

## Town of Franklin



TOWN OF FRANKLIN  
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### Planning Board

February 11, 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**

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Tom Ketchum, President, Franklin Country Club, addressed the Planning Board for the rinse area. Ms. Cavaliere stated that based on comments received during the Planning Board meeting of January 28, 2019, there were a few minor modifications to the plan which have been added; they added a concrete apron to the northeastern portion of the property and three additional bollards adjacent to the concrete apron as protection to the fuel area. The detail has been added to the Detail Sheet. No further comments have been received from the town departments.

Ms. Love stated this item was about to be wrapped up at the last meeting; however, a few changes were requested to the plans. She stated that she had no further comments.

***Motion to Approve Limited Site Plan Modification: Franklin Country Club. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

#### **B. Partial Form H: 511 East Central Street**

***Mr. Halligan recused himself.***

Ms. Love stated that previously the Planning Board approved a Site Plan for 511 East Central Street. There were two buildings at this site. One building is now complete; the applicant is requesting a Partial Form H for the location of that building. BETA has been out there and provided their observation report.

Mr. Matthew Crowley, BETA Group, stated that as the report states, the review was focused on the upper building, the light-industrial building, as the lower building has not been finished yet. None of the outstanding items listed in the report are safety related with the exception of the wooden guardrail that was not installed. However, the applicant has placed concrete blocks around the perimeter of the parking lot in that area to prevent vehicles from going down the steep slope.

Chairman Padula stated he saw the blocks.

Applicant, who did not identify himself, in response to Planning Board member's question, stated the retaining wall will not be any higher and he explained the details of the wall.

***Motion to Approve the Partial Form H: 511 East Central Street. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).***

***Mr. Halligan re-entered the meeting.***

**C. 81-P ANR: 903 Washington Street**

Ms. Love stated it is currently one lot with a single-family house; the applicant is splitting the lot for a second buildable lot. They comply with the existing zoning regulations to create a buildable lot. She confirmed the frontage is 200 ft. She stated that on the plans Lot 1 is the new lot; Lot 2 is the existing lot with the house on it.

***Motion to Sign the 81-P ANR: 903 Washington Street. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

**D. Partial Form H: O'Brien Estates**

Ms. Love stated this subdivision was approved in 2003. There was a covenant on this private subdivision. The applicant is requesting release of the two lots and a Partial Form H. There are a few items remaining including the final top coat of paving. The street lights were waived, but they do need to put in lanterns at each of the house lots. It is recommended with the Partial Form H that the remaining items be completed before final occupancy.

Chairman Padula asked if the applicant understood that the Partial Form H would be signed, but there would be no occupancy until the five items are done.

The applicant, who did not identify himself, stated he understood what Chairman Padula was saying. He stated that he is going to build a house on one lot for his family. He is taking with a builder about building a house on the second lot. He would like to not put down the final pavement until the second house is built because trucks have scratched up the base coat and he does not want that to happen to the final pavement. He said the base coat has been down for 10 years.

Chairman Padula asked about the condition of the base coat.

Mr. Crowley stated it is in pretty good shape. There is one significant crack at the high point of the roadway.

Chairman Padula stated the problem is that there is no bond because it is a private subdivision and the only guarantee to get this done is to hold back the occupancy on the two lots. The applicant can build the two houses, but no occupancy until the finished coat is down.

Applicant asked if he could get occupancy for the first house and have the condition on the second house that there be no occupancy until the final coat of pavement as he does not want to damage it.

Chairman Padula noted that there are four other items that still need to be done.

Mr. Halligan stated that he does not have a problem if the applicant is going to occupy the first home.

Mr. Rondeau stated he require no occupancy for the second house until everything is done.

Planning Board members informally agreed.

Chairman Padula stated that if the second coat of pavement will not hold a truck, then it should not even be on there. He does not feel the argument is valid. However, that is what the Planning Board wants to do. He noted that the applicant can live in the first house forever, and not ever finish the road.

***Motion to Sign the Partial Form H: O'Brien Estates contingent upon sloped-granite curbing at intersection, street bounds, and final cleanup completed before final occupancy on applicant's house which applicant confirmed is going to be for himself. There will be no occupancy on the second house until the final top course pavement. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – *Initial*  
                  ***5 Bent Street***  
                  Special Permit & Site Plan

*Documents presented to the Planning Board:*

1. *Letter dated January 9, 2019 from Jaclyn Gagné and William Gagné to Whom It May Concern*
2. *Memorandum dated February 6, 2019 from DPCD to Franklin Planning Board*
3. *Memorandum dated January 11, 2019 from G. B. McCarraher, Fire Chief, to DPCD*
4. *Memorandum dated January 10, 2019 from George Russell, Conservation Agent, to Franklin Planning Board*
5. *Form P: Application for Approval of a Site Plan and Special Permit(s) – Modification with applicant listed as Bourne Realty Trust, Ronald Bourne Trustee, with Received by Planning date December 31, 2018*
6. *Certificate of Ownership with Received by Planning date December 31, 2018*
7. *Abutters List Request Form with Received by Board of Assessors date December 14, 2018*
8. *Abutters List Report dated December 19, 2018*
9. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 30, 2019*
10. *Site Plan Modification, Bourne Office Building, 3 Bent Street, Franklin, MA, prepared by Bourne Realty Trust, dated December 20, 2018, with Received by Planning date December 31, 2018*

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

Ms. Love stated this Site Plan and Special Permit was approved in 2007. One of the conditions for the Special Permit was that the second floor of the building was only to be used for office space. The applicant is filing a modification for change in use. There is an existing music studio for private lessons on the first floor and they are looking to expand to the second floor. There are no further changes to the actual site.

Applicant, who did not identify himself, stated this is 3 Bent Street, not 5 Bent Street. He reviewed the original building and waivers. He stated that it has been used as an engineering office on the second floor; those tenants are moving out to a larger space in Franklin. The first floor was leased to Encore Music Academy in 2011; they have been there ever since. All tenants have to be approved by the ZBA per conditions. Per the Planning Board's conditions for the second floor, he is requesting a waiver so Encore can lease the second floor. He confirmed there are two staircases to the second floor; all the egress requirements have been met. There is no handicap access to the second floor.

Chairman Padula confirmed that the whole building will be used by Encore; handicapped individuals will use the downstairs, so the applicant is covered. He asked if there is any dance teaching there?

Applicant stated it is music lessons in a one-on-one format. The space does not allow for events. Encore has had events, but they rent space elsewhere for that.

Ms. Love stated they meet the parking requirements.

***Motion to Close the public hearing for the Special Permit and Site Plan Modification for 3 Bent Street. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

Chairman Padula read aloud the following.

**Special Permit Findings:** The applicant provided the following information in response to the seven (7) standard special permit findings.

- a) Proposed project addresses or is consistent with neighbor or Town need.
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
- d) Neighborhood character and social structure will not be negatively impacted.
- e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.
- f) Number, height, bulk, location and sitting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Chairman Padula asked if the Planning Board agreed with the findings in *a* through *g*. Planning Board members stated yes.

Mr. Halligan stated that he is in favor of this, but for the record, he wants it to be known that he had been a proponent of voting for Special Permits the first time around, but no one agreed with him. He will allow this to go through, but he would like this consideration from the Planning Board for future meetings.

Chairman Padula stated that the problem here is that this is a simplified Modification. The only reason we are doing this Modification is that the second and first floors were occupied, but this was under a Special Permit. If the Planning Board wants to continue this they can, but the next meeting already has six agenda items. He is trying to get these items done. He stated that if we have a new item that is coming in for a Special Permit, he is not going to close the public hearing and vote on it the same night. He will not recommend that. If the Planning Board wants to continue this to March 11, 2019, they can.

Mr. Halligan stated he feels this should be voted on tonight.

Planning Board members stated that they did not wish to wait until March 11, 2019, to vote on this.

Chairman Padula noted that he will give no future consideration for Special Permits because he is expediting this tonight. If the Planning Board feels that way, then this item will be continued. He asked again if the Planning Board members agreed with items *a* through *g*.

Planning Board members all indicated yes.

***Motion to Approve the Special Permit and Site Plan Modification for 3 Bent Street. No First or Second given. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Allow Encore Music Academy to Utilize the Second Floor, Special Permit and Site Plan Modification for 3 Bent Street. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM      **PUBLIC HEARING** – Initial  
                  27 Forge Parkway  
                  Site Plan Modification

*Documents presented to the Planning Board:*

1. Letter dated January 30, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
2. Memorandum dated February 7, 2019 from DPCD to Franklin Planning Board
3. Letter dated February 6, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board
4. Memorandum dated February 7, 2019 from G. B. McCarraher, Fire Chief, to DPCD
5. Memorandum dated January 10, 2019 from George Russell, Conservation Agent, to Franklin Planning Board
6. Form P: Application for Approval of a Site Plan Modification with applicant listed as PIDC Construction, Bento Castro, with Received by Planning date December 20, 2018
7. Certificate of Ownership with Received by Planning date December 20, 2018
8. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 22, 2019
9. F-3527-3 Project Narrative, Limited Site Plan Modification, Thermo Fisher Scientific, Franklin, MA, with no date
10. Abutters List Request Form with Received by Board of Assessors date November 19, 2018
11. Abutter List Report dated November 19, 2018
12. Site Plan Modification, Plan Sheets for 27 Forge Parkway, Franklin, MA, Thermo Fisher Scientific, Inc., prepared by Guerriere & Halnon, Inc., dated November 27, 2018, with Received by Planning date December 20, 2018

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

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., addressed the Planning Board and explained the overall Site Plan as shown on the provided drawings. She stated the area of interest is to expand parking on the easterly site of the existing building. They are here for a Site Plan Modification to a previously approved plan in 2009 for Thermo Fisher Scientific to modify the parking in two different phases. They are currently looking at slight modifications to what was previously approved due to stormwater management requirements to today's standards. She stated that they are proposing to construct 84 new spaces to accommodate their existing uses. They have potential for additional employees and would like to have the additional parking available. There will be a 5 ft. sidewalk located to the south side of the existing building to access the new parking area for employees. Plans were submitted to Conservation Commission. Comments have been received back from different boards and BETA; they have not been addressed in entirety. They will revise the plans based on the comments received which were all minor.

Chairman Padula asked how they were going to address parking spaces greater than 300 ft. from the building as that is a waiver.

Mr. Crowley stated that some of the post-parking is located greater than 300 ft. from the front of the building. He had requested the applicant clarify if the new sidewalk was going to be a primary access point. If it is, the parking will be located within 300 ft. He reviewed the current bylaw on parking and access point.

Ms. Cavaliere stated it is not a primary access point, but it will be accessible for the employees coming in. She stated they are in process of responding to Mr. Crowley's comments in his letter of January 31, 2019.

Mr. Maglio stated that he reviewed the project. His comments were minor in nature. He stated that a water line needed to be relocated. He wants to see the number of accessible parking spaces, existing and proposed, included in the parking table. He noted a discrepancy in one of the drainage details.

Ms. Love stated her comments were minor. She noted the applicant should submit a photometric plan. She noted that the planning Board can require a traffic study with the additional parking spots or do they want to waive that requirement.

Chairman Padula stated that Conservation wrote that they cannot confirm a permit will be granted as DEP has not yet issued an NOI number.

Ms. Cavaliere stated an NOI number was received and they have responded to the comments. They still need to move some flags to accommodate WSI's comments. They go back to Conservation on February 14, 2019.

Mr. Rondeau asked how much land is being cleared for the parking lot; he asked about the grade changes and retaining wall.

Ms. Cavaliere stated they received comments from BETA about adding a retaining wall in the drainage area; that will be addressed. She showed the existing tree line on the plans and where clearing and grading will be done.

Mr. David stated that the retention pond has flooding issues and he has had pictures sent to him of the flooded area. He asked if that will be dealt with when adding the parking.

Ms. Cavaliere stated they are unaware of any drainage issues.

Mr. Maglio stated he is not aware of any issues out there. He stated this should be evaluated based on Mr. David's comments.

Ms. Cavaliere stated they will evaluate it.

***Motion to Continue the public hearing for 27 Forge Parkway, Site Plan Modification, to March 11, 2019 at 7:10 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM      **PUBLIC HEARING** – Initial  
                 ***Upper Union Street Solar***  
                 Special Permit & Site Plan

*Documents presented to the Planning Board:*

1. *Letter dated January 31, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
2. *Letter dated February 6, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated February 5, 2019 from DPCD to Franklin Planning Board*
4. *Memorandum dated January 10, 2019 from George Russell, Conservation Agent, to Franklin Planning Board*
5. *Memorandum dated February 7, 2019 from G. B. McCarraher, Fire Chief, to DPCD*

6. *Letter dated December 28, 2018 from Michael Lotti, Industria Engineering, to Franklin Planning Board*
7. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Kearsarge Upper Union LLC, with Received by Planning date January 4, 2019*
8. *Certificate of Ownership with Name of Record Owner listed as Cistercian Nuns of Strict Observance, with Received by Planning date January 4, 2019*
9. *Abutters List Request Form with Received by Board of Assessors date December 7, 2018*
10. *Abutter List Report dated December 10, 2018*
11. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 22, 2019*

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

Mr. Michael Lotti, Industria Engineering, and Mr. Henry Barrett, Kearsarge, addressed the Planning Board for a ground-mounted solar system. He reviewed the Special Permit and Site Plan application and the drawings for the Franklin Solar Project. He discussed and identified the area that they propose to install the solar array. He stated that there are adjacent wetlands. They will install solar array posts with solar panels mounted on top. It will total approximately 1.0 megawatts and consist of approximately 3,600 solar panels installed in rows facing the south in an open field onsite. No tree clearing and no new contiguous impervious areas will be created. He reviewed the proposed accessway and the concrete pads for the transformers. They will go before the Conservation Commission for the work in the buffer zone. There is an adjacent residential property that will have a view of the solar array; the people from Kearsarge have met with the owners. Kearsarge will be installing a row of western red cedar, 3 to 4 ft. in size. The entire site will be surrounded by a fence. He stated he has met with some of the other neighbors and they had concerns about additional screening; they will show the additional screening on the plans. There are no lights, employees, occupied buildings, or significant noise on the property. He stated that the comments from the Town and BETA will be addressed before the next hearing.

Mr. Crowley, in response to Chairman Padula's question, stated the drainage calculations are considered non-impervious.

Chairman Padula stated his concern is that there is a solar farm across the street from where this is going; they had made all kinds of promises to the Town. It is now a big mud hole because the water coming off the panels makes troughs of mud; then the vehicles servicing the panels drive through and make ruts. It is just a site disaster. He asked if the Planning Board can require the applicant to put anything around the panels for when the water drips off them. He noted to the applicant that this is a Scenic Road and they will need to come back for a Scenic Road permit.

Mr. Crowley said that was recommended. The applicant was not given a definitive methodology for what they were required to do. He noted that Conservation receives his letter regarding stormwater.

Mr. Rondeau asked how far into the road the applicant is planning to pave and if there will be curbing. He would like some paving at the throat of the road, about 15 to 20 ft., so there will be less mess and mud on the road.

Mr. Lotti explained the proposed plan.

Chairman Padula asked if some pervious pavers can be required to be put so many feet in so when the trucks are driving in and out there is a chance to clean off the tires before entering the road.

Mr. Crowley explained the usual construction entrance of about 50 ft. minimum.

Mr. Lotti stated that was proposed.



Chairman Padula asked that if after this is built, is the applicant going to come back and say they need to redo the telephone poles on Mount Street and cut down trees to transfer this electric.

Mr. Lotti stated no; this was already done by the previous products in the area. The existing poles will not change. He confirmed they will be adding three telephone poles inside the property.

Mr. Carroll stated that he wants to see something under the panels as it looks terrible with the rain coming off. He suggested the applicant look at the current solar array in the area; it is not a pretty sight and this is a scenic road. It needs to be addressed.

Mr. Lotti confirmed they about one residential property. The panels are about 7 ft. to 8 ft. in height.

Chairman Padula questioned the 3 ft. trees to screen the 7 ft. to 8 ft. panels.

Mr. Seth Sienkiewicz, 8 Mount Street, stated he appreciates the Planning Board noting it is a Scenic Road and noting the problems of the current solar array with the massive tree cutting for the telephone poles. His background is in fire protection. He asked if there was any response from the Fire Department about a fire safety. He has seen fires with just one rack of panels. He noted the closest fire hydrant. He stated he is not sure that if there were a fire event, the Fire Department would be able to properly respond. Maybe fire hydrants should be put adjacent to the site.

Chairman Padula read aloud a letter of February 7, 2019, from the Fire Chief and stated there was no mention about fire/fire hydrants. He asked Ms. Love to contact the Fire Chief with this question.

Mr. Maglio stated there is no water line on Mount Street.

Resident stated she lives next to the proposed panel and she is worried about the drainage and water from the panels flowing down onto her property as her property is a little lower. Will it overflow to her property?

Mr. Maglio stated this goes back to the comments they had on the overall drainage design. The applicant is not supposed to increase any runoff from their property.

Mr. Lotti stated they are going to work on that in the comments; he recognizes such a potential issue. In his experience, he does not have issues with large areas of wet and poor drainage; they are not putting impervious areas on the ground.

Chairman Padula stated that there needs to be some sort of mitigation to take care of that runoff.

Resident asked if the trees were going to be taller than 3 ft. so they would not see the panels.

Mr. Bartlett stated he thinks the trees were listed as 4 ft. on the plans, but they can look at taller trees. He stated they proposed trees that will grow 10 ft. to 15 ft. tall. They have proposed eastern red cedar, which is deer resistant, as opposed to arborvitae. However, they can look at different types of trees.

Resident stated she was concerned if a tree died. Could they have two rows of trees in case some die?

Chairman Padula stated that as this is a Special Permit, if the applicant cannot prove that they can screen this against the neighbors, the Planning Board has the opportunity to ask for a fence.

Mr. Bartlett stated there will be a 7 ft. tall chain link fence.

Mr. Halligan stated chain link is see-through.



Mr. Lotti stated a thicker planting makes sense. He stated the distance from the property line to the trees is about 15 ft. to 20 ft. It is about 60 ft. from the house.

Chairman Padula stated to Ms. Love that as this is in close proximity to a house, he wanted a fire safety, fire suppression, screening, and noise report by the next meeting. Maybe the plantings need to be staggered and if it is a chain link fence, it may need to be filled.

Mr. Lotti stated that usually the equipment has a fire suppression system built into it. He will show documentation on it. In response to the question of who is benefitting from these panels, he stated that the Sisters of St. Mary are benefitting directly from the lease payments. The solar energy is being put onto National Grid's system.

Mr. Bartlett said he envisions this to be structured as a community solar project which would be open to residents and commercial entities and the Town, if they so choose, or other surrounding communities.

Chairman Padula stated he believes the Town is not buying any more; it is going directly to National Grid.

Mr. Halligan stated there is a product that can be purchased that can go into the chain link fence slats that look like tree branches making it look like a wooded area. This would be good for the neighbor. It blocks 100 percent visual through the fence.

Mr. Lotti stated he would look into it.

***Motion to Continue the public hearing for Upper Union Street Solar, Special Permit & Site Plan, to March 11, 2019 at 7:15 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:30 PM      **PUBLIC HEARING** – Continued  
                  **0 Upper Union Street**  
                  **Site Plan**

*Documents presented to the Planning Board:*

1. Letter dated February 6, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Memorandum dated February 6, 2019 from DPCD to Franklin Planning Board
3. Memorandum dated December 21, 2018 from G. B. McCarraher, Fire Chief, to DPCD
4. Letter dated January 31, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: DPW Comments
5. Letter dated January 31, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: Department of Planning and Community Development Comments
6. Letter dated January 31, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: BETA Group Comments
7. Letter dated January 31, 2019, Revised, from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: Department of Planning and Community Development Comments
8. Letter dated January 18, 2019, from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
9. Site Plan Narrative for American Earth Anchors, 0 Upper Union Street, Franklin, MA, dated December 14, 2018
10. Form P: Application for Approval of a Site Plan with applicant listed as 73C3, LLC c/o Cy Henry, American Earth Anchors, with Received by Planning date December 17, 2018
11. Certificate of Ownership with Name of Record Owner 73C3 LLC, with Received by Planning date December 17, 2018

12. *Abutters List Request Form with Received by Board of Assessors date January 17, 2017*
13. *Abutter List Report dated January 18, 2017*
14. *Letter dated March 28, 2017 from IRS, Department of the Treasury, to Ralph S. Henry Jr Sole MBR*
15. *Site Plan, American Earth Anchors, Inc., Franklin, MA, prepared by Guerriere & Halnon Inc., dated December 14, 2018, with Revision date January 29, 2019, with Received by Planning date February 1, 2019*
16. *Exterior Elevations, Window and Door Sizes (and other Architectural Plan Sheets), American Earth Anchors, Franklin, MA, prepared by Gallant Architecture, dated November 19, 2018, with Received by Planning date February 1, 2019*
17. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date February 1, 2019*

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Cy Henry, owner American Earth Anchors, addressed the Planning Board. Ms. Cavaliere stated they are before the Planning Board again to discuss some of the proposed modifications based on comments received from the Town and BETA. They addressed the questions regarding sight distance and have met with DPW and the Town Engineer to go over any concerns. They filed a Scenic Road permit application. She stated that the applicant is planning to file with Design Review pending any signage proposed. Color renderings and architectural plans have been provided to the Planning Board for their review. The outstanding comments being worked on are finalizing with BETA on some drainage comments which will be on the final plan submittal. She stated that the applicant did some clearing and was unaware at the time that they had to go through the Scenic Road process; however, in talking with the applicant they are amenable to planting trees to enhance the scenic road atmosphere in that area.

Mr. Maglio stated he was all set; the applicant addressed his previous comments.

Chairman Padula confirmed the stabilized entrance was only during construction.

Ms. Love stated they are all set with the plans submitted. The Scenic Road permit hearing will be held at the next meeting, February 25, 2019. The applicant submitted the color renderings as requested. She suggested it be put in any decision that the Planning Board makes.

Mr. David stated he does not see anything on the drawings about snow.

Ms. Cavaliere stated the snow storage is on the landscaping plan.

Mr. Halligan questioned where the gas trap was on the plan.

Ms. Cavaliere stated it is not proposed as they only use propane.

Mr. Halligan stated that the applicant will be required by the plumbing code to put in floor drains with a gas trap outside.

Mr. Carroll asked about the trees removed on the property.

Ms. Cavaliere stated she apologized that there was tree cutting before the Scenic Road permit; she is familiarizing herself with the regulations.

Mr. Henry stated it was done before Ms. Cavaliere was hired.

Mr. Rondeau asked about the trees going around the property.

Chairman Padula asked about the screening as next door is being used as Residential. What is the buffer between the parking lot and the property line? He noted the 6 ft. fence on the plans.

Ms. Love said it was up to the Planning Board if they wanted to close this hearing or continue it due to any outstanding issues. The Scenic Road is a separate public hearing.

Ms. Cavaliere stated there are a handful of items that need clarification for BETA.

Mr. Maglio stated it sounds like the nature of the drainage comments can be handled prior to the endorsed plans as they are minor in nature.

Mr. Halligan stated that once the hearing is closed, nothing else can be added.

***Motion to Continue the public hearing for 0 Upper Union Street, Site Plan, to February 25, 2019 at 7:25 PM. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:35 PM      **PUBLIC HEARING** – *Continued*  
                 ***4 Liberty Way***  
                 **Special Permit & Site Plan**

*Documents presented to the Planning Board:*

1. *Letter dated February 6, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
2. *Memorandum dated February 6, 2019 from DPCD to Franklin Planning Board*
3. *Letter dated February 7, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
4. *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 28, 2019, with Received by Planning date January 31, 2019*

Mr. Scott Savage, purchaser of the land for Liberty Way, and Mr. Ankcur Runcta, cannabis operator, addressed the Planning Board.

Mr. Maglio stated that he only had one comment left and it had to do with the relocation of the entrance to the site. He saw the revised plan today. The driveway had been shifted to 150 ft. of the adjacent driveway. The applicant has since submitted a revised plan and the design engineer had shifted it back. It is now far enough away from the adjacent driveway.

Mr. Savage stated the driveway was changed on the Site Plan and sent out to both Mr. Maglio and BETA, today. The comment had been received last Thursday; they could not have made the change any sooner. He does not believe there are any outstanding issues left.

Chairman Padula stated that the Planning Board does not take a change in information at the eleventh hour as the Planning Board does not get a chance to see it.

Mr. Carroll asked if the address would now be 4 Liberty Way or Constitution Boulevard?

Mr. Savage said that has not been addressed.

Mr. Maglio stated it is up to the DPW to issue street addresses. They will review that.

Mr. Carroll asked if the odor issue has been resolved. He noted that there is another grow factory in town and they had guaranteed there would be no smell and there is a smell.

Mr. Runceta stated that he is aware the smell is a concern for the community. They provided information to Mr. Lannon, the consultant who BETA engaged to review the plans. He stated that the consultant supports the carbon filter the applicant would like to use to address the odor issues. He noted that there have been some conditions applied; the applicant will now show some mechanical drawings and detailed engineering. He said he believes the same consultant will continue to be used by BETA to confirm the applicant's mechanical drawings for the odor mitigation.

Mr. Carroll stated that if they cannot fix the odor, the Planning Board can put it in the conditions that they can shut it down.

Mr. Runceta stated that he and Ms. Love talked about an ongoing condition that references the stated pollution requirement. He would not like a condition that was very vague due to the level of investment.

Mr. Carroll stated he is aware that the applicant has invested money; however, the people who live in the neighborhood should not be subjected to odor. So, if the applicant cannot solve an odor issue, the Planning Board will shut them down.

Mr. Runceta said he would like the specific requirements for this and not have ambiguous language. He would like to work collaboratively with the consultant.

Ms. Love stated that Special Conditions Proposed #1-5, located on page 6 of 6 of the memorandum dated February 6, 2019, from the Department of Planning and Community Development to the Franklin Planning Board, were suggested to be added by the Town's consultant.

Mr. Savage asked why this would not be voted on at tonight's meeting as at the last meeting that seemed to be the agreement. He noted that at the last meeting they discussed that part of the reason for the vote is that as the purchaser, the land is locked up until February 28, 2019, and financing cannot be issued for this property until the Special Use is approved. If this is continued to February 25, 2019, there is no way they will be able to close on this loan and this will all be for nothing. He noted that he stressed this situation at the last meeting.

Chairman Padula stated they usually do not vote on Special Permits on the same night as the public hearing is closed. He noted that the applicant did make a change on the location of the driveway and it was submitted today. The Planning Board has not had a chance to look at it as information must be in the Planning Board members' packets on Tuesdays before they receive their meeting books.

Mr. Savage stated that they did not receive the comment that they needed to change something until Thursday. He feels he has jumped through hurdles to do everything they have been asked.

Mr. Halligan stated he is going to require a condition on the Special Permit that it is put into the User's name prior to occupancy. So, if there is an issue, he owns it. It is a Use Special Permit and it goes with the User of the property. He is aware the applicant needs the Special Permit in order to get the financing.

Mr. Savage stated that is what he was expecting.

Chairman Padula stated that from the beginning it should have been Mr. Runceta as the applicant because the Special Permit is from him.

Mr. David stated he hates to see the applicant lose the financing; if everyone else agrees, he is okay with it.

Mr. Carroll stated that asking for forgiveness seems to be the motto of everyone tonight.

Chairman Padula stated their concern is not financial. The Planning Board is going above and beyond on this. The application was wrong and they have late submittal of a road change.

Mr. Maglio reiterated that he is okay with the shift in the road.

Chairman Padula stated he wants the five special conditions for odor control not only on the Special Permit criteria, but he wants them printed on the plans on page 1.

Ms. Love confirmed the condition that Mr. Halligan requested to be added. She also confirmed the prior-to-endorsement condition that the driveway be moved onto Constitution Boulevard.

Chairman Padula, Planning Board members, and Mr. Maglio discussed the change in address due to the moving of the driveway.

Chairman Padula read aloud the following.

**Roll Call Vote. Special Permit VOTE for USE: Marijuana Cultivation and Product Manufacturing with the Marijuana Use Overlay District.**

**(1) Special Permit: To allow cultivation and product manufacturing of marijuana in the Marijuana use overlay district.**

- a) Proposed project addresses or is consistent with neighbor or Town need.  
**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.  
**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.  
**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- d) Neighborhood character and social structure will not be negatively impacted.  
**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.  
**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- f) Number, height, bulk, location and sitting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.  
**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**

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

**Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**

Chairman Padula stated that all the Suggested Standard Conditions of Approval #1-10 will be attached to this Special Permit.

Mr. Halligan recommended that regarding Suggested Standard Condition of Approval #1 that he wanted to add some language to the end of the condition... "or user/operator." He stated that if a few years from now this operator decides to sell to someone else and there is an odor problem, the new person is responsible and the Planning Board can work to straighten it out. And, he noted the previous Special Condition regarding the owner of the land will apply for the Special Permit, but it will be transferred to the owner/operator's name; so, the owner will own the Special Permit, not the landowner.

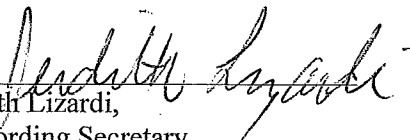
Planning Board members stated yes that they agreed these conditions are acceptable by the Planning Board.

Chairman Padula read aloud Special Conditions Proposed #1-5 located on page 6 of 6 of the memorandum dated February 6, 2019, from the Department of Planning and Community Development to the Franklin Planning Board. Chairman Padula asked members if all in favor. **Vote: 5-0-0 (5-Yes; 0-No). (No Motion or Second was given.)**

Chairman Padula spoke to an audience member who stated he was the engineer for the 903 Washington Street meeting. Chairman Padula stated that had been approved at the beginning of tonight's meeting.

**Motion to Adjourn. Rondeau. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:45 PM.**

Respectfully submitted,

  
Judith Lizardi,  
Recording Secretary