

Town of Franklin



2015 MAR 24 AM 8:58

Franklin, MA

Planning Board

January 5, 2015

Meeting Minutes

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 Wierling, Town Planner, Mike Maglio, Town Engineer, and Bryan Taberner, Planning and Community Development Director.

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

7:00 PM Commencement/General Business

A. Approval of Meeting Minutes: December 1, 2014

Chairman Padula asked if there were any additions or deletions to the meeting minutes submitted for December 1, 2014. There was no comment from the Board.

Motion to approve the Meeting Minutes for December 1, 2014. Halligan. Second: Carroll. Vote: 4-0-0

B. Endorsement: 81-P Plan - 7 Great Pond Road & Franklin Rod & Gun Club

Ms. Wierling, Department of Planning and Community Development, stated the application depicts the conveyance of Parcel A (40,549 s.f., not to be considered a buildable lot) to the Franklin Rod & Gun Club. DPCD recommends the Planning Board to endorse the 81-P Plan.

Motion to endorse the "81-P Plan - 7 Great Pond Road & Franklin Rod & Gun." Halligan. Second: Carroll. Vote: 4-0-0

Motion to recess until 7:15 PM. Halligan. Second: Carroll. Vote: 4-0-0

7:15 PM PUBLIC HEARING – Initial

Zoning Bylaw Amendment:

Changes to Office Zoning District

Multi-Family Uses

15-745: Chapter 185, Attachment 7, Part VI, Use Regulation Schedule, Multi-family uses

Documents presented to the Board:

1. *Town of Franklin Zoning By-Law Amendment 15-745*
2. *Office Zoning District-Pond Street Property (town owned) Parcel Line map*
3. *Letter dated December 8, 2014 from Bryan Taberner, AICP, Director, to the Property Owner*
4. *Memorandum dated December 8, 2014 from Bryan Taberner, AICP, Director, to Jeffrey Nutting, Town Administrator*
5. *Public Hearing Notice*
6. *Abutters List Request Form dated December 5, 2014*
7. *Abutters List Report dated December 8, 2014*

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

Mr. Jeffrey Nutting, Town Administrator, provided an overview of the zoning bylaw amendment. He stated the proposed zoning change is being brought forth by the Town for the Planning Board's consideration and will be on the Town Council's meeting agenda January 7, 2015. The intent of this zoning change is to allow the Town Council to consider issuing an RFP on the land owned by the Town on Pond Street. The Town has tried to market this property for about a decade without success, therefore adding the possibility of allowing some condominiums on the site would be make the parcel more marketable. Seeking approval of this zoning change so the Town Council will be able to have the opportunity for a bidder to put a mixed-use development and allow for multi-family use.

Ms. Elaine Murphy, 2 Walker Road, abutter to the property, presented numerous questions: Will the zoning change alter the plot's 15 acres of buildable land? Will the surrounding area get changed? Have the wetlands changed? If the Town approves the zoning bylaw change, will an abutting property owner be able to request a zoning bylaw change in order to sell their property to a developer? What are the parameters of the potential development? Can other areas be developed closer to Town instead? Is the zoning change needed because the Town is pleading hardship for money? Do all 33 acres need to be sold together? Is there a height limited on buildings in this area? In addition, the woods are homes to animals and take care of the carbon monoxide and noise coming off of the Rt. 495 area.

Mr. Nutting responded that the initial proposal of 2007 did not move forward. A plan exists for a hotel, restaurant, office space and about 2,000 cars per day of potential traffic. But, that was just a plan. This zoning change does not change any of the setbacks that currently exist on the property, nor does it change the wetlands. Mr. Nutting showed a conceptual design map depicting areas of possible development and areas that would not be develop. Of the 33 acres, there is about 20 acres of developable property. Due to the wetlands, the development area is constrained to the middle area as shown. As well, anyone can come before the planning board to ask for a zoning change. The Town does not own large developable parcels in the downtown area. The Town would like tax dollars. Balancing the budget and having sufficient funds is paramount to meeting the needs of the community. A \$500K - \$600K yearly tax revenue for the Town would be a great asset.

Chairman Padula reiterated that the buffer zone setbacks will not be changed. The Town is trying to make the property more marketable by adding the mixed-use, rather than strictly commercial use. The zoning change is just the first step.

Ms. Stephanie Pazniokas, 4 Hilltop Road, referenced a proposal depicting a different conceptual design listed on the Pond Street RFP site on the Town of Franklin website. She asked if it would be possible to have this 200 ft. prime forest land buffer be made part of the proposal. Why is this 15 acres of land located so close to the wetlands so important when there are 940 acres of economic opportunity in the Town?

Chairman Padula indicated that this type of question would come up on a proposal for a site plan, not for a zoning change. When a proposal comes in from a developer, the plans would then be considered for buffer areas.

Mr. Nutting responded that this is a question for the Town Council to decide what serves the best interest of the community and neighborhood, not the Planning Board. In addition, the economic development zone is about 98% built-out and the Town owns this piece of land. The Town will get money when it sells the land, as well as continued tax revenue. If Town sells land, the Town enters into an agreement with constraints as to what the developer can and cannot do.

Motion to open public hearing for 505 West Central Street – Lot 1, Midas Auto Service & Tires, and continue at the conclusion of the 7:15pm public hearing. Halligan, Second: Carroll. Vote: 4-0-0.

Mr. Halligan clarified that the Planning Board is not creating a new zone, only adding a use to the office zone that exists. Currently, there are many uses that can go in the area such as industrial, warehouse, restaurants, distribution center and trucking. This zoning change being discussed is for a more friendly-use, such as condominiums.

Mr. Kevin Lawler, 6 Rolling Ridge Road, noted the Starbucks being built on the corner and stated at night it is difficult to get home due to traffic. With condominiums proposed, should the flow of current and potential new traffic be considered?

Chairman Padula stated that with any development, traffic issues will be considered and a traffic consultant will be brought in.

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

Motion to recommend Zoning By-law Amendment 15-745. Halligan. Second: Carroll. Vote: 4-0-0.

7:30 PM PUBLIC HEARING – Initial
505 West Central Street – Lot 1
Midas Auto Service & Tires
Special Permit & Site Plan Modification

Documents presented to the Board:

1. *Letter dated December 31, 2014 from Franklin Crossing Condominium Association to Town of Franklin Planning Board*
2. *Letter dated December 30, 2014 from Michael Maglio, Town Engineer, to Anthony Padula, Chairman, and Members of the Franklin Planning Board*
3. *Memorandum dated December 29, 2014 from Department of Planning and Community Development to the Planning Board*
4. *Application for Special Permit dated December 4, 2014*
5. *Certificate of Ownership received December 11, 2014*
6. *Memorandum in Support of Application for Special Permit from Donald Neilsen of Guerriere & Hanlon, Inc., received December 11, 2014*
7. *Franklin Planning Board Public Hearing Notice received December 12, 2014*
8. *Abutters List Request Form dated November 20, 2014*
9. *Abutters List Report dated November 24, 2014*

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

Chairman Padula recused himself.

Mr. Halligan activated Gregory Rondeau, alternate Planning Board member, for the special permit as member Gregory Ballarino was absent. Greg Ballarino will be able to review the meeting on tape and vote on the special permit.

Mr. Don Neilsen, Engineer for Guerriere & Hanlon, Inc., Harry Hewitt, Real Estate Market Development Manager of Midas International Corporation, and Jeff Stearns, applicant, appeared before the Planning Board.

Mr. Neilsen provided an overview of the site. Plan initially submitted in 2010 having one (1) lot with three (3) buildings. Site plan was approved with conditions that if uses changed, would have to come before Planning Board for approval; therefore, the applicant is now requesting a Special Permit & Site Plan Modification. In addition, in 2013 the Planning Board was approached to allow a private road to access the three parcels. On the map provided, Lot 1 is the parcel being discussed for Midas Auto Services and Tires; Lot 2 is still vacant; Lot 3 is the Wendy's site. Each lot would be individually owned. An Association would maintain the roadway so it will be kept to the current standard.

The current site plan presented for Midas Auto Services and Tires is similar in footprint to that which was approved in 2010-2011 by the Planning Board. The square footage is limited on the easterly side (see Site Plan Sheet 3). The same buffers relative to the wetlands will be maintained, as well as the same limit along the retaining wall. Along the west side, adjacent to Pioneer Property Management, made that area open space grass area/drainage. The site in effect is reduced in expansion by about 10-15%. Therefore, some of the drainage is reduced. The

dumpster is to the north end of the site, and same driveway for entrance of site. The use is for Midas Auto and Tire Services, such as maintenance and oil changes. They have internal tanks for use of various hazardous wastes such as oils, greases. They will be put above-ground inside building containment. Will provide Town with internal document showing location and use of each tank. There is no intent to have any storage of hazardous waste outside the building. The only issue discussed is the oil filter containment which will be in the dumpster area which is similar to what was done for Planet Chrysler Jeep Dodge site. They have the same type of unit in an enclosed fenced in area. There will be a dumpster for metal and another for general waste. Connected to public water. Will bring water main up to front of building for fire protection. Floor drains will connect to MDC sand and oil separator which will treat any dripping greases and oils before being discharged into sewer system. Lighting was changed based on the comment about lighting spillage on the westerly side which may be taken care of with more shrubbery. Most of plantings around outside edge of property previously approved on the original site plan will be maintained as they fit into the new design. Some of the initial approvals for plantings, lightings and grading are in place. The special permit application submitted drainage analysis for Lot 1, and contains a memorandum with documents to support noise, sound, hazardous waste, etc.

Mike Maglio indicated that on initial review there was a discrepancy between the stone water pre- and post-calculations. Would like more detail on the site plan regarding sidewalks and wheel chair ramps. As well, there needs to be additional notations regarding outdoor storage near the dumpster area as to what is going to be stored there. Also, would like details in the plans regarding the building of the concrete pad for the dumpster, profile of the sewer main and service, and the location of the hydrant. BETA Engineering is also doing a review.

Ms. Wierling requested that Mr. Neilsen bring some presentation boards with the plans on them for the audience to be able to follow along. In addition, she noted minor comments on parcel number identifications that are labelled wrong and need to be corrected. She asked Mr. Neilsen if he has applied to the Design Review Commission for the site plan review. The lighting levels along the residential areas seem to be excessive. Main concerns are regarding the storage and disposal in the trash enclosures. More of a description is needed about what will be done for the removal of the tires that are proposed for storage, and the oil tanks. The exhibits represent 55 gallon drums—what will they be used for? What is the storage referred to in the Special Permit narrative? What is the proposed plan for the frequency of removal of the anti-freeze, oil, tires, etc., and at what hours is this pickup expected to occur?

Mr. Neilsen indicated he is going to submit to the Design Review Commission on Thursday, and will more fully define these areas in questions.

Marie Delzappo, Member of the Board of Trustees of Franklin Crossing Condominiums, abutting property to the Northwest, referred to the letter she sent to the Planning Board and addressed her questions and concerns. She reiterated that she is concerned with noise issues. She noted that although she is not an engineer, her calculations indicate the noise decibel level will be 9 decibels higher. At Franklin Crossing Condominiums there are three buildings that house 36 families with the closest family about 120 ft. from the proposed project. She would like to find a way to buffer the noise such as a solid fence rather than the proposed chain link fence, or possibly trees. She also is concerned about the plan for fume venting. Garages create fumes

which will have to be vented out of the building either underground or over roof—what is the plan for this? As their property will overlook the roof of this building, is there going to be ventilation from the roof? Do they work with the garage doors open or closed as that will make a big difference with the sound level? She stated that she has done a review of Midas shops in the area and it seems that those shops abutting residential areas have reduced hours such as 8-5pm or 8-5:30pm. Also, with the building of the retaining wall there may be ledge in the area that will require blasting. If so, how will their buildings be protected? As well, what kind of view would be around the dumpsters?

Mr. Halligan commented that at a Midas shop, cars are usually driven in, shut off, and work conducted. Cars will probably not be running for hours at a time. He noted that the site has also been approved for a restaurant which could be opened until 1am with cars and noise. A Midas shop may be a bit friendlier for hours of operation than a restaurant. In addition, any questions regarding blasting the ledge material would be brought up with the Fire Department.

Mr. Stearns said they do not do heavy engine or transmission work, only light maintenance. There will be no exhaust fumes from inside the buildings. The garage doors are generally open during the summer and closed during the winter time. The hours of operation are planned to be around 7-6pm or 7-7pm, with the current plan to be closed on Sunday.

Mr. Nutting indicated that a pre-blast survey can be conducted by the Fire Chief which includes a tour of buildings and taking pictures. After blasting if there is any concern, such as a new crack in a wall, then the property owner has recourse.

Mr. Halligan asked about the type of screening to be around the dumpsters and borderline of the property on the original site plan.

Mr. Neilsen stated the screening proposed at the moment is for small arborvitaes along the retaining wall, but that could be changed for a different type and faster growing shrub. Mr. Halligan asked for this consideration.

Ms. Delzappo stated that due to the way of the land their property looks down onto the roof of the building and into the dumpsters. She would like to see the fence on the retaining wall changed to a solid fence to block some of the sound and a thicker buffer of trees. She provided some drawings with ideas to Mr. Neilsen for the buffer area.

Ms. Kelly Fitzpatrick, abutter, recently moved to Franklin Crossing Road. She is within 300 ft. of the site. She stated concerns about the noise levels, property values, hazardous waste, and the beauty of the land in the area which is going to affect 154 homes.

Barbara Tomine, 201 Franklin Crossing Road, stated concern that Midas Auto and Tire Services is not really a friendly-use, whereas a medical building or office building would be better. She is concerned about hazardous waste and contents of dumpsters.

Mr. Halligan stated that Taco Bell was originally proposed for the site and the Planning Board tried to be sensitive to the community and the abutters regarding noise and traffic levels, and it was denied. He noted that the Midas is a friendlier-use, but the Planning Board can only make

decisions on what is being presented by the developer. The developer has the right to develop the land, and it is zoned for this. He expressed concern regarding hazardous wastes and asked Mr. Stearn for amount of hazardous waste that will most likely be collected per month. As well, there are DEP regulations that have to be followed regarding the materials that can be placed in the dumpsters, and licenses from state are required.

Bill Laquidara, 409 Franklin Crossing Road, expressed concern about the storage and disposal of the auto parts and hoped they would be cover and disposed of in a timely manner. He checked with Good Year Tire in Franklin and learned they dispose of their tires once a week as they are a fire hazard.

Mr. Stearn responded that they will dispose of the tires weekly and anything on the site waiting to be disposed of will be covered so it will not be visible. He indicated this concern will be addressed more explicitly on the plan.

Ms. Delzappo showed Planning Board members pictures from the Internet of a Midas shop in Milford, MA, and in Warwick, RI, of which Mr. Stearns is a partial owner, revealing tires piled up and a muffler deposited alongside a building.

Mr. Stearns responded to Warwick, RI Midas shop pictures and stated this was a special situation and will not happen on a regular basis.

Mr. Halligan suggested a small building that can be locked up for the tire storage.

Mr. Carroll asked Don Neilsen to draw up a plan to depict the trees and shrubs so the neighbors can see what is proposed. Also, the heights of the retaining wall and the actual building need to be clarified. Is just one AC unit going to be on the roof? Can a type of fencing be put around it so it will look more decorative? Are all the bay doors opening toward the Wendy's? Are there any doors on the back side of building or is it a solid block wall? What about car storage? Why is auto body and painting listed on the application?

Mr. Neilsen stated that the Franklin Crossing Condominium Association had planted some shrubs and they have bloomed and enlarged. They will look at what type those were to possibly replicate additional plantings. The plans indicated doors on the ends of the building, not on the backside, therefore, there are no door opening toward the condos. If on application auto body and painting is listed, it is incorrect and will be removed. Overall, they will be doing mufflers, tires, oil changes, brakes and shocks. No repair of engines.

Mr. Stearns noted that possibly inspection stickers will be done at this site. Also, if cars are onsite, generally they will be taken into the bays for the evenings. There could be middle of the night drop-offs by customers or a tow truck, but this is certainly not expected to be daily.

Mr. David asked about snow removal storage. Mr. Neilsen indicated four locations on the plan at this time.

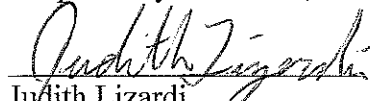
Ms. Delzappo asked if the air conditioner could be put on the ground or behind the building rather than on the roof. Mr. Halligan stated that this should be explored if it could be done at the same price.

Ms. Wierling stated based on the Special Permit Application Use Table, auto body and painting is all on one line. Therefore, when the Planning Board votes, they must indicate and specify the use(s) they are approving.

Mr. Halligan states the meeting remains open and will be continued to January 26, 2015 at 7:15. Carroll. Second: David. Vote: 4-0-0

Motion made to adjourn. Carroll. Second: David. Vote: 3-0-0. Meeting adjourned at 8:36 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary