

Town of Franklin



Planning Board

**November 7, 2016
Meeting Minutes**

TOWN OF FRANKLIN
TOWN CLERK
2016 DEC -6 AM 9:18
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: Michael Maglio, Town Engineer; Bryan Taberner, Director, Planning and Community Development; 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. Endorsement: South Hill Estates Modification – Garnett Drive

Ms. Love stated the Planning Board approved the plan in August. It was not to be endorsed until the Town Council voted on the private road covenant which they did on October 19, 2016. All conditions have been met; do not see any more issues with the plan.

Motion to Endorse South Hill Estates Modification, Garnett Drive. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No; 0-Abstain).

B. Form H: Swahn Estates – Sheila Lane

Ms. Love stated they filed a Form H that the project was completed. BETA performed their onsite inspection; they reported that the boundaries were put in.

Mr. Halligan asked about the roundings at the end of the driveways.

Mr. Maglio stated there were some issues during construction when they had the sidewalk going through the driveway; it did not quite meet ADA regulations. They replaced that. The roundings were put in at the end of the driveways, but not to the exact radius as shown on the plans; it was a little tighter and narrower. He did not see it necessary to have them widen it, but they went back to address the sidewalk being ADA accessible.

Mr. Matthew Crowley, BETA Group, stated a site inspection was performed in 2015 going over field modifications; all agreed they were installed properly. The only issue remaining was the installation of the concrete bounds; inspection was performed in 2016 to verify installation.

Mr. Halligan confirmed this is a private driveway so the town is not responsible for maintenance or plowing.

Motion to Endorse Form H for Swahn Estates, Sheila Lane. Carroll. Second: Rondeau. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Chairman Padula abstained.)

DRAFT FOR REVIEW**C. 81-P ANR: September Drive – Countryside Estates Subdivision**

Ms. Love stated the applicant came in to move lot lines for an existing subdivision mainly to fit in the houses he wants to build there. They all conform to the existing zoning regulations and there is a bond being held for the roadway that is not complete.

Motion to Authorize the Chair to sign the 81-P. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

D. Discussion: Fee Waiver Request – 11 White Dove Road

Ms. Love stated the applicant filed a modification and then withdrew it because it had the wrong signature for the applicant. They are looking to refile and asking to waive the \$750.00 application fee.

Chairman Padula asked how it was approved as the roadway was never completed, yet the building inspector at the time issued the building permit and the property had no frontage. How does that work?

Mr. Maglio stated that is the issue they are trying to clear up.

Chairman Padula stated he is not going to authorize it; he is not going to put it before the Planning Board to authorize. He is just not going to waive the fee for this; why the road was not finished?

Mr. Maglio stated they are asking for a fee waiver as they submitted a plan in August and paid the \$750.00 fee, but they had the wrong property owner on the plan. They withdrew it and are reapplying.

Mr. Halligan expressed his understanding that the applicant is still going to come before the Planning Board for the modification. All that is happening now is that they would like to have the fee waived on the application they already submitted; the money will be going to the new application. He would rather see them reapply and come before the Planning Board than dismiss it.

Ms. Love stated the engineer working for original owner is hoping to be on the December 5, 2016 agenda.

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

E. Meeting Minutes Approval – October 17, 2016

Motion to Approve the October 17, 2016 meeting minutes. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM

PUBLIC HEARING – Initial

0 Pond Street (former wastewater sewer beds land)

(1) Special Permit & Site Plan

Documents presented to the Planning Board:

1. Letter dated November 2, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Memorandum dated November 4, 2016 from Department of Planning and Community Development to Franklin Planning Board
3. Letter dated November 1, 2016 from Matthew Crowley, BETA Group, Inc. to Franklin Planning Board
4. Letter dated November 1, 2016 from Greg Lucas, BETA Group, Inc. to Franklin Planning Board
5. Memorandum dated October 21, 2016 from G.B. McCarraher, Fire Chief to DPCD
6. Site Development Plans for Proposed Brookview, Plan Sheets with Received by Planning date October 7, 2016

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7. *Memorandum dated October 6, 2016 from Richard Cornetta, Esquire, to Franklin Planning Board*
8. *Application for Approval of a Site Plan from Baystone Franklin LLC with Received by Planning date October 7, 2016*
9. *Form P: Application for Approval of a Site Plan and Special Permits(s) from Baystone Franklin LLC with Received by Planning date October 7, 2016*
10. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date October 7, 2016*
11. *Abutters List Report dated September 28, 2016*
12. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 18, 2016*

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

Mr. Richard Cornetta, Attorney representing Baystone Franklin LLC, the applicant; Mr. Roy MacDowell, Principal of Baystone Franklin; and Mr. Todd MacDowell, addressed the Planning Board. Mr. Cornetta stated this is an application for a special permit. He provided background information about Baystone Development. It is a family-owned real estate development firm; they have experience with some large multi-residential projects. The property is the old town sewer beds on Pond Street; it consists of about 34 acres of land. It was the subject of an RFP from the Town Council. The project is in the Office Zoning District and is also partially located in the Water Resource District. It was owned for over 110 years by the Town of Franklin. In 1980 the waste water treatment facility on the site was closed. In 2015, the town distributed the RFP along with cleanup and other site criteria including that the property use of the site would be by right or by special permit. By special permit, one of the allowable uses is multi-residential use which is being proposed in this application. In 2016 the Town Council passed Resolution 16-16 which accepted Baystone's proposal for this development for the construction of 99 residential condominium units, 30 of which would be three-bedroom and the balance being two-bedroom units. In addition to the special permit request, they have filed a notice of intent for an order of conditions to be issued by the Conservation Commission which would deal with some of the jurisdictional wetland resource areas existing on the property. The first meeting before the Conservation Commission is scheduled for November 10, 2016.

Mr. John Kucich of Bohler Engineering showed and discussed an aerial of the existing property as well as the site plan. He stated there would be 96 townhomes with 31 structures. The buildings will vary in size from approximately 1,700 to 2,500 sq. ft. There is a 150 ft. green buffer in the front of the property between the units and Pond Street. The secondary access is for emergency vehicles only. The main road is curved for character. Access is through a 22 ft. drive isle with 4 ft. shoulder and sidewalk throughout the property. He noted the fire chief wanted a 24 ft. lane; they will work with fire chief on that. Each unit will have a two-car garage with a driveway for additional two cars. Additional parking lot for 12 vehicles can be used for overflow parking or to access Mine Brook. Grading issues and sewer lines on the property were taken into consideration. They respected the wetlands around the site; much care was taken with the design. Due to the grading, most of the development will be below Pond Street. He stated the stormwater management system is under BETA's purview; it is fully compliant with state and town regulations. The discharge is going to the same spot that it is today. They are reducing peak rates of runoff and volume. Landscaping provides enhanced entryway to site. They provided street trees throughout the property involving numerous species. Many units have benefit of wooded views in the back. They will address the comments received from peer review group and staffers. In response to Planning Board members' comments, he stated the distance is about 250 ft. from Rt. 495 to the closest unit. The road will be a private drive. The distance between the homes varies, but approximately 18 ft. The daycare center's main entrance to their entrance is about 160 ft. The depth of the sewer main that cuts through the middle of the site varies; it can get down to 18 ft. in some areas. There is a small portion of sewer line that they are going to rebuild. The second means of egress is for emergency vehicles only.

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Mr. Rondeau stated that where applicant's main entrance is located at that end of Pond Street it can get very busy with traffic. With a second exit, it may be easier.

Mr. Bill Laquidara, 409 Franklin Crossing Road, stated he was hoping to see more one bedroom apartments and fewer three bedroom apartments. Three bedrooms denote more children. The town just spent money building a new high school and do not want to build another one soon.

Chairman Padula stated these are condominiums. They are clustered into 31 units. They are homes; they will have more than one bedroom.

Mr. Maglio stated they have reviewed the plans and had several comments, many to do with permits and utilities. He asked if this is going to be constructed all at once or as a phased project. He would like to see all utility structures constructed in the beginning and not phased. He stated they recommend a 24 ft. roadway due to density; fire chief has a similar comment. He noted the plan did not show any guest parking. Asphalt sidewalks are 4 ft. wide on plan; he recommended 5 ft. sidewalks to comply with ADA. Proposed roadway design showed all catch basins on one side; requested additional calculations on flow.

Chairman Padula stated the regulations do not allow for catch basins all on one side of street; regulations require opposing catch basins.

Ms. Love stated that as part of the agreement with the town, there was to be 17-plus acres of open space. The plan does not identify where these 17-plus acres are and how it is going to be restricted and handed over to conservation. The original plan did not have the 12 additional parking spots for visitors. The agreement stated there should be kayak and canoe access; must make sure the available parking for the open space allows such access. Additional visitor parking needed.

Mr. Taberner described the town's drainage in the northeast corner of the site. If the applicant would like to fix that problem for the town, it would be appreciated; otherwise the town needs an easement over that corner for access. He stated for the public and the Planning Board something should be put on a diagram that states approximately where they believe the open space location will be including what is going to be preserved and where the easements are. He mentioned the Army Corps. of Engineers' property to the north. He noted the Conservation Commission meeting is in a few nights and Planning Board does not want to approve anything before that. Design review needs to provide recommendation on the design issues. He stated many issues have already been addressed.

Chairman Padula asked if an additional 6" water main would be brought in for the sprinkler system.

Mr. Maglio said the 8" main will come into the property and loop. Each building will have a water service coming off that and have a separate service off the 8" main to sprinkle each building. Do not need a separate main for the sprinklers.

Chairman Padula asked if Mr. Kucich had the town's subdivision regulation book. He stated this project falls into the town's subdivision regulations; zoning does not stamp out how roadways are built in residential projects. The 22 ft. road is not even a minor street in the town's regulations. For any units over 50, a street of 32 ft. would be required. He does not expect 32 ft. roadways, but he does expect something above 24 ft. He stated the required drainage in the subdivision regulations is on both sides of the street.

Mr. Cornetta stated they have attended numerous technical review meetings with the building commissioner also in attendance and it was posed to the members in the meeting that this would not be a subdivision. It would be a multi-family residential development in the guise of possibly a senior village or a Residential VII.

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Chairman Padula read from the regulations indicating that a senior village is a subdivision.

Mr. Cornetta said in referencing the senior village he was not invoking the bylaw. This is not a senior village. In the Use Table it is an Office District. It is allowed multi-family residential use by special permit. It does not reference the subdivision regulations. This is going to be a private condominium development in the vein of a Residential VI or Residential VII.

Chairman Padula stated this is not proposed as a Residential VII. The infrastructure falls under the Planning Board's privity and that is under subdivision regulations. You cannot just put cape cod berm, catch basins where you want them, and no easements. You have not spelled out in the RFP that you do not have to comply with the law. This is not a 40B.

Mr. Cornetta said this is not subject to Planning Board's subdivision regulations because it is not a subdivision. This is a private condominium development. The town has no legal responsibility as they would in a subdivision or roadway which will become public. These lots will not be subdivided.

Chairman Padula stated that just like at a senior village, where there is multi-family housing, the subdivision rules and regulations are followed when it comes to infrastructure.

Mr. Cornetta said he has a letter from the building commissioner that speaks to this issue and it deems that this project is not subject to the subdivision regulations.

Chairman Padula requested said letter be shown to the Planning Board.

Mr. Cornetta handed a document to Chairman Padula.

Mr. Taberner stated this is not a standard subdivision. It is a special permit with a site plan. The site plan is not for a subdivision. Therefore, technically speaking, it does not fall under the subdivision regulations. However, the subdivision regulations offer a good guide on how to look at a property like this.

Chairman Padula said the zoning refers to the subdivision regulations for the infrastructure. It is indicated in two or three places in the zoning.

Mr. Taberner stated he understood where Chairman Padula was coming from. He also understands that the concept plan developed was never intended to be a public roadway. Therefore, town staff was looking at it as such, not necessarily a subdivision.

Chairman Padula stated the Planning Board is charged with infrastructure and public safety. The Planning Board is the special permit granting authority. This is the same problem they have had in the past; technical review has no one from the Planning Board staff. The applicant is under the opinion that everything was going great under technical review, but there was no one there from the Planning Board. He stated this must be straightened out.

Mr. Halligan confirmed that the town is never going to own this property. The subdivision regulations are guided toward a road that is going to be owned by the town; rules and regulations were written to protect the town when they accept the road. This project will not be plowed or maintained by Franklin. If under the special permit they can prove that it works for this development, he wants to hear more about it.

Chairman Padula stated that these people are all going to be taxpayers of Franklin. Their children will go to Franklin schools; they will use Franklin sewerage, water and fire protection.

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Mr. Cornetta stated in this instance, it is a private condominium development with a private condominium association. The roadways will be common areas. This is desirable for the town because the town has no responsibility for it. He appreciates the subdivision regulations, but this is not the type of development intended for those regulations.

Chairman Padula stated that the drainage goes into the town's drainage system, so it goes before the Planning Board. If there is an emergency in this facility, they will call the town; so, they must have a wide enough road for emergency vehicles. You can't put a 22 ft. roadway in a facility like this. The fire department does not tell the Planning Board how wide a road must be, but he would like the fire chief's input on this.

Mr. Cornetta said he would reach out to the fire chief and look at the roadway issue closely before they come back before the Planning Board.

Chairman Padula stated his other questions/concerns included if some catch basins exceeded 300 ft., HDPE pipe, no cape cod berm or asphalt sidewalks, and easements in the back of the homes.

Mr. Kucich stated he believed it would be underground electrical. Each unit would be two stories and have four parking spaces. He will show on the plan public access to the 17-acres of public space.

Mr. Halligan noted the fire chief's letter that stated he is comfortable with the 24 ft. road; the letter also mentioned that there were four units together and he would like to bring that down to three. Mr. Halligan questioned guest parking and trash pickup. He requested Mr. Cerel be at the next meeting.

Mr. Cornetta stated he did not know the fire chief objected to it until they received his letter. He wants to follow up with the fire chief and discuss those issues. He said guest parking could be a common parking area. He thinks it would be best to have trash pickup done by the town and not have a dumpster.

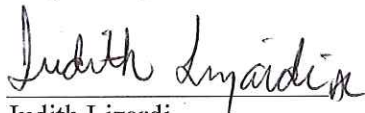
Chairman Padula stated there needs to be guest parking. Snow storage will be a problem. Town Council does not get into infrastructure. He wants what is best for the town. The Planning Board goes by rules and regulations. A decision needs to be made; someone needs to find out about all of this.

Mr. Roy MacDowell stated that he took many notes this evening and they will address all the concerns. He would like to review BETA's comments so when they come back before the Planning Board they will be prepared to address all issues.

Motion to Continue the public hearing for 0 Pond Street to November 21, 2016 at 7:05 PM. Padula. Second: Carroll. 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 8:14 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary