

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

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Planning Board

December 17, 2018
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; 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. Bond Release: Spring Valley Estates – Michael Road

Ms. Love stated the plans need to be accepted by the Town Council and recorded after they are accepted. So, contrary to what her letter stated, she is not recommending the bond be released until it gets through Town Council and recorded.

B. Bond Reduction: Rolling Brook Estates – Clearview Drive

Ms. Love stated the applicant has submitted a partial Form H. BETA has been out there and put together a punch list of remaining items that still need to be completed prior to any road acceptance. Based on BETA's inspection, the recommendation is to reduce the bond from \$196,554 to \$18,279, releasing a total of \$178,275.

Mr. Matthew Crowley, BETA Group, confirmed that would be enough money to complete.

Mr. Halligan asked if it was a rough or finished coat that was put down.

Mr. Crowley stated the applicant did the full top course paving about 1 ½ weeks ago across the entire subdivision. He noted the private roadway was approved as bituminous berm.

Mr. Maglio stated the DPW will be aware that it is a driveway and not a road.

Motion to Reduce the Bond from \$196,554 to \$18,279, releasing a total of \$178,275, for Rolling Brook Estates – Clearview Drive. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

C. Bond Reduction: Countryside Estates – September Drive

Ms. Love stated the applicant was before the Planning Board at the last meeting requesting the reduction for the granite curbing that was installed. There was concern from the Planning Board regarding how the curbing had collapsed; that has since been fixed. Based on BETA's inspection, the recommendation is to reduce the bond from \$223,925 to \$193,220, releasing a total of \$30,705.

Chairman Padula asked about the other driveway.

Audience member stated that in April he will be going up Prospect Street with sidewalk and concrete aprons; they will cut out the three that are asphalt right now all at once.

Motion to Reduce the Bond from \$223,925 to \$193,220, releasing a total of \$30,705, for Countryside Estates – September Drive. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. Street Acceptance: Partridge Run Estates and Dover Farms Estates

Mr. Maglio stated these are two neighborhoods, in a series of many, that they have been working on trying to get accepted that were completed years ago. He noted some other streets were done earlier in the year. These need to go before the Planning Board to get recommended to the Town Council for street acceptance.

Motion to Recommend for Street Acceptance: Partridge Run Estates and Dover Farms Estates. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

E. Endorsement: 100 Financial Way – Limited Site Plan Modification

Ms. Love stated the applicant came before the Planning Board at the last meeting to designate parking spots for Lot 5 and Lot 4A. The applicant is seeking endorsement.

Motion to Endorse the Limited Site Plan Modification, 100 Financial Way. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Continued
725 Union Street - Hotel
Special Permit & Site Plan

Documents presented to the Planning Board:

1. Color 3D Rendering, HOME 2, Suites by Hilton, dated December 20, 2017, prepared by Silvestri Architects
2. Letter dated December 5, 2018 from Jaklyn Centracchio, BETA Group, Inc., to Franklin Planning Board
3. Letter dated December 12, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
4. Letter dated December 11, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
5. Letter dated December 6, 2018, RE: Department Comments, from S. Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board, including Hydrant Flow Test Report and Easement documents.
6. Letter dated December 6, 2018, RE: Peer Review Comments, from S. Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board
7. Letter dated November 21, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
8. Letter dated November 20, 2018 from Craig Ciechanowski of Doherty, Ciechanowski, Dugan & Cannon, P.C., to Franklin Planning Board
9. Letter dated November 19, 2018 from Lawrence Silva, Silva Engineering Associates, to Franklin Planning Board
10. Letter dated November 19, 2018 from Craig Ciechanowski of Doherty, Ciechanowski, Dugan & Cannon, P.C., to Franklin Planning Board
11. Monthly STAR Report: Hampton Inn Franklin Milford for the month of September 2018
12. Monthly STAR Report: Hampton Inn Franklin Milford for the month of December 2017
13. Memorandum dated October 26, 2018 from G. B. McCarraher, Fire Chief, to DPCD
14. Memorandum dated October 30, 2018 from George Russell, Conservation Agent, to Franklin Planning Board

15. *Memorandum dated November 8, 2018 from Franklin Board of Health to Franklin Planning Board*
16. *Letter dated March 12, 2018 from Jeffrey Dirk, Principal, Vanasse & Associates, Inc., to Jigar Patel, 4 SQ Development LLC*
17. *Memorandum in Support of Application for Special Permits dated October 25, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
18. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as 4 SQ Development LLC with Received by Planning date October 25, 2018 (2)*
19. *Certificate of Ownership with Received by Planning date October 25, 2018 (2)*
20. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 31, 2018*
21. *Site Development Plans for Proposed Hotel, 725 Union Street, Franklin, MA, 4 SQ Development LLC, prepared by J.K. Holmgren Engineering Inc., dated October 24, 2018, with Revision date December 4, 2018, with Received by Planning date December 6, 2018*

Mr. Richard Cornetta, Attorney, representing the applicant, 4 SQ Development LLC; Mr. Scott Rogers, J.K. Holmgren Engineering; and Mr. Sean Kelly of Vanasse & Associates, addressed the Planning Board. Mr. Cornetta stated this is a continuation of a previous public hearing for a proposal to develop suites for extended-stay hotel. He stated Mr. Rogers would speak about some of the engineering developments and Mr. Kelly, their traffic consultant, will speak about the traffic impact analysis that was submitted to the Town and reviewed by BETA. He stated he would provide an overview of where they are with the total permitting package through Design Review and Conservation and they will be seeking a continuance.

Mr. Rogers provided a review of some of the engineering issues and answered some of the questions that were brought up at the last meeting. He stated there will be a shuttle van that will get guests to local area businesses. There will be kitchenettes which include a small refrigerator, a small two-burner cooktop, and microwave. There will be trained staff on at night, but no specific security personnel. The hotel will be pet-friendly; there will be an area out back designated for the pets to do their business. Regarding fire truck turning, a letter was received from the Fire Department saying they were okay with the plans as submitted. He noted there is no safety issue with the line of sight of the building; the building is set back over 40 ft. They received a letter from the Board of Health; they had mentioned the pool permitting. He noted that will be taken care of during the permitting process. He noted the Planning staff brought up a few comments; the plans were changed to granite curbing at the entrance and a stray note on the plans has been removed. Regarding parking, there are 100 spots on the plans, one per room, which they feel is more than adequate. If there was a need for more, they would do valet parking. He provided some expected occupancy rates. He discussed landscaping along the retaining wall that abuts the restaurant; they added some additional trees and landscaping. They received a comment letter from DPW and Town Engineer. He noted it is not a problem to move the hydrant back slightly. They are in the process of revising the drainage calculations and design; that will be forthcoming.

Mr. Kelly provided an overview of what they looked at, the findings, and the recommendations of their traffic study. He provided, reviewed, and discussed the Site Location Map, Traffic Count Locations diagram for existing conditions, and Trip Generation Summary chart. He stated their findings showed that the impacts to overall delays are very minor. The increases in terms of percentage of traffic during the peak hours is about one to two percent. The impacts are fairly negligible. He stated the average motorist is unlikely to notice the small delays at the signal area. He stated their recommendations are focused on the site access on to Union Street. They recommend that all vegetation and signage be cleared and located in such a way as to not impact sight lines; they recommend stop signs and pavement markings be done in accordance to industry and federal guidelines. They have reviewed the letter issued by the Town's consultant; they have not had a chance to finish their response. Most of the comments seemed minor. They will clean up and fix what is necessary. He discussed the four signals that work together in the area; sometime those fall out of whack. He stated that they have agreed to run a coordinated analysis and will make recommendations to make the lights work better.

Mr. Halligan stated that he assumed the traffic figures were based on a generic hotel, but this is a long-term stay hotel. He asked if Mr. Kelly thought this type of hotel would have less traffic flowing on a daily basis.

Mr. Kelly stated there is a breakout for an extended-stay hotel. However, this analysis was run as a regular hotel. He can get back to them with the information. He stated that typically less traffic would be expected with an extended-stay hotel.

Ms. Jaklyn Centracchio, Project Engineer for BETA Group, who did the traffic analysis, noted the pedestrian accommodations drop at Union Street; she suggested to extend the pedestrian sidewalk up to King Street.

One of the applicant's representatives stated they can address that with their client, but they do not see it as an issue.

Mr. Cornetta stated they will seek a continuance to address matters that were discussed. He stated they have met with Design Review Commission and will back before them at the January 8, 2019 meeting. The initial public hearing for the Conservation Commission is scheduled for December 20, 2019; they are anticipating a continuance for that date to the first meeting in January. They would like to plan to return before the Planning Board on January 28, 2019.

Ms. Love stated that the applicant filed a third Special Permit for the driveway entrance which is scheduled for January 7, 2019.

Chairman Padula and Mr. Cornetta discussed the next meeting date.

Mr. Rondeau asked about the retaining wall, the water service, and rooftop units.

Mr. Rogers stated it was a fill wall and will be built from their property. The water service will be closer to the Hampton Inn side, on that corner of the lot. They will have a fire pump as the water pressure was not that great. The rooftop units will be screened out.

Mr. Carroll asked if the driveway opening would be across from Spruce Pond; is there enough distance between the restaurant and the Hampton Inn? He stated that if only 72 percent of the building is anticipated to be filled, why would you not take off the top floor to lose 25 units and now you have the parking that you need. You are asking for 100 spaces for 100 units; where do the employees park. If you are never going to fill the building, why don't you downsize it?

Mr. Rogers stated the opening would be offset. He noted the requirement is 150 ft. between driveways. There is only one spot the driveway can go; there will be 120 ft. from the restaurant, not 150 ft. The client wants to have the 100-room hotel for the financial model; it will be filled during some June and July months; the 72 percent filled is an average. He thinks that 100 spaces for a 100-room hotel will be adequate.

Mr. Maglio stated they only have a few comments which the applicant already addressed. They are waiting for the revised drainage report.

Ms. Love stated a lot of her comments were already addressed. They are still going through Conservation. She questioned how much screening the Planning Board wants to consider along the retaining wall.

Chairman Padula asked about the height of the wall between the restaurant.

Mr. Dick Fugere, 12 Spruce Pond Road, stated he went to see their project in Walpole. He distributed to Planning Board members photographs of that project. He stated the hotel in Walpole is very appropriate for

Route 1. Is it appropriate for Union Street in Franklin? He does not think so. The character of the area would be dramatically changed based on erecting this project. It will then open the door for additional types of projects as a CII classification. The Hampton Inn was built under the old CII classification and fits into the community pretty well. This project will not fit into the community. Union Street is a neighborhood; it has some retail, but it does not impose on the neighborhood like this will impose on our community. This project will be 500 yards away from the doorstep of one of the people who live on Spruce Pond Road. Would you like to be 500 yards away from this project at your home? There are issues based on the impact this project will have to our homes. He noted the CII height requirement was changed this summer. That was unfair to our community. The previous limit was three stories; this will have four stories. Some of the CII areas were not given the 50 ft. designation. He requested the Planning Board give much consideration to this. He questioned the water and sewerage for the current residents; will their pressure go down or will there be backups as they are downhill from the proposed project. His neighborhood has 100 homes; he discussed the property taxes they pay. Will this project reduce the assessed value of their properties?

Mr. Maglio addressed the water pressure and sewerage capacity issues. He stated he does not believe there will be an impact on the neighborhood in general.

Mr. Halligan asked questions about the photograph of the hotel provided by Mr. Fugere.

Mr. Rogers stated the photograph provided is not of his client's hotel, but of a similar hotel.

Chairman Padula stated Design Review is the group to talk about regarding the design and character of the building.

Mr. Cornetta stated many elements were discussed with Design Review.

Chairman Padula noted Design Review makes recommendations to the Planning Board; the Planning Board votes to accept them or not.

Ms. Renee Hake, 58 Prospect Street, questioned the number of people expected to come to the hotel in June and July.

Mr. Rogers stated that is based on ITE data.

Mr. Cornetta stated he would provide a letter requesting continuance of the public hearing scheduled for January 7, 2019.

Motion to Continue the public hearing for 725 Union Street – Hotel, Special Permit & Site Plan, to January 28, 2019, at 7:05 PM. Padula. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Recess for five minutes. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Initial
 Spring Street – Solar
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Memorandum dated December 13, 2018 from DPCD to Franklin Planning Board*
2. *Memorandum dated November 27, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
3. *Memorandum dated December 7, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
4. *Memorandum dated December 6, 2018 from Franklin Board of Health to Franklin Planning Board*

5. *Letter dated October 29, 2018 from Alan Clapp, Spring Street Renewables, LLC, (c/o Nexamp, Inc.), to Jeffrey Nutting, Town Administrator*
6. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Spring Street Renewables, LLC, Attn: Alan Clapp, with Attachment A: Owners of Record, with Received by Planning date November 26, 2018*
7. *Memorandum in Support of Application for Special Permit dated November 20, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
8. *Certificate of Ownership with Name of Record Owner listed as Michael J. Bucci, with Received by Planning date November 26, 2018*
9. *Certificate of Ownership with Name of Record Owner listed as Richard F. Costello, with Received by Planning date November 26, 2018*
10. *Certificate of Ownership with Name of Record Owner listed as Anthony Depoto, etals, with Received by Planning date November 26, 2018*
11. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date November 28, 2018*
12. *Spring Street Renewables, LLC, Large-Capacity Ground Mounted Solar Energy System, Spring Street, Franklin, MA, Plan Sheets, prepared by Andrews Survey & Engineering, Inc., dated November 21, 2018, with Received by Planning date November 26, 2018*

Mr. Richard Cornetta, Attorney, representing the applicant, NEXAMP, Inc.; Mr. Alan Clapp, Development Manager and representative from NEXAMP; and Mr. Steven O'Connell of Andrews Survey & Engineering Inc., addressed the Planning Board. Mr. Cornetta stated NEXAMP is a full-service photovoltaic company. The current ground-mounted solar array being proposed for this project is approximately 6 megawatts. The property is located along Spring Street. It is a combination of three parcels of land with varied ownership; collectively it amounts to 48.6 acres. The parcel is primarily undeveloped with a stream and wooded area. There will be ground-mounted solar modules, a utility building, and 4,900 linear ft. of security fencing surrounding the perimeter of the site. They are proposing gravel parking driveway areas to accommodate service and emergency vehicles. He reviewed the proposed parking area that had been discussed with and requested by Mr. Nutting and staff because this particular area on Spring Street is somewhat adjacent to the state forest in the area. The applicant would provide this gravel parking area to the general public so they could park there and gain better foot access to the state forest. He stated they are requesting a Special Permit to allow for a large-scale ground-mounted solar energy system within the Rural Residential I zoning district. As there are bordering vegetative wetlands and a stream, they will be pursuing an Order of Conditions from the Conservation Commission.

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

Mr. Clapp provided an overview of NEXAMP and what they do. In response to Chairman Padula's questions, he stated they have been in existence for 10 years and the longest they have owned a solar farm is six years.

Mr. O'Connell provided a presentation on the project. He stated this is their sixth project with NEXAMP. He reviewed the site plans titled "Spring Street Renewables, LLC, Large-Capacity Ground Mounted Solar Energy System." He reviewed the location and noted it is unimproved area. They will be making some improvements to prevent washouts. They have identified areas for construction crew to park as well as for the public parking lot. He discussed the wetlands on the site. He stated that from a stormwater management standpoint, they will be clearing approximately 34 acres of trees; the fence area comprises about 25 acres. They are clearing more than the 25 acres for the shading purposes required for solar panels. Outside of the fence they are only cutting; stumps and other ground cover will remain. Those stumps will sprout new growth and within a short time period the stumps and new growth tend to be about six to 10 feet tall. That provides a nice buffer. Those trees will not become a shading problem for 25 years down the road. They try to limit the amount of land disturbance. He discussed the stormwater basins and the swales. He reviewed the southern portion of the site and how the water runs into the stormwater basin. He noted this will be

clean water. There will be an increase in runoff as they are changing the vegetative cover. Erosion controls are proposed around the perimeter of the project. He noted comments were received from various departments. Per discussions with the Fire Chief, he noted the drive will be 16 ft. wide and there is a turnaround area. This will be a fixed-tilt system. Construction should take five to six months. Once construction is complete, the system is monitored remotely.

Chairman Padula noted his concern that the longest they have owned a solar system is six years. He requested information about the drainage and noise from the transformers. He stated the applications need to be straightened out; the owners' names are inconsistent on the applications.

Mr. Maglio commented on the drainage including the values used in the calculations. He would like to see a comparison with the runoff volumes between pre- and post-values and the runoff rates. He noted comments on the improvements to the section on Spring Street. He recommends 18 ft. wide pavement with a 1 ft. shoulder. He discussed the allowed grade.

Chairman Padula stated there are already some solar farms in Town. One is a disaster; it is a mudhole because they do not take care of it. It has gone through many owners. Another did not finish the project.

Mr. Carroll asked who is profiting from this; are we buying this back?

Mr. Clapp stated as a developer they create the electricity and look for off-takers to sell it to. They offer a 15 percent discount to each residential homeowner who wants to participate in the program. In the host community, they offer those residents the opportunity to sign up first. Essentially, it goes into the grid.

Mr. O'Connell discussed the poles that would likely be replaced by National Grid on Spring Street.

Mr. Carroll asked what if no one from Franklin signs up to participate. Who is then profiting?

Mr. Clapp stated they cannot begin to operate until they have found all the off-takers to take the electricity. If it is not Franklin residents, it will be other members of the National Grid region.

Planning Board members discussed a previous solar farm and what happened after it was approved and trees had to be cut down and new poles put up.

Mr. O'Connell stated by his measurement it is just under 4,000 linear ft. by Spring Street to Washington Street connection. He stated the new poles are taller than the older poles. He noted that they will be passing one subdivision and other homes; he thinks they will be passing about 20 homes.

Chairman Padula discussed that they will be using the new taller poles.

Mr. Halligan requested information at the next meeting on the new poles that would have to be put up in the residential area, how much cutting would have to be done, and if there is an option to do it underground.

Mr. Rondeau asked if they have any plans to replant trees to bring it back to what it was after they clear cut 45 acres? What about the storage of the batteries as there are wetlands in the area?

Mr. Clapp discussed the batteries in storage; they are monitored 24/7 by the system.

Mr. Halligan asked if there are any homes in the area that once it is all cut that they will be looking down at a big sheet of glare. He asked that at the next meeting for the applicant to show how it is laid out.

Mr. O'Connell stated the solar panels always face south. He showed on the map the closest residents and explained the topography of the site. He reviewed the tree removal to accommodate the project. He stated

the conditions provide a permanent barrier for the residents. He stated that he says with confidence he does not think anyone will see this.

Ms. Lisa Lessard, 3 Depoto Drive, stated she was one of the closest residents; they moved from Boston to come to a rural area. She never imagined they would rezone to allow a commercial-type activity happening 200 ft. from her house. It will significantly affect their ability to sell the home in the future. She stated currently there is a drainage issue and water runoff in the trail. If more trees are taken down, the runoff will worsen due to the very steep hill. She stated concern about the long-term effects of solar and the transformer. Articles she has read from proponents of solar state they never cut down woods to put in a solar farm. It does not seem to make sense to get green energy by decimating 45 acres of woods.

Mr. Harry Cochran, 30 Spring Street, said he has been there 46 years. He expressed concern about the dirt part of the street; why can't the rest of the street be paved? There is a steep hill on the street; if more vehicles are coming, it should be addressed. Many nights there are four-wheelers up in the back of his house. Are the new poles are going to be ugly and degrade their property values? Are there going to be security lights around the perimeter of the solar farm that will shine at night? What about police security?

Mr. Stuart Klein, 4 Depoto Drive, stated he is one of the closest houses. He is concerned about runoff. He has a brook flowing in his backyard already. How will the runoff be addressed? He is concerned that they will be able to see it. He questioned how it will be blocked. He stated concern about the animal population that currently lives in the forest; where will they be going? He has turtles that come to his property every summer; how will this affect their population?

Mr. Alan Davis, 15 Peppermill Lane, stated there is a swamp on his property. He is very concerned about runoff onto his property. He stated the water level in the swampy area has increased about 2 ft. in the last five years. He noted the photo shown by the applicant is an old photo. Any more water will start encroaching on the backs of the houses on Peppermill. Another concern is the visibility; he noted the applicant stated he guaranteed that he did not know. He stated a proper study should be done to evaluate the sight line for the houses. He stated there is a designated scenic road; that will require a scenic road permit.

Ms. Nancy Cunningham, 7 Peppermill Lane, stated she has lived there for four years. The lake behind her house has risen. It is a quiet area. She is concerned about the wildlife. Will there be lights on at night for security reasons? She questioned the glare during the day. She suggested they put the solar farm on the Schmidt farm.

Ms. Kim Halloran, 5 Nicholas Drive, stated concern about water runoff.

Ms. Renee Hake, 58 Prospect Street, asked how vegetation is kept from growing around the solar panels and if chemicals are used. Trees give oxygen; it seems wrong to take down trees to put up solar panels. We do not feel this is the place for solar panels. Were forests torn down to put up the other solar farms in Franklin? Are we benefitting in electric bills from the current solar farms? What would a solar farm accident be like? Is there any ambient noise from this?

Mr. O'Connell stated they use mechanical means such as mowers; no chemicals are used.

Chairman Padula stated he does not think the Town will benefit from this at all; the Town can buy into the system, but the Town is already taking their max. He can find out that information for the next meeting. He noted a battery could overheat and it could explode and catch fire. He stated he believes there is a hum from the transformers. The noise factor of the transformers is one of his questions.

Mr. O'Connell stated he does not have a decibel rating. He can say it is a comparable transformer noise to what can be purchased at a store. He stated that outside of 50 ft., you can probably not hear it; no abutter

will hear the hum or operations of this facility. He discussed how the state provides guidelines for locations for solar projects.

Mr. Clapp discussed the issue of cutting trees to bring in solar.

Chairman Padula stated that as this is a Special Permit the Planning Board's decision to make is based on the outlook that does the Town need it. He noted animals do not live on solar panels. He stated they have to look at the Town need. This is the perfect spot: it is on a hill, it is facing the south side, it is on a less used street. However, it is a scenic road. Then again, it is owned by three property owners. If all three property owners decided to cut all the trees on their property, they could do that and no one could stop them. There are a lot of factors to weigh here.

Ms. Connie Lawson, 46 Prospect Street, stated concern about the historical aspect of this particular property. A farm was there, the rail goes through there, and old stone walls go through there.

Mr. O'Connell stated an excavator went in to do some soil testing. He stated he took down an internal boundary wall.

Ms. Jill Kuykendall, 14 Bubbling Brook, stated she hikes there regularly. There has been activity there. Trees have been marked and work has been going on. Her concern is that the panels face south and the closest residents are at the southern portion. It would seem to make more sense for them to move north to not be as close to residents. She expressed concern about solar glare. She asked for more information on that. She asked if there is fire access for safety.

Mr. Kevin Halloran, 5 Nicholas Drive, stated he is an engineer. He stated technology is changing. He noted the possible bankruptcy issue. He stated that 10 to 15 years from now, this solar farm will be outdated. There will be a big drive for the solar roof. Who is going to pay to take care of the hazardous waste? Are they going to post a bond for this to cover the expenses in the future to remove this?

Chairman Padula noted the solar farms are considered hazardous waste when they are done. He does not want the Town to get stuck with it.

Mr. Halligan stated that it is not the Planning Board's purview to determine if a business is going to be successful or not, how much money they make, or where their funds are coming from. The Planning Board is going to have to decide if the Town wants a solar farm or possibly another 30 or 40 homes going in there. We have to pick the best for the Town.

Mr. Clapp explained how the system is looped together and monitored 24/7. It is not an alarmed facility that goes to police or fire.

Mr. O'Connell addressed some of the comments. It is not a lit facility. There is no proposed lighting. There is a decommissioning estimate provided by the applicant. He discussed their position as to the possible improvements to Spring Street.

Mr. Clapp stated that currently the materials are not considered hazardous. Most landfill facilities will accept them as solid waste. It is their goal to recycle all the facilities. He reviewed the community benefits of this project including that this is a clean energy project, their goal is to reduce dependence on fossil fuels, and they want to be a partner for the community.

Ms. Love stated all of her issues have been touched on. She noted there was no landscaping or lighting plan submitted. The Planning Board must determine the filing fee. It is based on impervious coverage. If the panels are considered impervious, then it is a much larger fee than what was provided. If they are going to cover the 25 acres with panels, then the fee would be approximately \$14,000 based on the fee schedule.

Mr. Cornetta stated there was some miscommunication. He explained how the original filing fee was made. The area underneath the solar panels is not impervious; it is grass. So, they calculated the total area of impervious from associated equipment that would truly be impervious and it can to a figure under 10,000 sq. ft. which is the \$1,500 fee. However, it was noted that other solar farms counted the panels as impervious coverage. Their engineers disagree with that as noted by EPA regulations. He stated that even if the surface of the panels was to be counted, it would not be 25 acres.

Mr. O'Connell stated he did calculations and if the panels were to be counted as impervious coverage, the compiled area would equal 9.56 acres which would be a fee of \$7,664.

Chairman Padula stated the Planning Board does not care about the fee; they care about the impervious coverage. He stated that everyone knows when the water flows off the panels, there will not be any grass underneath, it will be a trough. He knows this from the other solar farms. He stated that the one we have right now is just a mudhole. He requested they present the Planning Board with the Mass. law that they just referenced that does not consider solar panels impervious.

Mr. Crowley stated they are still in process of the overall review as they just received the plans last week. He stated the construction phase of clearing 25 acres will be very important. The soils are not receptive to infiltration. More detail needs to be provided by the applicant on the construction phase.

Chairman Padula stated he wanted all Planning Board members to receive a copy of the document Mr. Cornetta just provided before the next meeting. He noted the applicant has to file for a scenic road permit.

Mr. Cornetta stated he is not sure if that portion of the road is scenic; it was never brought to his attention.

Mr. Halligan questioned if the Planning Board and the neighbors really want that portion of the road to be paved, or do they wish to continue to have it remain gravel so it does not become a parking spot. We should give the applicant some direction on this.

Chairman Padula, Mr. Maglio, and Mr. O'Connell discussed the steep section of the road where they are proposing asphalt.

Chairman Padula noted there is a problem over there with dirt bikes and four-wheelers. The traffic safety officer should be notified to see what can be done to mitigate it.

Motion to Continue the public hearing for Spring Street – Solar, Special Permit & Site Plan, to January 28, 2019, at 7:20 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
 4 Liberty Way
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Letter dated December 12, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
2. *Memorandum dated December 13, 2018 from DPCD to Franklin Planning Board*
3. *Letter dated December 5, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
4. *Letter dated November 23, 2018 from Mark Santora of Mark Santora, P.E. Inc., to Franklin Planning Board*
5. *Letter dated October 29, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*

6. *Site Plan for Commercial Building, 4 Liberty Way, Franklin, MA, prepared by Mark Santora, P.E. Inc., dated September 25, 2018, with Revision date November 23, 2018, with Received by Planning date November 28, 2018*
7. *Lighting Photometry for Project: 4 Liberty Way, MA, prepared by Sterling Innovations LLC, with no date, with Received by Planning date December 7, 2018*

Mr. Mark Santora, civil engineer for the project, and Mr. Scott Savage, project proponent and applicant, addressed the Planning Board. Mr. Santora stated they will be coming to a future meeting to address the odor and other concerns. Tonight, they would like to talk about the drainage issue. He is trying to resolve all the comments from staff and BETA. The item he is having trouble with is the volume onsite in accordance with the bylaw. In a close read of the bylaw, it says the Planning Board may allow an increase in volume if they can demonstrate there is no harm to downstream abutters or to the public or the environment. He believes he could do that. He sees the benefit of no additional runoff going off the site. But in volume, with soils of the types on the site, the runoff volume actually helps the flooding and so forth to allow that volume to deplete away early especially where there are rivers and streams nearby that would take that volume away. He asked the Planning Board if they would consider allowing them to increase it marginally as stated in the bylaw. He explained the difference between runoff and volume. He asked if the Town Engineer and BETA could meet with him at the site so they could look at the ponds and he could explain his plan.

Chairman Padula stated there are a few homeowners downstream now that keep coming back to us as they are having problems now with runoff in their yards from that site. Because there has been a high rainfall this year, there has also been some flooding in some of the parking lots in that area. There is already a problem there. He does not want to accentuate it more than it already is. He explained how it gets to the neighbor's backyard. He noted the Town Engineer and BETA advise the Planning Board.

Mr. Halligan stated he relies on the Town Engineer and BETA and if they had a meeting with Mr. Santora and came to a decision, as a member of the Planning Board, he would consider that.

Chairman Padula stated the Planning Board agrees that Mr. Santora could meet with the Town Engineer and BETA to discuss his drainage plan.

Mr. Cornetta stated he represents the Franklin Industrial Park Trust and requested that a representative from the Park Trust also be present during those meetings as drainage is a concern of theirs.

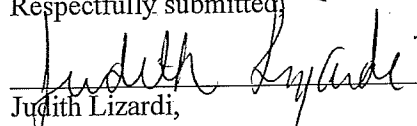
Mr. Santora stated he would let Mr. Cornetta know of any meeting. He noted he has not heard anything back about the odor specialist.

Ms. Love stated she received a quote today from BETA; they have a subcontractor they can work with. She will provide the applicant with the information. It will probably be a one to two-week turnaround time.

Motion to Continue the public hearing for 4 Liberty Way, Special Permit & Site Plan, to January 28, 2019, at 7:25 PM. Carroll. Second: David. 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 9:44 PM.

Respectfully submitted,


Judith Lizardi,
Recording Secretary

