

DRAFT FOR REVIEW**Town of Franklin****Planning Board****January 23, 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. Partial Form H: 220 Chestnut Street - Delfino Estates

Tony Lorusso, applicant, addressed the Planning Board and stated this was a continuation of the last meeting to try to get a bond set amount for 220 Chestnut Street. He stated the Planning Board had requested a few items. They did put down the erosion control. They cannot install the granite curbing due to the town bylaw closing the roads until April 1st. He requested the elimination of the granite curbing. He stated that it is just at the entrance to the driveway; there is no granite curbing on that side of the road.

Ms. Amy Love stated the Partial Form H was received. BETA has been out to the site and provided an estimate of work to be completed. The list is included in the Planning Board members' packets; it does include the granite curbing. If the Planning Board decides to eliminate the granite curbing as requested by the applicant, the estimate would be for a lesser amount.

Chairman Padula confirmed the applicant was at the meeting two weeks ago. He stated the agreement for approval on this site was that there would be no release unless the road was done/approved. He stated he would not eliminate the two granite radiuses coming off the street. He informally asked the Planning Board members; they agreed that they would like to see the granite. He then asked the Planning Board members how they felt about issuing a bond and a lot release.

Mr. Halligan stated that given the time of the year, he would support a bond.

Motion to Approve the bond for \$19,320.00 for Partial Form H: 220 Chestnut Street - Delfino Estates. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

DRAFT FOR REVIEW**B. Meeting Minutes: January 9, 2017**

Motion to Approve the January 9, 2017 Meeting Minutes. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Initial*
 Maple Preserves – 469 Maple Street
 Definitive Subdivision

Documents presented to the Planning Board:

1. Letter dated January 18, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Letter dated January 17, 2017 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
3. Memorandum dated January 19, 2017 from DPCD to Franklin Planning Board
4. Memorandum dated January 13, 2017 from G.B. McCarraher, Fire Chief, to DPCD
5. Memorandum dated January 3, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
6. Memorandum dated January 11, 2017 from Franklin Board of Health to Franklin Planning Board
7. Definitive Plan of Land in Franklin, MA, "The Maple Preserve" Plan Sheets Prepared by Bay Colony Group, Inc., dated October 3, 2016 with Received by Planning date December 28, 2016
8. Letter dated December 28, 2016 from William Buckley, Bay Colony Group, Inc., to Franklin Planning Board
9. Form C, Application for Approval of a Definitive Plan from Carroll Construction Corp., applicant, with Received by Planning date December 28, 2016
10. Form R, Franklin Planning Board Subdivision Waiver Request to allow a cut/fill of 10'+/- for the construction of the roadway, with Received by Planning date December 28, 2016
11. Form R, Franklin Planning Board Subdivision Waiver Request for sidewalk on one side of the roadway, with Received by Planning date December 28, 2016
12. Certificate of Ownership with Received by Planning date December 28, 2016
13. Town of Franklin Board of Assessors Abutters List Request Form with Received by Town Clerk date January 3, 2017
14. Abutters List Report dated January 3, 2017
15. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2017

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

Mr. William Buckley, Civil Engineer of Bay Colony Group, Inc.; Mr. Richard Cornetta, Attorney; Mr. Mark Carroll, Developer; and Mr. Steven Labastie, Landowner, addressed the Planning Board. Mr. Buckley provided an overview of the plan for an eight-lot residential subdivision which would also include a special permit for a common driveway for two additional lots. The entire project is for ten lots. They were before the Planning Board in August of last year with a preliminary plan which was approved with some conditions and they are here now with a definitive plan. He reviewed that this is a 16-acre parcel of land on Maple Street with about 1,000 ft. of frontage along Maple Street and about 800 ft. in depth. It has a 35-ft. elevation differential with the low point near Maple Street and the high point in the middle; it is about a 12 percent grade. There are two wetlands on the property; they have gone before the Conservation Commission. The current design is similar to the preliminary plan. They are requesting a waiver for the cuts and fills on the lots because they cannot physically build the road to the town's standards because of the hill. They are also requesting a waiver for a sidewalk on one side of the roadway. There are no sidewalks on Maple Street. They have done soil testing throughout the site; they have all

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perc'd. They cannot tie into the sewer; they do expect to tie into municipal water. He discussed the proposed drainage system which included rain gardens and infiltration based on the topography. The runoff is captured in low spots on the site. Underground utilities are proposed. They have received comments from the town and BETA and will modify drawings accordingly. Working with Conservation Commission as well.

Mr. Maglio stated the project has been reviewed. He provided comments which included, but were not limited to: no town sewer is available so homes will have septic systems; they have proposed to tie into town water which will require a water map amendment by Town Council; they are requesting sidewalk on one side only which is typically granted if developer installs vertical granite curbing, but current plan is showing slant granite edging; he recommended a minimum 18 ft. width for the common driveway; due to steepness and length of the driveway, he recommended some kind of drainage ditch or swale to collect runoff; and the proposed cul-de-sac should be reduced to 45 ft. The full list of comments is provided in his January 18, 2017 letter to the Planning Board.

Mr. Matthew Crowley, BETA Group, stated they have reviewed the plans and issued comments as outlined in BETA's letter of January 17, 2017. Some of the highlights included a request for additional information on the plans, ensure all utility details are in full compliance with DPW standards, the hydrant spacing should be no more than 500 ft., and additional drainage calculations as requested.

Chairman Padula stated less than 42 in. of coverage should be Class V. The access right-of-way should be at least 25 ft. He confirmed that with a waiver request for sidewalks on only one side of roadway that upright granite is required. He stated he did not see a conforming plan; usually before an applicant requests waivers they show a conforming plan so the Planning Board can see how it could be built without any waivers.

Mr. Buckley stated he does not think it is physically possible to build a road on this property meeting all the town requirements; he is not sure he could show a conforming plan because of the site's topography.

Chairman Padula stated he did not like the rain gardens especially on two properties. If those rain gardens are not maintained by the private parties, they will go over to the adjoining properties. He also did not like the common driveway.

Mr. Buckley stated the rain gardens are just for those two lots; the roadways will be captured in the drain system and then brought down to the stormwater basin.

Chairman Padula, Mr. Maglio and Mr. Buckley further discussed the drainage system.

Mr. Cornetta stated a separate public hearing is scheduled this evening on the common driveway issue.

Mr. Buckley stated they will be able to save a lot of trees and vegetation if they can come in with one driveway in that area.

Chairman Padula confirmed with Mr. Buckley that all the lots have been perc'd.

Ms. Love stated they have received input from DPW and BETA. She noted that it may be better to keep the rain garden on one lot with the deed restriction. The street light plan was not included in the plan set. If the paths are going to remain, they should be shown on the plans.

Planning Board members and Mr. Buckley discussed the placement and steepness of the driveway including creating a driveway that was longer than 600 ft.

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Mr. Jeff Nutting, Town Administrator, stated he wanted to reserve the opportunity for the fire chief to oppose the driveway beyond 600 ft. consistent with other subdivisions.

Chairman Padula asked if they wanted to continue this hearing or go right into the initial public hearing for the special permit and site plan.

Mr. Cornetta stated that they could continue them both concurrently as they are going to run concurrently.

7:10 PM **PUBLIC HEARING** – *Initial*
Maple Preserves – 469 Maple Street
Special Permit & Site Plan

Documents presented to the Planning Board:

1. *The Maple Preserve Franklin (Lots 9 & 10) Massachusetts, Special Permit Plan Sheets Prepared by Bay Colony Group, Inc., with Received by Planning date December 28, 2016*
2. *Letter dated December 22, 2016 from William Buckley, Bay Colony Group, Inc., to Franklin Planning Board*
3. *Application for Approval of a Site Plan and Special Permit(s) from Steven Labastie, The Franklin Labastie Family, LLC, applicant, with Received by Planning date December 28, 2016*
4. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2017*

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

Chairman Padula stated they have just gone over this. He asked Mr. Maglio if the Planning Board had ever waived the 5-ft. grade before.

Mr. Maglio stated it had been waived a couple of times.

Planning Board members discussed the special permit proposal for a private roadway going to two lots—a shared driveway. They summarized applicant is asking for a special permit so he does not have to cut the hill. Informally, members stated agreement with this.

Chairman Padula stated he wanted to see a granite radius at the throat of Maple Street.

Mr. Maglio stated a proposed catch basin at the end of the driveway is shown.

Mr. Nutting asked how many lots could be had by right.

Chairman Padula stated none; the applicant cannot show a conforming subdivision to all bylaws without two waivers.

Mr. Buckley stated other options would allow maybe six lots; the waivers provide for ten.

Mr. Cornetta stated he did not file this application and he did not attend the technical review meeting. He stated the regulations state a special permit is required for a driveway serving more than two lots. He could speak with Mr. Cerel, Town Attorney, before the next meeting.

Chairman Padula stated he would prefer Mr. Cornetta speak with Mr. Cerel rather than issue a special permit for it.

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Mr. Buckley stated they could probably get about six Form A lots with frontage on Maple Street without the cuts and fills.

Mr. Nutting stated people have the right to develop their property in accordance with the bylaws, but at this point in time, we should be the last people that should be encouraging more housing given the pressures we face as a community.

Chairman Padula stated he tended to agree.

Mr. Cornetta responded to Mr. Nutting's comments. He stated that the waivers being requested are customarily granted under certain circumstances. So, the Planning Board should look at the character and quality of the waivers. The current proposal would create more lots, but it is a better plan and addresses stormwater management in a far superior way.

Chairman Padula stated he sees Mr. Cornetta's reasoning, but if this does go through as a subdivision, it becomes part of the town; the town has to plow it, service it, and maintain catch basins. If all lots have a driveway off Maple Street, it is more beneficial to the town. He noted applicant will still have to go through Conservation Commission.

Discussion ensued regarding the cost of the proposed 600 ft. of roadway versus building six houses instead of the proposed ten.

Mr. Nutting stated that more lots do not necessarily serve the town's interest.

Mr. Buckley stated Subdivision Control Act is not discretionary; there is no discussion required about what is best for the town. The applicant is here in accordance with the regulations.

Chairman Padula stated they must show a conforming subdivision.

Motion to Continue the public hearing for Maple Preserves, 469 Maple Street, Special Permit & Site Plan, to February 27, 2017 at 7:05 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
 Acorn Hill Estates – 27 Acorn Place
 Definitive Subdivision

Documents presented to the Planning Board:

1. *Letter dated January 18, 2017 from Thomas Haynes to Franklin Planning Board*
2. *27 Acorn Place, Franklin, MA, Definitive Subdivision Plan Submittal Prepared by Thomas A. Ryder, P.E. & Associates, with Technical Memorandum, with Received by Planning date December 13, 2016*
3. *Form C: Application for Approval of a Definitive Plan with Received by Planning date December 13, 2016*
4. *Certificate of Ownership with Received by Planning date December 13, 2016*
5. *Form R: Franklin Planning Board Subdivision Waiver Request dated November 7, 2016 with Received by Planning date December 13, 2016*
6. *Town of Franklin Board of Assessors Abutters List Request Form dated November 14, 2016 with Received by Planning date December 13, 2016*
7. *Abutters List Report dated November 14, 2016*
8. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 19, 2016*

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Chairman Padula stated there was a request for a continuance to February 6, 2017.

Motion to Continue the public hearing for Acorn Hill Estates, 27 Acorn Place, Definitive Subdivision, to February 6, 2017 at 7:15 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM

PUBLIC HEARING – Initial**Zoning Bylaw – Marijuana Use Overlay District**

17-779: §185-3, Definitions

17-780: §185-4, Districts Enumerated: Medical Marijuana Use Overlay District

17-781: §185-5, Zoning Map: Medical Marijuana Use Overlay District

17-782: §185-7, Compliance Required: Use Regulation Schedule

17-783: §185-49, Addition of Medical Marijuana Use Overlay District

Documents presented to the Planning Board:

1. Memorandum dated January 19, 2017 from DPCD to Franklin Planning Board
2. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2017
3. Town of Franklin Zoning By-Law Amendment 17-779
4. Town of Franklin Zoning By-Law Amendment 17-780
5. Town of Franklin Zoning By-Law Amendment 17-781
6. Town of Franklin Marijuana Use Overlay Districts Map
7. Town of Franklin Zoning By-Law Amendment 16-7X4
8. 185 Attachment 3, Use Regulation Schedule, Part II (continued)
9. 185 Attachment 5, Use Regulation Schedule, Part IV
10. Town of Franklin Zoning By-Law Amendment 17-783

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

Mr. Taberner stated Mr. Nutting would review the bylaws.

Mr. Nutting stated the intent of these bylaws is a reaction to the recently passed State ballot initiative for recreational marijuana which is now scheduled to take effect July 2018. He stated that between now and then he anticipates the legislature may make amendments to the ballot question and the treasurer is obligated to establish rules and regulations to allow for these facilities. Before the Planning Board is a suggestion because there are so many unknowns at this point. At the very least the use is zoned as an overlay district similar to medical marijuana so it would end up in the same zones in the short run as a kind of defense strategy. Certainly, if things change and more information comes out, then there can be changes made. This would be a temporary measure until more facts are available.

Planning Board members discussed the current laws and regulations for medical and recreational marijuana.

Chairman Padula confirmed they would be voting on the recommendation to send back to the Town Council.

Motion to Recommend Zoning Bylaw – Marijuana Use Overlay District to the Town Council. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:30 PM

PUBLIC HEARING – Continued**0 Pond Street (former wastewater sewer beds land)**

(1) Special Permit & Site Plan

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1. *Site Development Plans for Proposed Brookview, Plan Sheets Prepared by Bohler Engineering, with Revision date January 17, 2017, with Received by Planning date January 18, 2017*
2. *Memorandum dated January 19, 2017 from DPCD to Franklin Planning Board*
3. *Memorandum dated January 19, 2017 from Michael Maglio, Town Engineer, to Amy Love, Planner*
4. *Letter dated January 17, 2017 from John Kucich, Bohler Engineering, to Franklin Planning Board*
5. *Memorandum dated January 18, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
6. *Proposed Conditions Exhibit Plan Sheets for Baystone Franklin, LLC, Prepared by Bohler Engineering, dated October 10, 2016 with No Received by Planning date*
7. *Page One of a Letter and Map dated December 9, 2016 from Charles River Pollution Control District to Franklin Planning Board*
8. *Memorandum dated November 16, 2016 from Mark Cerel, Town Attorney, to Franklin Planning Board*
9. *Memorandum dated November 11, 2016 from G.B. McCarraher, Fire Chief, to DPCD*
10. *Memorandum in Support of Application for Special Permit dated October 6, 2016 from Richard Cornetta, Attorney, to Franklin Planning Board*
11. *Application for Approval of a Site Plan and Special Permit(s) from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
12. *Form P, Application for Approval of a Site Plan from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
13. *Certificate of Ownership with Received by Planning date October 7, 2016*
14. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date October 7, 2016*
15. *Abutters List Report dated September 28, 2016*
16. *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 stated when they were last before the Planning Board they were making ministerial alterations to the plan. They have resubmitted the plan believing they have touched on all the comments discussed during the last public meeting. There were a couple of items that had come up with the Town of Franklin; they had requested drainage easements on the northeast area of the property and the southeast portion of the site where the driveway comes in. Applicant has had conversations with the Town of Franklin and they have a tentative understanding to grant the town a 50 ft. x 50 ft. easement on the northeast quadrant of the property for drainage, as well as increase a current 20 ft. easement to a 30 ft. easement area. He noted there was a handout provided to show more detail.

Mr. Kucich described the changes and the proposed easements. He noted that the easements do not change any of the engineering that was previously presented. He noted that all changes have been marked on the plans. They are going to Conservation Commission on Thursday night with the same set of plans. They will be going to Design Review Board tomorrow evening.

Mr. Nutting stated they did have a discussion and they are in agreement with the easements and fixing the current drainage issue as it exists such as the water comes off of Pond Street as it comes over the hill. He stated Mr. Cerel will finalize the legal language for the easements.

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Mr. Taberner stated that on the DPCD letter, point #2, should be deleted. The town attorney stated this was unnecessary as the town owns the land.

Mr. Halligan confirmed easements are between private parties and not part of the site plan.

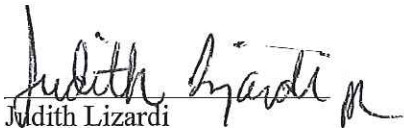
Mr. David stated a safety concern regarding the turn near Chestnut Dental. There was an issue with some abutters on how people drive fast around the corner and the sharp turn. With this project, a few hundred more vehicles will be added. Is there a way for Safety to have the first driveway for Chestnut Dental be a Do Not Enter? The people that live on that corner have seen numerous accidents.

Mr. Nutting stated Chestnut Dental has been there forever and they have a site plan. He could have the Town Engineer and the Safety Officer look at that corner to see if there is any way to slow people down.

Motion to Continue the public hearing for 0 Pond Street (former wastewater sewer beds land), (1) Special Permit & Site Plan, to February 6, 2017 at 7:20 PM. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:19 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary