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Town of Franklin**Planning Board**

**April 25, 2016
Meeting Minutes**

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; Kristin Kaczmarek, 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.

A. Endorsement: Special Permit & Site Plan – 300 & 340 East Central Street

Mr. Bryan Taberner stated the applicant has submitted for endorsement. The mylars have been updated as required. Endorsement is recommended.

Motion to Endorse Special Permit & Site Plan Modification for 300 & 340 East Central Street. Carroll. Second: Rondeau. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain by Mr. Halligan).

B. Endorsement: Camp Haiastan Bath and Shower Facility

Mr. Taberner stated the applicant has submitted for endorsement. The diagrams have been changed according to requirements and conditions. Endorsement is recommended.

Motion to Endorse Camp Haiastan Bath and Shower Facility. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

C. Field Change: 800 Chestnut Street, Adirondack Club

Mr. Taberner stated the Adirondack Club is requesting a change in the location of its zip line. It was recommended to the applicant that they not do a field change, but instead discuss with Planning Board so there would be no surprises in the future.

Mr. Michael Maglio stated he met with the contractor in the field and determined the shift was not significant and could be done as a field change. But, he wanted the applicant to have this as a discussion item to run by the Planning Board to make sure there were no specific concerns. The zip line would have been over the detention basin so they are shifting it over.

Motion to Approve Field Change for 800 Chestnut Street, Adirondack Club. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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Mr. Maglio stated the purpose is to clear up some of the language relating to stormwater where it gets crossed-referenced from one bylaw to the next regarding standards and requirements. Mostly just adding references to federal and state requirements, and clarifying language for Chapter 153-16 Stormwater Management, Standards; Chapter 185-31 Site Plan and Design Review 1.C.3 (m); and Chapter 300-11 A. Stormwater Management, General Approach. He noted it is currently worded that the drainage lot is a separate buildable lot. Just about every project that comes through applicant asks for a waiver on this for a non-buildable lot which seems to be granted every time. This amendment changes the language to lot of sufficient size and with sufficient access. Therefore, it does not necessarily have to be a buildable lot.

Chairman Padula stated the Planning Board needed another week to look this over. He noted that in most of the subdivision regulations it is stated that detention basins are not allowed. He questioned why the use of LID techniques is often mentioned in the recommendations, but it has never been incorporated or approved in the subdivision regulations or zoning, and it has not been discussed.

Mr. Maglio stated there is one item that states that the use of detention basins is prohibited, but in theory almost all the projects use some kind of detention basin. He asked Planning Board members to look over the proposed amendments.

7:05 PM **PUBLIC HEARING** – *Initial*
 Rolling Brook Estates
 Subdivision Modification

Documents presented to the Planning Board:

1. Memorandum dated April 21, 2016 from Department of Planning and Community Development to Planning Board
2. Letter dated April 12, 2016 from Michael Maglio, Town Engineer, to Chairman Padula and members of the Franklin Planning Board
3. Memorandum dated March 30, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
4. Memorandum dated April 5, 2016 from Franklin Board of Health to Franklin Planning Board
5. Letter dated March 28, 2016 from Eric Dias, Tunison Dias, Inc., to Franklin Planning Board
6. Letter dated April 4, 2016 from Eric Dias, Tunison Dias, Inc., to Franklin Planning Board
7. Letter dated April 21, 2016 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
8. Subdivision Modification Plan for Rolling Brook Estates, Lincoln Street, Franklin, Massachusetts, Plan Sheets Permit Set with Issued for Review date March 28, 2016
9. Form C-1 Application for Approval of Modification Plan with Received by Planning date March 29, 2016
10. Form R: Franklin Planning Board Subdivision Waiver Request Waivers #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13 with Received by Town Clerk date April 4, 2016
11. Certificate of Ownership with Received by Planning date March 29, 2016
12. Abutters List Request Form with Received by Planning date March 29, 2016
13. Abutters List Report, Town of Franklin, February 24, 2016
14. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 4, 2016

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Mr. Eric Dias, Professional Engineer of Tunison Dias, Inc., representing T&T Building Corporation for Rolling Brook Estates addressed the Planning Board and provided an overview of the project. He stated this subdivision was approved in some form around 1998. It came back to him about one year ago and he found that it did not conform with current zoning bylaws and lacked in stormwater management. The plans have been updated and improved for the subdivision; therefore, it has been proposed as a subdivision modification. Applicant has submitted to Planning Board for the subdivision modification and to the Conservation Commission for a Notice of Intent. When met with Conservation Commission, BETA had not yet had a chance to review and comment. Since then, have received comments from BETA, DPW and Planning Department. Applicant has not responded formally to these comments; wanted to discuss all this and the waivers requested with Planning Board. He stated he is aware there has been much public interest in this. The entire parcel is approximately 30 acres. The previous iteration of this left room for expansion of what was called Phase I of the subdivision. As of now, plan does not leave room for expansion. About 20 acres, 2/3 of the parcel, is intended to be conveyed to the Town of Franklin to do what they wish with. Said parcel contains a good portion of the on-site wetlands as well as walking trails that connect with the high school. The area proposed for development is approximately 1/3 of the site—just under 10 acres. A public way and a private way are proposed. The private way will serve as a common driveway. This would need a waiver, but thought it would leave more land to be conveyed to the Town of Franklin. Most of the waivers requested relate to LID stormwater management techniques.

Chairman Padula stated the applicant technically does not have a subdivision, so they cannot request a subdivision modification. This was approved in 1998 and was never endorsed. In addition, it is automatically rescinded after four years if it is not built or started. Applicant must re-apply for a subdivision because right now applicant does not have one. Planning Board has to make a determination to deny this for a subdivision modification.

Mr. Dias stated he has worked very extensively with Town personnel regarding this subdivision modification. It was his understanding that they did have a subdivision.

Chairman Padula reiterated that applicant does not have a subdivision, so he cannot come in for a modification on something he does not have.

Mr. Halligan stated he feels badly for the applicant that it went this far and that someone did not do their research. He would like to know if the Planning Board can waive any fees for this as applicant should not be here anyway and possibly apply those fees toward the site plan they are going to apply for. He does not think it is fair that applicant should have to pay twice.

Chairman Padula stated he does not think Mr. Maglio or BETA will have to re-analyze what they have already analyzed. He does not have a problem waiving the application fees if it is acceptable to Mr. Taberner. He stated it is not the Planning Board's fault; applicant must do the research.

Mr. Taberner stated he thinks that would be a very reasonable thing to do.

The board members unofficially expressed their agreement.

Chairman Padula stated he wanted to see a conventional subdivision as listed in the subdivision regulations; show him a no-waiver subdivision before applicant applies for waivers. This can be done under one filing, but show in the packet a waiver-less conforming subdivision.

Mr. Dias stated ok.

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Motion to Deny Request for Subdivision Modification for Rolling Rock Estates. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Initial*
 Union Meadows Estates
 Definitive Subdivision

Documents presented to the Planning Board:

1. *Memorandum dated April 21, 2016 from Department of Planning and Community Development to Planning Board*
2. *Letter dated April 15, 2016 from Michael Maglio, Town Engineer, to Chairman Padula and members of the Franklin Planning Board*
3. *Letter dated April 18, 2016 from Mother Maureen McCabe, Mount Saint Mary's Abbey, to Planning Board*
4. *Memorandum dated March 30, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
5. *Memorandum dated April 5, 2016 from Franklin Board of Health to Franklin Planning Board*
6. *Letter dated April 21, 2016 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
7. *Union Meadows Definite Subdivision in Franklin, Massachusetts, Plan Sheets 1-8 with date March 15, 2016 and Sheet 1 of 1 with date March 14, 2016 prepared by Guerriere & Halnon, Inc.*
8. *Form C Application for Approval of Definitive Plan with Received by Planning date March 29, 2016*
9. *Form R: Franklin Planning Board Subdivision Waiver Request to cut and fill greater than 5 ft. within the proposed roadway with Received by Planning date March 29, 2016*
10. *Form R: Franklin Planning Board Subdivision Waiver Request to allow one sidewalk on the southerly side of the roadway, where two are required with Received by Planning date March 29, 2016*
11. *Form R: Franklin Planning Board Subdivision Waiver Request to allow a separate drainage lot which does not conform to zoning with Received by Planning date March 29, 2016*
12. *Certificate of Ownership with Received by Planning date March 29, 2016*
13. *Abutters List Request Form with Received by Town Clerk date March 30, 2016*
14. *Abutters List Report, Town of Franklin, March 1, 2016*
15. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date March 31, 2016*

Mr. Donald Nielsen, Consulting Engineer of Guerriere & Halnon, Inc., and Mr. Bruce Wilson of Guerriere & Halnon, Inc., addressed the Planning Board and provided a general overview of project. Mr. Nielsen stated the applicant is TNT Builders. This property is about halfway between Rt. 495 access point and the Wrentham town line. Abutters include two commercial buildings and one single-family home. It is a five lot subdivision with 576 ft. length. Parcel A is a separate drainage lot. Asking for waiver to allow a separate drainage lot which does not conform to zoning. Have separate plan for configuration of perimeter for the two lots that abut Upper Union Street. Property elevation 460; tanks at 475, only about 15 lbs. of pressure. It does not warrant installing water system at this time. Onsite drainage systems are proposed. Discussed waiver to allow one sidewalk on the southerly side of the roadway where two are required; will install vertical granite curbing.

Chairman Padula asked if there will be roundings on the driveway openings on the vertical granite curbings.

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Mr. Nielsen stated yes for each driveway. There will be a 4 ft. grass strip. There are 7 inches of pitch in 4 ft. drainage basin in southwesterly corner of site. It will be used for both pre-and post-development design. Waiver requested to cut and fill greater than 5 ft. within the proposed roadway. Proposed trees along right of way on both sides of street. Standard details for drainage, trees, curbing, and catch basins.

Mr. Maglio stated his comments are mostly related to drainage calculations and details on the plans which applicant's engineer can address. Glad to see the plan shows the two ANR lots on upper Union Street have driveway access on the proposed subdivision road rather than on Union Street. Concerned with the available sight distance at the proposed roadway entrance and would like to verify field conditions with the applicant's engineer due to sharp corner.

Mr. Nielsen said they had traffic assessment done to determine the speed at that corner which is critical in determining the stopping distance needed; it came back at 31 mph. At 31 mph dealing with sight distance of about 200 ft. and there are 265 ft. there. He said he would work with Mr. Maglio to verify.

Matt Crowley, BETA Group, stated comments were provided to their letter to the Planning Board dated April 21, 2016. He highlighted some of the comments which included locating the proposed wells with the minimum setback distance of the infiltration system of at least 100 ft.; the backside of the infiltration basin is on a slope proposed to be at 20 ft. high at 2 to 1, would like to see if there is a way to lower that slope; lots 3 & 4 are primarily situated on slopes that are 3 to 1 which does not make for a very useable yard; lot 3 abuts the infiltration basin therefore they may consider some kind of separation or safety fence to prevent access to basin; and lots 2 and A2 are unconventional with a pork chop shape which is not necessarily a useable space.

Mr. Nielsen confirmed the lot did have the proper square footage with the 180 ft. circle and 200 ft. frontage. In response to the question of what are they doing about fire protection if there is no water pressure, Mr. Nielsen stated they could put in a holding tank which could store thousands of gallons of water and attach to a hydrant so they would have a water source onsite. Nearest hydrant is about 1,000 ft. Will have discussion with Fire Chief to see what he thinks is most appropriate.

Mr. Halligan spoke of the drainage lot with the slope and stated that all the water drains down and goes into the drainage lot. If there is a big storm and it fills up, it appears as though it will drain into the neighbor's yard.

Mr. Nielsen stated yes this is correct. The water is already going there today.

Chairman Padula stated that as there is more impervious area with the development, this will all discharge now onto someone else's property, meaning at Mount Saint Mary's Abbey. Applicant is not supposed to have any more than prior to development, and looks like that is going to happen. He also noted applicant is over the maximum of 300 ft. from catch basin to catch basin; they are at 345 ft. This is minor and could be remedied. He told applicant they must apply for a subdivision waiver on this.

Mr. Taberner stated Planning Department had comments, most are relatively minor, and after tonight's discussion will update plans for next meeting and do a thorough review at that point.

Chairman Padula stated he would like to see this drainage issue straightened out. Do not want any water coming off this subdivision into someone else's property. If it takes a bigger lot to contain it, then put in a bigger lot. He recommended that the driveways that are going to be on the side with no sidewalk have pervious cobblestones or concrete at least on the driveway aprons that are in the Town or accepted way. This way when someone replaces their driveway, they do not have to come to the Town for a permit to work on the Town's property. Applicant can volunteer to change it or can have a hearing on it.

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Mr. Maglio stated the DPW would not like to see a cobblestone apron on a Town right of way because when the time comes to reconstruct the roadway, it is very difficult to deal with those. He would like to see 3-5 ft. of asphalt off the roadway. Usually when homeowners do driveways they need to get a permit.

Chairman Padula stated cobblestone would be town owned and is a reusable material. He does not like homeowner working in town-owned property. He stated that although homeowners need a permit to do driveways, they don't.

Mr. Halligan remarked that cobblestone would get loose over time and fall apart.

Chairman Padula stated cobblestone can be re-laid.

Mr. Nielsen stated they will do the concrete aprons as that is what is called for. They would like to come back to the Planning Board in two weeks.

Motion to Continue Public Hearing for Definitive Subdivision for Union Meadows Estates to May 9, 2016 at 7:15 PM. Carroll. Second: Padula. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – *Initial*
Zoning Bylaw Amendment 16-753
West Central Street Re-Zoning

Documents presented to the Planning Board:

1. *Memorandum dated April 21, 2016 from Department of Planning and Community Development to Planning Board*
2. *Memorandum dated March 17, 2016 from Jeffrey Nutting, Town Administrator, to Town Council*
3. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 6, 2016*
4. *Proposed Zoning Map Changes*
5. *Memorandum dated April 14, 2016 from Department of Planning and Community Development to Planning Board*
6. *Letter dated March 29, 2016 from Joel D'Errico to Mr. Bryan Taberner, Director, Planning and Community Development*

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

Mr. Halligan recused himself.

Mr. Taberner stated that about one to two months ago Franklin Town Council voted to refer a zoning map change to the Planning Board for a public hearing. The reason for the proposed change is that for a long time there have been proposals to increase commercial development along that stretch. There are people who would like to see this and others who like the concept that it is a residential area and want to keep it that way. It does serve as a buffer between downtown and the more commercial. Also, if it gets turned into a commercial area, there will be more traffic and other impacts. The hope is to present a rezone to a multifamily residential in that area changing from Single Family IV to General Residential V. The zoning map change impacts six parcels.

Mr. Jeffrey Nutting, Town Administrator, stated that since he has been here there has been an ongoing debate as to whether there should be more businesses in that location. Greatly concerned about the curve that is mostly state highway. More businesses in that area would be detrimental versus redoing that section to allow multifamily. There are already condos along that strip. This would allow potentially for

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more condominiums allowing folks to walk to downtown and shopping, but negate the potential traffic issues. Seems like a reasonable compromise between what exists and what might improve the area.

Mr. Carroll indicated he had a letter from Jeffrey Nutting that indicated the traffic is too heavy there now. So, now we are going to build say 30 units and increase the traffic there? We already know it is a traffic problem, so why are we trying to increase it?

Mr. Nutting stated he did not know how many units would be built there, but it would be better than changing to Commercial zoning which has been a push by many folks for a long time. This seemed like a compromise.

Daniel Lyons, 285 West Central Street, asked what was multifamily and if the project Joel D'Errico is putting in has already been approved?

Chairman Padula explained that this is Residential IV and a little bit of Industrial which allows for more duplexes, which he thinks would be better. Once it is zoned to multifamily, then can start with the numbers like 30 or 39, whatever the Planning Board allows, when an applicant makes his application. He stated that he believes it is ludicrous. For instance, once an applicant comes in for an application for 40 units for multifamily, if it is zoned for that, in Franklin, for every two-bedroom unit you are allowed five people to occupy that unit. You know there will be two cars per unit, so that would be 80 cars, plus support vehicles such as cleaning people or PeaPod. Now you are increasing traffic even more, never mind during construction. The other concern is that it is on a curve. Coming into town going from two lanes to one lane right in that area is a traffic nightmare. There will be accidents. He stated he thinks it should be changed to Residential IV all the way across. Let them put duplexes in there and minimize the traffic and separate the residential from the downtown just like it is now. Have some sort of a buffer. It will be a traffic nightmare and he will not vote to recommend it.

Mr. Nutting stated there was recently a traffic study done concluding condos produce about six trips per condo per day. So, if there were 30 condos, that is about 180 trips. It would increase traffic, but less than if a single business went in there.

Rich Gillespie, Odd Fellows, stated they own the abutting building. They just recently decided to stay as they were going to sell the building. Wanted to come tonight to see how bad the traffic will be. They have older members who have a hard time seeing when exiting. If this goes multifamily residential this will be even more of a problem.

Motion to Deny the request of the Town Council to endorse Zoning Bylaw Amendment 16-753, West Central Street Re-Zoning. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:25 PM

PUBLIC HEARING – Initial

Amendments to Chapter 300, Subdivision Rules and Regulations

Section 10.B.(4) – Intersections and alignment

Section 2 – Definition (Lot)

Section 2 – Definition (Subdivision)

Documents presented to the Planning Board:

1. *Memorandum dated April 21, 2016 from Department of Planning and Community Development to Planning Board*
2. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 6, 2016*

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3. *Draft April 4, 2016 Amendment to Planning Board's Subdivision Regulations Chapter 300, Section 10.B.(4) Intersections and alignment*
4. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 6, 2016*
5. *Draft April 4, 2016 Amendment to Planning Board's Subdivision Regulations Chapter 300, Section 2 Definitions*
6. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 6, 2016*
7. *Draft April 4, 2016 Amendment to Planning Board's Subdivision Regulations Chapter 300, Section 2 Definitions*

Mr. Taberner stated that earlier in the month at a Planning Board meeting the potential for changes to the subdivision regulations was discussed. The proposed regulation amendments for Chapter 300, Section 10.B.(4) Intersections and alignment are for the wording so the Town is not providing infrastructure to adjacent communities. Proposed changes to Chapter 300, Section 2 Definitions include definition of "lot" to clarify what a lot is. This definition comes directly from state regulations and is actually the law. Another proposed change regards the definition of "subdivision" to add in the word buildable to clarify terminology. Not changing regulation, just clarifying wording. He suggested the Planning Board close the public meeting and these will be put on the next agenda under general items to be voted on.

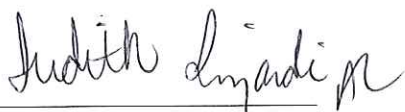
Motion to Close the Public Hearing for Amendments to Chapter 300, Subdivision Rules and Regulations. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

E. Acceptance of Meeting Minutes – April 4, 2016

Motion to Accept the April 4, 2016 meeting minutes. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:08 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary