

Town of Franklin



Planning Board

**April 8, 2019  
Meeting Minutes**

TOWN OF FRANKLIN  
TOWN CLERK  
2019 MAY 21 A 9:55  
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. Members absent: None. Also present: Bryan Taberner, Director, Planning and Community Development; 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.

**A. Discussion: Silver Fox Bond – Site Walk**

Mr. Bill Ronca with Sandy Knoll Estates stated that they have been trying for the last several years to finish; they have several conflicts with the DPW as to what was added or not added. They would like to have a site walk with the Planning Board.

Chairman Padula stated that could be arranged. They agreed to meet on Thursday, April 11, 2019, at 2:00 PM.

**B. Partial Form H: 471 West Central Street**

Mr. Richard Cornetta, Attorney, representing the applicant; Mr. Roger Calarese, Developer; and Ms. Amanda Cavalier, Guerriere & Halnon, Inc., addressed the Planning Board. Mr. Cornetta stated work was completed in anticipation of this filing.

Mr. Matthew Crowley, BETA Group, stated that on March 15, 2019, he received an as-built plan with a Partial Form H listing a number of outstanding items. He received an update on April 8, 2019. He went to the site today to check off what had been addressed. He reviewed a list of outstanding items.

Mr. Calarese discussed the landscaping and the final paving plans. He stated the vertical concrete curbing was scheduled to be installed today but was delayed due to the weather.

Mr. Padula stated there was chain-link fence where vinyl fence was to be installed. Chain-link fence will not stop noise. He stated that he wants to see the poly-vinyl fence installed as per the plan.

Mr. Cornetta stated that this was not intended to be a bait-and-switch. It was an honest installation error for the fencing. The purpose of the fence was to be a sort of screening. However, Presidential Arms is much higher in elevation. The developer believes the appearance of the chain link is preferred. Even a 6 ft. vinyl fence will not provide much screening due to the elevation. He stated that a letter from Presidential Arms was submitted to the Planning Board indicating they prefer the arborvitaes planted and are not concerned about the chain-link fence. He invited the Planning Board to visit the site to see the elevations. He stated that the arborvitaes will be a more effective screening tool than the 6 ft. vinyl fence.

Chairman Padula stated that he did not agree with putting in the final coat of paving when the stores are open. It is a public safety issue.

Mr. Cornetta stated the site will not be opened to full capacity with the five tenants; probably only two tenants will be in when the paving will be done.

Mr. Rondeau asked if there could be more trees.

Mr. Cornetta stated the Presidential Arms people were satisfied with the trees as planned.

Mr. Carroll expressed concerned and requested more greenage be added to the fence line.

Chairman Padula stated that aesthetically he can see that a bright white fence will not do, but there should be more than just the chain link for aesthetics.

Mr. Calarese reviewed the fence, the arborvitaes, and the current landscaping. He stated that he was trying to determine what the Planning Board is looking for.

Mr. Halligan stated slats are available that go down through the chain-link fence. There is no visibility through it and it provides a green look. This would reduce the sound as well.

Chairman Padula stated he would rather see more trees to green it up from Presidential Arms' view.

Mr. Calarese agreed he could plant some shrubs behind the fence in addition to the arborvitaes.

***Motion to Endorse Partial Form H: 471 West Central Street. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**C. Endorsement: 4 Liberty Way**

***Motion to Endorse 4 Liberty Way. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**D. Limited Site Plan: Glen Meadow Leasing Office**

Mr. Albert Rodiger, Schochet Companies, representing the owners and managers of Glen Meadow Apartments, addressed the Planning Board. He stated that they submitted a Limited Site Plan Modification for approval of an addition of an approximately 1,400 sq. ft. leasing office and community facility on the property near the Chestnut Street entrance, six parking spaces, a playground, and dog walk area.

Ms. Love stated that BETA was not asked to review this project as it is just a Limited Site Plan. There are no Conservation concerns in the area. She reviewed the location of the proposed six parking spaces. She noted that there are numerous dumpsters scattered throughout the site.

Chairman Padula asked why the parking spaces were in the road.

Mr. Rodiger reviewed the location of the spaces; he said they are in the loop roadway. He reviewed the location of the current playground.

Mr. Halligan stated concern about how people coming from the opposite direction will have to do a three-point turn in the road to get into the proposed parallel parking. He is concerned about parking on the street. He suggested a parking lot with the six spaces.

Mr. Rodiger discussed that there was a parking lot nearby.

Chairman Padula stated that the six spaces should be in a lot near the playground or dog walk park as the people will need a place to park. The six spaces are minimalistic. There should be six spaces on the site and six spaces on the street.



Mr. Rodiger asked about extending or increasing the current parking lot.

Chairman Padula asked what they intended to do with the dumpsters as there are no pads or screening.

Mr. Rodiger stated there are 15 dumpsters throughout the site which has been the configuration since long before they bought the property. They are looking at potentially reducing the number of dumpsters, having enclosures, and cleaning it up. However, it is not part of this plan. He described the current parking lot area and discussed the possible places to put the spaces.

Chairman Padula reviewed the possible places to add the parking.

Mr. Rodiger stated that he would try to figure out something to get more cars off the street.

***Chairman Padula stated the Limited Site Plan: Glen Meadow Leasing Office would be continued to May 6, 2019, under General Business.***

**E. Endorsement: 834-836 West Central Street**

Ms. Love stated that the Planning Board approved the Site Plan on May 21, 2018, and there was a Special Condition that stated that the Town Attorney was to review the easement agreement to determine if it was satisfactory, prior to endorsement of the plans. She stated that the Town Attorney has provided a letter that stated he has reviewed the agreement and it is satisfactory.

Mr. Halligan stated he does not have a problem endorsing this as the Planning Board does not have jurisdiction over easements.

Mr. Carroll confirmed that the color rendering provided would be the colors for the building.

***Motion to Endorse 834-836 West Central Street. Halligan. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain).*** (Chairman Padula abstained.)

7:05 PM      **PUBLIC HEARING** – Continued  
***Spring Street – Solar***  
Special Permit & Site Plan

***Documents presented to the Planning Board:***

1. *Plan Sheets for Spring Street Renewables, LLC, Large-Capacity Ground Mounted Solar Energy System, Franklin, MA, prepared by Andrews Survey & Engineering Inc., with Revision date March 11, 2019, with Received by Planning date March 27, 2019*
2. *Letter dated April 2, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Letter dated February 21, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
4. *Memorandum dated April 3, 2019 from DPCD to Franklin Planning Board*
5. *Memorandum dated March 29, 2019 from James P. Klich, Acting Fire Chief, to DPCD*
6. *GMail dated March 3, 2019 from Russell Parkman, Franklin Resident, to Amy Love, Town Planner*
7. *GMail dated March 11, 2019 from Nancy Cunningham, Franklin Resident, to Amy Love, Town Planner*
8. *Letter dated March 22, 2019 from Stephen O'Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board*
9. *Memorandum dated November 27, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
10. *Memorandum dated December 6, 2018 from Franklin Board of Health to Franklin Planning Board*
11. *Letter dated November 14, 2018 from Alan Clapp, Spring Street Renewables, LLC, (c/o Nexamp, Inc.), to Jeffrey Nutting, Town Administrator*

12. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Spring Street Renewables, LLC, Attn: Alan Clapp, with Attachment A: Owners of Record, with Received by Planning date November 26, 2018*
13. *Memorandum in Support of Application for Special Permit dated November 20, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
14. *Certificate of Ownership with Name of Record Owner listed as Michael J. Bucci, with Received by Planning date November 26, 2018*
15. *Certificate of Ownership with Name of Record Owner listed as Richard F. Costello, with Received by Planning date November 26, 2018*
16. *Certificate of Ownership with Name of Record Owner listed as Anthony Depoto, etals, with Received by Planning date November 26, 2018*
17. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date November 28, 2018*
18. *Memorandum packet from NEXAMP including documents titled "Spring Street Renewables, LLC, Photovoltaic Module Components Jan. 2019" with attachments, and "Spring Street Renewables, LLC, Sound Evaluation Jan. 2019" with attachments, and "Spring Street Renewables, LLC, Sequence Construction Activities January 28, 2019" with attachments, and Photo Exhibits, with Received by Planning date February 8, 2019*

Ms. Love stated she did not see the engineer that typically represents the applicant in attendance at this meeting.

Mr. Crowley stated the applicant has answered most of BETA's concerns.

Mr. William Lessard, 3 Depoto Drive, asked where does this item stand.

Chairman Padula stated the applicant must go to Conservation Commission. When they get a decision from Conservation, then the Planning Board can close the public hearing and make a vote. If the Planning Board gives a positive vote, it will go to Town Council.

***Motion to Continue the public hearing for Spring Street - Solar, Special Permit & Site Plan, to May 6, 2019, at 7:10 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM      **PUBLIC HEARING** – Continued  
                 ***Washington Street - Amego***  
                 ***Site Plan***

*Documents presented to the Planning Board:*

1. *Letter dated April 3, 2019 from Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon, P.C., to Franklin Planning Board*

Chairman Padula stated that the applicant requested a continuance to May 6, 2019.

***Motion to Continue the public hearing for Washington Street - Amego, Site Plan, to May 6, 2019, at 7:15 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM      **PUBLIC HEARING** – Continued  
                 ***Upper Union Street Solar***  
                 ***Special Permit & Site Plan***

*Documents presented to the Planning Board:*

1. *Memorandum dated April 3, 2019 from DPCD to Franklin Planning Board*

Chairman Padula stated that the applicant requested a continuance to May 6, 2019.



***Motion to Continue the public hearing for Upper Union Street Solar, Special Permit & Site Plan, to May 6, 2019, at 7:20 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:30 PM      **PUBLIC HEARING** – *Continued*  
                 ***38 Pond Street***  
                 Site Plan Modification

*Documents presented to the Planning Board:*

1. *Letter dated April 1, 2019 from Amanda Cavalier, Guerriere & Halnon, Inc., to Franklin Planning Board*

Chairman Padula stated that the applicant requested a continuance to May 6, 2019.

***Motion to Continue the public hearing for 38 Pond Street, Site Plan Modification, to May 6, 2019, at 7:30 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:30 PM      **PUBLIC HEARING** – *Initial*  
                 ***Zoning Bylaw Amendment 19-837***  
                 West Central Street Rezoning

*Documents presented to the Planning Board:*

1. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date March 19, 2019*
2. *Map - Proposed Zoning Map Changes: General Residential V to Single-Family IV*

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

***Mr. Halligan recused himself.***

Mr. Taberner stated this is a proposed bylaw amendment to the zoning map that would change five parcels on West Central Street from General Residential V to Single-Family Residential IV. The Town Administration asked his department to put together this amendment. He stated that the proposal with a map and diagram of the location and parcels is included. The Economic Development Committee at their February 13, 2019, meeting recommended this to the Town Council. At their meeting, the Town Council recommended this to the Planning Board for a public hearing.

Mr. Joel D'Errico, 72 Deer View Way, stated he is the owner of 278 & 280 West Central Street; he is buying 300 West Central Street. He provided an enlarged copy of the assessor's map highlighting West Central Street as it exits, today, by showing the single-family residences, the condominiums and multi-families, and the business uses. He explained the acreage of each usage type. He stated he was speaking as a landowner and as a former FinCom member. He noted there is a deficit of about \$3 million coming to the Town. He stated his properties pay a total of \$12,000 in taxes to the Town. If his current project is approved, it will bring in approximately \$200,000 in property taxes per year. For prudent economic development, the Town needs the right type of zoning. He is going to speak against rezoning the area because the highest and best use is multi-family condominiums that will bring revenue to the Town of Franklin and help offset the deficit.

Mr. Edward Cannon, Attorney representing JNJ Industries of 290 Beaver Street, stated that Mr. D'Errico has presented before the Planning Board two other times for projects on this site and both times the Planning Board denied his requests. He stated that this hearing is about rezoning the particular property, not what Mr. D'Errico wants to do with his property; Mr. D'Errico's projects are too dense at this particular spot. He stated that this backs up to his client's property which is an Industrial use; his client has been a good neighbor for many years. He stated that Mr. D'Errico's project should not be allowed to go forward as the project is too dense. He requested that the Planning Board respectfully recommend that the bylaw be changed as proposed.

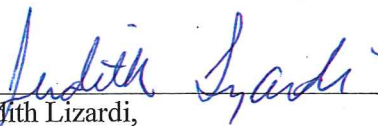
Mr. D'Errico stated that there have been zoning votes taken before allowing different densities. He reviewed one of the votes taken before he filed his initial plans. He then reviewed his past plans for the property. He stated that he recognized that the Planning Board did not allow his first plan due to the exiting. However, his second proposed plan was less dense and had a better road plan. He stated there are 169 houses within three-quarters of a mile of this site that have lot sizes between 2,500 sq. ft. and 5,900 sq. ft. That adds to his second proposal of one dwelling per 5,172 sq. ft. He stated that he completed another sound study. Based on state law, the producer must curb their own noise. He noted that the previous speaker spoke about Mr. D'Errico's densities but did not address the reason why he is really here.

Chairman Padula stated this motion would be a recommendation to the Town Council to put the zoning back to where it was: General Residential V to Single-Family Residential IV.

***Motion to Recommend the Zoning be Returned to Residential IV. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

***Motion to Adjourn. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No). (Mr. Halligan had not re-entered the meeting.) Meeting adjourned at 8:01 PM.***

Respectfully submitted,



Judith Lizardi,  
Recording Secretary