

DRAFT FOR REVIEW**Town of Franklin****Planning Board**

**August 8, 2016
Meeting Minutes**

2016 AUG 23 AM 9:24
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, Alternate Rick Power. Members absent: Gregory Rondeau. Also present: Michael Maglio, Town Engineer; Kristin Kaczmarek, Planner.

7:00 PM Commencement/General Business

Chairman Padula announced the meeting would be video and audio recorded for the public's information.

A. Form H – 176 Grove Street

Ms. Kaczmarek stated a letter was received on August 4, 2016 on behalf of the applicant requesting a two-month extension to complete the work. The Certificate of Vote was issued May 18, 2015. Then a three-month extension was granted on May 2, 2016 to extend the construction period to August 18, 2016. The extension is to complete the construction of a chain-link fence and allow time for the seed mix to germinate.

Motion to Approve the 60-day extension for 176 Grove Street. Vote: 4-0-0 (4-Yes; 0-No).

B. Partial Bond Release – Michael Road, Spring Valley Estates

Mr. Maglio stated a request for bond reduction was received. Clement Construction took over as the developer of the Michael Road portion of Spring Valley Estates in 2011 and has been working to complete the project. Draft as-built and acceptance plans have been received and currently working with the developer on preparing the necessary documents for final street acceptance. The only outstanding item was street lights; they are in place, but were not operational. An email was received this morning that they are functional, but he has not yet checked to verify. He recommended a reduction in the existing bond amount from \$50,750 to \$8,000 until such time that all final road acceptance documents are received and the street lights are functional.

Motion to Reduce the bond from \$50,750 to \$8,000 for Michael Road, Spring Valley Estates. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Initial
11 White Dove Road
Definitive Subdivision Modification

Documents presented to the Planning Board:

1. Memorandum dated August 8, 2016 from Department of Planning and Community Development to Franklin Planning Board

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2. *Email dated August 1, 2016 from Joseph M. Antonellis of Mayer, Antonellis, Jachowicz & Haranas, LLP to Mark Cerel, Franklin Town Attorney*
3. *Memorandum dated July 19, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Town of Franklin Planning Board Public Hearing Notice with Received by Town Clerk date July 18, 2016*
5. *Letter dated July 5, 2016 from W. Robert Knapik, Knapik Consulting, Inc., to Franklin Planning Board*
6. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date July 5, 2016*
7. *Abutters List Report dated July 5, 2016*
8. *Certificate of Ownership with Received by Planning date July 5, 2016*
9. *Form C-1, Application for Approval of Modification Plan with Received by Town Clerk date July 5, 2016*
10. *Form R: Franklin Planning Board Subdivision Waiver Request – Nature of Waiver: definitive plan requirements with Received by Town Clerk date July 5, 2016*
11. *Partridge Run Estates Subdivision Modification Plan sheets 1 & 2 of 2 with date May 2, 2016*

Ms. Kaczmarek stated the application was received for the modification, but there was a discrepancy in the application. It was signed by the owner of the property and not the developer; it needs to be signed by the developer as he is the owner of the subdivision. They did submit an email that they will resubmit application properly. The Department of Planning and Community Development recommends that the Planning Board deny the application without prejudice.

Motion to Deny the request without prejudice for 11 White Dove Road, Definitive Subdivision Modification. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

General Business (continued)**C. Limited Site Plan Extension – 20 Liberty Way**

Ms. Kaczmarek stated she spoke to the applicant this afternoon and was awaiting a letter that a continuance was requested because they still have not met with the Conservation Commission; they are on the agenda for August 18, 2016.

Chairman Padula stated there is no need to vote for a continuance as this item is under General Business; it will automatically get continued. He noted Item #6 indicating that the proposed design adds a drop inlet that will connect to an existing catch basin with a 12-inch ADS pipe. He asked since when has the Planning Board used ADS pipe?

Mr. Maglio stated that is what is shown on the plan, but it is one of the comments that had been brought up before; Chairman Padula mentioned at the last meeting he wanted to see RCP pipe there. No new plans have been seen since the last meeting.

D. Field Change – 150 Emmons Street

Chairman Padula recused himself.

Mr. Bruce Wilson, Principal of Guerriere and Halnon, Inc., and Mr. Roger Calarese, Developer, addressed the Planning Board. Mr. Wilson stated they are here to discuss the small change in modification to the site plan of the removal of a sidewalk. Currently, there is a sidewalk adjacent to the southerly side of the building. They would like to take out that sidewalk and extend the sidewalks that run north and

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south on the building out to West Central Street and in that area do a landscape area. It does not make sense to have two sidewalks within three to four feet of each other. This still provides adequate access to all sides of the building and beautifies that side to go along with the park entrance, the Gateway to Franklin. He stated he had already provided the town planner with a planting list which was in harmony with what was done in the front area. He noted it would be vertical granite curbing.

Ms. Kaczmarek stated the plans were reviewed and she feels extending the sidewalks to connect to the existing ones is not a problem. She noted that in regard to the plantings, it is recommended the applicant use a single-stem shrub and with a minimum branching height of 6 ft. 8 in. as it will be on a public sidewalk. She recommended the Planning Board accept the field change.

Mr. Maglio stated he had received the plan and the proposal makes sense.

Motion to Approve the field change modification for 150 Emmons Street. Carroll. Second: David.
Vote: 3-0-0 (3-Yes; 0-No).

Chairman Padula re-entered the meeting.

7:10 PM **PUBLIC HEARING** – *Initial*
 South Hill Estates
 Definitive Subdivision Modification

Documents presented to the Planning Board:

1. *Email dated August 5, 2016 from George Russell, Conservation Agent, to Kristen Kaczmarek, Town Planner*
2. *Correspondence from Abutters: Email dated August 6, 2016 from Rod and Susan Fisher, 49 Opal Circle to Bryan Taberner, Director of Planning and Community Development*
3. *Correspondence from Abutters: Email dated May 22, 2016 from Allen Sawyer, 53 Opal Circle to Amy Love, Program Coordinator*
4. *Correspondence from Abutters: Email dated May 12, 2016 from Graham Morgan, 35 Opal Circle to Kristen Kaczmarek, Town Planner*
5. *Letter dated August 2, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board*
6. *Memorandum dated August 1, 2016 from Department of Planning and Community Development to Franklin Planning Board*
7. *Memorandum dated August 2, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
8. *Memorandum dated August 2, 2016 from George Russell, Conservation Agent, to Franklin Conservation Commission*
9. *Letter dated August 1, 2016 from Bruce Wilson, Guerriere & Halnon, Inc., to Franklin Planning Board*
10. *Form R: Franklin Planning Board Subdivision Waiver Request F-3185, #2 Version I, with Received by Planning date August 1, 2016*
11. *Form R: Franklin Planning Board Subdivision Waiver Request F-3185, #2 Version II*
12. *Form R: Franklin Planning Board Subdivision Waiver Request F-4026, #1 Versions I and II*
13. *Town of Franklin Planning Board Public Hearing Notice with Received by Town Clerk date July 18, 2016.*
14. *Certificate of Ownership with Received by Planning date July 18, 2016*
15. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date July 19, 2016*
16. *Abutters List Report dated July 19, 2016*

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17. Definitive Subdivision Modification of South Hill Estates Plan Sheet 1 of 1 Version I with revision date July 28, 2016

18. Definitive Subdivision Modification of South Hill Estates Plan Sheet 1 of 1 Version II with revision date July 28, 2016

Motion to Waive the Reading for South Hill Estates, Definitive Subdivision Modification. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Bruce Wilson, Principal of Guerriere and Halnon, Inc., and Mr. Richard Schafer, Attorney, addressed the Planning Board. Mr. Wilson stated members of the Aldo family as owners and applicant were also in attendance at the meeting. He stated they would like a modification to the subdivision to put the sidewalk on the opposite side. The approval in 2005 had the sidewalk on the westerly side. They would like to put it on the easterly side so grading and impact to abutters would be less. He showed and described the plans. He noted that in the Planning Board subdivision regulations there were some discrepancies. In the written section of the bylaw a 3:1 off-grading is stated, but in the appendices of said regulations a 2:1 off-grading is stated. They would like to work with the 2:1 off-grading. He noted that it is the opinion of the Conservation Commission that a 2:1 off-grading would be acceptable as with the 3:1 grading a small retaining wall would be needed.

Ms. Kaczmarek confirmed that in the regulations the written part indicates 3:1 grading, but in the diagram detail in the back it indicates 2:1.

Chairman Padula stated the Planning Board has always asked for 3:1; that is what is written. It is that way in Zoning as well. He asked if the abutter was present at the meeting and noted that where the sidewalk is supposed to go is town property.

Mr. Wilson stated there is no slope easement once the property was conveyed. It is an implied easement. There is not any document to allow going over the lot line to grade on the other property, so a small retaining wall would have to be constructed. He noted there are two plan versions, so if the Planning Board wants to go with 3:1 there are plans already for a 1 ½ ft. retaining wall.

Mr. Allen Sawyer, an abutter, stated he did not want the retaining wall.

Mr. Maglio stated his recommendation is that if the Planning Board approves the 2:1 slope, during construction they use a biodegradable erosion control mat until vegetation can stabilize the slope from any washouts.

Chairman Padula stated he had a problem, as the applicant is not showing upright granite like the rest of the subdivision. Slant granite is not supposed to be there. He also noted a problem with having to cross the street to continue walking on the sidewalk.

Mr. Wilson stated in the original 2005 plans it showed slant granite.

Chairman Padula asked to be shown the waivers and the approvals for the slant granite.

Mr. Wilson stated he did not have those approvals with him. He noted this is going before Conservation Commission again on August 18, 2016. The Conservation Commission's biggest concern is that the Planning Board and Conservation Commission are both on the same page with same plans.

Mr. Halligan stated that having to cross the street to continue on a sidewalk is in other areas in town as well. He noted the neighbors are not in favor of a retaining wall, so he is not in favor of a retaining wall.

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Chairman Padula stated the bylaw must be changed regarding the slope inconsistency. And, in this case, it must be stabilized with a mat until they get vegetation. He does not have a problem with it. They do not have to vote on it. He asked the abutter if he was happy with this.

An abutter stated no. (This abutter did not identify himself) He said he did not even know how it got to this point. He recalled a meeting in January where the Planning Board stated categorically that this was going to impact in many ways adversely Franklin's interests, such as schools, fire and police, including starting a precedent that would have builders consider putting developments like this off of cul-de-sacs in Franklin. He noted from the meeting Chairman Padula stated this is not a good idea. He asked why we are helping Wrentham, with no taxes going to Franklin; put a development off our community.

Chairman Padula explained. He stated he was dead-set against this. What happened was the developer went to the Wrentham Planning Board to get an approval. They did not have access to this piece of property without crossing wetlands; the Wrentham Planning Board decided to pass this cluster housing subdivision and said let Franklin sort it out. He stated he did not know if Franklin and the abutters got notified about the decision, but they should have. They had 20 days in which to file an appeal. He does not know if there was any legal correspondence to notify the town that this was happening. After it happened, the original builder did not want to put this roadway in and he did not want to be responsible for it. So, he turned the piece of property over to the owner of the property in Wrentham. Because the town did not file an appeal, Chairman Padula stated he was notified after the first meeting by the Franklin Town Attorney Mr. Cerel that the town had nothing to stand on.

Mr. Halligan stated that the road was an approved road prior to any homes being built in that neighborhood. Anyone that bought a home in the neighborhood could have done their homework and found out that there was a road to nowhere that was approved that could be built at some point. Possibly the people that bought the homes were thinking that it probably would not happen. This situation brought up a new subject in town and a new bylaw that just got passed indicating that no roads can go closer than 25 ft. to a town line. So, this will never happen again, but it will not fix this situation.

The same male abutter stated that this all rests on a decision made by this Planning Board in 2004.

Mr. Wilson stated the Aldo's are paying taxes in Franklin.

Mr. Halligan stated he is in favor of this but wants a condition put on the approval that it is to remain a private road for life, never to be accepted by the Town of Franklin, no Franklin services like water or sewer, and the town will never maintain the road, plow the road, or fix potholes.

A female abutter (this abutter did not identify herself) wanted to clarify that her children are going to Wrentham schools, her bus stop is one mile away, it does not impact the neighborhood, they pay taxes in the Town of Franklin, they have 11 acres, they do not have trash removal, they do not have town water, and if 911 were called, either town could respond as they are both as close. She stated they are not taking anything that is not theirs.

Another abutter (did not identify himself) questioned that if there was no notice and no appeal offering, what happens? If said notification was required and it never happened, isn't there a legal implication? He also questioned the non-conformity with the current houses such as width of road, lack of streetlights, and curbing style as this is an extension off the current neighborhood. He has not seen the 2005 plans and would like to. He bought a home there and does not know who did not give him a copy or make him aware of this.

Mr. Wilson stated that in 2005 it was modified; we are working with the prior approvals.

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Chairman Padula reiterated that he wants to see the waivers and the approvals for the waivers.

Mr. Wilson stated they have been to the Conservation Commission and they are waiting for final action from the Planning Board in order to have one plan that both boards are comfortable with.

Chairman Padula stated he is not going to make a decision until he sees the waivers for upright versus slant granite.

Ms. Kaczmarek stated she can check on the approved waivers on file regarding the granite. She had provided the letter from the Conservation Agent that discussed what took place at the Conservation Commission meeting last week; they voted to have the applicant return to Conservation Commission on August 18 with the new plan for the 2:1 slope, which is the one they will probably vote on and approve.

Chairman Padula stated that tonight they agreed to move the sidewalk and allow applicant to put in the 2:1 slope.

Mr. Wilson stated the family and the developer do not have a problem with either the vertical or slant granite.

Chairman Padula stated that what matches the rest of the subdivision is upright (vertical) granite. He is not going to sign this as it shows the slant granite detail.

Mr. Halligan stated that if proof cannot be found regarding the slant granite, then it will be vertical.

Mr. Maglio stated he thinks the message can be passed to the Conservation Commission about what is the intent of the Planning Board for the next meeting.

Mr. Schafer stated he represents the Aldo's and when they were at the Conservation Commission meeting members said they wanted the 2:1 slope and they were going to have their administrator talk to the Planning Board about the 2:1 slope being more appropriate.

Ms. Kaczmarek stated a formal memo from the Conservation Commission has not been received. According to the discussion with Mr. Russell, Conservation Agent, the applicant was to return to the Conservation Commission with a final plan so everyone would have the same plan. Then a vote could be made on the specific plan. The applicant is scheduled to return to the Conservation Commission on August 18, and then come back to the Planning Board on August 22, 2016.

Motion to Continue the public hearing for South Hill Estates, Definitive Subdivision Modification, to August 22, 2016. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – Continued
100 Financial Park – Warehouse Development
Site Plan

Documents presented to the Planning Board:

1. *Email dated August 5, 2016 from Douglas Hartnett, Highpoint Engineering, Inc., to Kristin Kaczmarek, Town Planner*
2. *Memorandum dated August 1, 2016 from Department of Planning and Community Development to Franklin Planning Board*
3. *Memorandum dated July 21, 2016 from Department of Planning and Community Development to Franklin Planning Board*
4. *Letter dated July 12, 2016 from Greg Lucas, BETA Group, Inc., to Franklin Planning Board*

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5. Letter dated July 7, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board
6. Letter dated July 20, 2016 from Daniel Mills, MDM Transportation Consultants, Inc., to Franklin Planning Board
7. Letter dated July 21, 2016 from Greg Lucas, BETA Group, Inc., to Franklin Planning Board
8. Letter dated July 8, 2016 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
9. Memorandum dated July 7, 2016 from G. B. McCarraher, Fire Chief, to Franklin Planning Board
10. Memorandum dated May 3, 2016 from Franklin Board of Health to Franklin Planning Board
11. Town of Franklin Planning Board Public Hearing Notice with Received by Town Clerk date May 2, 2016

Chairman Padula stated there was a request for a continuance to August 22, 2016.

Motion to Continue the public hearing for 100 Financial Park, Warehouse Development, Site Plan, to August 22, 2016. Carroll. Second: Halligan. Vote: 4-0-0 (4-Yes; 0-No).

General Business (continued)


E. Approval of Meeting Minutes – July 11, 2016 & July 25, 2016

Motion to Approve the July 11, 2016 meeting minutes. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Approve the July 25, 2016 meeting minutes. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Carroll. Second: Halligan. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 7:36 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary

