

## Town of Franklin



## Planning Board

May 18, 2015  
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 PM. Members in attendance: Joseph Halligan, John Carroll, Gregory Ballarino, and alternate Gregory Rondeau. Also present: Beth Wierling, Town Planner; Michael Maglio, Town Engineer; Bryan Taberner, Planning and Community Development, Director; Matt Crowley, BETA Group, Inc.

**7:00 PM Commencement/General Business**

**A. Endorsement: 435 West Central Street - CVS**  
*Chairman Padula recused himself.*

Ms. Wierling, Town Planner, stated all issues have been addressed and recommended endorsement.

*Motion to Endorse 435 West Central Street – CVS. Carroll. Second: Ballarino.*  
*Vote: 3-0-0 (3-Yes; 0-No).*

**B. Endorsement: 529 West Central Street – Midas Auto Service & Tires**  
*Chairman Padula recused himself.*

Mr. Donald Nielsen, Engineer for Guerriere & Halnon, Inc., representing Midas Auto Service & Tires addressed the Planning Board. He stated that all comments and concerns raised by Planning Board members, Department of Planning and Community Development, BETA Group, Inc., and Town Engineer have been addressed.

Ms. Wierling recommended endorsement.

*Motion to Endorse 529 West Central Street – Midas Auto Service & Tires. Carroll. Second: Ballarino. Vote: 4-0-0 (4-Yes; 0-No).*

*Chairman Padula reentered the meeting.*

**C. Endorsement 81-P: 864 Lincoln Street**

Ms. Wierling stated the application depicts the subdivision at 864 Lincoln Street into two lots: Lot 2B-1 and Lot 2B-2. Lot 2B2 is not to be considered a separate buildable lot. All lots conform to zoning district requirements and endorsement recommended.

*Motion to Endorse 81-P for 864 Lincoln Street. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).*

**D. Endorsement: Greystone Road – Private Road Subdivision Modification**

Mr. Maglio, Town Engineer, stated all previous comments have been addressed.

Mr. Donald Nielsen, Engineer for Guerriere & Halnon, Inc., representing Greystone Road, Private Road Subdivision Modification, addressed the Planning Board. He stated that all comments and concerns raised by Planning Department and Department of Public Works have been addressed. He noted that through the applicant's attorney documents have been prepared for the Planning Board to review regarding lot restrictions and easement.

***Motion to Endorse Greystone Road – Private Road Subdivision Modification. Ballarino. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).***

**E. Acceptance of Certificate of Completion – Form H: 76 Chestnut Street, Wise Eye Care.**

Matt Crowley, BETA Group, Inc., stated that due to the previous installation of the wooden access ramp into the accessible aisle, site revisions were required to adequately accommodate parking. All recommended changes have been addressed and completed.

***Motion to Accept Certificate of Completion – Form H: 76 Chestnut Street, Wise Eye Care. Carroll. Second: Halligan. Vote: 4-0-0 (4-Yes; 0-No).***

**F. Acceptance of Certificate of Completion – Form H: 4 Forge Hill Road.**

Ms. Wierling stated applicant requested agenda item be continued until the next Planning Board meeting.

Chairman Padula stated the acceptance of Certificate of Completion – Form H for 4 Forge Hill Road will be continued to June 8, 2015.

**G. Extension to Complete: Swahn Estates, 16 Dean Avenue, USPS & 648 Old West Central Street.**

Ms. Wierling stated that Swahn Estates, 16 Dean Avenue, USPS & 648 Old West Central Street have all submitted updates to the status of the projects and have requested an extension to complete the sites to June 29, 2015, to coincide with the Planning Board meeting on that date.

***Motion to Extend the meeting on Swahn Estates, 16 Dean Avenue, USPS & 648 Old West Central Street, to June 29, 2015. Ballarino. Second: Carroll. Vote: 3-0-1 (3-Yes; 0-No; 1 Abstain).***

**H. Discussion: Meadowbrook Heights Off Site Improvements.**

Richard Cornetta, Attorney, representing the applicant, Maple Sands Corporation, and William Ronca, President, Maple Sands Corporation, addressed the Planning Board to discuss the substantive and procedural requirements for filing an application for modification of the Special Permit for the construction of a fifty-nine (59) unit senior village regarding the "off-site" improvements. He stated that after discussions with the developer and the Town Engineer, it has been mutually agreed that the proposed sidewalk along Long Hill Road from Pine Ridge Drive to Meadowbrook Road, and the minor geometric configuration at the intersection of Meadowbrook Road, Long Hill Road, and Pheasant Hill Road, would have minimal impact on pedestrian and vehicle safety; therefore, revised "off-site" improvements have been proposed as outline in his letter to Jeff Nutting, Town Administrator, on April 10, 2015. The framework is to apply approximately the same dollar amount that would have been used for original off-site improvements and put toward revised off-site improvements. As well, Maple Sands has assented to the performance guarantee in the form of a cash bond.

Mr. Halligan agreed that the community would benefit more from the road improvement than the originally proposed sidewalk.

Chairman Padula stated that the intent of the originally proposed sidewalk was for accessibility by the senior village. He stated he would like to see the newly proposed off-site improvements outlined in a public forum and abutters must be notified. As well, he confirmed the completion date of the improvements of August 15, 2015.

Mr. Cornetta clarified that in 2007 the Site Plan and Special Permit approvals were two separate decisions and not tied together. He requested confirmation that they would be seeking modification of the Site Plan.

Chairman Padula indicated that the Site Plan is part of the Special Permit.

Mr. Wierling stated she would check with the Town Attorney as to the proper way to proceed on this application.

7:15 PM      **PUBLIC HEARING** – *Continued*  
                   ***176 Grove Street***  
                   Site Plan Modification

*Documents presented to the Planning Board:*

1. *Memorandum dated May 11, 2015 from Department of Planning and Community Development to Franklin Planning Board*
2. *Letter dated May 6, 2015 from Michael Maglio, Town Engineer, to Chairman Padula and Members of the Planning Board*
3. *Memorandum dated April 16, 2015 from Franklin Board of Health, to Franklin Planning Board*
4. *Letter dated May 5, 2015 from BETA Group, Inc., to Chairman Padula and Franklin Planning Board*
5. *Letter dated April 22, 2015 from EBI Consulting to Chairman Padula and Franklin Planning Board*
6. *Letter dated May 6, 2015 from Eastport Real Estate Services, Inc., to Novaya Real Estate Ventures*
7. *Site Plan Modification Sheets Latest Issue Date April 22, 2015, from EBI Consulting, Received by Planning on April 23, 2015*

Mr. Karlis Skulte, Civil Engineer, EBI Consulting, and Mr. Shawn Hawthorne, Novaya Real Estate Ventures, LLC, representing the owner, addressed the Planning Board. Mr. Skulte provided an overview of the progress since the previous hearing. They have addressed and completed all comments from BETA Group, Inc., Department of Public Works, and Planning Board. As well, he stated that a new trash maintenance program has been implemented. He confirmed that the Conservation Commission voted to allow the installation of a temporary snow fence during a test period to curb migration of trash to the wetlands.

Mr. Maglio stated all previous comments have been addressed.

Mr. Crowley stated that BETA Group's comments have been addressed. He requested that an estimate for the operation maintenance budget be added and provided two conditions for Planning Board to consider.

Ms. Wierling stated all comments have been addressed. She recommended the letter dated May 6, 2015 from Kimberly Anderson, Eastport Real Estate Services, Inc., to Novaya Real Estate Ventures regarding maintenance procedures for trash cleanup be incorporated as a condition for approval.

***Motion to Open the Public Hearing for 37-41 East Central Street, Special Permit (2) & Site Plan Modification Use – Multi-family & Impervious Coverage, and continue it at the conclusion of current public hearing. Halligan. Second: Ballarino. Vote: 4-0-0 (4-Yes; 0-No).***

Chairman Padula stated the entrance to building looked good; however, on northeast quadrant trailer trucks were stacked. Single-axle trucks were parked on the gravel area during the weekend. On the southern portion, trailers were stacked. Oil was running into a catch basin and empty oil containers were located at the back of the building. He provided pictures verifying his statements. He stated that before approval the catch basin must be decontaminated.

Mr. Hawthorne stated he drove by the site and saw a similar parking situation. He stated that after the last public hearing, he met with all tenants and addressed all issues. He agreed that some type of perimeter should be created to keep trucks from parking in non-paved areas. In addition, they have added overnight on-site security to help prohibit unacceptable truck parking situations.

Mr. Skulte indicated that additional landscaping has been added which wraps around edge of asphalted area. In addition, large boulders will be installed between trees to prevent trucks from going off the paved areas. He stated there will be curbing to better define the areas, and implementing new stormwater controls.

Mr. Maglio stated a water quality manhole to help separate release of drippings and fuel will be installed and maintenance records must be kept.

***Motion to Close the Public Hearing for 176 Grove Street. Carroll. Second: Halligan. Vote: 4-0-0 (4-Yes; 0-No).***

***Motion to Approve Site Plan Modification for 176 Grove Street with conditions that contaminated catch basin be made contaminate free and there will be no maintenance of trucks on-site either in parking lot or in buildings. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).***

**General Business (continued)**

***I. Discussion: 14 Ruggles Street, Waiver of Fees***

Planning Board agreed to waive application fees for 14 Ruggles Street since the applicant was applying within close proximity to withdrawal of the previous application, but noted advertising, abutters fees and any additional independent review fees a would not be waived.

***J. Approval of Meeting Minutes: March 23, 2015, April 13, 2015***

***Motion to approve meeting minutes for March 23, 2015. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No)***

***Motion to approve meeting minutes for April 13, 2015. Carroll. Second: Halligan. Vote: 4-0-0 (4-Yes; 0-No)***

**7:30 PM**      **PUBLIC HEARING** – *Continued*  
**37-41 East Central Street**  
 Special Permit (2) & Site Plan Modification  
 Use-Multi-family & Impervious Coverage

*Chairman Padula recused himself.*

*Documents presented to the Planning Board:*

1. *Memorandum dated May 12, 2015 from Department of Planning and Community Development to Franklin Planning Board*
2. *Letter dated May 14, 2015 from Michael Maglio, Town Engineer, to Chairman Padula and Members of the Planning Board*
3. *Letter dated May 8, 2015 from United Consultants, Inc. to Chairman Padula and Members of the Planning Board*
4. *Site Plan Sheets Latest Date May 6, 2015, from United Consultants, Inc., Received by Planning on May 11, 2015*

Rick Goodreau, United Consultants, Inc., and Bradford Chaffee, Principle, 37-41 East Central Street Realty Trust, addressed the Planning Board. Mr. Goodreau provided an overview of the updates to the project and stated a majority of the concerns and recommendations by the Department of Planning and Community Development and the Town Engineer have been addressed. A major revision is the elimination of the rain garden and proposal of full construction of the stormwater system under the Phase I Proposal. Additional revisions to the plans have been made in response to the Design Review comments.

Mr. Maglio stated concern of how the proposed retaining wall will match into the existing retaining wall at Alpine Row. Depending on the results of the test pit and structural design of the proposed wall, it may be recommended that the proposed wall be shifted to the south where it meets the existing wall, even if that means possibly losing one of the seven parking spaces in the row.

Ms. Wierling stated concern regarding lighting glare and if additional shielding to reduce spillage along eastern property boundary is needed. The Planning Board will need to make a determination that these levels are acceptable. In addition, she recommended the Planning Board require Special Permit criteria that impervious coverage shall not exceed 75 percent.

***Motion to Close the Public Hearing for 37-41 East Central Street. Ballarino. Second: Carroll.***  
***Vote: 4-0-0 (4-Yes; 0-No)***

**ROLL CALL VOTE to approve the Special Permit for – USE: Multi-Family in the Residential V Zoning District and Impervious Coverage not to exceed 75% in association with the Site Plan titled “37-41 East Central Street” and dated March 9, 2015 and revised through May 19, 2015:**

- a) Proposed project addresses or is consistent with neighborhood or Town need.  
**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.  
**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.  
**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**

- d) Neighborhood character and social structure will not be negatively impacted.  
**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**
  
- 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.  
**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**
  
- f) Number, height, bulk, location and siting of building(s) and structures(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.  
**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**
  
- 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.  
**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**

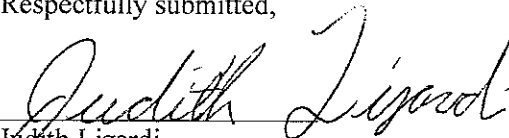
**ROLL CALL VOTE for overall project for 37-41 East Central Street:**

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.

**Halligan-YES; Ballarino-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**

***Motion made to adjourn. Ballarino. Second: Carroll. Vote: 4-0-0. Meeting adjourned at 8:05 PM.***

Respectfully submitted,

  
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Judith Lizardi  
Recording Secretary