

DRAFT FOR REVIEW**Town of Franklin****Planning Board****March 27, 2017****Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

7:00 PM Commencement/General Business

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

A. Discussion: 0 Pond Street

Mr. Roy MacDowell, Principal of Baystone Franklin, LLC, addressed the Planning Board. He stated they were before the Planning Board recently for a special permit for a 96-unit multi-family development. Recently, they have done some additional soil condition testing on site. The original testing went down 20-25 ft. As they never hit bottom, they decided to bring in larger equipment that could go down 35 ft. They found unsuitable material for construction purposes; a lot of loaming material. Rather than trucking in 30,000 yds. of material, they have come up with an idea they think is better for the site and for the neighborhood. He showed drawing boards along with his explanation. He stated that per the agreement, there is a 150-ft. buffer zone between the street and the actual housing. He described the pine trees along Pond Street as very tall with branching that starts very high up. As well, he stated that many are dead or dying. The intent was to create privacy for neighbors across the street and passersby that do not want to look at the backs of all the homes. They are proposing to take down some of the trees in the 150-ft. buffer, create a berm area, take some of the unsuitable soil and put it there, and plant 60 white pines trees of 8-10 ft. which will provide some lower branching that is not provided with the current taller trees to provide both lower-level and upper-level screening.

Chairman Padula stated this is a modification of a special permit.

Mr. MacDowell stated he was aware of this.

Chairman Padula stated he would rather have the applicant resubmit the modification of a special permit and send out the advertisements to the neighborhood. He reminded the applicant that one of the big contentions was the screening and the trees. He wants to make sure this is neighborhood friendly and that the neighborhood knows there is going to be change to this project; he wants them notified. He also recommended neighborhood meetings about the change.

Mr. MacDowell stated they were going to do the neighborhood meetings anyway; they will be reaching out to all abutting neighbors. He thinks this is better for the neighborhood. They are going to do a model of how the homes will be screened with the berm and strategic placement of the trees. He asked that if he

DRAFT FOR REVIEW

were to prove that he is meeting with the neighbors, could the applicant be put on the Planning Board's April 10 meeting agenda and a public notice, but not re-advertise.

Chairman Padula stated he thinks legally the Planning Board would not be doing their due diligence toward the neighborhood if they did not advertise. He would not want to see the modification appealed. If the people within 300 ft. are legally notified, it takes the legal burden away from the applicant and the Town.

Mr. MacDowell stated he understood. He stated he realizes they would not be able to be on the next meeting agenda, they would have to wait until the April 24 meeting.

Chairman Padula stated that it is up to the Planning Board if they want to have a special meeting to expedite this.

Mr. Halligan stated he does not have an issue with this; he thinks it is a benefit to the area. He thinks the Planning Board should provide the applicant with a general feeling of the Planning Board before the applicant goes any further.

Chairman Padula stated he was not going to give the applicant a feeling of whether it would be approved or not until it is advertised. He does not want to overstep the neighbors. The applicant must go through the process.

Mr. Rondeau stated he would do a separate meeting to help.

Ms. Love stated the soonest this could get on the agenda if it is advertised is Tuesday, April 18, 2017. She reiterated that the applicant cannot make the April 10 meeting as she cannot get the two-week advertising in; the deadline was last Wednesday to get into the paper today.

Mr. MacDowell stated that date would be helpful.

Planning Board members informally agreed this date was acceptable.

Mr. MacDowell stated he would be reaching out the neighbors in the interim.

Ms. Love confirmed she is adding a Planning Board meeting for April 18, 2017.

B. Endorsement: 100 Financial Way - Warehouse

Ms. Love stated the applicants have submitted the plans for endorsement. This is the warehouse development; the school that is proposed to be built there has already been endorsed. The applicant has provided the certificate of vote and special conditions on the front of the plans.

Motion to Endorse 100 Financial Way - Warehouse. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Discussion: 4 Mount Street

Ms. Love stated that from the last meeting there has been no new information provided. She does not know if Town Council has put it on their agenda yet to review.

Chairman Padula confirmed this can be tabled again until the next meeting.

Planning Board members informally agreed.

DRAFT FOR REVIEW**D. Discussion: Zoning Workshop April 13**

Ms. Love stated this is informational. She is looking for last minute feedback and suggestions to add to the agenda for discussion so she can send to Mr. Nutting tomorrow.

Mr. Halligan asked about "Recent proposed changes not included in the Master Plan, 1. Residential VII East Central St. - Did not pass" on the memo. He stated he thinks this was supposed to be Summer St.

Ms. Love stated she would ask Mr. Nutting.

Mr. Rondeau ask to have the Zone VII discussed and 40B housing included.

7:05 PM **PUBLIC HEARING** – *continued*
Maple Preserves – 469 Maple Street
 Definitive Subdivision

Documents presented to the Planning Board:

1. Letter dated March 21, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Letter dated March 16, 2017 from Matthew Crowley of BETA Engineering to Franklin Planning Board
3. Memorandum dated March 23, 2017 from DPCD to Franklin Planning Board
4. Letter dated March 8, 2017 from William Buckley, Jr. of Bay Colony Group, Inc. to Franklin Planning Board
5. Letter dated March 16, 2017 from George Russell, Conservation Agent, to William Buckley, Jr. of Bay Colony Group, Inc.
6. Definitive Plan of Land in Franklin, MA, "The Maple Preserve" Plan Sheets Prepared by Bay Colony Group, Inc., with revision date March 6, 2017, with Received by Planning date March 13, 2017
7. Lot Map Sheet for The Maple Preserve, Franklin, MA, Prepared by Bay Colony Group, Inc., dated March 24, 2017, with no Received by Planning date
8. Letter dated January 18, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
9. Memorandum dated January 13, 2017 from G.B. McCarraher, Fire Chief, to DPCD
10. Memorandum dated January 3, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
11. Memorandum dated January 11, 2017 from Franklin Board of Health to Franklin Planning Board
12. Letter dated December 22, 2016 from William Buckley, Jr. of Bay Colony Group, Inc. to Franklin Planning Board
13. Form C, Application for Approval of a Definitive Plan from Carroll Construction Corp., applicant, with Received by Planning date December 28, 2016
14. Form R, Franklin Planning Board Subdivision Waiver Request, to allow a cut/fill of 10'+/- for the construction of the roadway, with Received by Planning date December 28, 2016
15. Form R, Franklin Planning Board Subdivision Waiver Request, for sidewalk on one side of the roadway, with Received by Planning date December 28, 2016
16. Certificate of Ownership with Received by Planning date December 28, 2016
17. Town of Franklin Board of Assessors Abutters List Request Form with Received by Town Clerk date January 3, 2017
18. Abutters List Report dated January 3, 2017
19. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2017

DRAFT FOR REVIEW

Mr. Richard Cornetta, Attorney for the Applicant; Mr. Mark Carroll, Applicant; and Mr. William Buckley, Consulting Engineer of Bay Colony Group, Inc., addressed the Planning Board. Mr. Cornetta stated this was a continuation of a previous public hearing. At the end of the last meeting there was a debate whether a special permit for the common driveway that was filed by the applicant was necessary. He stated they have had an opportunity to review that and believe it was not necessary. He has also had a conversation with the town attorney. He presumed the Planning Board has also looked into it. He would like to hear the Planning Board's opinion; he is prepared to withdraw the special permit to clarify the application before the Planning Board as a request for subdivision approval. He would then like Mr. Buckley to take the Planning Board through the revised site plan and the comments from the peer reviewer that have been addressed. He stated there are wetlands/resource areas and they are scheduled to appear before the Conservation Commission next Thursday. Therefore, they would be looking to continue this public hearing until all these issues have been resolved and have Order of Conditions from the Conservation Commission.

Chairman Padula confirmed with Mr. Cornetta that he wanted to withdraw without prejudice the application for a special permit.

Mr. Cornetta stated Yes.

Motion to Accept that applicant wishes to withdraw the Special Permit & Site Plan for Maple Preserves, 469 Maple Street. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula asked the applicant if he can provide the Planning Board with a conforming subdivision without the waivers.

Mr. Cornetta stated they are showing on the plan the two sidewalks. The problem which Mr. Buckley will address is interpreting the regulation; the cut and fill requirement would mean that this roadway could not be constructed. The only way to show a conforming plan would be to show the ANR (approval not required) lots on the plan with individual driveways onto Maple Street. He stated the elevations of these driveways would be steep coming down to Maple Street which is a public safety issue, and there is a number of drainage items being addressed on the subdivision plan that would not be addressed with respect to the ANR lots.

Chairman Padula stated that regarding the two ANR lots, one of them really does not have frontage on Maple Street; it is frontage that cannot really access Maple Street from. So, therefore, it is not an ANR on Maple Street. Applicant does not meet the criteria of the law.

Mr. Cornetta stated that they could show access through the other property.

Chairman Padula stated the Planning Board must be shown access through the property that has the frontage on Maple Street to be an ANR lot.

Mr. Cornetta suggested legal access granted through easement.

Chairman Padula stated that would not be conforming to the rules and regulations of the Town as far as what is called frontage. So, really do not have an ANR frontage on that particular lot. As far as the private way that is planned to come through with a covenant to get to that lot, that would be strictly the Zoning Enforcement Agent's decision. He recommended Mr. Cornetta meet with the Zoning Enforcement Agent to discuss that and get the approval with him first. He stated Mr. Cornetta would have to come back to the Planning Board with the subdivision, not the two ANR lots.

DRAFT FOR REVIEW

Mr. Buckley provided an overview of the revisions to the plan for the eight-lot residential subdivision. He stated he would talk the Planning Board through the major changes made to the plan since receiving the comments from the Town's professional staff and the Town's consultant. He noted that a cover letter that went through each item changed was provided. He reviewed the larger changes; he began with the stormwater basin on Parcel A; they made it about twice the size to address requirement to deal with runoff volume and rates. They also added on the plans some locations of houses' septic systems and roof drain systems on the lots for roof runoff. He noted he does not know the size or locations of the homes at this time. He has put on the plans decent-sized houses in locations that make sense; the septic systems will be placed where they are shown on the plans. He stated they are requesting a waiver for a sidewalk on one side. He noted that when this waiver is requested, the common practice is that instead of sloped granite curbing on both sides there will be vertical granite curbing on both sides of the roadway which this new plan shows. He stated that currently on Maple Street there is no stormwater management. They have proposed that along the edge of Maple Street they will be putting in a swale that will capture runoff and clean the water. He stated the drainage from the subdivision will go through a pipe and down into the detention basin. He discussed the steep rise coming off Maple Street; the new plans show a design with one curb cut which allows a great deal off hillside to be saved. They will not be taking down all the trees. He showed a sketch of the subdivision with the second sidewalk and the sloped granite. He discussed that according to the Town bylaw within 100 ft. of Maple Street they cannot have a grade of more than 3 percent. When coming in off Maple street, there are 10-15 ft. hills they are trying to cut through. They physically cannot meet the required standard. He discussed the waiver options and stated that no matter what they do, they will need to request a waiver on something: centerline grade, cuts and fills, or site distance. He thinks having a bigger cut and fill than to change the centerline grade is the best way.

Chairman Padula stated he does not like the whole thing.

Mr. Maglio stated that the applicant addressed many of their comments. He still has a number of comments on this plan with most related to drainage, nothing too insurmountable, as stated in his letter of March 21, 2017 to the Franklin Planning Board. These comments included that the rain gardens on Lots 2 & 3 are going to remain private; he would like a note to this effect stated on the plan as well as a maintenance plan for the rain gardens on the plan. He addressed the drainage basin shown on the plan, the proposed swale on Maple Street, and the concrete sidewalks, as detailed in his letter.

Mr. Crowley stated most of BETA Group's comments have been addressed. He reviewed comments as outlined in his letter of March 16, 2017 to the Franklin Planning Board which included checking swale velocity and having runoff volumes and peak flow rates checked.

Chairman Padula stated that the Planning Board does not allow subdivisions that cannot show a conventional subdivision; they do not grant waivers before this can be shown. Waivers are usually granted afterwards. He does not want to set a bad precedent. This is a difficult lot and a difficult piece of property to develop.

Mr. Halligan questioned what could be done to meet the cuts and fills; what would make it work?

Planning Board members, Mr. Buckley, and Mr. Maglio discussed possibilities as to what could be done about the cuts and fills and the grades.

Mr. Halligan confirmed that when the road is complete, it will not exceed percentages of any other road in Town that has been allowed in the past; the cut and fill is just to allow applicant to bring this road to a legal standard.

Chairman Padula stated he is looking at it toward the rules and regulations. Applicants come before the Planning Board and show a conventional subdivision and then ask for waivers.

DRAFT FOR REVIEW

Mr. Maglio stated he thinks the bylaw rules were written that way so it would not change too much of the terrain in Town.

Chairman Padula stated the question is not whether it can be built, it is whether the applicant can show a conforming subdivision before the waivers. The Planning Board does not have to grant waivers, and he does not believe in granting waivers before the fact of showing a conforming subdivision.

Mr. Halligan asked how can a developer develop his land if the soil cannot be moved around.

Chairman Padula stated an applicant can go to ZBA and ask for a soil removal permit to make property level.

Planning Board members discussed the cuts and fills, potential slopes, and conforming subdivision requirements.

Mr. Cornetta stated that if the Planning Board is telling them that they are not going to consider this subdivision plan as proposed, then they are going to approach this in an entirely different way with Conservation. He stated he respects the Planning Board's rules and want folks to abide by the rules. But, he thinks the underlying reason for many of the rules is for public safety, economy, and reasonableness. He thinks what they are proposing will not create the precedent which Chairman Padula mentioned that the Planning Board will be inundated with subdivision requests for waivers for cuts and fills. Every proposal that comes before the Planning Board is treated on its own merits. He believes what they are proposing in this subdivision makes more sense as it is safer and deals better with stormwater, and it is better than just putting in homes that meet the frontage requirements along Maple Street.

Chairman Padula stated applicant has not shown a conforming conventional subdivision.

Mr. Power asked Mr. Maglio if he was aware of a drainage issue on Maple Street that this was going to solve. He has not seen any puddles.

Mr. Maglio stated there is no specific issue there on Maple Street that he is aware of.

Mr. Cornetta stated that was not true. There is untreated water going into a roadway.

Chairman Padula stated it is being naturally treated; there is a pond across the street.

Mr. Cornetta stated he disagrees with that.

Mr. Crowley stated right now it is country drainage; it flows along the side of the roadway and goes into the wetland. There is some minor level of treatment from the country drainage.

Mr. Carroll suggested applicant go before the Zoning Board and get a permit for soil/gravel movement/removal. It is the only way to do this without a waiver from the Planning Board.

Mr. Cornetta affirmed that there are going to be houses there; it is just a question of whether they will have very steep driveways going into Maple Street or be in this subdivision. He questioned what makes better sense.

Chairman Padula reiterated that if you do not have a conforming plan, you do not have a plan.

DRAFT FOR REVIEW

Planning Board members expressed opinions on their possible votes. Discussion continued regarding the request for subdivision waivers.

Chairman Padula read the bylaw about right-of-way grades under §300-10 D (5). As such, the Planning Board has the right to authorize based on unusual topographical circumstances. He asked the Planning Board members for their opinions. He stated if the Planning Board wants the subdivision, this is the way to get the subdivision approved.

Planning Board members informally stated they would support the Chairman.

Chairman Padula stated the applicant must meet with the Zoning Enforcement Agent on Lots 9 & 10. He will not make the decision or covenant for that; it is not under the Planning Board's jurisdiction. He stated the Planning Board can authorize it if they determine this is unusual. He stated he does not want another subdivision like off Pleasant Street, Padden Estates, which is not safe due to very steep driveways.

Ms. Love requested the applicant complete an extension form; it is past 90 days.

Chairman Padula confirmed it could be built with the two sidewalks.

Motion to Continue the public hearing for Maple Preserves, 469 Maple Street, Definitive Subdivision, to April 10, 2017 at 7:20 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *continued*
Maple Preserves – 469 Maple Street
Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Letter dated December 22, 2016 from William Buckley, Jr. of Bay Colony Group, Inc. to Franklin Planning Board*
2. *The Maple Preserve Franklin (Lots 9 & 10) Massachusetts Plan Sheets Prepared by Bay Colony Group, Inc., with date July 1, 2016, with Received by Planning date December 28, 2016*
3. *Application for Approval of a Site Plan from Steven Labastie, The Franklin Labastie Family, LLC, applicant, with Received by Planning date December 28, 2016*
4. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2017*

Please see motion to accept the withdrawal of Special Permit & Site Plan for Maple Preserves, 469 Maple Street, as noted in the 7:05 PM public hearing.

Motion to Adjourn. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to adjourn rescinded; meeting continued.

Citizen Comments

Mr. Paul Murphy and Ms. Deborah Murphy, 17 Forest Street, addressed the Planning Board regarding drainage and related issues on 656 King Street. Mr. Murphy provided the Planning Board members with copies of drainage system evaluations. He requested the Planning Board to determine if the drainage review is correct.

Ms. Murphy discussed the drainage evaluation and review done by the Conservation Commission. She stated that it never came to the Planning Board. BETA performed review. She discussed the issues

DRAFT FOR REVIEW

regarding the evaluation; she had wanted the evaluation to look at the entire drainage system. Basin #1 is always full; it does not drain as required. She provided background and history of the drainage issue. She stated the review is now done and the developer is going to put a 4-in. pipe in Basin #1. She stated concern about further flooding on her property and asked for help on this drainage issue.

Mr. Maglio provided an overview and stated he looked at the pond about a year ago; it was not draining within the 72 hours. They reached out to the property owner, met with the Conservation Agent, did test pits, and came up with a plan to add bleeder to help it drain in 72 hours. It is just a modification to an existing basin. Nothing has been constructed yet; he thinks they are waiting until spring. He stated the water is definitely there longer than it should be; he is aware it is an issue.

Chairman Padula discussed snow storage during this past winter and that developer is not putting it in the proper locations.

Ms. Murphy requested the Planning Board look at this. She stated the drainage has never worked since it was built. She had the approved documentation including plantings. There was supposed to be 90 bushes, but there is so much water sitting in the pond, there are four bushes. No plants are surviving because the water stays longer than 72 hours; there are prolonged periods of wetness. This has been a nightmare for her family for five years. They have lived in their house for over 30 years. Her backyard has changed significantly since developer started to build. The trees are falling down because they have been sitting in water. The screening fences are falling down. She wants the Town to do the project the right way. This water is impacting her child. She wants to have it fixed. She does not want to have more failures. When the Town approves a plan, they need to stand behind it and tell the developer that is what needs to be built. If the soil assessments are incorrect, go back and do more borings. Do it right. She had pictures.

Chairman Padula stated he has to contact Mr. Gus Brown, Zoning Enforcement Agent, as it has to start with him. The Planning Board has to write a letter to him.

Mr. Halligan discussed the process and the licensed bonded insured engineers that provide a stamp of assurance. If a mistake was made, they would be covered through their insurance to correct their mistake. The opinions of the professionals and peer reviewers are the parties that are responsible. The Town depends on their word, stamp, and certification.

Ms. Murphy stated that in the reports there are many assumptions made. She asked the Planning Board to look at some of the correspondence. She described the many flooded times in her yard over the years.

Motion to Adjourn. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:48 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary