

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

**March 21, 2016
Meeting Minutes**

2016 APR -5 PM12:29
TOWN OF FRANKLIN
TOWN CLERK
RECEIVED

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. Also present: Bryan Taberner, Director, Planning and Community Development; Michael Maglio, Town Engineer; Amy Love, Program Coordinator.

7:00 PM Commencement/General Business

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

A. Acceptance of Meeting Minutes: February 22, 2016

Motion to Accept the February 22, 2016 meeting minutes. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Continued
Delfino Estates
Definitive Subdivision

Documents presented to the Planning Board:

1. Memorandum dated March 17, 2016 from Department of Planning and Community Development to Planning Board
2. Letter dated January 8, 2016 from Michael Maglio, Town Engineer, to Chairman Padula and members of the Franklin Planning Board
3. Letter dated January 20, 2016 from Mark Cerel, Town Attorney, to Franklin Planning Board
4. Letter dated January 21, 2016 from Phil Paradis, BETA Group, Inc., to Chairman Padula Franklin Planning Board
5. Memorandum dated January 13, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
6. Memorandum dated January 8, 2016 from G.B. McCarraher, Fire Chief, to Department of Community Planning and Development
7. Memorandum dated January 13, 2016 from Franklin Board of Health to Franklin Planning Board
8. *Delfino Estates – A Private Definitive Subdivision, Franklin, Massachusetts, Plan Sheets 1-6, Prepared by Guerriere & Halnon, Inc., with date December 24, 2015*
9. *Abutters List Request Form, with Received by Planning date January 4, 2016*
10. *Abutters List Report, Town of Franklin, December 28, 2015*
11. *Form C – Application for Approval of Definitive Plan, with Received by Planning date January 4, 2016*

DRAFT FOR REVIEW

12. *Form R – Franklin Planning Board Subdivision Waiver Request F-3971, #1, #2, #3, #4, #7, #10, with Received by Planning date January 4, 2016*
13. *Form R – Franklin Planning Board Subdivision Waiver Request F-3791, #5, #6 with Received by Planning date January 4, 2016*
14. *Form R – Franklin Planning Board Subdivision Waiver Request F-3725, #8, #9, with Received by Planning date January 4, 2016*
15. *Certificate of Ownership with Received by Planning date January 4, 2016*
16. *Franklin Planning Board Public Hearing Notice Received by Town Clerk January 5, 2016*
17. *Delfino Estates, A Private Subdivision, Chestnut Street, Franklin, MA, Property Description, with Received by Planning date January 4, 2016*

Chairman Padula called a three minute recess.

John Hickey, Attorney for Richard Delfino; Richard Delfino, Applicant; and Donald Nielsen, Consulting Engineer of Guerriere & Halnon, Inc., addressed the Planning Board. Mr. Hickey reminded the Planning Board of the last meeting on January 25, 2016 and the request to review the information provided in the BETA report. He stated they are here tonight to continue the process and answer any questions.

Mr. Nielsen stated some, not all, of BETA's comments in their January 21, 2016 letter have been addressed and applicant will need to come back in two weeks for Planning Board and BETA's review of the remaining comments. He stated he was not aware that any of the comments from BETA were about the private way.

Mr. James Downie, 4 Sarah Lane, asked where this stands as a subdivision with one buildable lot and if there is precedent for this.

Chairman Padula responded that when someone comes in for a private way/one-lot subdivision, what the Planning Board has done in the past, and there are many in Franklin that have been approved, is the applicant has to show how they can get a conventional subdivision in before Planning Board will consider a private way with just a driveway and one lot so the Town does not have to have a new road. The applicant has shown this. They have frontage on a cul-de-sac and they show a separate lot with drainage. It does not have to be a conforming lot, but it has to be a lot that is separate showing drainage. If applicant has done that and the Planning Board wishes to have a private way without the trees cut, without the curbing going in, without the telephone poles, etc., then it is up to the Planning Board to decide.

Lisa Vetrano, 6 Sarah Lane, stated at the last meeting her understanding was that they were waiting for the attorney to address what was the definition of a subdivision. She asked if the drainage lot is considered a lot, to make two lots. And, does the lot have to be the size of a lot that a house could be put on.

Chairman Padula stated it is a separate lot and it is up to the Planning Board to make that determination. It does not have to be the size lot to put a house on.

Mr. Michael Maglio stated if the area of disturbance for the project as a whole exceeds one acre of disturbance it falls under the DPW's stormwater bylaw and a permit is required. He stated that at a previous meeting Mr. Nielsen said it was less than one acre disturbance. If that is so, Mr. Maglio requested that be shown on the plan and then can take a close look at the drainage proposed.

Mr. Bruce Wilson, Guerriere & Halnon, Inc., stated he went through the calculations and they were at 32,800 sq. ft. with the roadway and the work around the house that is there. That number will be shown on the final drawing.

DRAFT FOR REVIEW

Chairman Padula stated the Fire Chief recommended a turnaround for a fire truck and asked if that can be met.

Mr. Nielsen stated right now it is shown as a T which can be used as a turnaround, but they will put in a circle if the Planning Board wants that.

Chairman Padula asked if under the 4th waiver request if all stonewalls were going to remain on the property. He stated he would rather see underground wiring and no telephone poles, and a rain garden instead of swales, if this is approved.

Mr. Nielsen stated regulations for typical subdivision roundings when coming off the street are 30 ft. radius and they have 10-15 ft. for the private drive. He said the wiring could be underground and he would look at the raingarden.

The Planning Board members indicated agreement that underground wiring would be best.

Mr. Halligan asked that it be noted that this is for one single-family home residence only and no adjoining parcels of land could ever enjoy or access the drive.

Chairman Padula stated he does not think legally they could be denied access.

Mr. Nielsen stated if it came up they would have to come before Planning Board for approval.

Mr. Halligan requested a condition that no occupancy permit is issued until the driveway is paved with at least a base coat in consideration for the neighbors.

Chairman Padula recapped and stated underground wiring, no telephone poles, raingarden instead of detention area or swales, and pavement before occupancy.

Mr. Halligan questioned if someone has a land-locked piece of land could they use that driveway.

Chairman Padula stated they would have to come back to the Planning Board for a decision.

Motion to Approve to make a private way with conditions for Delfino Estates, Definitive Subdivision. Halligan. Second: Rondeau. Chairman Padula stated that on the second will add amendments that will have a private way covenant so it will not be a town-owned road, raingarden instead of swales, no occupancy until pavement is done, underground wiring, and no telephone poles.

Motion to Approve Subdivision Waiver Request #1 to reduce pavement width from 26 feet to 12 feet. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Subdivision Waiver Request #2 for no curbing installed, except at entrance, use slant granite curbing. Carroll. Second: Padula. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Subdivision Waiver Request #3 to install no sidewalks in place of two. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Subdivision Waiver Request #4 to create a hammerhead turnaround for emergency vehicles. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

DRAFT FOR REVIEW

Motion to Approve Subdivision Waiver Request #5 for roadway curbing not with 30 ft. radius. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Subdivision Waiver Request #6 to waive underground wiring. Chairman Padula stated No.

Motion to Approve Subdivision Waiver Request #7 to waive street lighting. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Subdivision Waiver Request #8 to waive conventional stormwater collection and use raingardens instead. (Chairman Padula changed wording of original waiver request). Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Subdivision Waiver Request #9 to waive tree and landscaping planting along private road. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Subdivision Waiver Request #10 for centerline grade of 1.0%. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Vote (on Motion to Approve to make a private way with conditions): 5-0-0 (5-Yes; 0-No).

Motion made to adjourn. Carroll. Second: Halligan. Vote: 5-0-0. Meeting adjourned at 7:23 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary