

DRAFT FOR REVIEW**Town of Franklin****Planning Board**TOWN OF FRANKLIN
TOWN CLERK
2017 FEB 28 AM 10:07
RECEIVED**February 6, 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.

7:00 PM Commencement/General Business

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

A. Form H: 176 Grove Street

Ms. Love stated the applicant had filed a few months ago. DPCD has been out to the site several times. She stated that they have pretty much met the requirements being looked for. They are looking for a signoff.

Mr. Maglio stated he had no comments. There was a site meeting recently to review the changes to comply to the site plan. Everything appears to be in order.

Motion to Accept the Form H for 176 Grove Street. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: 11 White Dove Road – Partridge Run Estates

Ms. Love stated this is to endorse the Subdivision Modification for White Dove Road. They have made the necessary changes to the plan; they have added the certificate of vote.

Motion to Approve the Endorsement: 11 White Dove Road, Partridge Run Estates. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

C. Status Update: Cook's Farm

Ron Roux, applicant provided an overview of the three phases of development and stated Phase 1 and 2 are being worked in currently. He showed a diagram indicating where they are from a sales standpoint. On the diagram, dark blue indicated sold and people living there; green indicated under construction which could mean a few weeks to a few months from being sold; light blue indicated units under agreement; white indicated model home. He said the market is quite good right now and they have been selling a lot of units. He stated in one section of Phase 3 some units have already been completed; but another section of Phase 3 still has to be developed. They would like to continue work on the Phase 3 section (shown near the top of the diagram) and work on the other Phase 3 section (near the bottom of the diagram) later. He said that right now would not be a good time to tackle the causeway going to Phase 3. The project is moving very quickly.

Chairman Padula asked what was the applicant's question for the Planning Board.

DRAFT FOR REVIEW

Mr. Roux stated they wanted to separate the two sections of Phase 3.

Chairman Padula stated if they have a construction-type change that they want to do, they need to show the Planning Board an infrastructure schedule. He asked if all the drainage was operational where the houses are being built.

Mr. Roux said all the drainage is operational in Phase 1 and Phase 2.

Chairman Padula stated the Planning Board would like to see something from BETA Group about what was and was not in place before the Planning Board says it is ok. He wants to make sure the drainage is operational before permits for foundations are in place; before permits are issued for foundations, the drainage is supposed to be working.

Mr. Roux said the permits indicate that the drainage has to be in place with the issuance of the first occupancy. The building permits are issued before all the infrastructure is in place.

Mr. Maglio stated they had all infrastructure in place for Phase 1 and Phase 2. He believes what they are doing now is the infrastructure of Phase 3. He stated that in this particular case, the way the approval was written, for each phase before they can issue any certificates of occupancy for that phase all the infrastructure for that phase has to be in and complete. He thinks what the applicant would like to do is split up the Phase 3 into a Phase 3a and Phase 3b to minimize environmental impacts.

Mr. Halligan stated he would not mind them splitting up the Phase 3 as long as BETA Group could ensure Planning Board that Phase 1 and Phase 2 infrastructure are 90 percent in place.

Mr. Roux stated he thinks that before they occupy any of Phase 3, they will have Phase 1 and Phase 2 at 100 percent complete.

Chairman Padula stated he thought the applicant was just going to give an update on how things were going, not to change things around. He stated applicant will be coming back again.

D. Acceptance of Covenants: Rolling Brook Estates & Union Meadows

Ms. Love stated the applicant provided the covenant for Rolling Brook Estates & Union Meadows. Mark Cerel, Town Attorney, reviewed both covenants and found them acceptable. This is something that should have been put in place prior to endorsing the plans; somehow it got missed. So, applicant has come forward with the covenant now. She recommended signing.

Motion to Approve the Acceptance of Covenants: Rolling Brook Estates & Union Meadows. Rondeau. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

E. Meeting Minutes: January 23, 2017

Motion to Approve the January 23, 2017 Meeting Minutes. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Initial
 Zoning Bylaw – Storage Facility District
 17-786: §185-7, Compliance Required

Documents presented to the Planning Board:

1. *Memorandum dated February 2, 2017 from DPCD to Franklin Planning Board*
2. *Town of Franklin Zoning By-Law Amendment 17-786*

DRAFT FOR REVIEW

3. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 13, 2017*

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

Mr. Taberner stated this is a proposal to change the zoning where storage facilities can be located. Currently, there are two storage facilities located in town: one near corner of Beaver and Grove Streets, the other is on Washington Street. Both are in an Industrial zone. The zoning bylaw use regulations currently allow them by special permit in the Commercial II zone and not in any other zones. So, in case there were additional facilities proposed, they are thinking it would be better to be in the Industrial as opposed to the Commercial II areas. This is just changing the use regulation schedule.

Mr. Rondeau questioned if on Chestnut Street there was a small rental facility near the Acorn Animal Hospital.

Mr. Taberner stated he did not know.

Chairman Padula stated there is another one by the liquor store at the end of Grove Street; they are renting trucks. He stated he does not know what is going on with the zoning enforcement agent. There is truck rental going on all over town and no one has come to the Planning Board for a permit.

Mr. Taberner stated they could look at that specific issue and the zoning regulations on that.

Chairman Padula stated Yes they should.

Motion to Recommend the Zoning Bylaw – Storage Facility District, 17-786: §185-7, Compliance Required, to the Town Council. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
 5 Forge Parkway
 Site Plan Modification

Documents presented to the Planning Board:

1. *Letter dated February 1, 2017 from Craig Ciechanowski of Doherty, Ciechanowski, Dugan & Cannon to Franklin Planning Board*
2. *Memorandum dated December 30, 2016 from G.B. McCarraher, Fire Chief, to DPCD*
3. *Memorandum dated January 11, 2017 from Franklin Board of Health to Franklin Planning Board*
4. *Letter referencing Hearing Date of January 24, 2017 from Mark Fitzgerald, Chair, Design Review Commission, to Chairman Padula, Franklin Planning Board*
5. *Cultivation Addition, Site Plan Modification, 5 Forge Parkway in Franklin, Massachusetts, Plan Sheets Prepared by Guerriere & Halnon, Inc., revision date January 25, 2017 with Received by Planning date January 30, 2017*
6. *Email memorandum with no date from John Kocer, CEO, RiverRock, LLC, to Bruce Wilson of Guerriere & Halnon, Inc.*
7. *Literature with no date about DAQS products as well as a case study from a Colorado cannabis cultivation facility provided from John Kocer, CEO, RiverRock, LLC*
8. *Letter dated January 9, 2017 from David McKearney, Public Health Director Franklin Health Department, to Franklin Planning Board*
9. *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*

DRAFT FOR REVIEW

10. *Form P, Application for Approval of a Site Plan from New England Treatment Access, Inc., applicant, with Received by Planning date December 20, 2016*
11. *Certificate of Ownership with Received by Planning date December 20, 2016*
12. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date December 20, 2016*
13. *Abutters List Report dated November 14, 2016*
14. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 21, 2016*

Chairman Padula stated there was a request for a continuation to February 27, 2017.

Motion to Continue the public hearing for 5 Forge Parkway, Site Plan Modification, to February 27, 2017 at 7:15 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. *Memorandum dated February 3, 2017 from DPCD to Franklin Planning Board*
2. *Memorandum dated December 23, 2016 from G. B. McCarraher, Fire Chief, to DPCD*
3. *Memorandum dated December 14, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Definitive Subdivision Plan, Acorn Hill Estates, Franklin, MA, Plan Sheets Prepared by Thomas A. Ryder, P.E. & Associates, with Received by Planning date December 13, 2016*
5. *27 Acorn Place, Franklin, MA, Definitive Subdivision Plan Submittal Packet Prepared by Thomas A. Ryder, P.E. & Associates, with Technical Memorandum, with Received by Planning date December 13, 2016*
6. *Form C: Application for Approval of a Definitive Plan with Received by Planning date December 13, 2016*
7. *Certificate of Ownership with Received by Planning date December 13, 2016*
8. *Form R: Franklin Planning Board Subdivision Waiver Request dated November 7, 2016 with Received by Planning date December 13, 2016*
9. *Town of Franklin Board of Assessors Abutters List Request Form dated November 14, 2016 with Received by Planning date December 13, 2016*
10. *Abutters List Report dated November 14, 2016*
11. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 19, 2016*

Mr. Thomas Ryder addressed the Planning Board and provided an overview of the updated plans. He stated he discussed the drainage system with the town engineer. Changes have been made; there were changes needed in the lots and the road.

Chairman Padula stated he was not in agreement with the privately-owned rain gardens.

Mr. Ryder stated those rain gardens were for their own driveways and the roofs.

Chairman Padula stated that was ok since it did not have anything to do with the runoff from the road.

Mr. Ryder stated they may have more thoughts on waiver requests; considering asking for a 20-ft. wide street width and a 40-ft. right-of-way for the roadway. He has not spoken to Mr. Maglio yet.

DRAFT FOR REVIEW

Thomas Haynes, applicant stated that they were thinking that the open basin the town is asking for, if they had more room within the 56-ft. right-of-way they could put the components in that. If they have to stay outside of the 56-ft. right-of-way, then it would make it more difficult. The other request is to reduce the pavement from 26 ft. to 24 ft. which will eliminate some of the runoff coming off the road and lower the requirement for the drainage. He stated it was a Water Resource Overlay District so the less impervious, the better.

Chairman Padula confirmed they were talking about pavement reduction from 26 ft. to 24 ft., not to 20 ft. He stated it was up to the Planning Board. He confirmed they were putting in one sidewalk with upright granite. He stated they usually do not waive the 56-ft. right-of-way.

Discussion ensued regarding the road width, right-of-way, sidewalk, and grass strip.

Planning Board members informally agreed they were ok with the 24-ft. road.

Chairman Padula stated he does not want to waive the 56-ft. town right-of-way.

Mr. Haynes stated he will show it to Mr. Maglio and get his opinion. He stated the requirement is 56 ft., but they think they can make it work with 40 ft. Any amount to shorten the road would help and reduce the runoff.

Motion to Continue the public hearing for Acorn Hill Estates, 27 Acorn Place, Definitive Subdivision, to February 27, 2017 at 7:20 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – Continued
0 Pond Street (former wastewater sewer beds land)
 (1) Special Permit & Site Plan

Documents presented to the Planning Board:

1. Letter dated February 3, 2017 from Elizabeth Taglieri, Executive Director, Charles River Pollution Control District to John Kucich
2. Memorandum dated February 2, 2017 from DPCD to Franklin Planning Board
3. Memorandum dated January 31, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
4. Letter referencing Hearing Date of January 24, 2017 for Brookview Applicant, from Mark Fitzgerald, Chair, Design Review Commission, to Chairman Padula, Franklin Planning Board
5. Memorandum dated November 16, 2016 from Mark Cerel, Town Attorney, to Franklin Planning Board
6. Memorandum dated November 11, 2016 from G.B. McCarraher, Fire Chief, to DPCD
7. Site Development Plans for Baystone Franklin, LLC, Plan Sheets Prepared by Bohler Engineering, with Revision 0 date September 29, 2016, with Received by Planning date November 16, 2016
8. Memorandum dated November 4, 2016 from DPCD to Franklin Planning Board
9. Letter dated November 1, 2016 from Matthew Crowley, BETA Engineering, to Franklin Planning Board
10. Letter dated November 1, 2016 from Greg Lucas, BETA Engineering, to Franklin Planning Board
11. Site Development Plans for Proposed Brookview, Plan Sheets Prepared by Bohler Engineering, with Revision 0 date September 29, 2016, with Received by Planning date October 7, 2016
12. One sheet titled "Pond Street, Franklin, MA" showing dwelling renditions

DRAFT FOR REVIEW

13. *Memorandum in Support of Application for Special Permit dated October 6, 2016 from Richard Cornetta, Attorney, to Franklin Planning Board with Received by Planning date October 7, 2016*
14. *Application for Approval of a Site Plan and Special Permit(s) from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
15. *Form P, Application for Approval of a Site Plan from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
16. *Certificate of Ownership with Received by Planning date October 7, 2016*
17. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date October 7, 2016*
18. *Abutters List Report dated September 28, 2016*
19. *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 this is a continuation of a previous public hearing. He stated they were planning to address both Design Review and Conservation Commission. They were successful in appearing before Design Review and an advisory letter has been provided by Design Review. Unfortunately, due to a quorum issue, the Conservation Commission was not able to have an order issued and a vote. They are scheduled to appear before Conservation Commission on February 9, 2017. Conservation Agent has provided a letter indicating he does not think there are any further issues with respect to Conservation Commission and anticipates vote on February 9. Mr. Cornetta stated there is nothing further that has to be addressed with Conservation Commission. As such, he asked the Planning Board to consider closing the meeting and taking action.

Chairman Padula stated the Planning Board does not do this until they have received the approvals.

Mr. Halligan stated the rule of thumb is that the Planning Board does not do this until everything is approved. But, he is available five days a week. They could have a public hearing at any time if members are available. As this is a special permit, it would need a minimum of four Planning Board members.

Mr. Cornetta stated he appreciated the offer and will take the Planning Board up on that offer.

Chairman Padula stated they would need a minimum of four votes, but they usually vote with five members. He said it needs to be advertised 48 hours in advance.

Mr. Taberner stated he can schedule anything that is wanted. It just needs to be posted two full days in advance.

Mr. Cornetta asked if they could be available on Friday.

Ms. Love stated it needs to be posted 48 hours in advance. To have it on next Monday, she would have to post it on Thursday which would be prior to the Conservation Commission meeting.

Chairman Padula requested next Monday around 4:00 PM.

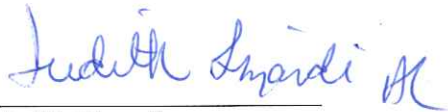
Mr. Taberner stated they would get a meeting room and let everyone know.

DRAFT FOR REVIEW

Motion to Continue the public hearing for 0 Pond Street (former wastewater sewer beds land), (1) Special Permit & Site Plan, to Monday, February 13, 2017 at 4:00 PM. Halligan. Second: David. 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 7:45 PM.

Respectfully submitted,

A handwritten signature in blue ink, reading "Judith Lizardi", with a stylized flourish at the end.

Judith Lizardi
Recording Secretary