

DRAFT FOR REVIEW

Town of Franklin



Planning Board

May 9, 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.

7:00 PM Commencement/General Business

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

A. Endorsement: Delfino Estates – 322 Chestnut Street

Mr. Bryan Taberner stated the applicant is requesting endorsement. The town attorney believes there is nothing to covenant as all the requirements for a public road have been waived; therefore, a private road covenant is not required. All other issues have been addressed.

Motion to Endorse Delfino Estates, 322 Chestnut Street. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: Countryside Estates and Autumn Hill

Mr. Taberner stated the applicant is submitting the plan for endorsement. All issues have been addressed and endorsement is recommended.

Motion to Endorse Countryside Estates and Autumn Hill. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

C. Site Plan Extension: 176 Grove Street

Mr. Taberner confirmed this is the trucking site. He stated BETA has been doing the site inspections. There are a few items, mostly landscaping, that have not been done. Applicant wanted to let Planning Board know they are working toward completion soon.

Planning Board members discussed the location and site. A trash problem was noted.

Mr. Michael Maglio indicated emails have been exchanged between Mr. Gus Brown and the applicant regarding the trash issue.

Motion to Approve a three-month extension for 176 Grove Street. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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Mr. Taberner stated this is an old project. The property is changing hands. In 2007 a cash bond for \$12,000 was established. The majority of the items the bond was issued for have been completed except the line striping and as-built submitted. Applicant submitted request for bond release. Planning Board must decide if applicant should receive all, part, or none of it at this time. He stated he defers to Planning Board regarding this decision.

Mr. Maglio stated he reviewed the site and all work has been completed per plan with the exception of the line striping. There was an interim as-built in the file showing the underground infrastructure, but not a final as-built.

Chairman Padula proposed Planning Board should approve the bond release contingent upon the line striping and the as-built be complete.

Motion to Release the bond subject to the line striping and the as-built. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

E. Decision: Amendments to Chapter 300, Subdivision Rules and Regulations

Mr. Taberner stated that at the April 25, Planning Board meeting a public hearing was held on the following bylaw amendments: Chapter 300, Section 10.B.(4) Intersections & Access; Chapter 300, Section 2 Definitions; and Chapter 300, Section 10(E) Dead End Streets. The Planning Board was going to consider changes being addressed to the subdivision rules and regulations and make a decision tonight whether to approve or not. Amendments were for two purposes: cul-de-sacs and dead-end roads adjacent to a town line will be set-back at least 25 feet was added, and definition of lot and clarification to the subdivision definition by adding the word buildable was added.

Motion to Approve Amendment to Chapter 300, Section 10.B.(4) Intersections and Access. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Halligan asked what is considered a buildable lot.

Mr. Taberner stated a buildable lot is a lot according to the Town's zoning regulations.

Mr. Halligan, Mr. Taberner and Mr. Maglio reviewed said terms and discussed the difference between a buildable and non-buildable lot.

Mr. Taberner stated that currently to have the minimum for a subdivision must have a road right-of-way which is a parcel, a drainage lot which right now is a buildable lot size, and at least one additional lot. Therefore, there are really two buildable lots, one to be used for the drainage. He noted the Planning Board can waive dimensions and requirements as done in the past. He confirmed that State regulations define a lot based on area.

Chairman Padula stated the subdivision regulations are all to do with area; a lot is based on area. The subdivision regulations do not define what is wet and what is not wet. Conservation changes what is wetlands every three years.

Mr. Taberner stated that for instance if someone had 40 acres of land and 39 were wet, then they could only build one home.

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Mr. Maglio read the definition and affirmed that a buildable lot is one that conforms to the zoning requirements.

Mr. Taberner stated the issue is if a subdivision does not meet the regulations, the Planning Board should not waive the requirements; the Planning Board needs to stand its ground as to whether it meets all the requirements to begin with. A buildable lot is by the zoning requirements/dimensions. The definition of lot is from the State definition.

Motion to Approve Amendments to Chapter 300, Section 2 Definitions. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

F. Discussion: Stormwater Management By-Law Amendments

Mr. Maglio stated at the April 4, Planning Board meeting it was discussed there would be some proposed changes to the subdivision regulations regarding stormwater management, including the size of drainage lots and other storm drain issues. The proposed amendments are to the following sections: 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. For the most part the changes have to do with clarifying language and standards. The real change regards the size of the drainage lot which many applicants come in for a waiver. It must be a buildable lot and a full-size lot. Changing language to eliminate the need for the waiver by stating stormwater management components must be located on a separate lot of sufficient size and with sufficient access.

Chairman Padula stated they would want a lot of big enough size to contain whatever stormwater runoff there was so it did not go on to anyone else's property.

Mr. Maglio stated the key is pre- and post-development runoff. Existing conditions have to be taken into consideration. He stated developers are encouraged to have minimal impact and get as much infiltration as possible.

Chairman Padula stated developers cannot just put in raingardens and swales everywhere as who is going to take care of them afterwards. He still likes the closed drainage system. He is not ready to put this into the bylaws so everyone that comes before the Planning Board will have raingardens in front of their properties.

Mr. Maglio said the Town will have to take care of them like the detention basins. These proposed amendments are just cleaning up language and cross-referencing bylaws.

Mr. Halligan noted there are no setback requirements and suggested looking into language regarding retention/detention setback requirements for property boundary line.

Mr. Maglio confirmed that he does not believe there are any setbacks for detention/retention ponds.

Chairman Padula requested the proposed wording be changed from *urged to incorporate* to *encouraged*.

G. Discussion: Limited Site Plan Filing Criteria – Zoning By-Law 185-31 D (1)

Mr. Maglio stated this proposed zoning bylaw amendment is for Chapter 185, Section 31. If a commercial site is proposing an alteration or exterior modifications of 600 sq. ft. or less, they do not need to come before the Planning Board. If it is over 5,000 sq. ft. they have to come in for a full site

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plan review. For those projects between 600 sq. ft. and 5,000 sq. ft. under certain criteria they are allowed to come in for a limited site plan modification. One of the criteria is that they have to have an existing site plan on file. For the limited number of projects that come in between 600 and 5,000 sq. ft. that would normally qualify for a limited site plan review, with this proposal if there is no site plan on file this gives those particular projects an opportunity to come in with an existing conditions survey of the entire site and file as a limited site plan. Right now if there is no site plan on file, they would have to do a full site plan review which is interpreted that they would have to bring the entire site up to current standards which might be excessive for some projects. This allows businesses that want to improve part of their site, but do not have a site plan on file, to improve portions of the site without having to bring the entire site up to conformance. This helps businesses and is good for the Town as sites are coming in and improving portions of the site which results in some improvement instead of no improvement.

Mr. Halligan stated that this might discourage new development where they have to do everything according to current standards. This could affect the rent structure versus someone who only has to bring a portion of their site up to compliance. He is torn in his opinion. He asked for a clarification of what is considered a site plan. He asked if it is something that has been presented to the Planning Board and endorsed, or is it something that someone came in and took an existing conditions plan and ran it through previously for a small alteration and now says it is a site plan. Over the years, many applicants keep making small additions and using the existing conditions plan, but it has never been an approved site plan. Now we just accept that as a site plan and it does not have the proper drainage or infrastructure.

Mr. Maglio stated that currently, if a site has a site plan on file, they can come in and just do a little piece under a limited site plan. This new language is only addressing sites that do not have a site plan on file. He confirmed that only the part of the site that is being modified must fully comply with current standards.

Chairman Padula noted that this item is for discussion only; they are not voting on it.

7:15 PM **PUBLIC HEARING** – *Continued*
Union Meadows Estates
895 & 899 Upper Union Street
Definitive Subdivision

Documents presented to the Planning Board:

1. *Letter with no date from Donald Nielsen of Guerriere & Halnon, Inc., to Franklin Planning Board*
2. *Letter dated April 18, 2016 from Mother Maureen McCabe, Mount Saint Mary's Abbey, to 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. *Form C Application for Approval of Definitive Plan with Received by Planning date March 29, 2016*
6. *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*
7. *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*

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8. *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*
9. *Certificate of Ownership with Received by Planning date March 29, 2016*
10. *Abutters List Request Form with Received by Town Clerk date March 30, 2016*
11. *Abutters List Report, Town of Franklin, March 1, 2016*
12. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date March 31, 2016*

Chairman Padula stated a letter was received requesting a continuance to the next scheduled Planning Board meeting on May 23, 2016.

Motion to Adjourn. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:02 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

