

Town of Franklin



TOWN OF FRANKLIN
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2019 FEB 26 P 1:09

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Planning Board

January 28, 2019

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. Limited Site Plan Modification: Franklin Country Club

Mr. Maglio stated he reviewed the revised plans and all previous comments were addressed; they have no further comments at this time. He noted that the applicant submitted drainage calculations that shows the leaching basin they are putting in takes care of the increase in pavement.

Ms. Love stated the applicant was required to go before the Zoning Board of Appeals to apply for a variance which they received. At the last meeting, the Planning Board requested vertical concrete curbing which has been added to the plans as well as the bollards around the tanks.

Mr. Michael Hassett, Guerriere & Halnon, Inc., stated they wanted to discuss some minor revisions to the plans. There is a portion of concrete curb near the pool area that they would like to change to modified cape cod berm for a long-term durable solution so that trucks could drive over the area and not damage the concrete or the trucks. Additionally, the applicant would like to extend a small section of pavement.

Chairman Padula stated the applicant has already gone beyond a new application; a new application must be submitted and this one withdrawn. Extending the pavement is extending the impervious coverage.

Mr. Tom Ketchum, President, Franklin Country Club stated it is a paved area already; however, the line was drawn so they could not get to existing pavement. The curbing needs to be moved back; there is not any change with conditions on the ground. He stated that the curbing was not extended far enough when the line was drawn; it is our error.

Mr. Maglio stated he did not know of a curbing setback for adjacent properties.

Mr. Hassett explained the curbing that needed to be moved and the proposed cape cod berm.

Mr. Halligan stated he is not opposed to their proposal. He stated the public hearing is not yet closed. The applicant could submit this at the next meeting with all the changes.

Ms. Love stated this item is a Limited Site Plan being submitted under General Business. If the applicant does not exceed 1,000 sq. ft., it can stay as a Limited Site Plan.

Chairman Padula stated the applicant must submit a different plan. He asked the Planning Board members if on the new plan they would let the applicant change from vertical granite and cape cod berm. He told the applicant to come back with a new plan; they would not be charged a new application fee.

Mr. Bill Roche, former President, Franklin Country Club, and civil engineer stated they are not adding pavement. He explained and discussed the current area and the need for the vertical concrete curbing to be changed to modified cape cod berm so any equipment or trucks, if needed, could go over the curb.

Mr. Maglio stated he has not seen any of the proposed changes.

Chairman Padula told the applicant to draw it up and come back.

B. Endorsement: Grove Street Towing

Ms. Love stated that at the December 17, 2018, meeting the Planning Board approved the changes to the Grove Street Towing site where an access to the other side of the building was added. The Special Permit has not been appealed. The signs requested by the Planning Board have been added to the plans as well as the requested vertical granite.

Motion to Endorse Grove Street Towing. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Meeting Minutes: December 17, 2018 and January 7, 2019

Motion to Approve the December 17, 2018, Meeting Minutes. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the January 7, 2019, Meeting Minutes. Carroll. Second: Rondeau. 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. Letter dated January 24, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Email dated January 23, 2019 from Matthew Crowley, BETA Group, Inc., to Scott Rogers, J.K. Holmgren Engineering
3. Memorandum dated January 23, 2019 from DPCD to Franklin Planning Board
4. Letter dated January 22, 2019 from George Russell, Conservation Agent, to Scott Rogers, J.K. Holmgren Engineering
5. Letter dated January 14, 2019 from Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board
6. Letter dated January 11, 2019 from Gregory Demakis, Demakis Law Offices, P.C., to Scott Rogers, J.K. Holmgren Engineering, with Maintenance Agreement Attachment
7. Color 3D Rendering, HOME 2, Suites by Hilton, dated December 20, 2017, prepared by Silvestri Architects
8. Letter dated December 5, 2018 from Jaklyn Centracchio, BETA Group, Inc., to Franklin Planning Board
9. Letter dated December 12, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board

10. Letter dated December 11, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
11. Memorandum dated December 13, 2018 from DPCD to Franklin Planning Board
12. 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.
13. Letter dated December 6, 2018, RE: Peer Review Comments, from S. Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board
14. Letter dated November 21, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
15. Letter dated November 20, 2018 from Craig Ciechanowski of Doherty, Ciechanowski, Dugan & Cannon, P.C., to Franklin Planning Board
16. Letter dated November 19, 2018 from Lawrence Silva, Silva Engineering Associates, to Franklin Planning Board
17. Letter dated November 19, 2018 from Craig Ciechanowski of Doherty, Ciechanowski, Dugan & Cannon, P.C., to Franklin Planning Board
18. Monthly STAR Report: Hampton Inn Franklin Milford for the month of September 2018
19. Monthly STAR Report: Hampton Inn Franklin Milford for the month of December 2017
20. Memorandum dated October 26, 2018 from G. B. McCarraher, Fire Chief, to DPCD
21. Memorandum dated October 30, 2018 from George Russell, Conservation Agent, to Franklin Planning Board
22. Memorandum dated November 8, 2018 from Franklin Board of Health to Franklin Planning Board
23. Letter dated March 12, 2018 from Jeffrey Dirk, Principal, Vanasse & Associates, Inc., to Jigar Patel, 4 SQ Development LLC
24. Memorandum in Support of Application for Special Permits dated October 25, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board
25. 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)
26. Certificate of Ownership with Received by Planning date October 25, 2018 (2)
27. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 31, 2018
28. 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 January 10, 2019, with Received by Planning date January 14, 2019

Chairman Padula read aloud a letter from Mr. Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, representing the applicant, 4 SQ Development LLC, requesting a continuation of this public hearing for 725 Union Street – Hotel, Special Permit & Site Plan, and the initial public hearing for 725 Union Street – Hotel, Special Permit & Site Plan – Driveway, to February 25, 2019 at 7:05 PM and 7:10 PM, respectively.

Motion to Continue this public hearing for 725 Union Street – Hotel, Special Permit & Site Plan, and the initial public hearing for 725 Union Street – Hotel, Special Permit & Site Plan – Driveway, to February 25, 2019 at 7:05 PM and 7:10 PM, respectively. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Initial
 725 Union Street - Hotel
 Special Permit & Site Plan - Driveway

Documents presented to the Planning Board:

1. Note: Special Permit – Driveway entrance being within 150 ft. of another driveway - All comments are in the above 7:05 PM public hearing.

2. *Memorandum in Support of Application for Special Permits dated December 12, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board with Received by Planning date December 14, 2018*
3. *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*
4. *Certificate of Ownership with Received by Planning date December 14, 2018 (2)*
5. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2019*

This public hearing continued to February 25, 2019 at 7:10 PM, as detailed in the above public hearing.

7:20 PM **PUBLIC HEARING** – Continued
 Spring Street – Solar
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Letter dated January 23, 2019 from Stephen O'Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board*
2. *Memorandum dated December 13, 2018 from DPCD to Franklin Planning Board*
3. *Memorandum dated November 27, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Memorandum dated December 7, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
5. *Memorandum dated December 6, 2018 from Franklin Board of Health to Franklin Planning Board*
6. *Letter dated November 14, 2018 from Alan Clapp, Spring Street Renewables, LLC, (c/o Nexamp, Inc.), to Jeffrey Nutting, Town Administrator*
7. *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*
8. *Memorandum in Support of Application for Special Permit dated November 20, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
9. *Certificate of Ownership with Name of Record Owner listed as Michael J. Bucci, with Received by Planning date November 26, 2018*
10. *Certificate of Ownership with Name of Record Owner listed as Richard F. Costello, with Received by Planning date November 26, 2018*
11. *Certificate of Ownership with Name of Record Owner listed as Anthony Depoto, etals, with Received by Planning date November 26, 2018*
12. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date November 28, 2018*

Chairman Padula stated that the applicant requested a continuance and read aloud the letter of request.

Motion to Continue public hearing for Spring Street – Solar, Special Permit & Site Plan, to February 25, 2019 at 7:15 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula called a four-minute recess.

7:25 PM **PUBLIC HEARING** – Continued
 4 Liberty Way
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Letter dated January 23, 2019 from Michael Lannan, Tech Environmental, Inc., to Matthew Crowley, BETA Group, Inc.*
2. *Memorandum dated January 23, 2019 from DPCD to Franklin Planning Board*
3. *Email dated January 17, 2019 from Matthew Crowley, BETA Group, Inc., to Amy Love, Town Planner*
4. *Memorandum dated December 13, 2018 from DPCD to Franklin Planning Board*
5. *Letter dated December 5, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
6. *Letter dated November 23, 2018 from Mark Santora of Mark Santora, P.E. Inc., to Franklin Planning Board*
7. *Letter dated October 29, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
8. *Site Plan for Commercial Building, 4 Liberty Way, Franklin, MA, prepared by Mark Santora, P.E. Inc., dated September 25, 2018, with Revision date January 15, 2019, with Received by Planning date January 18, 2019*

Ms. Love stated an odor specialist was hired to review what the applicant proposed for odor mitigation for the site. The specialist is present at tonight's meeting and his report is in the Planning Board members' packets. This will be tonight's main conversation. She stated that the applicant has also worked on drainage and submitted information today that will not be discussed tonight; it will be discussed at the next meeting. The applicant has met all requirements for vertical curbing; they do not need a waiver for parking.

Mr. Crowley, BETA Group, introduced BETA's odor control specialist representative, Michael Lannon, President of Tech Environmental.

Mr. Lannon provided an overview of his company and explained that their focus is on helping facilities, residences, cities and towns understand the odor potential for projects as well as ways to mitigate that. He explained how they look at odor including the characteristics of frequency, intensity, duration, and offensiveness. Relative to odor control, they look at capture, ventilation, odor-control technology, and dispersion; he explained each in detail and that each was looked at relative to this project. He stated this is a new industry in Massachusetts. One thing that needs to be done for this project is define the tolerance for odor and what the nuisance threshold should be. He stated that in talking with the proponent for this project, they indicated they will be willing to develop a reasonable approach. He stated that when he asked for information from the applicant about capture, ventilation, odor-control technology, and dispersion, he was only able to obtain information about control which is going to be a carbon-based system. He stated that would be a good control for this; the system seems very reasonable. Mr. Lannon explained that there was insufficient information at this time regarding capture and dispersion. He said that at this stage of the project, that is not unusual, as the design has not been done yet. He stated he got a good feeling from the proponent that they would apply the four conditions outlined in his report. He reviewed in detail the four conditions: three relating to odor, and one relating to noise. He recommended the Planning Board include these conditions in approval. He stated that it is his recommendation that with the incorporation of these four conditions, the facility could be built in a way that would not be a problem with respect to odor.

Chairman Padula asked questions about the compounds and odor.

Mr. Halligan stated that as the applicant knows the square footage, how much they can grow, and the math of the project, he thought that they were going to come back with a filtration system that they could say, yes, this works and addresses the situation. However, what the applicant is asking for is an approval and then stating they will get back to the Planning Board with the plan.

Applicant, who did not identify himself, stated that at the last meeting they had discussed a conceptual system that they were trying to prove would work with the proper applications.

Mr. Halligan stated that it seems like they do not have a full plan.

Mr. Lannon stated that he agreed; he was expecting to see something that was more substantial.

Mr. Halligan stated that this still needs to be designed. He stated that Mr. Lannon should have been reviewing the applicant's proposal; however, the applicant has not proposed anything.

Applicant stated they are willing to subjugate their control over this system to Mr. Lannon and his company to the design that will meet the requirements. They are not applying for an HVAC permit at this time. He is here as the developer of the project. They have the concepts of the system.

Mr. Halligan discussed what the Planning Board had requested for this report.

Chairman Padula stated that in order to get a full architectural design of the building for the calculations, it will cost the applicant another \$100,000. So, our advisor, BETA, has sent us an analyst, Mr. Lannon, to give a decision on how we might go about this. The determination on how to go about this was the four outlined conditions for approval. He stated that because this is a Special Permit, special conditions can be added to the approval. The applicant would have to comply with the four conditions to meet the criteria for the off-site smell that it generates.

Applicant stated that is what they are willing to do.

Chairman Padula stated the Planning Board's concern is that this abuts residential properties. So, if this does not work, it is all for nothing in the applicant's investment.

Applicant stated that in their favor is that the prevailing winds are taking the odor away from the residential area. He noted they are not a big firm and money is a factor.

Mr. Lannon stated he believes he would still have the same four concerns even if more detailed information were provided; however, the conditions would have been more detailed. Now, the applicant will be agreeing to more open-ended conditions. He stated that he disagrees with the applicant's prevailing wind argument.

Chairman Padula explained that the applicant would be working with the specialist during the design and pre-construction of this system.

Applicant stated they would be willing to pay the fees that Mr. Lannon's company would charge the Town.

Ms. Love recommended that if the Planning Board voted for approval, these conditions be included as part of the pre-construction meeting. She stated that there is still some drainage to be resolved; she thinks it can be resolved before the next meeting.

Applicant stated the drainage plan is completed and they will not be requesting a waiver.

Chairman Padula confirmed all this could be worked out for the February 11, 2019, meeting. He wants everything typed up and prepared for that meeting. He plans to close the public hearing at that meeting, but will vote on it on February 25, 2019. They could possibly vote on February 11, 2019, but it is not the Planning Board's normal course of action.

Applicant stated they are supposed to be closing on the land on February 29, 2019, and their investors are waiting for the Special Use approval before committing any funds to the project.

Chairman Padula stated they will have the approval on February 25, 2019.

Motion to Continue the public hearing for 4 Liberty Way, Special Permit & Site Plan, to February 11, 2019, at 7:35 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:30 PM **PUBLIC HEARING** – Continued
278, 280, & 300 West Central Street
Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Conceptual Site Plan for Highland Village 278-300 West Central Street, Franklin, MA, Plan Sheets, prepared by Guerriere & Halnon, Inc., dated November 20, 2018, with Received by Planning date November 28, 2018*
2. *Site Plan for Highland Village 278-300 West Central Street, Franklin, MA, Plan Sheets, prepared by Guerriere & Halnon, Inc., dated September 26, 2017, with Revision date November 20, 2017, with Received by Planning date November 22, 2017*
3. *Memorandum dated January 23, 2019 from DPCD to Franklin Planning Board*
4. *Franklin Planning Board Public Hearing Notice – Revised, with Received by Town Clerk date January 9, 2019*
5. *Letter dated January 8, 2019 from Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon, P.C., to Franklin Planning Board*
6. *Memorandum dated December 6, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
7. *Memorandum dated December 21, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
8. *Special Permit Criteria, Highland Village Condominiums, 278 – 280 – 300 West Central Street, with Received by Planning date November 28, 2018*
9. *Preliminary Site Plan for 2 Special Permits, Highland Village, 278 – 280 – 300 West Central Street, New Project Site Details, with No Received by Planning date*
10. *Application for Approval of a Site Plan and Special Permit(s) Two, with applicant and owner listed as Joel D'Errico, with Received by Planning date November 28, 2018*
11. *Certificate of Ownership with Name of Record Owner listed as Joel D'Errico, with Received by Planning date November 28, 2018*
12. *Application for Approval of a Site Plan and Special Permit(s) Two, with applicant listed as Joel D'Errico, and name of owner listed as John E. Marguerite and John Mucciarone, with Received by Planning date November 28, 2018*
13. *Certificate of Ownership with Name of Record Owner listed as John E. Marguerite and John Mucciarone, with Received by Planning date November 28, 2018*
14. *Application for Approval of a Site Plan and Special Permit(s) Two, with applicant listed as Joel D'Errico, and name of owner listed as Foley Family Trust Dennis Foley Trustee, with Received by Planning date November 28, 2018*
15. *Certificate of Ownership with Name of Record Owner listed as Foley Family Trust Dennis Foley Trustee, with Received by Planning date November 28, 2018*
16. *Abutters List Request Form dated November 7, 2018 with Received by Board of Assessors date November 7, 2018*
17. *Abutters List Report dated November 18, 2018*
18. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 6, 2018*

Mr. Halligan recused himself.

Mr. Joel D'Errico, owner/applicant, and Mr. Mark Lanza, attorney representing the applicant, addressed the Planning Board.

Ms. Love stated this is a re-filing of an application that was denied. The Planning Board needs to determine if this application is of substantial material change from the previous unfavorable vote.

Mr. Lanza stated this is not a re-filing of an application that was denied. It is a new application for a different site and a different project. The site is about 13,500 sq. ft. less in area than the site for the previous project that was referred to. He stated that in this zoning district, 13,500 sq. ft. is significant. He explained that the amount of land eliminated is enough to accommodate 13 housing units. He explained that the entrance has been changed and impervious surface reduced by 11 percent. The housing unit count has been reduced by six which is 20 percent. Post-development runoff is 0 percent; onsite snow storage has been increased 40 percent. It is their position that no consent is needed. MGL Ch40A, Section 16, is only applicable if it is the same project or some project that is just slightly different. This is so radically different, it is not the same project. However, even if they needed consent, the changes are so significant and material.

Mr. Edward Cannon, attorney on behalf of JNJ Industries, 290 Beaver Street, stated this is the same application. That the applicant thinks he can come in with essentially the same project without going through the statutory process under Ch40A, Section 16, is wrong. The court and the statute are very specific about how this takes place. The applicant has to show specific and material changes upon which the previous unfavorable action was based. He explained the statute and discussed a ruling on a previous court case. In addition, he reviewed the reasons the Planning Board provided an unfavorable decision concerning the 2017 application. He stated it is unfair to his client and other abutters to continually have to combat what is not allowed for two years. He requested the Planning Board deny the applicant's request.

Mr. Daniel Lyons, 285 West Central Street, stated he made his position on this project clear at a previous meeting. He asked about the new line of sight.

Mr. D'Errico explained that at the entrance the line of sight is 500 ft. in the westerly view and over 1,000 ft. in the easterly view.

Mr. Lyons stated that is not accurate; it is much less.

Mr. Carroll stated there was really not a plan; the applicant is just showing a drawing with no specifications. He is not in favor of it.

Mr. D'Errico stated that along with the color drawing, a Site Plan with measurements was filed with the Planning office.

Chairman Padula stated the Planning Board needs to determine whether or not there is a significant change in their minds as to the reasons why they denied the original application as far as density, easements from the abutting properties, means of egress both in and out, and public safety. Does the Planning Board feel it is a substantial change for them for a new application filed?

Ms. Maureen Brennan, 98 Hayward Street, on behalf of the Hayward Association, stated that Mr. D'Errico stated that he had full agreement from the Trustees to work on the hill coming down. She stated that he does not have full agreement.

Mr. D'Errico stated that in this application he never said that he had full agreement. He might put a wall in or he might have a grading arrangement; he has not decided.

Mr. Max Roche, 286 West Central Street, stated that without any of this going on, there is traffic.

Mr. Power stated he believes there is significant change to the plan; however, he does not like the plan. He prefers the way it was before with the double entrance. There are too many units and traffic issues.

Chairman Padula stated the reason the Planning Board denied this was due to screening, mitigation, agreement between the abutters, traffic concerns with the means of egress, and density. If a Planning Board member is in agreement that they think all those things have changed in this new application, then the Planning Board member would vote yes.

Motion that this is Not a significant change to the previous application. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Close the public hearing for 278, 280, & 300 West Central Street, Special Permit & Site Plan. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Deny the application for Special Permit & Site Plan for 278, 280, & 300 West Central Street. Rondeau. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:45 PM **PUBLIC HEARING** – Continued
Prospect Farms – Prospect Street
Preliminary Subdivision

Documents presented to the Planning Board:

- 1. Letter dated January 23, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
- 2. Memorandum dated January 22, 2019 from DPCD to Franklin Planning Board*
- 3. Letter dated January 7, 2019 from Richard Staiti, Attorney at Law, to Franklin Planning Board*
- 4. Plan Sheets for Prospect Farms, A Preliminary Subdivision, Franklin, MA, prepared by Andrews Survey & Engineering, Inc., dated December 6, 2018, with Revised date January 18, 2019, with Received by Planning date January 18, 2019*

Mr. Stephen O'Connell of Andrews Survey & Engineering, Inc. and Mr. Anthony Marinella, applicant, addressed the Planning Board.

Mr. Maglio stated the revised materials were reviewed. There were a few comments. Road "A" has been reduced in length to conform to the 600 ft. maximum for a cul-de-sac. Where Road "C" comes out onto Washington Street, the applicant still may need a waiver for the required 30 ft. radius. If this proceeds to the next phase, his remaining questions can be addressed at that point.

Ms. Love stated the plans show sidewalks on one side, whereas the requirements of the subdivision need to show sidewalks on both sides of the roadway; the applicant did not provide information on the proposed drainage system. She stated that the applicant filed on December 17, 2018, for a decision to be made by January 30, 2019, unless the applicant grants an extension.

Mr. William Lessard, 3 Depoto Drive, confirmed that the revised plan changed the street access from Nicholas Drive to Washington Street and five lots were added. He stated that he was already concerned about the size of the development and now it is larger. He asked for the exact location of where the road would come out onto Washington Street.

Chairman Padula stated that when the applicant purchased the property to come out onto Washington Street, they ended up with more property and added lots.

Ms. Melissa Devito, 873 Washington Street, stated that the applicant had named her property in a request for a waiver and she did not understand. As well, it seemed like at the last meeting the applicant needed to return with a plan with no waivers.

Chairman Padula stated there is now only one waiver and it is a technical waiver for a radius for the exit onto Washington Street.

Mr. O'Connell stated it comes down to interpretation of the bylaw. He said they can provide the 30 ft. for the curb radius. He explained the waiver request identifying Ms. Devito's property in his original letter. Nothing from her property is required; it is named as a matter of reference.

Chairman Padula, after discussion with Mr. O'Connell, stated that technically there is not a curb radius waiver. He then explained the subdivision regulations to the audience. He noted that an applicant really does not even need to come in for a preliminary plan. The applicant is doing this because he wants to know where the Planning Board is coming from. He wanted a better subdivision for the abutters. We have gotten a better development because of this.

Ms. Devito said her property will be 100 percent affected by this. She asked if a locus map was done and submitted and if this is the only option for Road "C." She does not feel that what they are proposing is safe. She also expressed concern about drainage.

Chairman Padula stated the applicant has the right to access Washington Street at that location. The applicant will show full drainage analysis at the definitive plan stage.

Resident, Sarsfield Street, asked how wide the easement is and what zone this is.

Chairman Padula stated it is 56 ft. and it is Residential I.

Mr. O'Connell clarified it is not an easement; it is private property that is going to accommodate a proposed roadway. He explained that they are reconfiguring two existing parcels.

Ms. Lauren Duffy-Peter, 869 Washington Street, asked for clarification on the strip between the two properties.

Mr. O'Connell explained it was an existing sideline of existing property. He explained Lot 46 and how they have made it a reconfigured conforming lot.

Chairman Padula explained the zoning lot requirements.

Mr. Andrew Duffy-Peter, 869 Washington Street, asked for clarification on Lot 46 and asked where the egress to Washington Street will be.

Ms. Maria Conant, 871 Washington Street, stated that she did not hear anything positive said about this proposed subdivision during the January 7, 2019, Planning Board meeting. She stated she moved to Franklin in 1959. The population was less. The town has grown. Her husband was killed in an accident on Washington Street 33 years ago. There have been other accidents where people she has known were killed. None were due to traffic, but other conditions. She still lives here. Traffic has increased on Washington Street. It is not from Franklin homes; it is from people passing through. Twenty-five years ago, many of the current roads were not there, but Schmidt's Farm was there. The Schmidts are not asking to build on anyone else's land. They want to build on their land. It is not anyone else's land. Franklin has been voted one of the top places to live. Good luck to the Schmidts and Mr. Marinella on the subdivision.

Resident stated she has lived in Franklin for 20 years and this town has been great for her and her family. She wants to make sure that when a development is proposed, it is a complying development.

Chairman Padula reminded audience member to speak about the project and not critique other speakers.

Resident stated that this is the third meeting that the Marinella's have come to and have been asked to provide a conforming proposal.

Chairman Padula stated the applicant has a conforming plan tonight.

Resident stated that regarding the sidewalks, it is still not conforming.

Chairman Padula questioned the applicant that on the new plan they did not show the two sidewalks.

Mr. O'Connell explained that they show one sidewalk and that it was an oversight on their part.

Chairman Padula stated the applicant was asked at the last meeting to correct that and show the Planning Board a conforming plan. They did not even have to show a sidewalk. But, if they show a sidewalk, they must show two sidewalks.

Mr. O'Connell stated they are not seeking a waiver. He explained the roadway cross section and what is required. He discussed the oversight and said he can offset a line on the computer very easily to show another sidewalk. There is nothing deceptive about it. Everything else is conforming.

Mr. Halligan stated that if the Planning Board has the applicant come back in two weeks just to show the sidewalk, they are back in the same place they are now. Everyone will come back for three minutes to see the second sidewalk and it will be approved. Then, the applicant will come back with a definitive plan. The applicant does have the road width to put the sidewalk in. All we are doing is delaying the inevitable.

Chairman Padula explained the process of showing two sidewalks on the preliminary plan. He stated that the applicant is not even required to do this preliminary plan. He asked the applicant to provide a letter requesting an extension to February 11, 2019, and, to show the plan with two sidewalks or none as they do not need to be shown on the preliminary plan.

Mr. Halligan noted there is a meeting on Monday, February 4, 2019, at 6:00 PM. Can this be done at that meeting?

Mr. O'Connell stated it could be done.

Ms. Love stated that as it is a continuance, there is no advertising. It will be put after the zoning change which starts at 6:00 PM.

Chairman Padula requested this be put on the agenda for 6:30 PM. He told the applicant a letter of extension is needed.

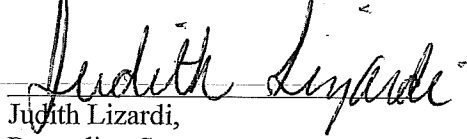
Ms. Marci Lanzoni, 20 Tia Place, asked what the next steps and processes are after the Planning Board approves this next week. She asked about the school district regarding the additional children that will be added to the system. She asked how the construction vehicles will be accessing the site.

Chairman Padula stated that the Planning Board deals with infrastructure such as roadways and subdivision regulations. How schools are affected is under the Town Council. They were the ones who decided that this farm property would be zoned Residential. Nine Town Council members must have thought that the Town could handle the extra children that this will generate. This is in the preliminary stages. Next, the applicant has to satisfy conservation, show if the property can take the drainage and mitigate the water, satisfy the Board of Health regarding sewerage, etc. Calculations will be reviewed by the town engineer and BETA Group. It then will go before Town Council regarding water. This is not an inexpensive proposition for the applicant. The public can get involved in all the public meetings.

Motion to Continue the public hearing for Prospect Farms – Prospect Street, Preliminary Subdivision, to February 4, 2019, at 6:30 PM. Halligan. Second: Rondeau. 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 9:05 PM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Judith Lizardi". The signature is written in dark ink and is positioned above the printed name and title.

Judith Lizardi,
Recording Secretary