

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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PLANNING BOARD

August 21, 2023 Meeting Minutes

Chair Gregory Rondeau called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of dialing into the meeting using the provided phone number or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams, Jay Mello, associate member. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Gary James, BETA Group.

7:00 PM **Commencement/General Business**

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

Ms. Love stated that she heard from an attorney today that there was a lot not released at Daniels Street, Lot A at Harmony Farms which is a subdivision from 1990. During a title search for the sale of a house, it can be found that a lot was not released. She stated that there are no issues with it. She asked if the Planning Board wanted to sign the lot release tonight.

Motion to Sign off on Daniels Street, Lot A, release of lot. Rondeau. Second: Power. Vote: 5-0 (5-Yes; 0-No).

Chair Rondeau and Ms. Love discussed moving the date of the Planning Board's September 11, 2023, meeting to September 18, 2023, as two members will not be able to attend the September 11 meeting.

Motion to Change the September 11, 2023, meeting to September 18, 2023. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
15 Liberty Way
Site Plan Application
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Ms. Love confirmed the applicant requested a continuance.

Motion to Continue the public hearing for 15 Liberty Way, Site Plan Application, to September 18, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
0 Upper Union Street Solar Project
Site Plan Application
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Ms. Love stated that the applicant requested a continuance to the next meeting.

Motion to Continue the public hearing for 0 Upper Union Street Solar Project, Site Plan Application, to September 18, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
 100-200 Financial Way
 Site Plan Modification Application
 Documents presented to the Planning Board are on file.

Ms. Love stated that the applicant's information was not received until late on Tuesday; therefore, there was no time to review the information for this meeting. She stated that BETA responded to the traffic; however, she has not heard back from the applicant.

Chair Rondeau requested a quick update from the applicant as the item will be continued.

Mr. Doug Hartnett of Highpoint Engineering and Mr. Brendan Pellerin, asset management director of Berkeley Partners, addressed the Planning Board. Mr. Hartnett stated they made the submission and are awaiting BETA's peer review comments. He stated that they have responded to BETA's second peer review comments for the traffic, and they have some design modifications to present regarding the King Street/Washington Street intersection; this can be submitted to have BETA review. He stated they have been working on the safety for the site entrance driveway; it has been redesigned and submitted to BETA. He stated that they have an internal traffic circulation plan for the property. He explained that they have had discussions with the Benjamin Franklin Classical Charter School regarding student safety. He stated that Executive Director Heather Zolnowski will speak to the Planning Board on September 18 and tell the Planning Board that they do not allow students to be walkers to the school. He stated they have done some sidewalk evaluations and will respond on September 18, and they have done additional analysis regarding the HDPE pipe and the waiver request. He reviewed other items to be submitted for the September 18 meeting including discussion of parking.

Ms. Love stated that currently, the September 18, 2023, meeting has five public hearings; September 25 has zero hearings scheduled. Ms. Wierling requested the peer review traffic consultant be present at the continued hearing.

Mr. Hartnett indicated concern about being pushed to the September 25 meeting. Chair Rondeau stated that they will take some of the information at the September 18 meeting, and the traffic item will be taken at the September 25 meeting.

Motion to Continue the public hearing for 100-200 Financial Way, Site Plan Modification Application, to September 18, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

Resident stated that it starts with the Planning Board, and the Planning Board is already sending the applicant to other departments, and this is not a good plan. Chair Rondeau stated that residents will have an opportunity to speak on September 18 and September 25.

7:00 PM **PUBLIC HEARING** – *Initial*
 725 Union Street
 Special Permit & Site Plan Application
 Documents presented to the Planning Board are on file.

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

Ms. Love stated that the site is in the Commercial II Zoning District; the site is currently under construction for a hotel. She stated that the applicant is requesting to add an exit only curb cut at the rear of the hotel. A Special Permit is required under Section 185-21,C(7) – Parking area Design and Location. She recommended that the applicant add signage to include Do Not Enter on Union Street if the Planning Board were to allow this.

Mr. Maglio stated that he did not have any objection to the additional driveway; the amount of impervious they will be increasing is minimal.

Ms. Wierling asked what the proximity of the new exit to the Spruce Pond Village condominiums would be. Mr. Scott Roger (via Zoom) stated that it would be 60 ft. away from the existing driveway and about 200 ft. from the proposed driveway. Ms. Wierling asked why this exit was not contemplated at the time of the original submittal. Mr. Roger stated that it had never come up as a potential concern. As it developed, they looked at it for deliveries and fire truck maneuverability. Ms. Wierling discussed the new proposed exit regarding traffic flow and safety. She stated that she does not have enough information to determine if this is an improvement. Ms. Williams noted that across the street a daycare was approved and asked if that should be considered in relationship to this. She stated that it seems as though this will be directly across the street from the daycare entrance. She asked why this secondary exit is critical from a safety perspective.

Ms. Love read aloud and discussed the bylaw regarding the location of the proposed exit. She stated that the Planning Board will have to decide if they are comfortable with it being that close. Mr. Maglio discussed an aerial view and noted the locations of the entrances to the daycare and the existing hotel next door.

Resident from Spruce Pond stated that she hopes everyone takes into consideration that they have two hotels there, the plaza with Dunkin, the gas station, the doctor's office, a transportation company, the daycare, and 100 residents in the Spruce Pond condominiums, so it is a lot going on. She stated that every entrance/exit that is added makes it more chaotic.

Chair Rondeau stated that as this is a Special Permit, they will have a roll call vote.

Motion for Close the public hearing for 725 Union Street, Special Permit & Site Plan Application. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

ROLE CALL VOTE:

This determination shall be in addition to the following specific findings.

(1) Special Permit: Special Permit is required under Section 185-21,C(7) – Parking area Design and Location.

Ms. Wierling read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
David-NO; Wierling-NO; Power-NO; Williams-NO; Rondeau-NO. Vote: 0-5 (0-Yes; 5-No)

Ms. Wierling stated that she voted NO as sufficient information regarding how this was affecting abutters or the traffic flow adjacent to the other entrances was not sufficiently presented to the Planning Board.

Chair Rondeau stated that is why we have the bylaw because these entrance/exits are so close to another and yet they have another exit across the street. He stated that he feels as it is the safety aspect is really detrimental to the site.

Mr. David stated that he voted NO for the same reason as it is a safety feature and agrees with the bylaw.

Mr. Power stated that he voted NO because he does not feel like the applicant provided enough information to make a conscious decision around the safety and accessibility of the parking lot and the street.

Ms. Williams stated that she voted NO because she does not believe the vehicular traffic flow and access related to pedestrian safety and nearby entrances and exits off Union Street were properly addressed.

c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)

d) Neighborhood character and social structure will not be negatively impacted.

David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)

e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)

f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

David-NO; Wierling-YES; Power-NO; Williams-YES; Rondeau-NO. Vote: 2-3 (2-Yes; 3-No)

g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)

Chair Rondeau stated that the Special Permit does not pass.

7:00 PM **PUBLIC HEARING** – *Initial*

Maplegate Solar South

Site Plan Application

Documents presented to the Planning Board are on file.

Mr. Greg DiBona of Bohler Engineering stated that he was previously before the Planning Board for an affiliated project on the north side of the golf course. He stated that he is representing a separate LLC but also under common ownership through NextGrid for developing the southern portion of the Maple Gate Country Club. He stated that technical reviews have not yet proceeded forward. He noted that they will need an NOI from Conservation Commission. He noted that BETA would be doing a peer review from a stormwater perspective. He stated that this will be high level, and he will be showing three slides. He showed and reviewed an aerial exhibit. He discussed that they will be using access agreements for Parcel 1 and

Parcel 2 to provide gravel access road to the southern development. He explained that on Parcel 3 they are proposing a 15,000 kW system. He explained that the project is bisected by a Y-shaped wetland feature in the middle of the site. He noted turnaround areas on the gravel access. He stated that they have received initial feedback from the fire department. He stated this project will have two equipment pads and reviewed the location on the plans. He noted that there will be a little disturbance on the Bellingham lot. He explained the site entrance, location of the proposed culvert, golf cart crossing, and turnaround areas near the equipment pads. He explained that there would be 7 ft. high chain link fence. He reviewed that they will be going to the Conservation Commission.

Ms. Love stated that BETA will be taking a look at this. She noted that the applicant will need to put together a decommissioning plan with a bond as well as a PILOT program with the Town. She stated that they typically have not had any of the previous solar projects do anything about the trees they remove since this is a private property. Chair Rondeau stated that he definitely wants to have a tree bond with this one. Ms. Love asked how this was to be done. She noted that for Spring Street, they had the decommissioning bond and the PILOT program. She discussed a previous applicant's tree removal on a scenic roadway and some trees might have been in the right of way and were replace, but for the actual trees on the private site, we did not have a bond. Chair Rondeau asked Ms. Love that this be checked as he was an advocate for the tree replanting.

Mr. Maglio stated that he has not had a chance to review it; he will have some comments for another meeting. Mr. James stated the same.

Mr. Greg Dowdell, golf professional at Maple Gate Country Club, discussed that golf is good exercise, requires mental focus and good thinking, provides social interaction, improves balance and coordination, helps with problem solving and cognitive skills, contributes to a healthy life style, values personal integrity, and is a rewarding and enjoyable activity for people of all ages and skill levels. He addressed the solar array plan and noted that there has been a lot of time, effort, and money on this. He stated that he is concerned with the premise of this proposal. He is concerned with the idea that a solar array benefits the community more than a golf course. He said the owners will not compromise to save it. He stated they are asking the Planning Boards of both Franklin and Bellingham to take a hard look at the proper use of this established golf course. He stated that tens of thousands of people will be affected by the decision town administrators make on this project.

Mr. James Reeder, 4 Jeffrey Road, stated that he has been going to Maple Gate for five years. He learned to play golf there, and the coaches have helped him grow as a person. He stated that his mother and father also play golf there. He stated that playing golf has been a fun way for him to spend time with his family. He stated please save Maplegate.

Mr. Rich Popovic, 16 Stanwood Drive, stated that he agrees with both previous speakers. He stated that golf is a great sport. He stated that there are only so many golf courses which are places to spend time with family and friends. He stated that maybe there would be another place for the solar farm; it would be a shame to lose the golf course.

Mr. Michael Connor, Bellingham resident and Chair of the Bellingham Board of Selectman, stated that he has spoken before the Bellingham Planning Board regarding this proposed project. He stated that if the Dover Amendment is the overriding factor and this is destined to pass, please tell us so we will not waste our time coming to these meetings. He noted concerns of battery storage issues and decommissioning costs. He stated that there is no expert in the world who knows how we will recycle batteries and these panels 20 years from now. He discussed an invasive species on the solar project that abuts this. He stated that they are having trouble with that developer as the landscape plans were not adhered to and fencing issues were not complied with; we are now seeking enforcement. He stated the largest landowner abutter to the project is the U.S. government with the Charles River Watershed District. He discussed that a majority of the trust wants to sell

the property, but a minority does not want to. He noted that the developer will be cutting down hundreds, if not thousands, of trees. He suggested doing what Asland did and put solar on both Bellingham and Franklin high schools and keep the golf course. He stated that the sellers have tried to put two other projects there: an Amazon project and two- to three-hundred houses; both were stopped. He stated that Maple Gate is a money-making public asset used by thousands. He stated that the BETA review indicated that the Franklin Fire Department is reviewing. He stated that there is no way the Franklin Fire Department will respond to a fire on that property. Bellingham will be first call as they are the closest station. He stated that he urges the Planning Board to look at this and stated no one knows what the decommissioning costs will be. If the Planning Board is going to seek a decommissioning bond, look at another town which was a smaller project, as it was over \$8 million.

Mr. Peter Brown, attorney of Brown Legal in Boston, representing Maple Gate Realty Trust, owners of the property, stated that they are working in conjunction with the applicant throughout the process. He stated that he wanted to respond to comments made. He stated that there was an agreement signed four years ago for all members of our trust authorizing the sale of the property. He stated that we worked hard for many years to find the right project and conveyance that would be acceptable and welcomed by both Franklin and Bellingham. He stated that they spoke to the communities and listened and heard what they wanted and what they were concerned about. He stated that they are required to separately permit in Bellingham, and they are pending before them on the North project. He stated that they have not yet submitted for the South project in Bellingham but will be doing so. He stated that he is confident they will address, investigate, and resolve any legitimate concerns in Bellingham.

Mr. Mello asked to hear Town Attorney Mark Cerel's commentary on Chapter 40A implications regarding the Dover Amendment. Chair Rondeau asked Ms. Love to get that commentary.

Resident of 5 Winterberry Lane, Medway, stated that he urged the Planning Board to decline the application for a solar farm for several reasons: far more residents from Franklin and surrounding communities will derive benefit from the golf course than they would from a solar farm. The Planning Board should consider the widespread and growing trend in the U.S. to decline and prohibit solar farms. It has been reported that over 520 oppositions have happened in 2022. The primary reasons are the potential risks of hazardous waste from abandoned panels, how they are recycled, and the massive amount of land needed to make solar viable. Solar is a low density and requires massive amounts of land. We should be protecting our natural habitat. If solar is to be used, it belongs on the roofs of large buildings, not tearing down pristine landscape.

Mr. Brown stated that regarding the Dover Amendment, prior to filing they did a pre-hearing review with counsel present and this project will be covered by the Dover Amendment Chapter 40A. This is not a Special Permit or Variance, it is standard site plan approval. He stated that the Dover Amendment does apply to solar, and he reviewed the Dover Amendment application.

Motion to Continue the public hearing for Maplegate Solar South, Site Plan Application, to September 25, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
 Maplegate North Solar
 Site Plan Application
 Documents presented to the Planning Board are on file.

Mr. Greg DiBona of Bohler Engineering on behalf of the applicant stated that the last time they were before the Planning Board, there were some outstanding comments. He stated one of the biggest outstanding items was that they had not gotten their soil test done. They now have four test pits completed. The technical data was only recently provided to BETA. He stated that the initial results indicate supporting the initial design for stormwater.

Chair Rondeau stated that he read through BETA's report and additional information is needed. He requested decommissioning numbers as well.

Mr. DiBona stated that they received approval from the Conservation Commission. He asked if the tree bond and decommissioning bond are separate. Ms. Love stated that the past one was combined. Chair Rondeau stated that he would like to see two separate line items to be clear for everyone.

Mr. Maglio stated that all previous comments have been addressed.

Mr. James stated that additional information was recently received including the soil test information. There are a few items to take care of. Mr. DiBona stated that there are some administrative items to take care of; the plans submitted two weeks ago will not be changing.

Mr. Peter Brown, attorney of Brown Legal in Boston, stated that if the Planning Board is comfortable, they would like them to take a vote on the site plan approval subject to the two things that have been mentioned: 1. Obtaining a clean BETA letter, and 2. A satisfactory bond amount and approval by the Planning Board.

Chair Rondeau stated that he does not want to close this tonight. He stated that he wants to make sure the information is in front of all of us especially for the decommissioning and the BETA work; he wants to see decommissioning and tree bond numbers.

Ms. Wierling stated that it is her opinion that the applicant has done a good job and has limited items to clean up. She asked if the decommissioning and bond information can be conditioned. Mr. David said what if we all do not agree. Chair Rondeau stated that he wants all to be onboard with the numbers. Ms. Wierling stated that she trusts the applicant to come up with a number that works for the Town. Ms. Williams asked about the Town Attorney review. Mr. Power stated that he agrees with Chair Rondeau that there is no harm in waiting a few more weeks. Ms. Love stated that the applicant also needs to establish a PILOT agreement with the Town; those talks should be started as well. She noted the access to Parcel 2 needs attention. Chair Rondeau stated that he wants to make sure the Planning Board does their due diligence.

Motion to Continue the public hearing for Maplegate North Solar, Site Plan Application, to September 18, 2023. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

Chair and Member Comments

Ms. Love stated that she would like to go back to the 725 Union Street item with the hotel. She explained that it does not get denied with the Planning Board voting YES on the last question. She stated that therefore, it is technically not denied. She stated that the Planning Board could do a re-vote on that question or any of the questions or it remains as is. She stated that one NO vote does not deny a project. Chair Rondeau stated that the way we voted, I would like to bring this back to the table and do a re-vote.

Motion to Bring back the public hearing for 725 Union Street, Special Permit & Site Plan Application. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).

Chair Rondeau discussed that they will re-vote on the last question. Ms. Love stated that they have nine days to file the decision, so they can bring it back on the table. She stated that the last question is the determination.

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

David-NO; Wierling-YES; Power-NO; Williams-NO; Rondeau-NO. Vote: 1-4 (1-Yes; 4-No)

The Special Permit does not pass.

Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

Meeting adjourned at 8:14 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

--Planning Board approved minutes at October 23, 2023 meeting