

Town of Franklin



Planning Board

**January 9, 2017
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. Members absent: None. Also present: Michael Maglio, Town Engineer; Bryan Taberner, Director, Planning and Community Development; Amy Love, Planner; Matthew Crowley, BETA Group.

7:00 PM Commencement/General Business (items taken out of order from agenda)

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

A. Extension: Chestnut Street Senior Village Site Plan and Special Permit
Chairman Padula recused himself.

Ms. Love stated a letter was received from Mr. Don Ranieri, Jr., requesting an extension based on the Chestnut Senior Village approval. The approval was granted in June 2008, but went into litigation and was not resolved until June 20, 2011. The special permit allows for two years and then the Permit Extension Act allows for an additional four years. The expiration is June 20, 2017. Applicant is requesting two years which can be based on the date of June 20, 2017.

Motion to Approve Extension: Chestnut Street Senior Village Site Plan and Special Permit from June 20, 2017 for two years. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula re-entered the meeting.

B. Partial Form H: 150 Emmons Street
Chairman Padula recused himself.

Ms. Love stated the applicant is requesting a Partial Form H so they can get an occupancy permit for one of their tenants. BETA has been to the site, did a site evaluation, and provided pictures.

Motion to Approve Partial Release of Form H: 150 Emmons Street with information provided and with BETA's comments. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula re-entered the meeting.

C. ANR 81-P: Mount Street

Ms. Joyce Hastings of GLM Engineering Consultants addressed the Planning Board. She stated this is an existing 9.8-acre parcel being divided into two lots: 8.4 acres and 1.5 acres. They will both have access on Mount Street.

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Ms. Love reiterated this is currently one lot and they would like to divide it into two. Each lot meets the requirements for zoning regulations for Rural Residential I.

Motion to Approve ANR 81-P: Mount Street. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. ANR 81-P: Delfino Estates

Mr. Bruce Wilson, Principal of Guerriere and Halnon, Inc., showed the plan and stated the house was built 2 ft. too close to the cul-de-sac as it was originally approved, so revising roadway and reconfiguring the turnaround.

Motion to Approve ANR 81-P: Delfino Estates. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

E. Partial Form H: Delfino Estates

Mr. Bruce Wilson, Principal of Guerriere and Halnon, Inc., showed and discussed an as-built plan showing all utilities, water, gas, underground electric, pavement, and vegetated rain garden. He stated the only item outstanding is the loam and seed of the final which would probably have to be done in the spring. Everything is in and meets approved design criteria.

Chairman Padula stated there was to be slant granite at the entrance and it is not done. He stated that when the plan was approved there were to be no partials, no release until it was done.

Mr. Wilson stated the applicant is looking to sell the property and asked if a bond would suffice.

Chairman Padula stated the estimate is \$36,412.00.

Mr. Rondeau stated he would like to see the throat of the granite put in and some erosion controls for the winter season.

Mr. Wilson said they can get the erosion controls in, but he is not sure if can get the granite in now with the asphalt, but will give it a try.

Chairman Padula stated there is usually one place open; give it a try and then come back.

F. ANR 81-P: Toni Lane

Mr. Nathan Carlucci, project applicant, showed a plan and stated this is situated between Beech Street and Pine Street. There are four existing lots: two are on Toni Lane with single-family homes on them, and two are vacant lots endorsed by ANR a few decades ago on Beech Street. He would like to modify Lot N to extend backwards to connect to the back portion of Lots 2 and 3; Lot M would be merged into Lot 3 of Toni Lane. All lots meet frontage, area and setbacks requirements.

Ms. Love stated applicant is requesting to take four lots and divide them into three lots. Upon receiving application, it did not match up with the town record of the ownership of some of the lots.

Mr. Carlucci stated they have done an exhaustive title search back to when records were first kept at the Registry and the owners have a perfectly clean title. The reason there was an issue was that the assessors had a portion of the property towards the brook listed as the VFW as the owner because there was a deed that on its face seemed to be describing the same property. It appears that deed was describing property on the other side of the brook.

Mr. Mark Cerel, town attorney, elaborated on determining ownership. He stated it was the Planning Board's obligation to approve the 81-P.

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Motion to Approve ANR 81-P: Toni Lane. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

G. Meeting Minutes: December 5, 2016 and December 19, 2016

Motion to Approve December 5, 2016 Meeting Minutes. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve December 19, 2016 Meeting Minutes. Carroll. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Initial
 Acorn Hill Estates – 27 Acorn Place
 Definitive Subdivision

Documents presented to the Planning Board:

1. Letter dated January 3, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Letter dated January 4, 2017 from Matthew Crowley, BETA Engineering, to Franklin Planning Board
3. Memorandum dated January 5, 2017 from DPCD to Franklin Planning Board
4. Memorandum dated December 23, 2016 from G.B. McCarraher, Fire Chief, to DPCD
5. Memorandum dated December 14, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
6. 27 Acorn Place, Franklin, MA, Definitive Subdivision Plan Submittal with Technical Memorandum Prepared by Thomas A. Ryder, P.E. & Associates, with Received by Planning date December 13, 2016
7. Definitive Subdivision Plan, Acorn Hill Estates, Franklin, Massachusetts, Plan Sheets Prepared by Thomas A. Ryder, P.E. & Associates, dated November 2016 with Received by Planning date December 13, 2016
8. Form C: Application for Approval of a Definitive Plan with Received by Planning date December 13, 2016
9. Certificate of Ownership with Received by Planning date December 13, 2016
10. Form R: Franklin Planning Board Subdivision Waiver Request dated November 7, 2016 with Received by Planning date December 13, 2016
11. Town of Franklin Board of Assessors Abutters List Request Form dated November 14, 2016 with Received by Planning date December 13, 2016
12. Abutters List Report dated November 14, 2016
13. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 19, 2016

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

Mr. Thomas Ryder, design engineer, and Mr. Thomas Haynes, applicant, addressed the Planning Board. Mr. Ryder stated they were applying for a five-lot subdivision: four buildable lots and one non-buildable lot to be used for stormwater recharge and sedimentation treatment. The property is off Chestnut Street in a Residential I district and in the Franklin Water Resource district. It is within the Charles River Watershed basin. It is comprised of 5.66 acres of wooded upland. The conditions of the site are deeply sandy loam and 8-15 percent slopes. There is no presence of hazardous materials or wetlands on site. They have already met with Conservation Commission. The lots will manage their own stormwater flows with use of rain gardens and infiltration units. Proposed roadway is cul-de-sac style, 350 ft. approximate length, 26 ft. wide with 5 ft. wide sidewalk. Stormwater management system was described. One street light at the end of the road was proposed. Houses will be serviced with public water supply.

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Mr. Maglio stated they reviewed the project and had a few comments. Extending the water main down the cul-de-sac would require a water map amendment from the Town Council. There is no sewer in the area so it is expected that each lot has its own septic system. Regarding the drainage, assuming this is eventually going to become a town-owned roadway, applicant is proposing an underground infiltration chamber for a detention pond; town would rather see something above ground, traditional retention-type basin. Applicant also noted some rain gardens on individual lots to address roof run-off; if that does happen he would like to make sure it is noted on the plan that it will be the responsibility of the private property owner, and the long-term maintenance requirements will be shown on the plans.

Chairman Padula stated the Planning Board wants to see a conventional plan first and then if applicant wants changes they can come in for waivers. The town does not do Cultec systems in a subdivision; it may be ok in a commercial site.

Mr. Ryder stated he would like to meet with Mr. Maglio to discuss it further.

Motion to Continue public hearing for Acorn Hill Estates - 27 Acorn Place, Definitive Subdivision, to January 23, 2017 at 7:15 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
 0 Pond Street (former wastewater sewer beds land)
 (1) Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Memorandum dated January 5, 2017 from DPCD to Franklin Planning Board*
2. *Letter dated January 4, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Letter dated December 30, 2016 from Matthew Crowley, BETA Engineering, to Franklin Planning Board*
4. *Letter dated December 27, 2016 from Greg Lucas, BETA Engineering, to Franklin Planning Board*
5. *Letter dated December 29, 2016 from Elizabeth Taglieri, Charles River Pollution Control District, to Franklin Planning Board*
6. *Site Development Plans for Proposed Brookview, Plan Sheets 1-23 of 23 and 1-6 of 6, Prepared by Bohler Engineering, with Revision date December 14, 2016 with Received by Planning date December 16, 2016*
7. *Letter of response to comment letter from BETA Group dated December 15, 2016 from Nathaniel Mahonen, Bohler Engineering, to Franklin Planning Board*
8. *Memorandum dated November 11, 2016 from G.B. McCarraher, Fire Chief, to DPCD*
9. *Letter of response to comment letter from Franklin DPW dated December 15, 2016 from Nathaniel Mahonen, Bohler Engineering, to Franklin Planning Board*
10. *Letter of response to comment letter from Franklin DPCD dated December 15, 2016 from Nathaniel Mahonen, Bohler Engineering, to Franklin Planning Board*
11. *Letter of response to comment letter from BETA Group dated December 12, 2016 from John Kucich, Bohler Engineering, to Franklin Planning Board*
12. *Memorandum dated November 30, 2016 from DPCD to Franklin Planning Board*
13. *Memorandum dated November 16, 2016 from Mark Cerel, Town Attorney, to Franklin Planning Board*
14. *Memorandum dated November 11, 2016 from G.B. McCarraher, Fire Chief, to DPCD*
15. *Memorandum dated November 15, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*

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16. *Letter dated November 15, 2016 from John Kucich, Bohler Engineering, to Franklin Planning Board*
17. *Letter dated November 2, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board*
18. *Site Development Plans for Baystone Franklin, LLC, Plan Sheets Prepared by Bohler Engineering, dated September 29, 2016 with Received by Planning date November 16, 2016*
19. *Memorandum dated November 4, 2016 from DPCD to Franklin Planning Board*
20. *Letter dated November 1, 2016 from Matthew Crowley, BETA Engineering, to Franklin Planning Board*
21. *Letter dated November 1, 2016 from Greg Lucas, BETA Engineering, to Franklin Planning Board*
22. *Site Development Plans for Proposed Brookview, Plan Sheets Prepared by Bohler Engineering, dated September 29, 2016 with Received by Planning date October 7, 2016*
23. *Memorandum in Support of Application for Special Permit dated October 6, 2016 from Richard Cornetta, Attorney, to Franklin Planning Board*
24. *Application for Approval of a Site Plan and Special Permit(s) from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
25. *Form P, Application for Approval of a Site Plan from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
26. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date October 7, 2016*
27. *Abutters List Report dated September 28, 2016*
28. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 18, 2016*

Mr. Richard Cornetta, attorney, on behalf of the applicant, Baystone Franklin, LLC; Mr. Roy MacDowell, principal of Baystone Franklin, LLC; Mr. Todd MacDowell, principal of Baystone Franklin, LLC; and Mr. John Kucich, consulting engineer of Bohler Engineering, addressed the Planning Board. Mr. Cornetta noted this is a continuation of a previous public hearing where traffic concerns and other issues were discussed. Their engineers were tasked with addressing peer review comments and revising the plans. They are scheduled to appear at a public hearing before the Conservation Commission later this week.

Mr. Kucich reviewed changes made to the plans and stated they have accommodated most of the comments received. The roadway has been revised to 24-ft. width. They provided visitor parking around the site and a 4-ft. green space all the way around between the sidewalk and the road. They modified the sidewalk to concrete as requested and provided a sloped granite edging. He updated the drainage system per comments received. Changed stormwater piping to RCP, added additional catch basins along the side of road, and modified infiltration basin. All these have been fully reviewed by town engineer and BETA. They have added additional lighting to parking areas. They showed location of nature trail on the plan; they are in Conservation Commission jurisdictional areas.

Mr. Maglio stated applicant has addressed most of the previous comments. He mentioned with the granite edging and catch basins that were proposed, it is recommended utilizing throat stones at the roadway catch basin inlets to help address potential leaf litter from the proposed street trees. He noted there were additional comments regarding easements and other minor items.

Ms. Love stated it is recommended applicant submit to design review before the Planning Board makes decision. She recommended a letter from the Charles River Pollution Control District should be added as a condition; the applicant has said letter. She stated any drainage easements should be worked out with town attorney and should be a condition of the approval.

Mr. Kucich stated the letter is not a problem.

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Mr. Cerel stated he wanted to make sure adequate provisions have been made for the drainage coming down off Pond Street.

Mr. Halligan stated he did not have a revised plan.

Mr. Kucich brought the plan to Mr. Halligan and showed him where the satellite parking was located. He then asked for clarification from the Planning Board on BETA's comment requesting the sidewalk be 5 ft. wide. Applicant would like to keep sidewalk at 4 ft. wide which fully complies with code. Also, a comment suggested that applicant provide accessible parking at some of the parking stalls; it seems if someone had a visitor with accessibility needs, they would park in the driveway. Also, they do not feel the need for additional landscaping that was suggested for screening from the detention basin.

Chairman Padula stated the 5-ft. sidewalk is the standard for the town; he does not have a problem with the 4-ft. sidewalk as long as there are no obstructions.

Planning Board members informally stated they did not have a problem with the 4-ft. sidewalks.

Motion to Continue public hearing for 0 Pond Street (former wastewater sewer beds land), (1) Special Permit & Site Plan, to January 23, 2017 at 7:30 PM. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – *Initial*
 5 Forge Parkway
 Site Plan Modification

Documents presented to the Planning Board:

1. Letter dated January 9, 2017 from David McKearney, Public Health Director Franklin Health Department, to Franklin Planning Board
2. Letter dated December 27, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Memorandum dated January 4, 2017 from DPCD to Franklin Planning Board
4. Letter dated December 21, 2016 from George Russell, Conservation Agent, to Bruce Wilson, Guerriere & Halnon, Inc.
5. Memorandum dated December 30, 2016 from G.B. McCarraher, Fire Chief, to DPCD
6. Packet entitled Site Plan Modification for Cultivation Addition, 5 Forge Parkway, Franklin, MA, dated December 6, 2016, Prepared by Guerriere & Halnon, Inc. including letter by Bruce Wilson
7. Cultivation Addition, Site Plan Modification, 5 Forge Parkway in Franklin, Massachusetts, Plan Sheets Prepared by Guerriere & Halnon, Inc., revision date November 4, 2016 with Received by Planning date December 20, 2016
8. Form P, Application for Approval of a Site Plan from New England Treatment Access, Inc., applicant, with Received by Planning date December 20, 2016
9. Certificate of Ownership with Received by Planning date December 20, 2016
10. Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date December 20, 2016
11. Abutters List Report dated November 14, 2016
12. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 21, 2016

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

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Mr. Craig Ciechanowski, attorney representing J D Family Trust, owner of the property at 5 Forge Parkway; Mr. James Daddario, owner; and Mr. Bruce Wilson, project engineer of Guerriere and Halnon, Inc., appeared before the Planning Board. Mr. Ciechanowski stated this property was last before the Planning Board in 2014 for a site plan modification. They are back to modify the site plan to add approximately 34,000 sq. ft. to the existing building on what is presently impervious paved surface.

Mr. Wilson provided a review of the proposed plan including the location of the 34,842 sq. ft. addition and total of 166 parking spaces after construction. The water main would be relocated. He reviewed the drainage and stormwater system. They are scheduled to meet with Conservation Commission on January 12. He provided drawings of the proposed addition and stated it will be designed to be consistent with the architectural look of the existing building. He stated the parking would require 244 spaces; currently the site has 166 spaces. They will ask Planning Board to consider that the existing number of spaces is adequate. Impervious coverage will decrease from 46.1 percent to 45.6 percent.

Mr. Maglio suggested that as the addition is going over existing pavement with minimal work to the drainage system, it would be a good opportunity to get some additional recharge from the roof by feeding into an underground infiltration system.

Ms. Love stated the fire chief submitted a letter and did not have any issues at this time. Applicant will be going to Conservation Commission on January 12. They should indicate on the plans where the dumpster will be located and any additional lighting.

Mr. Halligan asked Mr. Taberner about a new bylaw recently passed that addressed expanding on an existing site. How does that apply to this?

Mr. Cerel stated this exceeds a minor modification.

Ms. Love stated this is filed as a site plan modification, not a limited site plan modification.

Mr. Taberner stated the new section of the development is a full site plan in that area. If there are other problems on the site, the Planning Board can ask that they be addressed at this time.

Ms. Love stated there has been discussions with town staff about concerns regarding the odor from the site. Today, she received a letter from the public health director with concerns about odors from the site.

Mr. Taberner stated he was hoping the issue could be discussed. There are adjacent property owners that say they can smell the odor. Are there ways to mitigate that?

A representative for the applicant stated that they have plans to have an engineer design an odor mitigation system for the addition similar to that used in waste treatment facilities. They have seen good luck with them in Colorado.

Chairman Padula stated that was great for the addition, but what were they going to do about the pre-existing problem.

The representative stated they have never received complaints. If there were complaints, they could add to what they currently do which is carbon-based filtration; they could add units as they are modular.

Mr. Jeff Nutting, town administrator, stated that neighbors have stated there is a smell; the YMCA and condo residents, everyone in the park is being affected. If the company can fix it, that would be great. The smell needs to be controlled better.

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Chairman Padula stated he would make that part of the conditions of approval that they fix the smell disturbance.

Mr. Halligan stated he would feel more comfortable voting on this at another meeting and have a professional come in and explain how this will be filtered and fixed. He asked what is the benefit to the town regarding taxes for this additional product that will be grown.

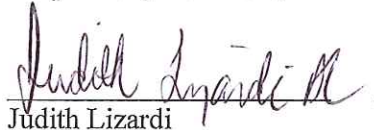
The representative stated they would be using an additional 2,000 gal. of water per day for this addition.

Mr. Nutting stated the value would just be the increased value of the addition.

Motion to Continue public hearing for 5 Forge Parkway, Site Plan Modification, to February 6, 2017 at 7:10 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:05 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary