

Town of Franklin



Planning Board

TOWN OF FRANKLIN  
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**May 6, 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: Amy Love, Planner; Mark Cerel, Town Attorney; 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: Glen Meadows Leasing Office**

Applicant who did not identify himself stated that they are here to follow up on the plan to add a leasing office. The new Site Plan includes a revised parking proposal; street-side parking was originally proposed. The Planning Board requested an alternative parking plan. They have now proposed six perpendicular spaces on the site. He described the new location. He stated the town engineer reviewed this plan and found it acceptable.

Chairman Padula referenced a letter from Michael Maglio, Town Engineer, dated May 1, 2019. He stated that the Planning Board does not allow pervious pavers, especially in a water area. He stated that if the impervious surface is increased, the applicant will have to mitigate the drainage.

Applicant stated that the town engineer indicated pervious pavers would be acceptable.

Chairman Padula stated that Mr. Maglio, in his letter, did not indicate agreement, he merely stated that pervious pavers were proposed by the applicant. He noted that Mr. Maglio is not in attendance at tonight's meeting.

Applicant stated their preference is to use the pervious pavers. He reviewed their recent purchase of the property and stated that it is part of the 40B inventory. He stated the investors are a very green group and looking to make a number of improvements on the property. He stated that based on their engineers, use of either pervious or impervious pavers would fall under the current calculations for the drainage system.

Mr. Matthew Crowley, BETA Group, explained the stormwater management bylaw kicks in at one acre of coverage; however, if there is an existing site and adding to it, it still falls under that part of a greater project.

Ms. Love stated that the drainage calculations need to be revised at an increase of 10 percent of the existing impervious coverage.

Applicant noted that the site is 30 acres, so this is not an increase of 10 percent.

Mr. Halligan stated that he thinks what they have done is fine; there is no need to go through a full Site Plan. He stated that the applicants must remember it is a water resource area.

Chairman Padula stated that he does not have a problem with the site or adding the parking; he has a problem with allowing pervious pavers as it is not something the Planning Board does. And, once he allows it, he has to allow it for other applicants.

Applicant stated that they can do traditional pavement. They will have a discussion with Mr. Maglio. He stated that they agree to get rid of the pervious pavers and evaluate the drainage as well.

Chairman Padula stated the applicant will be put on the next meeting, May 20, 2019.

**B. Partial Form H: 400 & 406 East Central Street**

*Mr. Halligan recused himself.*

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., on behalf of the applicant at 400 & 406 East Central Street, Phase II, which is Planet Jeep, stated that due to the duration of time with outstanding items, the building inspector requested we come forward and request a Partial Form H with a schedule of when the outstanding items would be completed. The most significant item is terminating the water service at the main. The permit has been requested from the DPW, but she does not have a date yet. There are several areas on the site needing granite curbing replaced. She noted the date of completion for these and a few other items is June 21, 2019. She will come back for a full Certificate of Completion at that time.

Chairman Padula asked if the water quality system was installed.

Mr. Cavaliere stated it was put in.

Mr. Crowley stated that BETA would submit their report.

Chairman Padula stated there is not supposed to be any parking on the right-hand side of the building. He stated that he was going to have the zoning enforcement agent check this. There are constantly service vehicles there. He stated that moving the handicap spot should have come to the Planning Board for a Limited Site Plan.

Ms. Love stated that the Planning Board approved a Site Plan application on October 6, 2014. BETA performed an on-site inspection. The applicant provided a timeframe for completion of outstanding items.

*Motion to Approve the Partial Form H: 400 & 406 East Central Street, with a timeline for completion of June 21, 2019. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).*

*Mr. Halligan re-entered the meeting.*

**C. Street Acceptance and Bond Release: Clearview Drive, Rolling Brook Estates**

Ms. Love stated that the applicant submitted their Final Form H Certificate. BETA has been on site and provided a report. The applicant is requesting the road acceptance. Finalizing the deed agreements are still in process with the town attorney. The applicant is also looking for the bond reduction. She recommended reducing it to \$1,000 until the road gets accepted.

Mr. Crowley, BETA, referenced the items listed in his letter of April 25, 2019. He stated that he visited the site earlier today and the two foreign castings have been replaced with made in the USA castings. As well, they have repaired the damaged granite curbing and added sealant at the edge of the roadway, the grass coverage is coming in, and the small pile of debris on the sidewalk has been removed. He does not see any outstanding items; \$1,000 should be sufficient.

Mr. Halligan stated that he went to the site today. In front of #5, the granite is all up and down; it is not even. In front of #17, the radius going into the driveway is a problem. Going into the private way, they ran short on the



granite so they used asphalt to continue the radius going into the private driveway. He would also like to see a sign indicating this is a private way. These items need to be addressed.

Ms. Love stated that Mr. Maglio did not provide a letter for this; it is under BETA.

Chairman Padula reviewed the driveway radiuses and the transfer from granite to cape cod berm as part of the approved plan. He asked Ms. Love to put this item on the next agenda and have Mr. Maglio check it out.

**D. Final Form H: 750 Union Street**

Ms. Love stated that the Site Plan was approved on June 17, 2017. BETA has been to the site and provided a detailed report.

Mr. Crowley, BETA, stated that in his letter of April 29, 2019, he noted a number of items that needed to be completed on site. He read aloud the items from his letter. He noted that since the letter, some of the items have been completed. The drainage system is now functional.

Chairman Padula asked for a completion date and if they were supposed to put a railing on the handicap ramp.

Mr. Crowley stated that is a question.

Chairman Padula stated they would need to check with the building inspector to see if ADA requires a railing.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated the slope is currently five percent.

Applicant who did not identify himself stated that it was his understanding they did not have to put in the railings. He was never told by the building inspector they were needed; however, he is going to put them in anyway.

Chairman Padula stated that this is a public safety issue.

Mr. Halligan noted that the applicant is open for business at this time.

Applicant stated that he needs a Certificate of Occupancy and does not want to see this as a problem since the railings are not required and he is going to put them in anyway. He explained the background of this project starting two years ago. He noted that the site is a huge improvement for the community. They did everything they were asked to do. He noted that they saw patients on Thursday and Friday of last week. As a physician, he is asking, on behalf of the patients who need to be seen for medical conditions, that this be approved as he is going to install the railings.

Mr. Halligan asked if the applicant had a temporary occupancy permit at this time.

Chairman Padula stated that the applicant is not supposed to have a temporary occupancy permit until the Partial Form H is signed; nothing has been signed yet. He is willing to ask the Planning Board to sign this, but the applicant has to understand that they are not supposed to be operating without the Form H signed. He confirmed that the old handicap ramp has to be taken out of the parking lot.

***Motion to Approve the Final Form H: 750 Union Street. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – Continued - **WITHDRAWN**  
725 Summer Street - Solar  
Special Permit & Site Plan

*Documents presented to the Planning Board:*

1. *Memorandum dated April 30, 2019 from DPCD to Franklin Planning Board*
2. *GMail dated April 30, 2019 from Nicolas Galletout, Applicant, to Amy Love, Town Planner*

Chairman Padula stated a notice was received indicating the applicant requested to withdraw without prejudice.

Ms. Love confirmed the request from the applicant via email to withdraw and stated that the applicant plans to refile at some point in the future. They are not prepared to move forward with the plan at this time.

***Motion to Withdraw without Prejudice, 725 Summer Street – Solar, Special Permit & Site Plan. Halligan.***  
***Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

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

*Documents presented to the Planning Board:*

1. *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 April 8, 2019, with Received by Planning date April 10, 2019*
2. *Letter dated April 16, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
3. *Memorandum dated May 1, 2019 from DPCD to Franklin Planning Board*
4. *Memorandum dated March 29, 2019 from James P. Klich, Acting Fire Chief, to DPCD*
5. *GMail dated March 29, 2019 from James Klich, Acting Fire Chief, to Amy Love, Town Planner*
6. *Letter dated April 8, 2019 from Stephen O'Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board*
7. *Document dated October 26, 2018, Revised April 5, 2019, from Nexamp, titled "Spring Street Renewables, LLC, O&M Services Plan"*
8. *Letter dated April 2, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
9. *Letter dated February 21, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board*
10. *Memorandum dated April 3, 2019 from DPCD to Franklin Planning Board*
11. *Memorandum dated March 29, 2019 from James P. Klich, Acting Fire Chief, to DPCD*
12. *GMail dated March 3, 2019 from Russell Parkman, Franklin Resident, to Amy Love, Town Planner*
13. *GMail dated March 11, 2019 from Nancy Cunningham, Franklin Resident, to Amy Love, Town Planner*
14. *Letter dated March 22, 2019 from Stephen O'Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board*
15. *Memorandum dated November 27, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
16. *Memorandum dated December 6, 2018 from Franklin Board of Health to Franklin Planning Board*
17. *Letter dated November 14, 2018 from Alan Clapp, Spring Street Renewables, LLC, (c/o Nexamp, Inc.), to Jeffrey Nutting, Town Administrator*
18. *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*
19. *Memorandum in Support of Application for Special Permit dated November 20, 2018 from Richard Cornetta, Attorney, Cornetta, Ficco & Simmler, PC, to Franklin Planning Board*
20. *Plan Sheets for Spring Street Renewables, LLC, Large-Capacity Ground Mounted Solar Energy System, Franklin, MA, Exhibit 1, prepared by Andrews Survey & Engineering Inc., with Revision date January 28, 2019, with Received by Planning date February 8, 2019*

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 this is a continuation of a previous public hearing for a Special Permit for a large-scale ground-



mounted solar facility off of Spring Street. He stated that since the last time they met with the Planning Board a few months ago, they have revised the plan set, addressed comments from BETA, and believe at this point they have addressed the bulk of those comments. He noted that they have had several meetings with the town administration on the pilot agreement between the developer and the Town addressing the financial relationship going forward with the project. He stated that Mr. Nutting will address the Planning Board directly on that topic. He stated that they met again with the fire department regarding access and safety issues. They have corresponded with the Planning Board with their comments. They are proceeding with a wetlands resource issue with the Conservation Commission. They will be asking the Planning Board tonight to entertain a request to continue tonight's meeting rather than close it as they have not concluded with the Conservation Commission. Therefore, he asked if at the next meeting the Planning Board would consider closing the public hearing and voting on the same evening, which would be an exception to their normal procedure. He stated that the applicant has a time element with the project which they have no control over. The opportunity with the state program is closing quickly.

Mr. O'Connell stated they have received technical comments, all of which have been addressed by the most recent revision plans. The only outstanding items are those which require some action by the Planning Board. According to BETA's recent letter, all the technical aspects from an engineering level have been addressed. A recent letter from Mr. Maglio, town engineer, states that all comments have been addressed. He stated that the Conservation's reviewer, Ms. Lenore White of Wetland Strategies, signed off on all her comments. He stated they are at the goal line. All the technical aspects have been taken care of. He reviewed how they addressed the Fire Chief's access issue request. He reviewed other comments and issues that have been addressed, as well.

Chairman Padula asked if there is any water on the trail.

Mr. O'Connell stated there is no municipal water for fire protection.

Mr. Clapp stated there is a hydrant on Spring Street. The fire chief did not have a problem with that.

Chairman Padula asked about the overhead telephone poles, overhead electrical lines, and changing poles.

Mr. Cornetta stated that they have made several requests with the power company to no avail. Their general response is that they will not design the system until it is approved. He stated that Mr. Nutting indicated that there is a process they go through with the town administrator's office so it gives the town an opportunity to weigh in on the subject at that time.

Mr. Nutting, Town Administrator, stated that pole hearings are under the authority of the town administrator. So, if and when this project is approved and the electric company wants to reset new poles or replace new poles, there is a public hearing and all the abutters are notified.

Chairman Padula asked about the width of the paved roadway.

Mr. O'Connell stated that they had a meeting with the town engineer and fire chief and they were both satisfied with the proposal. He then discussed mitigation screening for the residences. He showed color views of the trail, cross-sections of the existing topography, and the houses. He described the distances, as outlined on Exhibit 1, from the corner of the houses to the vegetation and to the solar modules.

Mr. Clapp stated that they will be cutting the trees as shown, but leaving the root system intact, essentially allowing them to revegetate and grow. This is true for the southern side and half of the eastern side. They have also added about 30 additional evergreen plantings in the area where they are grubbing the tree stumps.

Mr. O'Connell reviewed the landscape plan and the proposed cutting. He showed an illustration from another project where the trees were cut and grubbed, and the grass revegetation was established. He stated that it is a dense regrowth that provides an excellent buffer.

Chairman Padula stated that BETA's report indicates that a natural screening would establish after several years.

Mr. Rondeau asked how many trees they are planning to put on the site after decommissioning.

Mr. Clapp stated it is about \$1,000 per acre. He stated that they hired a licensed forester to walk the site; he thought this was a reasonable amount.

Mr. O'Connell stated that this is in a binding document with the Town for the decommissioning.

Mr. Rondeau asked for this document. He stated that it looks like they will be cutting 3,000 to 4,000 trees from the site.

Mr. Halligan asked if this was going to go into a bond or was it just an agreement; he would like to see a bond. If the applicant goes bankrupt, then the Town is out the trees.

Mr. Clapp reviewed the agreement. There is a total bond submitted to Planning.

Mr. Nutting stated that he met with the applicant and the Board of Assessor's last Thursday on a proposed payment plan to the Town of Franklin. We came to the agreement of \$1.8 million; there is a lot of paperwork and legal documents to be done. The Board of Assessor's unanimously voted in favor of this proposed financial plan. He confirmed the time period was 20 years.

Mr. Halligan confirmed that the applicant has been to the Conservation Commission six times. He noted that it is really not the applicant's fault that this has gone on for so long. Therefore, in this particular case, maybe the Planning Board could close and vote on the same night at the next meeting.

Chairman Padula stated that he is not going to change the Planning Board's process because other boards hold things up. He noted that no matter how fast the Planning Board goes, there is still a 20-day appeal period.

Mr. Cornetta stated they are aware of that. He stated that the normal procedure tonight would be to close the public hearing. But due to having to meet with the Conservation Commission again, they are asking the Planning Board to hold off on closing until the next meeting.

Chairman Padula stated that he would not close because all the information is not provided as the applicant has not finished with the Conservation Commission.

Mr. O'Connell stated that they have been to six Conservation Commission meetings and have not been allowed to talk about the project. The Conservation Commission has not even opened the public hearing.

Mr. Nutting asked, with all respect, that the Planning Board do whatever they can to expedite this because he would hate for this deal to fall apart if the state yanks the permit.

Chairman Padula stated that he would put the applicant on the next meeting agenda for May 20, 2019 at 7:40 PM. He stated that the Planning Board at the next meeting can close the public hearing and then take a vote to determine if they want to vote on the application the same night.

***Motion to Continue the public hearing for Spring Street - Solar, Special Permit & Site Plan, to May 20, 2019, at 7:40 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***



7:15 PM

**PUBLIC HEARING** – *Continued*  
***Washington Street - Amego***  
**Site Plan**

*Documents presented to the Planning Board:*

1. *Memorandum dated May 1, 2019 from DPCD to Franklin Planning Board*
2. *Memorandum of Amego, Inc. in Support of Its Application for Site Plan Approval dated April 30, 2019 from Edward Cannon, Attorney, of Doherty, Dugan, Cannon, Raymond & Weil, P.C., to Franklin Planning Board*
3. *Document with Color Renderings for New Residences for Amego School, Franklin, MA, prepared by Masiello Architect, with no date*
4. *Letter dated April 24, 2019 from Christopher Keenan, Quinn Engineering, Inc., to Franklin Planning Board*
5. *Site Plan of Land in Franklin, MA, Washington Street, prepared by Quinn Engineering, Inc., dated February 1, 2019, with Revision date April 25, 2019, with Received by Planning date April 26, 2019*

Mr. Edward Cannon, Attorney on behalf of the Amego School; Mr. Chris Keenan of Quinn Engineering; Mr. John Randall, President and CEO of Amego Schools; and Mr. Bill Masciello, Architect, addressed the Planning Board. Mr. Cannon stated that at a previous meeting they provided an overview of the project. He noted that requested items have been completed. A traffic study that the Planning Board requested has been recently submitted. The conventional drainage design has been done.

Mr. Keenan stated that BETA's comments were addressed and a conventional drainage design provided. He asked which preference the Planning Board had for the drainage design before BETA reviewed it.

Planning Board members agreed they wanted to see a conventional design.

Mr. Cannon stated that the Planning Board asked about the educational purpose for this particular facility; the Planning Board wanted feedback from the town attorney on that. He stated that he submitted a memorandum for that to the town attorney.

Mr. Cerel stated he could speak on that, but the issue before the Planning Board is a Site Plan review. So, that is what the Planning Board's focus should be on. The issue of whether or not they qualify as an educational use is one for the building commissioner in the course of issuing a building permit. He has seen the memorandum from Mr. Cannon. Based on the information contained therein as to how the school is going to operate, it would appear to fall well within the established court decisions interpreting the term educational use.

Mr. Cannon stated that there were a number of questions raised by some concerned neighbors about who is going to be at the facility and how it operates. He stated that between now and the continued date for this hearing they will be meeting with neighbors in a more informal setting and answering questions.

Mr. Randall reviewed what will take place at the facility. He stated that it is a school program with residential services for children to the age of 22. He explained that the primary focus of the educational component in the residential portion of the program is life skills. As well, there is an extension of academic work such as homework from school. The curriculum is modified for children who cannot be educated in a public school. Amego has served this population since 1971.

Mr. Nutting stated that in the past the Town Council has supported homes throughout the community that serve disabled folks. This is another example of that. We welcome all kinds of folks into Franklin. These folks deserve a place to live and he would hope the Planning Board would approve the plan going forward under the normal process. We are a welcoming community.

Mr. Randall stated that the day component of the school will be moving sometime in July from the Attleboro location to Grove Street in Franklin.

**Citizen Comments and Responses:** ► Ms. Kathleen Mehler, 4 Glenn Drive, asked how many students will be served at this location. ► Mr. Randall stated 39 students would live at this location on Washington Street. There will be shuttle vans. ► Ms. Nicole Wetmore, 9 Gwynne Road, asked about the traffic study and if citizens will be able to see a copy of the report. ► Mr. Keenan stated the traffic study was completed by MDM Transportation of Marlboro. They found that the level of traffic will not provide a valued input to the existing traffic on Washington Street. He noted the traffic study included the traffic associated with the new school going in that area. He stated it was the same traffic consultant that did the study for the new schools that are going in so they were well aware of those facilities. ► Ms. Mariette Morelli, 4 Hamel Court, asked if the traffic study looked at the number of approved subdivisions going into that area. How is the traffic going to be handled from those new subdivisions? She has concerns about the traffic that is already there. ► Chairman Padula stated that they cannot address the traffic that is already there with this project. ► Ms. Karen Dexter, 1 Stanford Road, questioned the zoning. She said that she spoke to Representative Roy today. He provided her with a more thorough update on the traffic study than she is hearing at this meeting. She is confused as to where he received his information. She said that Rep. Roy had stated that the Planning Board decided it was a very dangerous intersection and something should be done before we add to it with this. She is concerned about the mixed message. ► Chairman Padula stated that the Planning Board just received the traffic study tonight. Rep. Roy should not be talking about a traffic study that there is an open public hearing on before the Planning Board does; Rep. Roy should not be relaying his information or misinformation. ► Ms. Dexter asked Mr. Cerel about the zoning issue and stated she was told this was the meeting to come to about the zoning. She thinks there is an argument that this school does not meet the criteria of an educational facility. And, if this is not the right board, where should the neighbors take their concerns. ► Mr. Cerel stated that life skills, at the moment, are considered to be educational. The Planning Board is reviewing the merits of the Site Plan review. He stated this is a protected use under state and federal law. Everything he has seen suggests it is. The decision rests with the building commissioner once they make an application for a building permit.

**Motion to Continue the public hearing for Washington Street - Amego, Site Plan, to June 3, 2019, at 7:10 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).**

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

*Documents presented to the Planning Board:*

1. *Plan Sheets for Franklin Solar Project, Permit Application Set, Franklin MA, prepared by Tighe & Bond, with Revised date April 23, 2019, with Received by Planning date April 26, 2019*
2. *Letter dated May 1, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
3. *Memorandum dated May 1, 2019 from DPCD to Franklin Planning Board*
4. *Letter with no date from Donna Adelstein, 3 Mount Street, to Franklin Zoning Board*
5. *Letter dated March 7, 2019 from Brian Huntley, Tighe & Bond, to Franklin Planning Board*
6. *Memorandum dated January 10, 2019 from George Russell, Conservation Agent, to Franklin Planning Board*
7. *Memorandum dated February 7, 2019 from G. B. McCarragher, Fire Chief, to DPCD*
8. *Letter dated March 6, 2019 from Michael Lotti, Industria Engineering, to Franklin Planning Board*
9. *Documentation on Solectria XGI 1500 Premium 3-Ph Transformerless Utility-Scale Inverters*
10. *Letter dated December 28, 2018 from Michael Lotti, Industria Engineering, to Franklin Planning Board*
11. *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*
12. *Certificate of Ownership with Name of Record Owner listed as Cistercian Nuns of Strict Observance, with Received by Planning date January 4, 2019*



13. *Abutters List Request Form with Received by Board of Assessors date December 7, 2018*
14. *Abutter List Report dated December 10, 2018*
15. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 22, 2019*

Mr. Michael Lotti, Industria Engineering, and Mr. Andrew Bernstein, Kearsarge Energy, addressed the Planning Board for a ground-mounted solar system. Mr. Lotti stated that it has been a few months since they were last before the Planning Board. He stated that they have been having a similar situation with the Conservation Commission as a previous applicant noted. He stated the project is rather straight forward. They have responded to all BETA's comments. He reviewed some of the changes that were made. The project has not changed in size or scope. He stated he has met with the neighbors to go over screening. He feels that they have come to a satisfactory agreement. He stated that they agreed to move the inverters which are the only machines that could make noise from the east side of the field to the west side of the field. He noted that they mistakenly did not change this on the plans.

Chairman Padula read aloud concerns noted in BETA's report including that the screening will not provide coverage at the time of installation. He read aloud a letter from Michael Maglio regarding the drainage analysis and runoff volumes.

Mr. Nutting noted that he had the same comment regarding the tax situation as with the previous solar applicant. He stated that we will enter into a 20-year agreement and go through a legal process.

Mr. Halligan confirmed this is privately owned property, not town owned.

Chairman Padula noted that the applicant is just leasing the property.

Mr. Crowley reviewed some of his concerns from his BETA report dated May 1, 2019.

Mr. Lotti stated that they have responded to those comments.

**Citizen Comments and Responses:** ► Mr. Kerry Hearn and Ms. Elena Hearn, 4 Mount Street, stated that they are concerned about the runoff as they already have a lot of water. She asked for assurance that the applicant will maintain the proposed trees for screening purposes. She wants to make sure no current trees will be cut to put in the new screening trees. ► Chairman Padula stated that the applicant is not allowed to increase any water flow from his property onto anyone else's property; therefore, drainage should not infiltrate onto your property. Until the applicant complies with that, he will not get an approval. He stated the screening would be under the Order of Conditions as this is a Special Permit. ► Mr. Sean Lanagan, 1 Mount Street, across from where this is being proposed, stated that his family has lived there for four decades. It is the oldest house in town, built in 1712. The name of the road has been changed to Mount Street Scenic Road. He does not think a solar panel facility will be appropriate on a scenic road. He mentioned that the animals will be impeded. He stated that the property drains into his land at this time. He is concerned about the drainage. He is curious about how this affects people with electromagnetic hypersensitivity regarding the solar panels. ► Chairman Padula stated the Planning Board has no say as to who the Sisters lease their property to. However, the Planning Board can make the applicant provide screening. ► Mr. Halligan asked how far the panels will be from the road. ► Mr. Lotti stated that they pushed it back from the road as far as possible to respect the scenic road; it is about 200 ft. from the road. He reviewed the tree line. He explained the current look of the road and where the panels will be located. He explained the trees and screening. He noted that the planted trees will be 4 ft. to 6 ft. trees. He will change the notation of the plans. ► Mr. Halligan asked if there was any way to stagger some trees. ► Mr. Steven Cooper, 885 Upper Union Street, stated that he can see this area clearly from his house. He discussed the plans and questioned where the screening is going to go. ► Chairman Padula stated that this is a scenic road and he does not want the stone wall or the natural vegetation disturbed. He noted that this is a Special Permit and if the Planning Board members wanted to ask for more screening, they should do it now. ► Mr. Lotti stated they can move the proposed trees and he discussed options. ► Mr. Halligan stated that the residents' major concern is

screening as this is a scenic road. The applicant should add more screening. ► Mr. Lotti discussed the location where he can put another line of trees. ► Chairman Padula stated that they need to put it on the new plans.

***Motion to Continue the public hearing for Upper Union Street Solar, Special Permit & Site Plan, to June 3, 2019, at 7:20 PM. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:30 PM      **PUBLIC HEARING** – Continued  
                  **38 Pond Street**  
                  Site Plan Modification

*Documents presented to the Planning Board:*

1. Letter dated April 11, 2019 from Amanda Cavalier, Guerriere & Halnon, Inc., to Franklin Planning Board, with attachment, RE: DPCD Comments
2. Letter dated April 11, 2019 from Amanda Cavalier, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: DPW Comments
3. Letter dated April 11, 2019 from Amanda Cavalier, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: Franklin Fire Department Comments
4. Letter dated April 11, 2019 from Amanda Cavalier, Guerriere & Halnon, Inc., to Franklin Planning Board, with attachment, RE: BETA Comments
5. Letter dated February 15, 2019 from Amanda Cavalier, Guerriere & Halnon, Inc., to Franklin Planning Board
6. Memorandum dated May 1, 2019 from DPCD to Franklin Planning Board
7. Letter dated April 26, 2019 from Michael Maglio, Town Engineer, to Franklin Planning Board
8. Letter dated April 27, 2019 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
9. Memorandum dated March 5, 2019 from J.S. Barbieri, Deputy Fire Chief, to DPCD, with attachment
10. Memorandum dated February 19, 2019 from George Russell, Conservation Agent, to Franklin Planning Board
11. Form P: Application for Approval of a Site Plan Modification with applicant listed as Fino Realty, LLC with Received by Planning date February 15, 2019
12. Certificate of Ownership with Received by Planning date February 15, 2019
13. F-3272-1, Project Narrative, Site Plan Modification, 38 Pond Street, Franklin, MA, with No date and No Received by Planning date
14. Abutters List Request Form with Received by Town Clerk date December 26, 2018
15. Abutters List Report dated December 27, 2018
16. Site Plan Modification of 38 Pond Street, Office Park West, in Franklin, MA, prepared by Guerriere & Halnon, Inc., dated January 17, 2019, with Revision date April 11, 2019, Received by Planning date April 12, 2019
17. Fire Truck Turning Detail for 38 Pond Street, Franklin, MA, prepared by Guerriere & Halnon, Inc., dated April 11, 2019, with No Received by Planning date

Chairman Padula stated the applicant requested a continuance.

***Motion to Continue the public hearing for 38 Pond Street, Site Plan Modification, to June 3, 2019, at 7:30 PM. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:40 PM      **PUBLIC HEARING** – Continued  
                  **Highland Village – 278 West Central Street**  
                  Preliminary Subdivision

*Documents presented to the Planning Board:*



1. *Plan Sheets for Preliminary Subdivision Plan, Highland Village, West Central Street, Franklin, MA, prepared by Guerriere & Halnon, Inc., dated March 8, 2019, with Revised date April 25, 2019, with Received by Planning date April 26, 2019*
2. *Memorandum dated May 1, 2019 from DPCD to Franklin Planning Board*
3. *Letter dated April 25, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: DPCD Comments*
4. *Letter dated April 25, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: DPW Comments*
5. *Letter dated April 25, 2019 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board, RE: Franklin Fire Department Comments*

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

Mr. Joel D'Errico, owner/applicant, Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Mark Lanza, Attorney, addressed the Planning Board.

Ms. Love stated that at the last Planning Board meeting the applicant was asked to remove the structures from the plans which they have done.

Ms. Mary Lyons, 285 West Central Street, stated she has not seen the plan; she asked what it was. She expressed concern about the traffic on the road especially around the curve.

Mr. David gave Ms. Lyons a copy of the plan.

***Motion to Approve Highland Village – 278 West Central Street, Preliminary Subdivision. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

***Motion to Adjourn. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No). (Mr. Halligan had not re-entered the meeting.) Meeting adjourned at 8:45 PM.***

Respectfully submitted,

  
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Judith Lizardi,  
Recording Secretary

