

Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, April 24, 2014
355 East Central Street
Franklin, MA 02038

Members Present
Bruce Hunchard
Robert Acevedo
Timothy Twardowski

648-652 Old West Central Street – Franklin Retail LLC and Rossini Development Corp.

Abutters: See List

Applicant is seeking to construct a commercial building with a vehicular service establishment (drive- thru) containing 20 or more parking spaces; where the exit or entrance center lines are less than 150' to the center line of any other parking area located on the same side of the street if serving 20 or more spaces. The building permit is denied without a variance from ZBA.

648-652 Old West Central Street – Franklin Retail LLC and Rossini Development Corp.

Abutters: See List

Applicant is seeking to construct a commercial building with a vehicular service establishment (drive-thru) containing 20 or more parking spaces that has less than 400' of visibility in either direction for egressing vehicles. The building permit is denied with out a variance from ZBA.

Appearing before the Board are Attorney Richard Cornetta, Greg Liscotti, Applicant and owner of Franklin Retail LLC, Ron Mueller of Mueller Associates, Traffic Consultant on the project, Austin Turner and Matt Smith of Boehler Engineering, Consulting Engineer on the project. Atty. Richard Cornetta: This is a continuation of the last meeting. We are here to discuss the driveway and site distance the distance between driveways serving a parking lot of 20 or more cars and also seeking relief of zoning requirements of having 400 feet of visibility for a vehicle exiting a parking area of 20 or more parking spaces. At the end of the meeting there were some comments from the board referencing a concern that the Town Engineer should weigh in to comment. It has been several weeks and we have been meeting with the Town Engineer and we have also met with the Planning Board who has recommended and agreed to hire an independent traffic consultant, and I believe that he is here tonight along with Mike Maglio(Town Engineer) who has submitted a letter to the ZBA (see attached). Mike Maglio: We have reviewed the submission and while they do not meet the 400 foot site distance they do meet the minimum stopping site distance required by Mass DOT federal and state guidelines. We feel the way the bylaw is written that the 400 foot site distance is somewhat arbitrary and we are working with the Planning Department right now to modify the by-law to base it on current engineering and state and federal guidelines. We do not have an issue with the requested variances. Board: Is the 400 feet distance that they lack due to the topography of the lot? Mike Maglio: I believe the main reason is the curvature of the road at the

location of the main entrance. Ron Mueller: It is a combination of both the curvature of the road and the topography, no where along this frontage could you possibly meet that line of sight and that is entirely due to the curvature of the road. The reason for the eye height measurement is so that both eyes can see each other. Board: Has the report for the traffic study requested by the Planning Department been produced yet? Kim Hazarvartian (Independent Traffic Engineer) elaborated on site distance, stopping site distance and safety. The speeds out there were measured at 33 – 34 miles an hour by the applicant that is the 85th percentile speed the speed that exceeded by 15% of the traffic and that is what we normally rely on in work like this. If you use a design speed of 35 mph, 250 feet is stopping site distance and they have more than that so if you have the 250 feet you have met the requirement. There is another set of numbers called intersection site distance and those are higher numbers that provide more visibility and more time to pullout and that minimizes the chance that someone on the main road would have to adjust their speed significantly to avoid someone from pulling out, that is an enhancement it is optional the American Association of State Highway and Transportation does not require that and either does Mass DOT. A site distance of 250 feet is adequate for that location given the speeds on the main road. With regard to the driveway separation mass dot policy is that to put your driveway in in such a manner that the radius does not extend to the neighbors property. Bottom line is MASS DOT does not prohibit driveways 50 feet apart. The 150 foot separation in the bylaw I would consider an enhancement, if you can do it its obviously great to have but it is not necessary from a safety point of view. The driveway is adequate. Atty Cornetta: I feel that it is relevant to point out to the Board that the two points of Variance relief that we are seeking are dimensional variance they would not be the more stringent standard of the use variance. There were comments at the close of the last meeting suggesting that if there were some way that these lots could be reconfigured so that an alternate plan of development could be presented that would take us away from a parking area of 20 or more cars or create a driveway scenario that we satisfied the 400 feet. I would suggest to you that we have presented evidence for both of the points of relief. We are trying to not only create a safety and efficient entry and exit from the site but we are also concerned about traffic and pedestrian travel within the site and so we wanted to maintain our counterclockwise movement around the site and I believe that we have demonstrated that. We believe that this is the most efficient and safe use of these driveways both internally and externally. Board: Question to Zoning Enforcement Officer (Lloyd Brown): I saw a notice that the 400 foot distance bylaw is up to be changed? Lloyd (Gus) Brown: Yes, that is correct. Abutters: Many abutters spoke regarding safety and traffic that would be created with the businesses proposed to open in area. The plantings are also a concern with the abutters. Board: My Concern with the trees is that even though it doesn't affect the maximum site distance doesn't it create a blind spot closer to the site? You might be able to see the car that is 280 feet away but what about a car that is 240 feet away? Ron Mueller: Trees are not obstructions to site line, because you can see a car as you are looking at the tree and at the road behind it you can see a car either the front end or back end on either side of that tree. The issue becomes when the trees are all in a row where they form a wall along that line of site and that is the purpose of staggering the trees such that you never have more than one tree that you are looking at the same time even at maturity. Board: Would you recommend that those trees would not be included in the site plan? Ron: Definitely. Board: Why are those

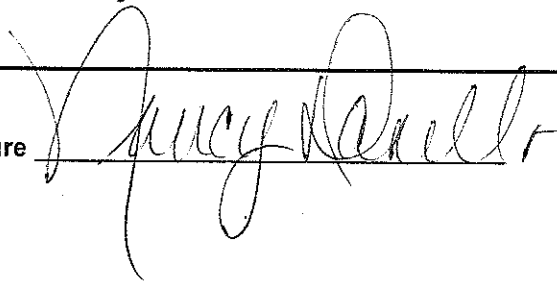
trees there? Ron: The trees are there because it is in the zoning ordinance that we have to provide a certain number of trees per linear feet of frontage. Board: Do you prefer the trees be eliminated? Ron: In my personal opinion, yes. Board: Could we replant the trees somewhere else? Mike Maglio: In my personal opinion I think there are too many trees there now. It is important that the clear site triangle stays clear and open. Discussion regarding snow and removal of snow and site distance. Board: Is it not possible to change topography or make other changes in the site to accommodate the location of that driveway? Ron: Where it is proposed is the best location. Board: Is this your only configuration? Atty. Cornetta: This is our best configuration. Atty. Cornetta: We do have many other issues that we need to address with the Planning Board and with dealing the internal circulation of the site allowing for some of the features we are proposing. According to the Ashro standards of 250 feet of site distance we exceed the minimum. Board: I rely on the data provided to us by the Engineers. We have a memo from the Town Engineer (see attached) we have the consulting engineer that the Planning Board has hired, and I haven't heard anybody say other than the Police Chief that wrote this memo prior to the Engineers looking at it he is the only one that has raised concern about public safety. As far as the criteria for the variance, topography is a problem, soil conditions, shape of the lot and taken into some other considerations that the Town had rezoned this recently maybe they didn't have this in mind but they didn't put any caveats in it when they sold some of the property to them. There are no restrictions from the town. I think that they have met their burden. Motion by Timothy Twardowski to close the public hearing. Second by Robert Acevedo. Unanimous by Board. Motion by Robert Acevedo to grant an 80' Variance down to 70 feet where 150 feet is required for driveway entrances located next to each other and parking lots that have 20 or more cars. Second by Timothy Twardowski. Unanimous by Board. Motion by Timothy Twardowski to grant a 150 foot variance down to 250 feet where 400 feet is required for the site visibility at 648 - 652 Old West Central Street Old West Central Street conditioned upon the 3 trees located West of the driveways removed from the site plan and a condition of approval requiring snow to be removed from the top of the retaining wall and the adjacent landscaping section as shown on the site plan opposite Rolling Ridge Road. Second by Robert Acevedo. Unanimous by Board.

General Discussion:

- Motion by Robert Acevedo to approve minutes of April 10, 2014. Second by Tim Twardowski. Unanimous by board.

Motion by Timothy Twardowski to adjourn. Second by Robert Acevedo. Unanimous by board.

Signature



Date

5/23/14