

Town of Franklin



Planning Board

**February 25, 2019  
Meeting Minutes**

TOWN OF FRANKLIN  
TOWN CLERK  
2019 MAR 12 A 9:40  
RECEIVED

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: Michael Road**

Ms. Love stated that all bond money except \$1,000 had been released. She received confirmation from the Town Attorney that the Town has accepted the roadway and it has been recorded at the Registry of Deeds; the remaining bond can be released.

Mr. Maglio confirmed this is for the extension from the original road down to the cul-de-sac that was recently built; the initial portion was accepted years ago.

***Motion to Accept Bond Release for Michael Road. Rondeau. No Second given. Vote: 5-0-0 (5-Yes; 0-No).***

**B. Meeting Minutes: January 28, 2019**

***Motion to Approve the Meeting Minutes for January 28, 2019. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**C. Field Change: 750 Union Street**

Mr. Maglio stated that during construction two buried over catch basins were unearthed. The pavement was intended to be cut out and islands put there. The applicant is proposing a field change to accommodate the recently uncovered basins; instead of building landscaped islands, they propose painted islands so the catch basins still work.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated they were never proposed to be parking spaces; they were going to be landscaped islands. Now they will be painted islands striped for no parking. They will also have no parking signs. She noted the uncovered catch basins have recently been cleaned and they want to keep them in operation.

Chairman Padula asked if a bollard could be installed to make sure no one parks there.

***Motion to Accept the Field Change for 750 Union Street. Rondeau. 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. *Overflow Parking Sketch prepared by J.K. Holmgren Engineering Inc. dated February 11, 2019 with No Received by Planning date*
2. *Memorandum dated February 14, 2019 from DPCD to Franklin Planning Board*
3. *Letter dated February 20, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
4. *Letter dated February 14, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
5. *Letter dated February 12, 2019 from Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board*
6. *Letter dated January 10, 2019 from Scott Rogers, J.K. Holmgren Engineering, to Franklin Design Review Commission*
7. *Letter dated January 29, 2019 from Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board*
8. *Letter dated January 22, 2019 from George Russell, Conservation Agent, to Scott Rogers, J.K. Holmgren Engineering*
9. *Letter dated January 14, 2019 from Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board*
10. *Letter dated January 11, 2019 from Gregory Demakis, Demakis Law Offices, P.C., to Scott Rogers, J.K. Holmgren Engineering, with Maintenance Agreement Attachment*
11. *Color 3D Rendering, HOME 2, Suites by Hilton, dated December 20, 2017, prepared by Silvestri Architects*
12. *Letter dated December 5, 2018 from Jaklyn Centracchio, BETA Group, Inc., to Franklin Planning Board*
13. *Letter dated December 12, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
14. *Letter dated December 11, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
15. *Memorandum dated December 13, 2018 from DPCD to Franklin Planning Board*
16. *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.*
17. *Letter dated December 6, 2018, RE: Peer Review Comments, from S. Scott Rogers, J.K. Holmgren Engineering, to Franklin Planning Board*
18. *Letter dated November 21, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
19. *Letter dated November 20, 2018 from Craig Ciechanowski of Doherty, Cechanowski, Dugan & Cannon, P.C., to Franklin Planning Board*
20. *Letter dated November 19, 2018 from Lawrence Silva, Silva Engineering Associates, to Franklin Planning Board*
21. *Letter dated November 19, 2018 from Craig Ciechanowski of Doherty, Cechanowski, Dugan & Cannon, P.C., to Franklin Planning Board*
22. *Monthly STAR Report: Hampton Inn Franklin Milford for the month of September 2018*
23. *Monthly STAR Report: Hampton Inn Franklin Milford for the month of December 2017*
24. *Memorandum dated October 26, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
25. *Memorandum dated October 30, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
26. *Memorandum dated November 8, 2018 from Franklin Board of Health to Franklin Planning Board*
27. *Letter dated March 12, 2018 from Jeffrey Dirk, Principal, Vanasse & Associates, Inc., to Jigar Patel, 4 SQ Development LLC*
28. *Memorandum in Support of Application for Special Permits dated October 25, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
29. *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)*

30. *Certificate of Ownership with Received by Planning date October 25, 2018 (2)*
31. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 31, 2018*
32. *Site Development Plans for Proposed Hotel, 725 Union Street, Franklin, MA, 4 SQ Development LLC, prepared by J.K. Holmgren Engineering Inc., with Revision date February 11, 2019, with Received by Planning date February 14, 2019*

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, after discussion, confirmed this is the continued public hearing and the next public hearing on the agenda is the initial public hearing for the driveway. He stated that they would like to join the two public hearings together.

Chairman Padula opened the initial public hearing for 725 Union Street – Hotel, Special Permit & Site Plan – Driveway, and stated that the two public hearings would be combined.

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

*Documents presented to the Planning Board:*

1. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date February 1, 2019*
2. *Memorandum in Support of Application for Special Permit dated December 12, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
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 December 14, 2018*
4. *Certificate of Ownership with Received by Planning date December 14, 2018 (2)*
5. *Note: See documents listed under public hearing for 725 Union Street – Hotel, Special Permit & Site Plan*

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

Mr. Cornetta stated that they are seeking two Special Permits: the hotel use, and the height up to 50 ft. He stated that during the engineering analysis it was discovered that the entrance to the property was within 150 ft. from its centerline to the adjacent entrance to the north which is Silver Maple Commons shopping center. Therefore, another Special Permit from the Planning Board had to be filed to allow this proposed entrance to be within the required 150 ft.; the entrance is 122 ft.

Mr. Rogers addressed some of the engineering concerns. He stated that revised documents were filed on February 12, 2019. BETA has provided a letter addressing the drainage concerns. He stated that they have worked with BETA on the drainage; a letter from BETA was received indicating the issues have been resolved. He said that he believed comments received from other departments have also been addressed. An Order of Conditions was received from the Conservation Commission. In regard to the driveway permit, the requirement between driveways is 150 ft. He explained the location of the driveways of the existing adjacent hotel and shopping plaza. As such, a Special Permit for this driveway would be required. The driveway was placed in a location that works best for the hotel and the circulation around the parking lots. He noted that most of the traffic would be exiting to the west, heading toward King Street and Rt. 495.

Mr. Kelly addressed the criteria for the driveway distance. He said that where the driveway is placed provides good sight lines and is safe. He discussed some usual concerns regarding driveways that are placed to close. He noted that this is a dead-end street so most people will be making left-hand turns to head to King Street; so, the potential for conflicts is minimized. He stated he has no safety concerns with the separation provided.

Mr. Maglio stated that he has reviewed the revised plan; all previous comments have been addressed. He noted he has no issue with the Special Permit for the driveway separation. He stated the applicant agreed to do a post-construction analysis of the signal lighting; the applicant will also be working with Mass DOT on the other two signals there. He will be involved in that process.

Ms. Love stated that mainly all her issues have been addressed. She stated that the Planning Board expressed concern regarding parking. The Planning Board must determine if they are satisfied with the proposed parking. The applicant has provided a map for overflow parking where they will double stack cars if a need arises.

Mr. Rondeau questioned the stacking for the overflow parking. He noted it is the snow storage location. What will they do with the snow?

Mr. Rogers stated that if they have too much snow for one event, they will move it off site.

Mr. Carroll said the parking issue is bigger than the applicant thinks. He stated there have been other buildings in town not meeting the parking and causing issues for the abutting neighbors which is not right. He stated the applicant must do more homework on this parking. If there is a problem, they will probably start parking in Joe's American or next door at the other hotel.

Mr. Rogers stated the requirement is 113 spaces and they are showing 100 spaces, which is one per room. Other towns that they have built hotels require for the most part one space per room. Some towns only require .7 space per room. Based on their experience, 100 spaces for 100 rooms is a lot of parking. He thinks the typical occupancy for a hotel is 70 to 80 percent and that is during a peak period.

Mr. Carroll asked where the employees will park.

Mr. Rogers stated that as shown, they will double stack; but he thinks that will be a rare occasion.

Mr. Carroll asked how it can be double stacked. He further questioned the applicant about the parking and where the employees will park.

Mr. Rogers stated there are very few employees for the hotel, probably only three or four. They would have one of the employees be a valet parking attendant and stack cars. There are plenty of paved areas to accommodate 113 cars.

Mr. Carroll stated he does not want to see the parking be a burden on the neighbors. He asked if there was a conference room in the hotel.

Mr. Rogers stated there is a small meeting room, but not a conference room.

Mr. Carroll stated a meeting room is a conference room. He noted that he drove by the other hotel which has conference rooms and there were people parking in the fire lanes as the people staying there filled all the spots. It happens quite a bit. Everyone tells us it will be fine and once it is built, we have an issue with parking. He does not think it is fair to put this burden on the neighbors.

Mr. Rogers stated this is a Home2 hotel; it is not the same as a Hampton Inn.

Mr. Rondeau asked how this will be striped if it will be an overflow. He asked if the fire and police departments have seen this plan for double stacking the cars in case there was an emergency. He would like to see something from the police and fire departments acknowledging this double stacking plan is acceptable.

Mr. Rogers stated they will stripe it according to the plan; he does not see the parking to ever be an issue. He reviewed where they would double stack the cars on the rare occasion that they needed to. He explained how emergency vehicles would have access in case of an emergency.

Ms. Love stated the fire department has not seen or commented on the overflow parking plan.

Chairman Padula stated the fire department has to see the plan.

Mr. Halligan stated that he agrees with Mr. Carroll and Mr. Rondeau with issues that have happened in the past. However, in this case, it is a long-term hotel stay. He has kept an eye on the one in Walpole and the parking lot is never full. These are long-term stay hotels. Some people do not have cars and are dropped off by Uber. The applicant is requesting less than a 10 percent waiver on the parking; he does not think that is unreasonable for this style of hotel.

Mr. Rogers stated the meeting room is approximately 20 ft. x 20 ft.; he does not know the seating capacity.

Mr. Crowley, BETA Group, confirmed the drainage has been addressed.

Ms. Love confirmed they have a dog area in the back.

***Motion to Close the public hearing for the Special Permit & Site Plan for 725 Union Street - Hotel. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Close the public hearing for the Special Permit & Site Plan-Driveway for 725 Union Street - Hotel. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Approve the Waiver for 100 parking spaces where 113 spaces are required for 725 Union Street - Hotel, Special Permit & Site Plan. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

Chairman Padula stated the Planning Board does not like to vote on a Special Permit on the same night that the public hearing is closed. He would like to continue the meeting to March 25, 2019, as on March 11, 2019, the Planning Board already has a full agenda.

Mr. Cornetta agreed March 25, 2019 would be fine.

***Motion to Continue the public hearing for 725 Union Street - Hotel, Special Permit & Site Plan, to March 25, 2019 at 7:05 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM      **PUBLIC HEARING** – Continued  
                 ***Spring Street – Solar***  
                 Special Permit & Site Plan

*Documents presented to the Planning Board:*

1. Memorandum packet from NEXAMP including documents titled "Spring Street Renewables, LLC, Photovoltaic Module Components Jan. 2019" with attachments, and "Spring Street Renewables, LLC, Sound Evaluation Jan. 2019" with attachments, and "Spring Street Renewables, LLC, Sequence Construction Activities January 28, 2019" with attachments, and Photo Exhibits, with Received by Planning date February 8, 2019
2. Plan Sheets for Spring Street Renewables, LLC, Large-Capacity Ground Mounted Solar Energy System, Franklin, MA, prepared by Andrews Survey & Engineering Inc., with Revision date February 1, 2019, with Received by Planning date February 8, 2019.
3. Letter dated February 4, 2019 from Stephen O'Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board

4. *Memorandum dated February 14, 2019 from DPCD to Franklin Planning Board*
5. *Letter dated February 21, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
6. *Letter dated February 21, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
7. *Letter dated January 10, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
8. *Memorandum dated November 27, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
9. *Memorandum dated December 7, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
10. *Memorandum dated December 6, 2018 from Franklin Board of Health to Franklin Planning Board*
11. *Letter dated November 14, 2018 from Alan Clapp, Spring Street Renewables, LLC, (c/o Nexamp, Inc.), to Jeffrey Nutting, Town Administrator*
12. *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*
13. *Memorandum in Support of Application for Special Permit dated November 20, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
14. *Certificate of Ownership with Name of Record Owner listed as Michael J. Bucci, with Received by Planning date November 26, 2018*
15. *Certificate of Ownership with Name of Record Owner listed as Richard F. Costello, with Received by Planning date November 26, 2018*
16. *Certificate of Ownership with Name of Record Owner listed as Anthony Depoto, etals, with Received by Planning date November 26, 2018*
17. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date November 28, 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. O'Connell stated that they have provided revised plans to the Planning Board, BETA, and various departments based on their first set of review comments. He stated that they have since received a second review letter dated February 21, 2019, from BETA indicating a majority of their comments have been addressed. They are in process of answering those comments now. There are a few minor comments that need to be addressed, predominately related to stormwater; they are in the midst of doing this. He stated that they have prepared a number of exhibits for the Planning Board including line of sight, photographic renderings of the project upon completion, samples of other projects constructed and operational by NEXAMP, and some photographs of the Trunkline Trail. They have provided technical information about the equipment to be used on site, a sound evaluation, a sequence of construction activities, and some hazmat data sheets regarding equipment.

Chairman Padula confirmed the applicant must provide comments back to BETA. He asked if any blasting will be done and what they have for fire suppression.

Mr. O'Connell stated they do not expect to do any blasting. Due to the electrical nature of the site, a fire there would not be fought with water.

Chairman Padula stated they would need water to put the fire out in the surrounding area, not just foam.

Ms. Love stated that most of her comments have been addressed. There are special conditions for the Planning Board to review such as the road improvements on the section of Spring Street that were agreed on, and the applicant will be required to file for a Scenic Road permit for any work on Spring Street.

Mr. Maglio stated he has a few outstanding comments based on his last review mostly related to stormwater. He noted that any proposed drain pipes on the site should be reinforced concrete unless a waiver is approved by the Planning Board.

Mr. O'Connell confirmed they plan to clear 25 acres. He reviewed the landscaping plan that illustrates areas to be cut.

Mr. Rondeau asked what they plan to plant when they are done and decommissioned; there will be 25 acres wide open with nothing but grass. He would like a bond for trees for when it is done; the neighbors will be seeing through it otherwise.

Mr. O'Connell stated they have no proposal for tree planting at this time; we do not expect any erosion. He showed photographs of other NEXAMP sites. He said that in 25 years when the site is decommissioned, everything will be removed including the panels; a meadow will remain.

Mr. Clapp stated there is an operations and maintenance crew that goes there three or four times a year; they will address erosion every time. We expect full vegetation for this project.

Chairman Padula stated the reason they cannot add trees is that they cannot shade the panels. He is not concerned about after the panels are gone; he is concerned with the current when the panels will be there. The panels are 12 ft. high. He said that most of the renderings do not show any residential properties nearby. He is concerned with taking down 25 acres of trees near a residence. This is not a cleared open field to put panels on. This is an attempt to use forest area.

Mr. O'Connell reviewed line of sight renderings from the residential properties. He noted that he expects there will be some tree planting as part of the Scenic Road permit for work on Spring Street, but that will not be close to where the solar panels will be.

Mr. Carroll asked if there was any data on the exact panels that will be used. He said he believes there are two manufactures; one has hazardous material in it, the other does not. He asked is there was a pond in one of the renderings.

Mr. Clapp stated they are using modules that do not have hazardous materials in them; he submitted that information in the last package.

Mr. O'Connell stated that was a stormwater basin in the rendering.

Mr. Halligan asked how the panels are secured to the ground in case of excessive wind or hurricanes. He noted concern about a possible fire in the units or the surrounding woods. He cannot remember the Planning Board approving any commercial uses without a fire hydrant in some reasonable distance. He asked the applicant to work on that. He asked what the tax revenue to the town is. He clarified that when he votes on a Special Permit, he looks at it as being beneficial to the neighborhood, community, and town. This does not seem to be anything that any resident in the community is going to enjoy or get use of. What is the benefit to the Town of Franklin that he should vote for this Special Permit? He wanted clarification on how much the residents would save and to what portion of a resident's electric bill would the 15 percent discount be applied. He asked the applicant to bring a copy of a resident's bill from another project to confirm and show the type of savings a resident can expect. He asked if there will be any new telephone poles installed.

Mr. Clapp discussed the panel foundations and the engineering review they undergo. They are designed for such forces. He stated he could address Mr. Halligan's questions in a general manner. The personal property is taxed. It is their intent to engage in payment in lieu of taxes an agreement with the Town; this is under negotiation with the Town Administrator at this time. He said the proposed plan for Town of Franklin residents is to receive 15 percent off their electric bill for joining. He will bring a copy of a bill to show the potential savings for residents.



He stated they have six telephone poles on their property before they get to Spring Street. Along Spring Street, National Grid will come before the Town Council and request improvements which will be new poles.

Mr. Cornetta stated they have had two meetings with the Town Administrator who has been provided with some financial information. He said that they are proposing an access point to the trail and a public parking area to the trail and state forest.

Chairman Padula summarized that the current poles would have to be upgraded.

Mr. Clapp confirmed there will be new poles on Spring Street. He is assuming National Grid will update all the poles.

Mr. Halligan asked why the Planning Board cannot see what National Grid is proposing before the Special Permit is given so we know what we are getting. He said this happened to the Town once before where all the trees were cut down to put in the newer, taller poles. He asked for a drawing for where and how far along the poles will be improved.

Mr. Clapp stated that National Grid will present this to the Town; it is a different application, but essentially in support of this application. He does not have such a drawing; all of Spring Street will be improved.

Mr. O'Connell stated National Grid will not design it until the applicant qualifies for that part of the process.

Mr. Halligan stated this applicant is only notifying people that are 300 ft. from the location. After this is approved, and trees are scheduled to be cut and new power poles and lines start going up, people further than 300 ft. will be affected. This has happened before.

Chairman Padula stated that the Special Permit could be contingent upon what National Grid has to do. He stated this public hearing would be continued. The Planning Board's concerns are fire suppression, telephone poles, drainage, screening, how solar farms affect people's property values in the area, and he would like to see the letter from the administration regarding tax dollars.

Mr. O'Connell said they have had multiple meetings with the fire chief and he did not express concerns about fire protection.

Mr. Clapp stated that he met with the fire chief and they mostly talked about access.

Chairman Padula stated there are residential properties and forest around the area, so there is a fire concern. He and the applicant discussed the potential for fire.

Mr. Kurt Cusack, 6 Woodchester Road, asked how many solar farms are planned in Franklin.

Ms. Love stated there are three planned and two existing.

Chairman Padula noted that they are not changing zoning in these areas; they are by Special Permit.

Mr. Bill Lessard, 3 Depoto Drive, stated that there is not as much buffer as the applicant depicted between his property. The rail trail group is trying to upgrade the area, and now this solar project is going to be in the middle of it. He stated that the poles were talked about at another meeting. That portion of Spring Street is considered a scenic road so there are a lot of issues involving pole heights and trimming trees. Drainage is another issue in the area. He noted the applicant talked about taking down trees and putting up plants to appease the abutters; taking down 21 acres of trees does not appease the abutters. Cutting trees and leaving stumps is concerning; stumps do not grow back into full size trees. There is a lot of wildlife in the area; it will be displaced.



Ms. Lisa Lessard, 3 Depoto Drive, stated that when they were looking at land to build their house, they carefully chose a residential area. This area is residentially zoned. She cannot image this is not going to negatively impact the use of her land and property values. This is not something they signed up for when they built their house. When it is fall and winter, the trees can be seen through already. More water runoff will happen when all the current trees are taken down. Regarding benefit to residents from the solar farm, if anyone can purchase electricity, then Franklin residents can purchase from solar farms in other towns; she would rather see residences going in there. This is going to be an eyesore.

Mr. Cornetta requested the public hearing be continued to April 8, 2019.

***Motion to Continue public hearing for Spring Street – Solar, Special Permit & Site Plan, to April 8, 2019 at 7:05 PM. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:20 PM      **PUBLIC HEARING** – Initial  
                  ***725 Summer Street - Solar***  
                  ***Special Permit & Site Plan***

*Documents presented to the Planning Board:*

1. *Site Plan Approval Documents, Simi Solar, LLC, Town of Franklin, Norfolk County, MA, Plan Sheets prepared by SWCA Environmental Consultants, dated February 1, 2019, with Received by Planning date February 4, 2019*
2. *Memorandum dated February 14, 2019 from DPCD to Franklin Planning Board*
3. *Memorandum dated February 12, 2019 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date February 5, 2019*
5. *Document Packet, Town of Franklin Special Permit Approval Application Simi Solar, LLC, 5 MW Solar Energy Facility, prepared by Simi Solar, LLC, with no date*
6. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Simi Solar, LLC, with Received by Planning date February 4, 2019*
7. *Certificate of Ownership with Received by Planning date February 4, 2019*
8. *Abutter List Report dated September 14, 2018*
9. *Exhibit D: Operations and Maintenance Scope of Services prepared by Cypress Creek Renewables with no date*
10. *Exhibit E: Decommissioning Plan prepared by Cypress Creek Renewables with signature of Mike Stanton, Simi Solar, LLC, dated November 21, 2018*
11. *Exhibit F: Cypress Creek Company Overview prepared by Cypress Creek Renewables with no date*

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

Mr. Nicolas Galletout, Cypress Creek Renewables, addressed the Planning Board for the project known as Simi Solar. He provided his background and career with Cypress Creek Renewables which designs, builds and owns. They work in about 23 states and have worked on about 350 projects. He stated they are planning to develop 15 acres of the 24-acre parcel on Summer Street. This will power 170 homes per year; the power will be sold to National Grid. The project will be built following federal, state, and local regulations. He went through the plan.

Ms. Love stated that she had comments about the landscaping plan and existing vegetation: trees to be cut and trees to remain. She asked if there will be any additional plantings and what the lighting proposed for the site is. They are currently under the wetland's jurisdiction; they are out of the 100 ft. buffer. She stated the conservation agent, in his February 12, 2019 letter, noted a technical/legal issue which the applicant needs to address.

Mr. Galletout stated the Conservation Commission approved their application; they are staying away from all wetlands and are not impacting any buffers. The last step is to file with DEP.

Mr. Crowley, BETA Group, stated that they just received the plans.

Mr. Maglio stated he has not completed his review. He did notice that on the plans the area where the solar arrays will be is proposed to be graded to a 15 percent slope so there will be grade changes on the site; however, there are no grade changes on the plans. He wants to see a proposed grading plan. As well, it is required that they actually survey the land with a field survey.

Mr. Galletout stated that they have surveyed the land and will be sending the report over shortly.

Mr. Halligan stated that he had the same concerns as he addressed to the last applicant.

Chairman Padula stated telephone poles, fire suppression, benefit to the community, screening to the residential area, and property values are concerns. If the applicant will need blasting, they will have to do a blasting survey and survey all houses in the area before the blasting is done.

Mr. Galletout reviewed some of the concerns mentioned. He stated that they will try to select areas that are already flat. He stated that they will be using poles that are already there. No poles will need to be upgraded on Summer Street; he can get confirmation that no upgrade is needed from National Grid.

Mr. Kurt Cusack, 6 Woodchester Road, confirmed the applicant was proposing to clear 15 of the 24 acres. He stated that it is very hilly with a lot of rock there. Will the blasting impact the homeowners' wells? He stated that along the powerlines there is a lot of wetland; he mentioned this to the Conservation Commission. He asked for clarification on the approval process. He asked if there is a plan of what it will look like. He suggested all townspeople be alerted when big projects come up.

Chairman Padula explained that when the Planning Board approves it, the project starts. He stated a survey with someone walking the property is required to mark the vegetation. The same thing applies to the blasting if needed. He gave the applicant a copy of the plan.

Ms. Love stated that public hearings are advertised in the newspaper two weeks prior to the hearing. All projects are posted on the Planning Board website.

Ms. Cynthia Blum, 4 Summer Heights Drive, stated that her biggest concern is noise pollution. She moved into the area as it was completely surrounded by forests. She noted there is already noise pollution from Rt. 495; that noise level has increased over the past 10 years. She is assuming when the 15 acres are cleared, the noise level will increase significantly which could have a big impact on her property value. She stated that she is concerned about the removal of the trees having an impact on the wildlife in the area, about the runoff as she owns the house at the bottom of the hill, and about possible blasting and having foundations checked.

Mr. Randy Wertz, 12 Summer Heights Drive, stated he was concerned about noise pollution, well water, blasting, and that it appears that his house is relatively close. What is the value of having a solar farm for the town and for the homes? Why should we allow a company to come in and let them take all the trees out?

Mr. Joseph Brown, 737 Summer Street, stated he is all for renewable energy sources, but not in his backyard; this is literally in his backyard. He will look up his hill and see a big reflecting light. He will have a drop in his property value as he will see the panels. Well water is a big concern as well as the inconvenience of having to be home while someone does a survey of his foundation. How will this be viable for the people with the loss of property values?

Ms. Brenda Brown, 737 Summer Street, noted that this company is from California, not even from this state. She does not understand the benefit for the town and the residents; we do not need this. She hopes the town is looking out for the residents' benefit. She is concerned about the transformers that will be needed for the panels

as they could potentially leak and cause contamination. All the residents there are on well water. She noted concerns with fire suppression. What about the change of atmosphere in their backyards due to the solar panels? She is concerned about damage to foundations due to possible blasting. This area is full of residential homes.

Mr. Brain Concannon, 15 Summer Heights Drive, stated he agrees with the points raised by his neighbors. He is not in agreement with this project.

Person, who did not identify herself, stated it almost killed her to sell the Summer Heights land. She stated that it is always difficult when change happens. She hates to say it, but there will be change. If it is not a solar farm, it will be some kind of development because they will be selling the 24 acres. All the concerns noted by residents will be the same no matter what they do. She stated that they have decided a solar farm will be the best use of that property. We have been involved with solar energy since the 1980s; this is something that is important to her. She said Cypress Creek is here because they want it done well and done right; she is pleased with what they have done so far.

Mr. Galletout stated this solar farm will be fixed-tilt panels, so they will not be moving. He asked to be allowed to answer the residents' concerns.

Chairman Padula stated that they could be here tonight until 11:00 PM if he answered everyone's concerns. He noted the applicant has no facts tonight to verify concerns; he would rather the applicant answer the questions when he is more prepared.

Mr. Halligan noted the applicant paid his filing fee so he should be allowed to answer some questions tonight. He stated requested to see at the next meeting a photometric design that the residents can look at to see the tops of the trees in the summertime and their rooftops and the heights of the homes, so we really know what is being affected.

Chairman Padula stated he would give the applicant 10 minutes to answer some of the questions.

Mr. Galletout stated they will be determining with an engineer if blasting is required as it is not always required. He discussed stormwater runoff and said they will be developing a plan. Once the project is developed, they plant grass and vegetation growth that prevents erosion. He noted the noise concern and said the solar facility sound is inaudible from 150 ft. All equipment onsite is all contained in a matrix and is closed and will not release into the environment. There has not been a case of leakage in their 350 projects. He stated benefits to the town for this project is that this is a low-impact project with no traffic, no pollution, no off-site noise. They are based in California but have offices all around the country. The maintenance and construction teams are all local. They will be employing about 30 local construction people. They will be investing a lot of money into the local economy. He noted a project's lifetime is 20 to 40 years, not 10 to 15 years. They want to be a good neighbor. He stated that this project helps to fulfill Franklin's goals as laid out in the Master Plan for sustainability; he read Goal #6 regarding clean, sustainable energy.

Mr. Halligan asked if a sound study could be done to see the decibels today without the proposed project. Is there a way that the applicant can prove that there will be no sound impact?

Mr. Galletout stated that they can provide studies to show no sound impact. He noted they try to clear as few trees as possible. He said he can request from his engineers the sound study that Mr. Halligan is requesting. He noted that the reflection from a solar farm is similar to that of a pond.

Mr. Maglio stated he has not walked the property.

Mr. Crowley stated he has not walked the property but their wetland scientist has.

Chairman Padula stated that no project built or approved can create any more water than what is already draining off the property; that is a bylaw. He stated that probably residential properties or a subdivision could be built there, but he doubts it because of all the ledge. They do have the right to develop their property. They could legally clear cut all the property tomorrow if they wanted. As far as people not knowing when they bought their home that any property around it could be developed, that is something he cannot control. This is a Special Permit; so, the Planning Board does have some leeway. They do have some concerns: noise, fire suppression, etc., and all those things need to be answered by experts.

***Motion to Continue the public hearing for 725 Summer Street – Solar, Special Permit & Site Plan, to March 25, 2019 at 7:10 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:25 PM      **PUBLIC HEARING** – *Initial*  
                 *Upper Union Street*  
                 *Scenic Road Permit*

*Documents presented to the Planning Board:*

1. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date February 5, 2019*
2. *Form S: Application for Scenic Road Work Permit with petitioner listed as 73C3 LLC c/o American Earth Anchors – Ralph (Cy) Henry, with Received by Planning date February 1, 2019, with photograph attachments*

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

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated she was here tonight as a follow-up to previous comments received for 0 Upper Union. American Earth Anchors is looking to develop a site off Upper Union Street and as part of that they are required to file a Scenic Road permit as Upper Union is a scenic road. As discussed at the last public hearing, the applicant cleared the property prior to engaging Guerriere & Halnon, Inc. for the work being done. She understands this is not the preferred method; permits should be acquired before the work is completed. The applicant is looking to improve and maintain the scenic road aspect and is willing to plant to maintain the scenic road atmosphere. There is a schedule of trees provided on the plans showing what they plan to plant; she reviewed the proposed tree plantings. She stated there were pictures included of what the site looked like prior to the clearing being done.

Mr. Maglio stated he has looked at the application and photos. The one large tree in front of the site remains. Other trees cleared out were of smaller caliper.

***Motion to Approve Upper Union Street Scenic Road Permit. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:26 PM      **PUBLIC HEARING** – *Continued*  
                 *0 Upper Union Street*  
                 *Site Plan*

*Documents presented to the Planning Board:*

1. *Site Plan, American Earth Anchors, Inc., Franklin, MA, prepared by Guerriere & Halnon Inc., dated December 14, 2018, with Revision date February 13, 2019, with Received by Planning date February 15, 2019*
2. *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*
3. *Letter dated February 6, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
4. *Memorandum dated February 6, 2019 from DPCD to Franklin Planning Board*

5. Letter dated February 13, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: BETA Group Comments
6. Letter dated January 31, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: Department of Public Works Comments
7. Letter dated January 31, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: Department of Planning and Community Development Comments
8. Letter dated January 31, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: BETA Group Comments
9. Letter dated January 31, 2019, Revised, from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: Department of Planning and Community Development Comments
10. Letter dated January 18, 2019, from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
11. Memorandum dated December 21, 2018 from G. B. McCarragher, Fire Chief, to DPCD
12. Site Plan Narrative for American Earth Anchors, 0 Upper Union Street, Franklin, MA, dated December 14, 2018
13. 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
14. Certificate of Ownership with Name of Record Owner 73C3 LLC, with Received by Planning date December 17, 2018
15. Abutters List Request Form with Received by Board of Assessors date January 17, 2017
16. Abutter List Report dated January 18, 2017
17. Letter dated March 28, 2017 from IRS, Department of the Treasury, to Ralph S. Henry Jr Sole MBR
18. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 19, 2019

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated she is here to follow-up on some final comments. They addressed the stormwater comments with BETA. They put in a grease trap rather than bollards as required by plumbing code and there will be a trench drain included in the interior design of the building. The grease trap is already shown on the plans that were submitted in the last set of revisions.

Mr. Maglio stated all his comments have been addressed.

Mr. Love stated all of their comments have been addressed.

Mr. Halligan requested the color rendering be attached as part of the Site Plan.

Ms. Cavaliere stated that the plan would be relabeled as Limit of Clearing rather than Proposed Tree Line.

**Motion to Close the public hearing for 0 Upper Union Street, Site Plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).**

**Motion to Approve 0 Upper Union Street, Site Plan. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).**

7:30 PM      **PUBLIC HEARING** – Initial  
                  860 West Central Street - Distillery  
                  Special Permit & Site Plan  
                  **WITHDRAWN**

*Documents presented to the Planning Board:*

1. Letter dated February 15, 2019 from Jon Aieta, McDermott, Quilty & Miller LLP, to Franklin Planning Board
2. Memorandum dated February 13, 2019 from DPCD to Franklin Planning Board

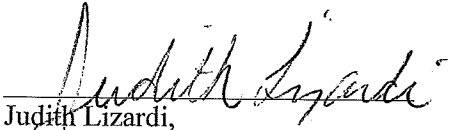
3. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Brookdale Mill Realty, LLC, with Received by Planning date February 4, 2019*
4. *Certificate of Ownership with Received by Planning date February 4, 2019*
5. *Memorandum in Support of Brookdale Mill Realty, LLC's Application for Special Permit to Allow Distillery with Tasting Room dated February 1, 2019, from Jon Aieta, Esquire, McDermott, Quilty & Miller LLP, to Franklin Planning Board with Received by Planning date February 4, 2019*

Chairman Padula read the applicant's letter of request for withdrawal without prejudice dated February 15, 2019.

***Motion to Withdraw without prejudice 860 West Central Street – Distillery, Special Permit & Site Plan. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:13 PM.***

Respectfully submitted,

  
Judith Lizardi,  
Recording Secretary