had been submitted.

Mr. Padula inquired about the sound created by the generator. Mr. Nielsen stated they had responded to the Planning Board's concerns by implementing sound-reduction technology, that will essentially erecting an enclosure to house the generator, that stifles sound to near negligible levels (between 72-75 decibels). He then described the construction of the enclosure as being 8-inch concrete and clapboard with a veneer consistent with the rest of the building.

Mr. Halligan asked whether the building was already built and how large it was in terms of square footage. Mr. Nielsen said it was 1,900 square feet. Mr. Halligan noted it had been previously approved for 1,260 square feet and sought clarification as to how the scope of the project had increased so substantially. Mr. Nielsen said the structure had been constructed larger than what had been originally approved prior to returning to the Planning Board for a limited site plan approval. MR. Nielsen noted the applicant returned to the Planning Board after the fact for multiple limited site plan approvals indicating in the future any proposed changes will come to the Planning Board prior to being completed at the site. Mr. Nielsen also noted the applicant was required to appear before the Conservation Commission for several modifications to alter the order of conditions. Mr. Halligan asked the applicant acknowledge the process only can move as quickly as the applicant works, meaning, complete plans and knowledge of the proper procedure for filing revised plans will result in a quick process through the Planning Board. Mr. Nielsen acknowledged proper procedures will be followed in the future by the applicant.

Mr. Padula noted the Limited Site Plan Modification at 23 Hutchinson Street was scheduled to appear before the Conservation Commission following this meeting. Mr. Nielsen stated he had gone before the Conservation Commission the prior Thursday and claimed all their comments had been satisfied and they anticipated voting on the matter on October 29, 2014. The Planning Board indicated they will make a motion to vote on the Limited Site Plan as soon as all issues are completed with the Conservation Commission and moved the item to the November 3, 2014 meeting where the Board anticipated they would vote on the plan as presented.

C. Endorsement Limited Site Plan Modification: 19 National Drive

Beth Wierling, Town Planner, stated the Planning Board had approved the limited site plan modification application for 19 National Drive on October 6, 2014 and indicated the applicant was requesting endorsement of the plan. Mrs. Wierling stated the Department of Planning & Community Development has no further issues at this time.

Motion to endorse "Limited Site Plan Modification: 19 National Drive, TMC Environmental Inc.," Carroll. Second: David. Vote: 4-0-0.

D. Form H: Certification of Competition: 19 National Drive

Mrs. Wierling indicated the applicant is requesting acceptance of the certificate of completion (Form H) for 19 National Drive and has submitted as-builts and required paperwork from GZA GeoEnvironmental Inc., the contracted inspection service for this project. GZA indicated the site was constructed in "substantial conformance," with the site plan as required by the Planning

Board, meaning the current proposal now accurately reflects what was approved by the Planning Board. As such, the applicant is now seeking acceptance of the Form H.

Motion to approve the Form H: Certification of Completion: 19 National Drive, TMC Environmental, Carroll. Seconded: David. Vote: 4-0-0.

E. Lot Release: 6 Chilmark Road (Lot 2)

Mrs. Wierling informed the Chairman that this item was in reference to a subdivision that had been approved and constructed during the late 1980's. Currently, a house addressed 6 Chilmark Road (Lot 2) is for sale. A condition of the covenant indicated that lots shall be released from the covenant upon the release of the bond. Mrs. Wierling indicated that according meeting minutes, it appears the lots were released in 1999; however, the attorney or the person selling the house has requested the Planning Board take a vote to more formally release the lot. Mrs. Wierling indicated, a partial release is being requested for 6 Chilmark Road (Lot 2).

Mr. Padula inquired whether the road has already been accepted by the Town of Franklin. Mrs. Wierling stated the minutes of the Planning Board appeared to indicate such, but she was not entirely certain.

Mr. Halligan asked if the neighborhood was matured, meaning well established and fully developed within Franklin. Mrs. Wierling indicated it was built in the 1980's. Mr. Halligan indicated this lot had probably been sold repeatedly in the past without issue. Mrs. Wierling said that is most likely true. However, incidences such as these are becoming more frequent because banks are becoming increasingly stringent with their selling requirements.

Motion to release the covenant on 6 Chilmark Road (Lot 2), Carroll. Seconded, David. Vote: 4-0-0.

PUBLIC HEARING – Initial

Winter Gardens

Definitive Subdivision

Documents presented to the Board:

1. *Letter from the DPCD dated October 22, 2014 to the applicant*
2. *Letter from the Franklin Health Department dated October 20, 2014 to the Planning Board*
3. *Letter from the Department of Public Works dated October 16, 2014 to the Planning Board*
4. *Letter from the DPCD dated October 15, 2014 to the Planning Board*
5. *Letter from BETA Group, Inc. data October 15, 2014 to the Planning Board*
6. *Letter from the Town Administrator dated October 8, 2014 to the Planning Board*
7. *Letter from the Franklin Board of Health dated October 7, 2014he Planning Board*
8. *Legal Ad*
9. *Definitive Subdivision Plan entitled "WINTER GARDENS Definitive Subdivision in Franklin, Massachusetts," dated September 18, 2014*
10. *Drainage Analysis dated September 18, 2014*

11. *Certification of Ownership dated September 18, 2014*
12. *Memorandum from the DPCD dated September 18, 2014*
13. *Form C: Application for Approval of a Definitive Plan dated September 18, 2014*
14. *Abutter's List Request Form received September 18, 2014*
15. *Six (6) Form R: Subdivision Waiver Request dated September 11, 2014*
16. *Public Hearing Notice dated September 2, 2014*

Motion to waive the reading. Carroll. Second: David. Vote: 4-0-0

Mr. Halligan recused himself.

Rick Goodreau from United Consultants, Inc., and accompanied by Joe Venturoso, and Tony Arcaro, principals from Lockwood Building Corp., gave a brief description of the definitive subdivision following the completion of the preliminary subdivision process, which had been finalized in late August of this year. The current proposal is to construct a cul-de-sac roadway, which will be serviced by a drainage system, creating five lots on the development. Mr. Goodreau stated the drainage system will discharge into an infiltration basin.

Mr. Goodreau then discussed the waivers his team had been granted from the Planning Board, which included the following:

1. §300-10.D. (5): To allow fills in excess of five feet:
 - From Station 2+75 to Station 3+25 and Station 5+33 to Station 6+58.99.
2. §300.11.A. (3): Stormwater Management. To allow stormwater drainage components to be located on a separate lot, not conforming to zoning requirements.
 - To allow the drainage on a lot with 16.18' of frontage.
3. §300.11.B.(2): To allow for the reduction in cover over drain pipes. To allow for the piping to be 12" in diameter.
4. §300.11.B.(3).(a): To allow a double catch basin to one drain manhole at the cul-de-sac.
5. §300.12.A.(1): To allow on site wells and not to require the installation of a water main.
6. §300-13.A.(1): To construct one sidewalk where two are required on both sides of the road.

Mr. Padula wanted the above-referenced manhole away from driveways. Mr. Goodreau stated that they would be.

Mr. Goodreau stated his team had met with both the DPW and the Fire Department concerning the water service in this area and ultimately felt it would be most prudent to install a fire hydrant at the intersection of Jordan Road. Mr. Goodreau stated this was the recommendation of the Fire Chief.

Mr. Padula inquired whether the one hydrant Mr. Goodreau was proposing would be adequate enough for the roadway's 600' length and whether there would be sufficient pressure for the proposal. Mr. Goodreau indicated both were sufficient. Mr. Magilo stated that he believed the water superintendant is checking these facts with his consultant and they would be conducting test shortly to verify all the information stated by Mr. Goodreau. Mr. Goodreau also stated the proposed roadway in no longer than 600' as required in the Subdivision regulations.

Mr. Magilo stated the subdivision in question will have septic systems and private wells. He said the DPW had some minor comments on the plans that were submitted, such as driveway openings and asphalt apron for the proposed access road for the detention pond, which they would like reflected in the plan. He also requested a more detailed assessment on the control structure for the drainage basin.

Mr. Goodreau stated his team had already made the revisions to their plan in response to comments from BETA Group, Inc and the DPW.

Mr. Padula asked if all sidewalks will be concrete and whether there will be driveway aprons. Mr. Goodreau stated this was correct.

Andy Ogilvie, from BETA Group, Inc., stated they had noted the waiver requests from the applicant and, after reviewing their plans, would generally recommend their requests be granted. He suggested Mr. Goodreau's team request two further waivers: the requirement to show trees of more than 10" in diameter on their plans and the requirement to display 300' of additional coverage outside their property line. He said the other issue concerning their proposal was an existing lot that has a septic system which, because of where it is located in the plan, would have a property line cutting through its leaching field. He recommended the septic tank remain entirely on one property. He also noted wetlands vegetation had been found within the leaching field, which may indicate that it's not necessarily wetland, but a leaching field that is not operating as it should. He suggested that Mr. Goodreau investigate this.

Mr. Padula asked whether the developer owned this piece of property. Mr. Goodreau stated he did not.

Mr. Goodreau stated that the applicant had completed a title-5 inspection of the site on the Friday prior to the meeting and their findings had been submitted to the Franklin Board of Health for review just prior to the Planning Board meeting. He stated his inspector had determined the leaching system was functioning properly and couldn't explain why there was the wetlands vegetation in the area. Test pits had been dug in the area and results indicated dry soil conditions at both locations where testing was conducted. Mr. Padula asked if the black-line was okay on the distribution box. Mr. Goodreau said it was functioning properly with the water level being perhaps 1/8 of an inch. Mr. Goodreau then said that in light of the significant rainfall recently, he and a Board of Health agent had conducted a walkthrough in the morning and afternoon during a rainstorm and found no evidence of puddles or standing water over the leaching field.

Mrs. Wierling stated that should the applicant go forward utilizing Town water, the developer will need a water map amendment from Town Council. Mrs. Wierling requested the applicant make corrections to the detail showing both vertical and slant granite curbing. The applicant agreed and indicated vertical curbing will be used within the subdivision.

Mr. Rondeau inquired about existing wells on lots 4 and 5 of their plan. He wanted to know whether Mr. Goodreau intended to utilize these wells. Mr. Goodreau stated that these wells would be abandoned.

Mr. Carroll stated he was concerned residents living downhill from the development would be adversely affected by erosion, debris, and runoff generated during construction. He sought Mr. Goodreau's assurance that his team understood these concerns and would control runoff from the construction site. He stressed the fact that past developers have made promises to mitigate runoff and failed to follow through. As such, Mr. Carroll made it clear to Mr. Goodreau that his

expectation of this project was there would be as much erosion, debris, and runoff mitigation as needed to protect downhill and abutting properties.

Mr. Goodreau indicated erosion control measures will be provided during construction, which are shown on the erosion control plan, and are designed to contain any runoff during the construction phase. He stated all of the stormwater from the roadway is directed toward the detention basin, which infiltrates the water except during 10 to 100 year storm events where during such an event, a second outlet is utilized to provide discharge. Mr. Goodreau stated that, according to reports provided, both the rate and volume of runoff in the post-development condition will be less runoff than what currently enters the abutting properties.

Mr. Carroll sought Mr. Goodreau's guarantee that the applicant would work responsibly with neighboring property owners to address their issues concerning the site. The applicant agreed that they would work within reason to address issues concerning the proposed subdivision. Tony O'Carro, stated his company had a positive reputation they intended to uphold in Franklin.

Mr. Padula asked where the water from a 100-year storm would be discharged and whether storm water could be contained after the detention basin was filled to capacity. Mr. Goodreau stated the majority of the site had been modeled to channel runoff toward the detention basin that was depicted on subdivision plan. He said it had been modeled to accommodate a 2-year, 10-year, and 100-year storm. He also stated that during a 2-year storm, the detention basin will not have an outlet. Rather, all the water from a storm of 3.25 inches or less will be contained within the basin. However, during a 10 to 100 year storm, which is at least 6.8 inches of rainfall, there will be some outflow from the basin, which will be discharged to a plunge pool.

Mr. Padula asked if the abutting properties were lower than the plunge pool. Mr. Goodreau stated this was correct. He stated one of the abutting properties in question, already traps water in an existing drainage system. Mr. Padula asked for Mr. Goodreau to point out the residential home that abutted the drainage basin and plunge pool; Mr. Goodreau pointed to the property owned by Mr. and Mrs. Bussey.

June Bussie introduced herself and stated she feared the construction of the proposed detention basin and stormwater management system would ultimately result in the destruction of her property. She felt as though the proposal would permanently direct 12-acres worth of runoff toward her property, thereby reducing it to wetlands. As the geography currently existed, she believed her property only received a fraction of this runoff. She claimed her property was already prone to flooding and any alterations would jeopardize it even further. She felt as though the developer knew his plans would result in destruction to her property, but had opted for a less costly approach. Mr. Bussie suggested raising the road and pitching it in the opposite direction as a viable, albeit costlier, solution.

Mr. Padula asked if there were any other abutters who were present, there were no other comments.

Mr. Padula asked Mr. Maglio to further evaluate runoff and drainage as well as work with Mr. Goodreau to discuss alternative locations for the detention basin.

Continued until 7:15pm on the November 3, 2014 Planning Board meeting.

PUBLIC HEARING – Initial

Zoning Bylaw Amendments:

14-742: §185-4 – Districts Enumerated

14-743: §185-20 - Signs

14-744: §185-31 – Site Plan and Design Review

Documents presented to the Board:

1. *Legal ad dated September 25, 2014*
2. *Public hearing notice dated September 25, 2014*
3. *Zoning Bylaw Amendment 14-744*
4. *Zoning Bylaw Amendment 14-742*
5. *Zoning Bylaw Amendment 14-743*

Motion to waive the reading, Carroll. Seconded, David. Vote: 3-0-0

Joseph Halligan re-entered the public hearing.

Beth Wierling described the three (3) zoning bylaw amendments, which proposed minor changes to Chapters 185-4, 185-20, and 185-31 that will correct references and inconsistencies within the zoning bylaw. Mrs. Wierling indicated a review of the Town Code by an independent code reviewer, found several inconsistencies with the zoning bylaw and recommended the proposed corrections be made.

Mr. Padula inquired about Zoning Bylaw Amendment 14-743, regarding the following institutional uses: museum, art gallery, civic center, and library; and whether these establishments would still fall under the jurisdiction of the Design Review Commission. Mrs. Wierling stated these establishments would still be subject to the Design Review process, and recommended that the corrections should be made in order to reflect the uses that are actually available.

Motion to recommend that Zoning Bylaw Amendments 14-742, 14-743, and 14-744 appear before the Town Counsel, Carroll. Seconded: David. Vote: 4-0-0

Mr. Padula made a motion for a declared two minute recess at 7:43pm.

Meeting resumed at 7:45pm.

PUBLIC HEARING – Continued

Villages at Oak Hill

Special Permit & Limited Site Plan Modification

Documents presented to the Board:

1. *Letter from the Franklin Fire Department dated October 20 2014*
2. *Revised Special Permit Criteria for Villages at Oak Hills dated October 17, 2014*
3. *Letter from the DPCD dated October 16, 2014*
4. *Letter from the DPW dated October 16, 2014*
5. *Letter from the DPW dated October 16, 2014*
6. *Site plan entitled "Site Plan Modification for Villages at Oak Hill in the Town of Franklin, Massachusetts," dated October 7, 2014*
7. *Letter from Heritage Design Group dated October 6, 2014*
8. *Site plan entitled "Site Plan Modification for Villages at Oak Hill in the Town of Franklin, Massachusetts," dated September 18, 2014*

9. Letter dated August 5, 2014 from the Board of Health to the Board
10. Letter dated June 27, 2014 from the Fire Department to the Board
11. Letter dated July 18, 2014 from the Fire Department to the Board
12. Letter dated July 17, 2014 from the DPW to the Board
13. Site plan entitled "Site Plan Modification for Villages at Oak Hill in the Town of Franklin, Massachusetts," dated June 24, 2014
14. Special Permit Criteria by Heritage Design Group received June 10, 2014
15. Application for Approval of a Limited Site Plan and Special Permit(s) received June 10, 2014
16. Certificate of Ownership received June 10, 2014
17. Town of Wrentham Abutter's List received June 10, 2014
18. Abutter's List received June 10, 2014
19. Legal Ad
20. Public Hearing Notice
21. Storm water Report by Heritage Design Group dated June 2014
22. Drawing Set entitled "Site Plan Modification for the Village at Oak Hill" dated May 20, 2014 and revised through June 20, 2014 Heritage Design Group of Whitinsville, MA

Present before the Planning Board were Eric Bizet, a representative from Heritage Design Group, and Bruce Wheeler, an affiliate of Franklin Muse.

Mrs. Wierling stated she only had minor comments concerning the proposal at hand. She then made referenced to the revised special permit criteria. Mrs. Wierling indicated the applicant revised the plans included a reduction in the 280' extension to Tuscany Drive returning Tuscany Drive to its original approved length. She noted the club house is 6' wider than previously documented and was now surrounded by a recreation area in addition to grading changes near wetlands.

Mr. Magilo stated he had met with the applicant's engineer and reviewed the applicant's plans. He stated the applicant's latest revised plans had eliminated the extension of the roadways, returning them to their previous condition. He stated all the drainage issues have gone through their alterations and the DPW found no outstanding issues with these modifications. Mr. Magilo's only comment was concerning the possible relocation of one of the waterlines. If the applicant decided to follow through with these plans, it would be necessary for the applicant to submit a plan with the revised modifications to the DPW.

Mrs. Wierling read aloud a correspondence from the Franklin Fire Chief, which stated the Franklin Fire Department believed the applicant's modifications, are in compliance with their standards. In addition to addressing the roadway's length, the correspondence furthermore stated the applicant agreed to install fire sprinklers in all remaining multiple-unit buildings.

Mr. Padula asked the applicants seated before him why they were seeking to make these modifications. Bruce Wheeler stated one of the housing unites, or "quads," that had been initially planned for construction was canceled due to problems with the underlying geology. As a result, the only viable alternative was to modify the existing quad-units into duplexes. Furthermore, duplexes are more marketable. Mr. Padula asked whether the applicant was planning on adding any additional units. Mr. Wheeler said no additional housing units are planned at this time. Mr. Padula then inquired whether the applicant intended to construct the recreation area. Mr. Wheeler stated they proposed a designated recreation area around the club house.

Earnestine Vanaler, Chairwoman of the Liaison Committee for Oak Hill Villages, stated the Liason Committee has worked alongside Bruce Wheeler concerning the proposed site changes

and indicated the Committee supports the proposed changes. Mr. Padula asked if the club house was already built. Mr. Bizet stated it was not.

Mr. Padula sought clarity on the timeline of the project. Mr. Bizet explained several changes with agencies contracted by the applicant have occurred, in addition to issues with site plan approvals, resulting in the proposed modifications before the Planning Board, including the request for a clubhouse rather than a restaurant use. Mr. Bizet then stated the club house will be the first building constructed coming out of the current permitting process.

Mr. Padula stated the applicant needed to complete the public hearing process with the Conservation Commission and requested that the applicant return before the Board the next meeting on November 3, 2014. Mr. Wheeler stated his team had met with the Conservation Commission on the prior Thursday. He stated the Conservation Commission was at that time prepared to approve their submittal. Mr. Wheeler stated he had requested the Conservation Commission keep the hearing open as a precaution against the Planning Board mandating further changes that would need to be addressed by the Conservation Commission. Since this was not the case, Mr. Wheeler suggested the Planning Board approve of their plans and the Conservation Commission would subsequently accept their site plan modifications. Mr. Padula refused, stating he received no notification from the Conservation Commission communicating their approval of the modifications in advance of the Planning Board's decision.

Continued until 7:45pm on the November 3, 2014 Planning Board meeting.

Mr. Padula declared a three minute recess at 7:57pm, David. Seconded, Caroll. Vote: 4-0-0.

Meeting resumed at 8:00pm.

PUBLIC HEARING – Continued

Oteri Funeral Home

23 Cottage Street

Special Permit & Site Plan

Documents presented to the Board:

1. *Letter from the Franklin Fire Department dated October 20, 2014*
2. *Letter from the DPW dated October 16, 2014*
3. *Letter from the DPCD dated October 16, 2014*
4. *Letter from Land Planning Inc. dated October 14, 2014*
5. *Letter from Attorney Richard R. Cornetta dated October 14, 2014*
6. *Revised Storm Water Report dated October 14, 2014*
7. *Revised site plan entitled "Development Plan for Proposed Parking Lot located at 23 Cottage Street Franklin MA" dated October 14, 2014*
8. *Letter from the Board of Health dated October 7, 2014*
9. *Decision letter from DRC dated October 7, 2014*
10. *Letter dated September 29, 2014 from the DPW to the Board*
11. *Letter dated September 18, 2014 from the DPCD to the Board*
12. *Legal Ad dated September 10, 2014*
13. *Site plan entitled "Development Plan for Proposed Parking Lot located at 23 Cottage Street Franklin MA" dated September 8, 2014*
14. *Memorandum in Support of Applicant for Special Permit dated September 9, 2014*

15. *Certificate of Ownership received September 8, 2014*
16. *Storm Water Report dated September 8, 2014*
17. *Certified Abutter's List received September 8, 2014*
18. *Application for Site Plan & Special Permit dated September 4, 2014.*
19. Two Letter from the Zoning Board of Appeals dated August 11, 2014

Attorney Richard R. Cornetta, appeared before the Planning Board representing Oteri Funeral Home Inc., (33 Cottage Street) and introduced Shawn Oteri, President and Treasurer of Oteri Funeral Home Inc., Mr. Charles Oteri, Principal and Operator of the Oteri Funeral Home Inc. and William Halsing, PLS, from Land Planning, Inc. Attorney Cornetta indicated the proposed off-street parking area at 23 Cottage Street will be utilized to service the funeral home at 33 Cottage Street. The parking area was described by Attorney Cornetta as need by the Funeral Home to alleviate parking issues they are currently facing. Attorney Cornetta indicated a Special Permit for Use: Off-Street Parking as a primary use is required by the Planning Board in the Downtown Commercial Zoning District. The parking area will be accessed through an entrance at 33 Cottage Street, traffic will circulate via an easement over 27 Cottage Street and park at the proposed parking area at 23 Cottage Street and also exit via 23 Cottage Street. Attorney Cornetta described the parking area as containing 11 proposed spaces, appropriate drainage, curbing, a dumpster and new lighting. Mr. Halsing discussed the drainage at the site, indicating the site will be graded and there will be two basins that will accept the surface drainage from the parking lot and isolate it in an infiltration area.

Chairman Padula asked the applicant to confirm that that they were aware this parking lot was for use by 33 Cottage Street, Oteri Funeral Home (and tenants of 27 Cottage Street) only and any change in use for the parking would require a new special permit from the Planning Board; this parking area was not to be use for the general public. The applicant and Attorney Cornetta agreed and understood.

Attorney Cornetta discussed the recommendation for approval of the Photometric Plan from Design Review Commission while Mrs. Wierling, Town Planner asked that a copy be included in the final plan set for approval by the Planning Board. Also discussed was snow storage. Mrs. Wierling indicated that while she understood there was limited space to provide for snow storage and indicated the applicant has provided for this requirement, she stated the note shown on the plan referencing the removal of snow to an off-site location was not consistent with Town practices and requested the note removed from the plan, other Board members agreed and noted this should be a condition of approval.

Chairman Padula asked if there were any abutters in the audience that wished to speak, seeing there were none, the public hearing was closed on October 20, 2014.

After completing the above-described review of the submitted written materials and oral testimony, including the recommendations and comments of the various Town of Franklin agencies and representatives, the Board deliberated on the applicant's special permit application and applied the following Findings from Chapter 185-45 (E)(3) of the Franklin Zoning Code:

- (a) Proposed project addresses or is consistent with neighborhood or Town need.
- (b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
- (c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

- (d) Neighborhood character and social structure will not be negatively impacted.
- (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.
- (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.
- (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.

The applicant provided the following information in response to the seven (7) standard special permit findings:

(a) Proposed project addresses or is consistent with neighborhood or Town need.

The proposed development of an off-street parking lot would be consistent with the commercial land that is located in the area. There are existing off-street parking lots servicing the Rome Restaurant and the funeral home both to the east and west of the subject premises, as well as paved parking areas for both commercial and residential use on the opposing side of Cottage Street in the area of the subject property. The development of an off street parking lot would serve to reduce the number of motor vehicles that park along Cottage Street during normal operations of the funeral home. The off-street parking area being proposed would complement the existing parking and access drive presently used by the funeral home further west of the subject premises. The present access easement used by the funeral home will connect, via one way travel aisle, to the proposed off-street parking area which is to provide parking for approximately 11 motor vehicles with an exit only access drive to Cottage Street. The existing one way clockwise traffic flow will allow funeral home patrons to enter the funeral home access drive in a one-way traffic flow seeking parking or exit along the existing exit drive at 27 Cottage Street or the new exit drive at 23 Cottage Street. The proposed development of the property would be a significant enhancement for both vehicle and pedestrian access along Cottage Street.

(b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

The off-street parking area being proposed would complement the existing parking and access drive located to the west of the subject premises presently used by the funeral home. The present access easement used by the funeral home will connect, via one way travel aisle, to the proposed off-street parking area which is to provide parking for approximately 11 motor vehicles with an exit-only access drive to Cottage Street. The existing one way clockwise traffic flow will allow funeral home patrons to enter the funeral home access drive in a one-way traffic flow seeking parking or exit along the existing exit drive at 27 Cottage Street or the new exit drive at 23 Cottage Street. Existing sidewalks bordering the subject property will allow pedestrians safe and efficient access to the existing entry to the funeral home.

(c) 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.

The Applicant submits that site plan satisfies this condition as the layout of the driveway within the subject premises was designed to accommodate one way travel and parking which connects

and compliments the existing parking and access of the adjacent funeral home property. The access drive to the parking area would be through the existing access drive to the west of the subject premises located at the adjacent funeral home property allowing for one way travel to the newly established parking spaces. The access drive located on the subject property would be restricted to exit only to Cottage Street.

- (d) 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.**

The Applicant submits that the site plan will not have any detrimental effect to the neighborhood character or social structure. The proposed development would be consistent with the commercial land that is predominant in this area. The location of additional off-street parking spaces would serve to alleviate vehicle and pedestrian congestion into the town's commercial center area during normal and above normal demand periods associated with the operation of the funeral home.

- (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.**

The Applicant submits that the site plan will not have an adverse effect on the quality of the natural environment. The Applicant has proposed the re-development of an existing site located in a critical commercial area within the Town of Franklin. According to the Drainage Report for Proposed Development Prepared by Land Planning, Inc., dated August 19, 2014, the project will result in an increase in the amount of impervious coverage on the subject premises by approximately 523 square feet. The resulting increase in runoff will be mitigated by the construction of a subsurface stormwater management system consisting of underground infiltration chambers, a chamber isolator row and deep sump catch basins with hoods (collectively, the "stormwater management system"). The stormwater management system will serve to treat runoff to remove suspended solids and attenuate post-development peak runoff rates to less than the pre-development condition; while also providing additional treatment and groundwater recharge by way of filtering stormwater through the underlying native soil material. The stormwater management system has been designed to meet or exceed the requirements established in the Massachusetts Stormwater Handbook and by the Town of Franklin.

- (f) Neighborhood character and social structure will not be negatively impacted.**

The Applicant submits that the development will not result in abutting properties being deprived of light or fresh air circulation. The proposed development proposes the removal of the existing structure on the subject premises, and with the exception of a 6 foot stockade fence bordering the eastern boundary of the subject property for screening, 2 light poles for security lighting, and a direction sign restricting the travel aisle to exit only, there is no plan for the construction of any above ground structures on the property. Further, that abutting properties will not be exposed to flooding or subjected to excessive noise, odor, light, vibrations or airborne particulates. The applicant has incorporated Best Management Practices (BMP's) into this project to meet the Department of Environmental Protection Stormwater Management runoff quality requirements. The proposed drainage serving the proposed development has been designed to attenuate peak flows for up to the 100-year storm event, and shall handle the post construction stormwater

runoff and stormwater recharge. See Drainage Report for Proposed Development Prepared by Land Planning, Inc. dated August 19, 2014. All exterior lighting for the proposed site has been designed so as to comply with all regulations restricting the projection of light off of the premises. As the planned use of the site is for off street parking, there are no anticipated odors or airborne particulates that would be ancillary to such expected uses.

(g) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

The proposed development of the subject property would have no impact on the Town’s water or sewer system, or adversely affect the Town’s water supply.

Based upon the applicant’s responses to the special permit findings, their detail application, including the site plan and supporting documentation and information presented by Town staff and abutters, the Planning Board adopted this information to support its findings that:

(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

(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

(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

(d) Neighborhood character and social structure will not be negatively impacted.

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

(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

(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

Based upon the information submitted during the public hearings, Planning Board’s specific findings, the Planning Board specifically determines that allowing the Use: Off-Street Parking (as a primary use) in the Downtown Commercial Zoning District at 23 Cottage Street (Assessor’s Map 286, Lot 216) 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.

Accordingly, at the Planning Board meeting on Monday, October 20, 2014 the Planning Board, upon motion duly made and seconded, voted (4-0-0) to **approve** the applicant’s request to allow the Use: Off-Street Parking (as a primary use) in the Downtown Commercial Zoning District at 23 Cottage Street (Assessor’s Map 286, Lot 216)

The following members of the Planning Board were present at the hearing and voted as follows:

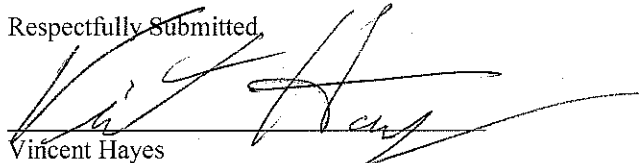
Anthony Padula	YES	Joseph Halligan, Jr.	YES
John Carroll	YES	William David	YES

Motion to approve the ten (10) Standard Conditions of Approval, Halligan. Seconded, Carroll. Vote: 4-0-0.

Motion to accept the one (1) Special Condition of Approval, which stipulates the following note will be removed from the plan: “A limited amount of snow storage is available on-site. Excess snow will be hauled off-site as necessary,” Halligan. Seconded, Carroll. Vote: 4-0-0.

Motion made to adjourn, Carroll. Second: David. Vote: 4-0-0.

Respectfully Submitted



 Vincent Hayes
 Planning Board Secretary