

DRAFT FOR REVIEW**Town of Franklin****Planning Board****February 5, 2018
Meeting Minutes****RECEIVED
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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, William David, Gregory Rondeau, Alternate Rick Power. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

7:00 PM Commencement/General Business

Chairman Padula announced the meeting would be video and audio recorded for the public's information. He announced the public hearings for 834-836 & 840-842 West Central Street, Site Plan, and 278, 280, & 300 West Central Street, Special Permit & Site Plan, would not be heard tonight; both hearings will be continued.

A. Limited Site Plan Modification: 471 West Central Street

Mr. Donald Nielsen of Guerriere & Halnon, Inc. stated they presented a Limited Site Plan Modification application for change of use from retail to restaurant and retail. He stated they provided two sets of calculations and described the square footage and parking space requirements for two restaurants, Jersey Mikes and Japanese. He discussed the difference in types of seating per required amount of parking.

Ms. Love stated that as a requirement of site plan approval, the applicant was required to file a Limited Site Plan for Use with the Planning Board, prior to the issuance of an occupancy permit. The site plan was approved to construct a 10,000 sq. ft. retail building with 60 parking spaces. There was a requirement of 55 parking spaces and five of them were for snow storage for all retail use. The applicant came back with two restaurants along with retaining some of the retail space. It comes down to defining whether it will be fixed or non-fixed seating on determining the parking spaces.

Mr. Maglio stated he reviewed the plans and the only proposed physical change to the site was an increase in the size of the grease trap for the restaurants; it looks to be adequately sized. He stated the plumbing connections to that must be in accordance with Title V. He confirmed there could be two restaurants on one grease trap.

Chairman Padula stated the plan was approved with the stipulation that the applicant would come back to the Planning Board for the uses. At the time it was approved, the applicant stated there would be no restaurants; now there are two restaurants. He stated he does not have a problem if it is fixed seating; there will be no standing. This will be the stipulation for both restaurants. This will be checked by the building inspector every year. There is still much retail space left. When the applicant determines what will go into the retail space, the applicant must return to the Planning Board.

Mr. Nielsen stated Yes.

DRAFT FOR REVIEW

Mr. Halligan asked the building commissioner for the exact definition of fixed seating.

Mr. Gus Brown, Building Commissioner, stated fixed seating consists of nothing that is movable. He stated that to have a liquor license it must have 40 seats to operate in the Town of Franklin.

Chairman Padula asked Mr. Brown to confirm that this includes a wine and beer tasting place. He does not want people coming for a wine or beer tasting event and there is no parking available.

Mr. Halligan suggested matching the occupancy with the fixed seating. He does not want a situation with multiple uses and jammed parking.

Mr. Brown stated they could condition the building permit to specifically indicate what they want to enforce.

Chairman Padula stated it must be a condition of the approval.

Mr. Rondeau stated there will also be deliveries and staff parking.

Mr. Halligan stated this area is zoned for that and the applicant is complying. What the applicant has is legally as of right. However, the Planning Board must protect the safety of the town.

Mr. Carroll asked if there is room to add more parking.

Mr. Nielsen stated they are only at 38 percent. They have half the site to add parking. Unfortunately, it is very expensive parking as it is all ledge.

Motion to Approve the Limited Site Plan for 471 West Central Street. Halligan. Second: Carroll. Chairman Padula added the condition that the seating is fixed in both restaurants, the parking stays as requested. Any changes in the parking or fixed seating, or whether it will be changed to standing, the applicant must come back to the Planning Board. And, the determination still has not been placed on the remaining retail space, so the applicant will have to come back to the Planning Board for that. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Continued
834-836 & 840-842 West Central Street
Site Plan

Documents presented to the Planning Board:

1. Letter dated January 30, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board
2. Letter dated January 2, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Letter dated January 4, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
4. Memorandum dated January 4, 2018 from DPCD to Franklin Planning Board
5. Memorandum dated December 21, 2017 from G. B. McCarraher, Fire Chief, to DPCD
6. Memorandum dated December 27, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
7. Memorandum dated January 5, 2018 from Franklin Board of Health to Franklin Planning Board

DRAFT FOR REVIEW

8. *Form P: Application for Approval of a Site Plan from John Padula, applicant, with Name of Applicant: 834-836 West Central Street Realty Trust – Denise DePedro Tr., with Received by Planning date December 15, 2017*
9. *Form P: Application for Approval of a Site Plan from John Padula, applicant, with Name of Applicant: Brookdale Mill Trust – Leonard S. French Tr., with Received by Planning date December 15, 2017*
10. *Certificates of Ownership (2) with Received by Planning date December 15, 2017*
11. *Grant of Easement, Norfolk County Land Court, dated March 3, 2005*
12. *Project Narrative*
13. *Detailed Record and Decision Letter of September 28, 2017, to Teresa Burr, Town Clerk, from Zoning Board of Appeals, with Received by Town Clerk date October 6, 2017*
14. *ZBA Application Form, Ownership Information*
15. *Abutters List Request Form for 840-842 West Central Street, dated August 24, 2017, with Received by Board of Assessors date August 24, 2017*
16. *Abutters List Request Form for 834-836 West Central Street, dated August 24, 2017, with Received by Board of Assessors date August 24, 2017*
17. *Abutters List Request Form for 860 West Central Street, dated August 24, 2017, with Received by Board of Assessors date August 24, 2017*
18. *Abutters List Report dated August 25, 2017*
19. *Memorandum dated October 26, 2017 from Kevin Martin, Geotechnical Engineer of UTS of Massachusetts, Inc., to John Padula, Realty Trust*

Chairman Padula stated there was a request for this hearing to be continued.

Motion to Continue the public hearing for 834-836 & 840-842 West Central Street, Site Plan, to February 26, 2018, at 7:20 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
 722 Summer Street
 Site Plan Modification

Documents presented to the Planning Board:

1. *Letter dated January 31, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
2. *Letter dated January 31, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated January 31, 2018 from DPCD to Franklin Planning Board*
4. *Certificate of Vote Letter dated January 23, 2018 from Mark Fitzgerald, Chair, Design Review Commission, to Applicant, Camp Haiastan*
5. *Letter dated January 26, 2018 from Peter Glick, Symmes Maini & McKee Associates, to Franklin Planning Board*
6. *Memorandum dated December 21, 2017 from G. B. McCarraher, Fire Chief, to DPCD*
7. *Memorandum dated December 26, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
8. *Memorandum dated January 5, 2018 from Franklin Board of Health to Franklin Planning Board*
9. *Project Overview Document for Site Plan Modification prepared by SMMA with no date*
10. *Site Plans for Director Quarters Addition and Staff Office Replacement for Camp Haiastan, Franklin, MA, Plan Sheets, Prepared by SMMA, with Site Plan Modification Revision date January 26, 2018, with Received by Planning date January 29, 2018*

DRAFT FOR REVIEW

11. *Form P: Application for Approval of a Site Plan from Dave Hamparian, Executive Director, Camp Haiastan of the Armenian Youth Federation, Inc., applicant, with Received by Planning date December 18, 2017*
12. *Certificate of Ownership with Received by Planning date December 18, 2017*
13. *Abutters List Request Form dated December 11, 2017, with Received by Planning date December 18, 2017*
14. *Abutters List Report dated December 12, 2017*
15. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 18, 2017*

Mr. Peter Glick, Civil Engineer of Symmes Maini & McKee Associates, and Mr. Dave Hamparian, Executive Director Camp Haiastan, addressed the Planning Board for site plan modification for director quarters addition and staff office replacement.

Ms. Love stated the Conservation Commission approved the plans that the Planning Board has tonight. Most of the issues she had indicated at the last Planning Board meeting have been addressed. She stated that she had no further comments.

Mr. Halligan confirmed a full site plan was done.

Mr. Crowley, BETA Group, stated a second review of the project was performed. He stated that there were a few minor outstanding comments such as showing the dumpster location on the plans. He noted that test pits were requested to be done at the dry well locations. The applicant requested additional time due to the frozen conditions. He noted that traditionally test pits are done prior to approval. When asked by Chairman Padula, he responded that he did not think it was reasonable to hold this up based on something as small as this.

Chairman Padula asked the applicant if they can make the changes on the dumpster pad location and the septic system location as asked for by BETA before endorsement.

Mr. Glick stated the location would be on the endorsed plans.

Mr. Maglio stated that since the system is so small, if there is some need during construction, they can increase the size of the drainage structures or relocation can be done. It is just really to pick up the roof runoff; it does not make sense to hold up the project for that. If something needed to be changed during construction, they could do a field change or come back.

Motion to Approve 722 Summer Street, Site Plan Modification. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Initial*
 The Villages at Oak Hill
 Special Permit & Limited Site Plan Modification

Documents presented to the Planning Board:

1. *Memorandum dated January 31, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
2. *Letter dated January 16, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated January 30, 2018 from DPCD to Franklin Planning Board*
4. *Letter dated January 5, 2018 from Eric Bazzett, Heritage Design Group, to Franklin Planning Board*

DRAFT FOR REVIEW

5. *Limited Site Plan Modification at The Villages at Oak Hill, Franklin, MA, Plan Sheets, Prepared by Heritage Design Group, dated June 21, 2017, with Received by Planning date January 11, 2018*
6. *Application for Approval of a Site Plan (Limited) and Special Permit(s) from Franklin Mews, LLC, applicant, with Received by Planning date January 11, 2018*
7. *Form R: Franklin Planning Board Senior Village Waiver Request for Senior Village, The Villages at Oak Hill, with No Received by Planning date*
8. *The Villages at Oak Hill, Limited Site Plan Modification, Special Permit Criteria – January 5, 2018, with Received by Planning date January 11, 2018*
9. *Certificate of Ownership with Received by Planning date January 11, 2018*
10. *Abutters List Request Form dated December 18, 2017, with Received by Planning date January 11, 2018*
11. *Abutters List Report dated December 22, 2017*
12. *Town of Wrentham, Board of Assessors, Certified Abutters List, dated December 21, 2017*
13. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 12, 2018*

Motion to Waive the reading. Carroll. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Eric Bazzett of Heritage Design Group on behalf of Franklin Mews addressed the Planning Board for a waiver to have the sidewalk construction waived at The Villages at Oak Hill. He stated it is the same application they filed a few months ago. He stated there had been some discussion at previous meetings and the decision was made that they were to finish construction at the site before the Planning Board would consider waiving the sidewalk construction. Since the last meeting when sidewalks were discussed, construction at the project has been substantially completed. He noted they have the support of all the residents for this waiver for the elimination of the construction of the sidewalks. He noted it would be better environmentally due to the reduction of impervious area. He stated that they are also requesting a waiver of the application fee because it is the same application and it has only been two or three months since the original one was filed.

Ms. Love stated that if this waiver is approved, the applicant still needs to come back with a Form H and a final as-built; they cannot do the final as-builts until they know if they get the waiver for the sidewalk.

Chairman Padula stated he visited the site today. He stated they did a nice job; it looks better than it did before. Regarding the water that is coming off the far units to the right and putting the mud in the road, he asked if there is any way to take care of that with rip rap or something. He suggested that it be remedied as it would make a better situation up there. He asked Mr. Maglio if he had looked at it.

Mr. Maglio stated he did not.

Chairman Padula noted that in front of the clubhouse there is a 10 ft. fieldstone wall. He stated that if any children come to visit, they could walk off the 10 ft. wall and get killed. There is no fence or railing.

A man from the audience stated that on behalf of the affordable condominium owners at The Villages at Oak Hill, he is asking the Planning Board to delay the signing of the waiver for the sidewalks so that the developer Bruce Wheeler and/or the Trustees can make the technical corrections to the master deed required to comply with the discounting of the units. He stated they have a representative that is going to try to help the owners with this. He was not sure how long it would take. He explained that they all signed up and moved into these places with a fixed income and the HMOs were all a certain fee and now they are bringing them up to where everyone else is.

DRAFT FOR REVIEW

Chairman Padula explained that the Planning Board is strictly an enforcement for zoning and subdivision regulations. Legally, the Planning Board cannot get involved with holding up a project for approval or a waiver because they are in litigation.

Ms. Barbara Wilson, resident at The Villages at Oak Hill, clarified that it is not under litigation at this point; they are asking for the correction to the master deed that should have been done, but was not put in regarding the affordable units and the discounting on their fees. It is just a technical correction.

Mr. Halligan questioned how no attorneys picked up on this. He stated that maybe the town attorney could look into this. This waiver just keeps the project going in the right direction. The developer still must come back for a Form H to be officially signed-off.

Chairman Padula noted that this waiver is to only make this project conform to Franklin bylaws and it would create an undue hardship to the senior community; he would like this in the stipulations.

Motion to Close the public hearing for The Villages at Oak Hill, Special Permit & Limited Site Plan Modification. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love noted that the applicant is requesting to have the filing fees waived as they paid filing fees for the application that was withdrawn on October 16, 2017.

Motion to Waive the Filing Fee for The Villages at Oak Hill, Special Permit & Limited Site Plan Modification. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Elimination of the Sidewalks for The Villages at Oak Hill, Special Permit & Limited Site Plan Modification. ROLL CALL VOTE: Padula-YES; Carroll-YES; David-YES; Halligan-YES; Rondeau-YES. Vote: 5-0-0 (5-Yes; 0-No). Chairman Padula stated for the record that the Planning Board voted because it would create an undue hardship to the senior community.

Motion to Approve The Villages at Oak Hill, Special Permit & Limited Site Plan Modification. Padula. No Second. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: 9 Forge Parkway – Site Plan Modification

Ms. Love stated the Planning Board approved a Site Plan Modification to add 78 additional parking spaces. The applicant put the Certificate of Vote and Conditions of Approval on the front page of the plans. It is ready for endorsement.

Motion to Endorse 9 Forge Parkway – Site Plan Modification. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Endorsement: 116 Alpine Place – Special Permit & Site Plan

Motion to Endorse 116 Alpine Place – Special Permit & Site Plan. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

D. Endorsement: 345 East Central Street – McDonald's

Motion to Endorse 345 East Central Street – McDonald's. Rondeau. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained).

Ms. Love noted that the applicant did correct the dumpster opening and they removed the two parking spaces to the left of the dumpster.

DRAFT FOR REVIEW**E. Meeting Minutes: January 8, 2018 & January 22, 2018**

Motion to Approve the January 8, 2018 Meeting Minutes. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the January 22, 2018 Meeting Minutes. Discussion: ► Ms. Love noted that Mr. David did not attend this meeting; he has completed the Missed Meeting Certification and watched the meeting video. This certificate will be recorded with these meeting minutes. **Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).**

7:20 PM **PUBLIC HEARING** – *Continued*
278, 280, & 300 West Central Street
Special Permit & Site Plan

Documents presented to the Planning Board:

1. Letter dated January 30, 2018 from Joel D'Errico, Owner Applicant, to Amy Love, Town Planner
2. Letter dated December 17, 2017 from Greg Lucas, BETA Group, Inc., to Franklin Planning Board

Note: Chairman Padula activated alternate Planning Board member, Mr. Power, at the October 30, 2017, Planning Board meeting, as this public hearing is for a special permit.

Chairman Padula stated there was a request for continuance of this hearing.

Motion to Continue the public hearing for 278, 280, & 300 West Central Street, Special Permit & Site Plan, to February 26, 2018 at 7:25 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 7:50 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary

