

Town of Franklin



Planning Board

May 20, 2019
Meeting Minutes

TOWN OF FRANKLIN
TOWN CLERK
2019 JUL -9 P 2:25
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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.

7:00 PM Commencement/General Business

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

A. Partial Form H: 345 East Central Street – McDonald's

Ms. Love stated the project was approved on January 22, 2017. The applicant is requesting acceptance for the Partial Form H for the Site Plan Modification. The applicant provided a list of uncompleted items; however, they have not provided a completion date.

Mr. Maglio stated BETA did a site inspection and provided a report. There are a number of issues listed including, but not limited to, the concrete curbing along the side and rear of the new dumpster pad is missing, the dumpster for recyclables is not inside the dumpster enclosure, and the accessible wheelchair ramp is not flush with the pavement.

Chairman Padula requested the Building Commissioner close the store until the public safety items listed as missing are in place.

Mr. Maglio stated he would let the Building Commissioner know.

Mr. Bill Lucas, Bohler Engineering, stated some of the items listed on the BETA report have been completed; that is why a Partial Form H has been submitted. At this point in time, we have five remaining items. Two pertain to the curbing on site. He stated the plans showed vertical granite and pre-cast, but the contractor put in cast-in-place concrete. He stated that from his standpoint this is not a safety issue.

Chairman Padula stated cast-in-place concrete does not have any steel in it; it is not reinforced which is required by the Town. He discussed the other items they are working on and have been fixed.

Mr. Eric Wagner of McDonald's spoke about some items that have been fixed. He stated they would like an exception on the granite curbing because of the cost. He asked if there was any way to get a 30-day extension to complete the work without closing the store because they did try to address all the items. He said the signs were installed.

Mr. Halligan stated he would like BETA to do an inspection. He noted since the applicant is paying for BETA, they should have called BETA to do an inspection and a report would have been available for review.

Chairman Padula told the applicants to complete the remaining items and come back to the next meeting.

Mr. Lucas discussed the current pavement and curbing. He suggested that for safety a bollard be placed in front of a parking space that is at the same level as the sidewalk.

Mr. Maglio stated the bollard in front of the space would address the safety issue and could be a field change.

Mr. Wagner stated they would fix what they need to fix.

Mr. Halligan stated he did not want to see the current curb torn up to be replaced; it will make a mess and disrupt traffic.

Mr. David agreed.

Chairman Padula stated they would see the applicant at the June 17, 2019 meeting.

B. Street Acceptance and Bond Reduction: Clearview Drive, Rolling Brook Estates

Ms. Love stated there were four items from the May 6, 2019, Planning Board meeting that the applicant was asked to fix.

Mr. Maglio stated he was at the site and the applicant addressed the issues. He was satisfied with everything he saw at the site; it is ready to be accepted.

Chairman Padula questioned a divot in the cul de sac.

Applicant, who did not identify himself, stated they will take care of it.

Chairman Padula asked about the catch basin located in front of a curb, a driveway apron; that is not allowed. He stated the Town and BETA both checked the site and it was never caught.

Mr. Maglio explained why the catch basin was so close to the driveway.

Mr. Halligan stated in front of #5 the granite is all up and down and a piece is missing; it was never caught.

Chairman Padula stated it was not a monolithic cape cod berm.

Applicant stated that is how they typically do it.

Motion to Accept the Bond Reduction to be reduced from \$18,279.00 to \$1,000.00 for Clearview Drive, Rolling Brook Estates. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion for Street Acceptance for Clearview Drive, Rolling Brook Estates. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

C. Meeting Minutes: April 8, 2019 & April 22, 2019

Motion to Approve the Meeting Minutes for April 8, 2019. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for April 22, 2019. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Initial*
 158 Grove Street – *Change in Use*
 Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. *Memorandum dated May 14, 2019 from DPCD to Franklin Planning Board*
2. *Letter dated May 14, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated May 1, 2019 from J. S. Barbieri, Deputy Fire Chief, to DPCD*
4. *F-4280, Special Permit Application, Operate a Brewery with Tasting Room for Franklin Brewing Company, LLC, 158 Grove Street, dated April 26, 2019, with Received by Planning date April 29, 2019*
5. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Franklin Brewing Company LLC, c/o Olivier Edouard with Received by Planning date April 29, 2019*
6. *Franklin Brewing Company, LLC, Application for Approval of a Site Plan and Special Permit: Findings, with Received by Planning date April 29, 2019*
7. *Certificate of Ownership with No Received by Planning Date*
8. *Letter dated April 9, 2019 from Michael Maglio, Town Engineer, to David Linehan, Atlantic Commercial Real Estate, LLC, Signed by Lessor, Olivier Edouard, with No Received by Planning Date*
9. *Abutters List Request Form dated April 10, 2019*
10. *Abutters List Report dated April 10, 2019*
11. *Plan Sheets for Franklin Brewing Company, Change in Use, Plan of Land, 158 Grove Street, Franklin, MA, prepared by Guerriere & Halnon, Inc., dated April 23, 2019, with Received by Planning date April 29, 2019*

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

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Olivier Edouard, Franklin Brewing Company LLC, applicant, addressed the Planning Board requesting a Special Permit and Site Plan Modification to allow the applicant to operate a brewery with tasting room located in an Industrial zone. Ms. Cavaliere described the location. She stated the applicant is not planning to do any exterior modifications, everything will be taking place within the building. Initial comments have been received from Conservation Commission, DPW, and DPCD. She would like to discuss those comments and any additional questions. She stated micro-breweries are the up-and-coming thing and it is a great location.

Ms. Love stated letters were received from the Deputy Fire Chief and the Town Engineer. She recently received a letter from the Acting Conservation Agent stating there is no wetlands jurisdiction within 100 ft. The applicant proposed 24 parking spaces where 29 are required. The applicant has reimbursed the Town for the advertising and legal fees. The Board of Health is still reviewing the plans.

Mr. Maglio stated the submittal was reviewed and he had several comments on the plan as outlined in his letter of May 14, 2019; he reviewed each of the four comments.

Mr. Rondeau asked for hours of operation.

Ms. Cavaliere and Mr. Edouard stated Wednesday through Friday, 4:30 to 10:00 PM; Saturday, 12:00 to 10:00 PM; and Sunday, 12:00 to 7:00 PM.

Mr. Edouard stated they are looking into entertainment, but it is not something they have planned for right now.

Chairman Padula asked about their plans to remedy the parking. They only have 24 spaces.

Mr. Edouard stated the only employees are his supervisor and himself.

Ms. Cavaliere reviewed the other occupants, hours of operation, and the total 29 parking spaces for all uses.

Mr. Halligan asked for wastewater calculations for such a facility on a daily basis. He asked for the seating capacity of the tasting area. He said seating capacity calculates the parking.

Mr. Edouard stated none of the wastewater from the production of the beer is going into the septic system. They are going to put a 3,000 to 4,000-gallon tank inside the building, above ground, which will be coordinated with MADEP. It will be dumped offsite and paid for by the applicant. The seating capacity is going to be whatever the fire department allows. He stated he thinks the bylaw is 25 percent of the leasing space.

Ms. Cavaliere reviewed the parking calculations for the tasting room. She and Mr. Halligan discussed the number of spaces.

Mr. Edouard stated he is planning for 40 to 50 people in the tasting room. With 2.5 people per vehicle, there should be enough parking. He reviewed his plan for parking and possible overflow.

Mr. Halligan expressed concern about having enough parking. If 50 people are in individual cars, 50 spaces are needed. He stated he was trying to help the applicant plan for parking now as this is a large investment. He asked if the Title V for the septic covered 50 people.

Mr. Edouard stated the septic is designed for 594 gal/day flow. Because of their hours of operation, they do not think they will ever max out that system. They still need to talk to the Board of Health.

Mr. Rondeau suggested the applicant look into if parking could be improved on the left side.

Ms. Cavaliere confirmed they would review the calculations for the parking and seating capacity. She stated they have been waiting for comments from the Board of Health.

Motion to Continue the public hearing for 158 Grove Street – Change in Use, Special Permit & Site Plan Modification to June 17, 2019, at 7:10 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Closed*
 79 Grove Street
 Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. *Plan Sheets for Grove Street Towing and Tire, Change of Use Plan & Special Permit, 79 Grove Street, Franklin, MA, prepared by Guerriere & Halnon, Inc., dated March 15, 2019, with Received by Planning date May 14, 2019*
2. *Memorandum dated May 16, 2019 from DPCD to Franklin Planning Board*
3. *Memorandum dated April 16, 2019 from DPCD to Franklin Planning Board*
4. *Letter dated April 1, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
5. *Memorandum dated April 2, 2019 from J. S. Barbieri, Deputy Fire Chief, to DPCD*
6. *Letter dated March 15, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board*
7. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Patrick Weidman with Received by Planning date March 18, 2019*
8. *Certificate of Ownership with Name of Record Owner listed as Weedy LLC*
9. *Quitclaim Deed dated January 20, 2005*
10. *Quitclaim Deed dated February 23, 2005*
11. *F-4184-2: Special Permit Application, Change in Use for Grove Street Towing & Tire, 79 Grove Street, dated March 15, 2019, Narrative submitted by Amanda Cavaliere, Guerriere & Halnon, Inc.*
12. *Letter dated August 31, 2004 from Bruce Hunchard, Chairman, Zoning Board of Appeals, to Franklin Planning Board*
13. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 3, 2019*

Ms. Love stated the Planning Board closed the public hearing on April 22, 2019, and they are required to provide a decision within 90 days of closing. She stated the applicant is seeking a Special Permit and Site Plan Modification to allow a Change in Use for the applicant to operate an auto and truck repair business with overnight storage for the entire building.

Chairman Padula stated he was adding an amendment: On the approved plan, no auto body or auto painting. He confirmed the hours of operation were 8:00 to 5:00 PM, Monday through Friday, with 24-hour towing.

Applicant, who did not identify himself, stated with the new gate the trucks can drive all the way around; therefore, there will be no backup alarms.

ROLL CALL VOTE:

This determination shall be in addition to the following specific findings:

Special Permit VOTES: §185 Attachment 3, Use Regulation Schedule Part II 2.7(C):

To allow a change in use for the applicant to operate an auto and truck repair business with overnight storage of towed and damaged vehicles within an Industrial Zoning district for the entire building (9,600 sq. ft.).

Chairman Padula read aloud the following.

- 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 siting 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)

7:20 PM **PUBLIC HEARING** – *Continued*
303 East Central Street – Change in Use
 Site Plan Modification

Documents presented to the Planning Board:

1. Memorandum dated May 16, 2019 from DPCD to Franklin Planning Board
2. Plan Sheets for Site Plan Modification, Change of Use, 265-303 East Central Street, Franklin, MA, prepared by Guerriere & Halnon, Inc., dated April 11, 2019, with Revised date April 25, 2019, with Received by Planning date May 9, 2019
3. Agreement Regarding Landscape Buffer, Signed by Richard Henken, Schochet Manager, LLC, with Received by Planning date May 9, 2019
4. Plan Sheets for Site Plan Modification, Change of Use, 265-303 East Central Street, Franklin, MA, Planting Detail, prepared by Guerriere & Halnon, Inc., dated April 11, 2019, with Revised date April 24, 2019, with No Received by Planning date
5. Horace Mann Plaza, Franklin, MA, Parking Summary, April 11, 2019, Revised
6. Document with no date from Altitude Trampoline Park to Franklin Planning Board, RE: Trampoline Facility Equipment/Site Capacities
7. Memorandum dated March 19, 2019 from DPCD to Franklin Planning Board
8. Letter dated March 12, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board
9. Memorandum dated March 7, 2019 from J. S. Barbieri, Deputy Fire Chief, to DPCD
10. Memorandum dated February 28, 2019 from George Russell, Conservation Agent, to Franklin Planning Board
11. Memorandum dated March 7, 2019 from Franklin Board of Health, to Franklin Planning Board
12. Form P: Application for Approval of a Site Plan with applicant listed as Franklin Shoppers Fair, Inc., with Received by Planning date February 20, 2019
13. Certificate of Ownership with Received by Planning date February 20, 2019 (2)
14. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date March 7, 2019

Mr. Michael Doherty, Attorney of Doherty, Dugan, Cannon, Raymond and Weil, P.C.; Mr. Robert Aleveso, Franklin Shoppers Fair Inc.; Ms. Amanda Cavaliere, Guerriere & Halnon, Inc.; and Ms. Robyn Kiernan, Phase Zero Design, addressed the Planning Board. Mr. Doherty stated this is a continued hearing. The Planning Board raised two concerns at the last hearing. In the recent plan submittal, both concerns are addressed: the snow stacking, and the buffer with Glen Meadow. The snow stacking is now in the rear and none near the Horace Mann statue. They provided the Planning Board with a copy of the agreement with Glen Meadow regarding the buffering area. With those issues addressed, they are hopeful the Planning Board will approve the Site Plan.

Ms. Love stated the applicant addressed the issues. They have provided a written agreement with the abutter for some landscaping on the plans. They have shown the dumpsters with concrete pads on the plans to be fenced in. She suggested as a condition, should the Planning Board decide to approve it, that for all future tenants a Limited Site Plan be filed to provide the amount of parking.

Mr. Maglio stated all his comments have been addressed.

Mr. Rondeau asked how the applicant will get all the snow to the rear.

Mr. Doherty stated they have equipment to move the snow to the rear. It is not what they prefer to do as it will add expense, but they are working with what the Planning Board requested for snow storage.

Mr. Halligan reminded the applicant they were getting a waiver of over 100 parking spaces. He noted the snow storage needed to be taken care of due to the reduced spaces and to enhance the property. He noted they have made many improvements and wished them the best with the project.

Motion to Close the public hearing for 303 East Central Street – Change in Use, Site Plan Modification. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve 303 East Central Street – Change in Use, Site Plan Modification. Halligan. Second: David. Motion to Add an amendment that the applicant return with a Limited Site Plan each time prior to the issuance of a Certificate of Occupancy for the side stores, and that information is to be put on the front page of the Plan as a condition, along with the color rendering of the change on Glen Meadow's grass strip. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:30 PM **PUBLIC HEARING** – Continued
 Maple Hill – Maple Street
 Preliminary Subdivision

Documents presented to the Planning Board:

1. *Plan Sheets for Preliminary Plan of Land in Franklin, MA, "Maple Hill" prepared by Bay Colony Group, Inc., dated January 15, 2019, with Received by Town Clerk date March 25, 2019*
2. *Letter dated May 10, 2019 from William Buckley, Bay Colony Group, Inc., to Franklin Planning Board, with map attachment*
3. *Memorandum dated May 15, 2019 from DPCD to Franklin Planning Board*
4. *Letter, with no date with Exhibits and Signatures from Homeowners in Opposition to Maple Hill Subdivision, from The Homeowners of Franklin Woods and Maple Crest to Franklin Planning Board, with Received by Planning date April 17, 2019*
5. *Letter dated April 17, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
6. *Memorandum dated April 16, 2019 from DPCD to Franklin Planning Board*
7. *Memorandum dated April 2, 2019 from James P. Klich, Acting Fire Chief, to DPCD*
8. *Memorandum dated March 28, 2019 from George Russell, Conservation Agent, to Franklin Planning Board*
9. *Letter dated December 14, 2017 from George Russell, Conservation Agent, to Jennifer Fish, Forestry Program Director*
10. *Letter dated April 16, 2019 from Susan Speers, Metacomet Land Trust, to Franklin Planning Board*
11. *GMail dated April 5, 2019 from Anthony Giacobbe, Franklin Resident, to Amy Love, Town Planner*
12. *GMail dated April 5, 2019 from Tim Schlitzer, Franklin Resident, to Amy Love, Town Planner*
13. *GMail dated April 5, 2019 from Deb Morandi, Franklin Resident, to Amy Love, Town Planner*
14. *Letter dated March 11, 2019 from William Buckley, Bay Colony Group, Inc., to Franklin Planning Board*
15. *Form B: Application for Approval of a Preliminary Plan with applicant listed as Carroll Construction Corp., with Received by Town Clerk date March 25, 2019*
16. *Certificate of Ownership with Name of Record Owner listed as Kathleen A. Labastie with Received by Town Clerk date March 25, 2019, with Quitclaim Deed and Trustee Certificate*
17. *Certificate of Ownership with Name of Record Owner listed as Steven Labastie, Manager, with Received by Town Clerk date March 25, 2019, with Quitclaim Deed and Certification of Formation of "The Franklin Labastie Family L. L. C." and Certificate of Registration of a Foreign Limited Liability Company*

18. *Certificate of Ownership with Name of Record Owner listed as Fitzgerald Family Irrevocable Trust, with Received by Town Clerk date March 25, 2019, with Quitclaim Deed and Trustees Certificate*
19. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 3, 2019*

Mr. William Buckley of Bay Colony Group, Inc., representing the applicant, Carroll Construction Corp., and Mr. Mark Carroll, developer/principal, addressed the Planning Board. Mr. Buckley stated they submitted a letter to the Planning Board about one week ago. He said at the end of the last hearing, the Planning Board asked them to do some further investigation on alternative means of access to the site, specifically, if they could come through the parcel at 469 Maple Street, the other Kathleen Labastie parcel. He reviewed and explained the findings of his investigation into alternate means of access to the site. He stated he asked the deputy fire chief about the possibility of a dead-end road longer than 600 ft and was told that would not be looked on favorably. He said he looked at another parcel on Maple Street which did not provide enough frontage. Another parcel he looked at contains a significant amount of wetland that is adjacent to an intermittent stream that runs through the property. He reviewed the requirements for crossing a wetland and noted there are 20 specific instances where the local Conservation Commission may permit the alteration of wetlands as a limited project. But, the one that may apply the closest, the limited access, does not comply because there are other means of access for this project through public ways. He does not see these other means of access as alternatives. He noted that they have engaged a traffic consultant to investigate the issues raised and will present the findings during the definitive plan phase at the public hearing.

Chairman Padula noted three members of the Planning Board filled out disclosures as they have conflicts as far as someone related living in the area. He asked about the viability of Madison Avenue or Deer View Way. There is a roadway that dead ended between two lots that seemed intended to go to this parcel.

Mr. Buckley discussed the roads mentioned by Chairman Padula. He stated for Hancock Road to work there would need to be a wetland crossing. He confirmed this would be allowed as long as it fell under one to the exceptions he mentioned; there would have to be no other alternative.

Chairman Padula stated he does not understand why they are going through Bridle Path with the other two intended ways and entrances put on the map to go to the subdivision.

Mr. Buckley stated that Bridle Path and Kimberlee Way are both public access points. He stated Hancock Road is a public way, but he thinks that they would be denied under the Wetlands Protection Act as there are alternatives; Deer View Way is a private way. They have looked at all the alternatives and they think this is the best layout. They are open for further discussion.

Citizen Comments and Responses: ► Mr. Stephen Dunbar, 30 Madison Avenue, stated he spoke at the last meeting. He is a professional engineer. With 58 houses being added, it would qualify Kimberlee Way and Bridle Path as collector roads. That violates the width requirement as Kimberlee Way is only 30 ft., there are two curves on Kimberlee Way that are less than 100 ft. in radius, and the sight distances that occur at Kimberlee Way and Maple Street intersection are not adequate. These are safety issues. He noted during busy traffic times on Main Street, GPS will take people the quickest route and they will end up driving through the neighborhoods if they connect. He discussed the applicant's argument that the wetland crossing was not a reasonable alternative. He stated that for the reasons he pointed out, connecting with Kimberlee Way and Bridle Path are not reasonable; therefore, the wetland crossing access is reasonable. ► Chairman Padula stated that during the definitive plan stage, if the traffic consultant said this is a danger as the sight distances were not adequate, the applicant could then look at an alternative through the wetland. ► Mr. Buckley stated the traffic engineer would review it based on engineering and town regulations. He reviewed the sight distances and the specific wording of the bylaw. He stated they are working on this now. They are not going to spend time or money working on a definitive plan until they are sure this important issue is addressed. ► Mr. Bruce Stivaletta, builder of Bridle Path and Franklin Woods, asked if there is a possibility of putting in a culvert over the wetlands area. He stated he did not build that subdivision for someone to break into it. He should not have to defend his neighborhood. ► Mr. Buckley stated to alter a wetland the criteria have to be met to allow it. He stated he believes they do have

reasonable access through Kimberlee Way and Bridle Path. Even if it were allowed by the town's Conservation Commission, he thinks it would not pass DEP. ► Mr. Kurt Hanson, 67 Bridle Path, stated he has lived in Franklin for 27 years. He is very concerned when he hears about reasonableness when talking about public safety when there is access via crossing the wetland. He does not put wetlands before children. He read a prepared statement indicating that Carroll Construction and Bay Colony Group are not putting safety of the residents first. He discussed honesty and full transparency. He read from Mr. Labastie's forest cutting application of October 19, 2017 which indicated the cutting was for long-term forest management. He stated he believes Mr. Labastie was already in discussions with Carroll Construction long before he submitted this long-term forest management application in 2017. He continued his discussion of fact-finding regarding an ANRAD submitted by Bay Colony Group regarding the same property five months prior to the forest application. The ANRAD was filed on behalf of Carroll Construction Corp. These events do not show trust and transparency; these same people are now asking for our trust. As residents we deserve so much better. They are not looking out for residents' safety and well-being. ► Ms. Maryellen Tenore, 24 Kimberlee Avenue, said she took pictures of the roads and shared them pictures with the Planning Board members. She discussed her concerns about the roads and curves especially at the intersection with Maple Street. She noted the congestion with other intersecting streets in that area. These current roads are not made for this kind of traffic to connect Lincoln Street to Maple Street. It is a safety issue. ► Mr. Roy Cornelius, 25 Bridle Path, said he moved there 29 years ago. They selected the neighborhood because of the safety with the many dead-end streets. The neighborhood has always had many young children who are the primary safety need. He objects strongly to this development. ► Ms. Myriam Siraco, 76 Hancock Road, said she is here with several of her neighbors from Franklin Oaks. They are strongly opposed to this development. She would rather see the trees left and the animals at peace. We need green areas in Franklin. It is a shame they want to cut it down. No one wants their neighborhood cut through. Where are the animals and wildlife going to get their food? ► Ms. Rebecca Giacobbe, 65 Bridle Path, stated she moved there three years ago. They used to live on Miller Street and moved there because the home was on a cul de sac and safe for children. This will change the whole traffic flow of the town. She stated we cannot stop them from putting the houses there. They want to push back against the conservation stream that they do not want to cross. Can the planning board stand up to that? ► Chairman Padula stated the Planning Board does not have the power to do that. They do not own the property. The Planning Board is here to implement subdivision rules and regulations which were adopted in 1986. He reviewed the infrastructure that these rules cover. It is the Planning Board's obligation to make the applicant apply to the subdivision rules and regulations that have been adopted. The Planning Board cannot say we do not want to see forest destroyed; we do not have that power. The Planning Board can review the plan as to if it is conventional or open space and if the applicant gets waivers, etc. The applicant really did not even have to come to the Planning Board with a Preliminary Plan. He reviewed the requirements of a Preliminary Plan. Traffic, drainage, bonding, etc. is not gotten into until the definitive stage plan. The applicant must return within seven months with a definitive stage plan. The Planning Board can try to make them take alternative routes; we are trying to take Bridle Path out of the picture, but we can only do so much. ► Mr. Robert Amrich, 17 Bridle Path, stated that on the Planning Board's website a more strategic view of the Planning Board's responsibilities is provided; he read it aloud regarding Special Permits and Site Plans. ► Chairman Padula said this is not a Special Permit or Site Plan. Zoning is decided by the Town Council. The Planning Board implements the zoning to the people. Subdivision regulations are different. ► Mr. Christopher Peterson, 66 Bridle Path, said that last year when they did the stripping of the land for the clearing, they went through Maple Street. The applicants have already gone over and through the wetlands. Why can't that path be used for the development? ► Mr. Buckley said there is an existing crossing which they used. It is a gravel road. But a road for a development would be 56 ft. wide with pavement and two sidewalks. It would be significantly bigger. It is a completely different thing to put a road in there. ► Mr. Halligan explained the original tree cutting was overridden by a State permit; the Town of Franklin did not give them the permit. It must be started over again. ► Chairman Padula asked how much time was left on this. ► Ms. Love stated the applicant already provided an extension until May 24, 2019. Unless the applicant provides another extension tonight, the Planning Board needs to make a decision. ► Chairman Padula asked Mr. Buckley who Mr. Buckley would need see to determine if they could cross the wetlands. He would like Mr. Buckley to try to find an option. ► Mr. Buckley said the only way to know is to do a formal filing. He said he would not file if he did not think it would pass. He said he could talk to the Conservation Commission and talk to DEP. He would provide an extension. ► Mr. Stephen Dunbar, 30 Madison Avenue, discussed the length of

the wetlands and the intermittent stream. ► Mr. Buckley confirmed he will do what Chairman Padula asked him to do. ► Ms. Laura Dombroski, 20 Kimberlee Avenue, said she submitted a letter to the Planning Board and to Mr. Buckley. In her letter, she noted since there are so many safety issues and concerns, why can't a traffic consultant come in at this stage and get the facts. Let's get to the bottom of safety now. She discussed curves on Kimberlee Way that are very unsafe. ► Mr. Halligan explained how the applicant needs to start with some direction. He noted the people the Planning Board hires will tell whether the applicant is in compliance with this plan. That is when the Planning Board has the power to enforce the professional's opinion. He explained tonight would be an approval of an idea. ► Chairman Padula reviewed the number of days the Planning Board has to grant an approval for a Preliminary Plan and noted this is just an idea at this stage. ► Mr. Joe Williams, Franklin Oaks, mentioned the conventional and open space plans. He asked why at the last meeting the open space plan was discounted and the conventional plan was requested. Why would we not want to go with the open space plan to save some of the property. He discussed the line of sight on Hancock Road at Partridge Street. He stated there has been so much falsification of paperwork in years past that it is confusing how it got to this point. The tree cutting to save the forest paperwork was deceitful. ► Chairman Padula said he would not recommend the open space plan. It is not going to have town sewerage. The more space for leach fields for septic systems, the better. And, a spread-out subdivision with backyards and bigger lots would be more apt for the developer to save trees and not clear cut. ► Mr. Joel D'Errico, 72 Deer View Way, said he has been in the real estate development business for 27 years. He said his property is not available for this project; he abuts the parcel in three or four places. The logic for the open space plan is that it is 33 percent less roadway for the Town of Franklin to maintain and snowplow. It yields 40 acres of open space that Mr. Buckley can use when he talks to Conservation Commission and DEP for a wetland crossing. He discussed the possible source of sewer revenue for the Town of Franklin; the town might grant the applicant sewer because of the revenue. ► Chairman Padula stated the proposal before the Planning Board is for septic systems. ► Mr. Michael Doherty, 50 Bridle Path, discussed how other applicants, when asked to find other means of access, have done more investigation as well as made deals with abutting property owners to find other means of access. He suggested if the applicant wants to establish good faith with the people here, they need to make a better effort. It is clear the Labastie's are business partners. They should try to connect to Maple Street and not through these other neighborhoods because they will face continual and relentless opposition. He wants to make sure the applicants, who are not from Franklin, understand what this would do if they built it. It would be used as a road to cut across Franklin. We are worried about hundreds of trips as this would be used as a throughway. ► Resident of Bridle Path commented that during his presentation Mr. Buckley stated if he went to DEP it would be shot down. He said Mr. Buckley should go to DEP as they just might say to do it. Additionally, he asked why there can't be a circle and come out the same way. ► Chairman Padula stated the fire department wants two means of egress for public safety. ► Mr. Buckley stated he already asked the fire department about this. ► Mr. Greg Beltis, 91 Hancock Road, confirmed at the last meeting the Planning Board voted that the conventional plan is preferred. ► Chairman Padula stated the conventional plan was recommended. ► Mr. Buckley confirmed he would give the Planning Board an extension tonight and June 17, 2019 was more than enough time for them to do additional investigation.

Motion to Continue the public hearing for Maple Hill, Maple Street, Preliminary Subdivision, to June 17, 2019, at 7:30 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:40 PM **PUBLIC HEARING** – *Continued*
Spring Street – Solar
Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Memorandum dated May 15, 2019 from DPCD to Franklin Planning Board*
2. *Decommissioning Surety Memorandum dated November 2018 from Alan Clapp, Spring Street Renewables, LLC, (c/o Nexamp, Inc.), to Franklin Planning Board*
3. *Letter dated November 12, 2018 from Kamlesh Patel, J&J Contractors, Inc., to Alan Clapp, Spring Street Renewables, LLC*

Mr. Richard Cornetta, Attorney, representing the applicant Nexamp; Mr. Alan Clapp, Nexamp; and Mr. Stephen O'Connell, consulting engineer of Andrews Survey & Engineering, Inc., addressed the Planning Board. Mr. Cornetta stated they received an Order of Conditions from the Conservation Commission. He stated all the consultant's and town department comments have been addressed. He believes they are in a position to close the public hearing.

Ms. Love stated all DPCD issues have been addressed. Should the Planning Board make a decision tonight, there are some suggested special conditions to add.

Chairman Padula asked about an agreement to replicate this land after so many years; to replant the trees.

Ms. Love stated the decommissioning plan was included in the packets.

Mr. Rondeau stated he did not see anything about trees in the decommissioning plan. He stated there was only \$78,000 for the decommissioning of the equipment.

Mr. Clapp stated \$32,500 was added to that plan for reforestation and tree planting. He said an additional sheet was added to the plan. The total bond for the decommissioning was \$110,500.

Planning Board members confirmed that this information was not in their packets.

Ms. Love stated she does not have a copy of that.

Chairman Padula told Ms. Love that he wanted the special conditions on the front of the approval on the endorsed plans so it will not get lost, not just in an attached letter. He noted the recorded owner is Anthony Depoto; however, Richard Depoto signed it.

Mr. Cornetta stated that was already discussed. He stated after the first public hearing they resubmitted signatures from appropriate people.

Ms. Love confirmed those signature sheets were submitted. She said she does not have the revised decommissioning proposal from March.

Mr. O'Connell stated she can have their copy.

Chairman Padula stated he wanted to have all the paperwork and all requirements before the public hearing is closed.

Mr. Clapp confirmed the pilot was approved by a vote at the Board of Assessors. There is not a final pilot agreement. The business terms have been agreed.

Chairman Padula asked when the Planning Board will get this agreement—before endorsement?

Mr. Clapp said a draft was submitted two days after the Board of Assessors approved it; it is in the hands of the Town's legal counsel.

Chairman Padula requested a copy be put in with the endorsed plan and included as part of the Special Permit.

Mr. Clapp stated a building permit is needed.

Mr. Halligan stated he wanted to make sure the monetary agreement was part of the Special Permit.

Mr. Carroll wanted to confirm they are not getting something with hazardous materials. He wanted to have the literature of what is actually going to be used.

Mr. Clapp confirmed they have no hazardous materials in any of their panels.

Motion to Close the public hearing for Spring Street - Solar, Special Permit & Site Plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula reviewed the letter of May 15, 2019 from the DPCD. He read the ten items listed under Application Submittal. He noted the listed five Suggested Special Conditions. He added another Special Condition: the monetary agreement certificate is to be part of the Special Permit.

Mr. Maglio stated another condition recommended by BETA regarding concern for erosion control was that no more than five acres would be disturbed at any one time.

Mr. O'Connell stated he thought the wording of not disturbing more than five acres was vague. He discussed ways to stabilize the area. The wording should be five acres of un-stabilized area.

Chairman Padula added another condition: no more than five acres of un-stabilized area.

ROLL CALL VOTE:

This determination shall be in addition to the following specific findings:

Special Permit VOTES: §185 Attachment 4, Use Regulation Schedule Part III, 3.14 – To allow for a Large-Scale Ground Mounted Solar Energy System within Rural Residential I Zoning District.

Chairman Padula read aloud the following.

- 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.

Chairman Padula stated he did not agree with solar farms and taking down 21 acres of forest. He is only agreeing with this because it is a plus for the Town and there is a replication plan so this property will eventually be replicated back to its original.

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 siting 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 included the following: Standard Conditions of Approval #1-11 and Suggested Special Conditions #1-5 as listed in the letter of May 15, 2019, from DPCD, and additional Special Condition to include the Revised March 2019 Decommissioning Proposal which outlines the \$110,500 replication and a copy of that will submitted with the endorsement and recorded and be part of the Special Permit.

Motion to Adjourn. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:30 PM.

Respectfully submitted,



Judith Lizardi,
Recording Secretary

