

Town of Franklin



Planning Board

**July 22, 2019
Meeting Minutes**

**TOWN OF FRANKLIN
TOWN CLERK**

2019 SEP 10 A 8:18

RECEIVED

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Members absent: None. Also present: 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. Final Form H: 60 Earl's Way

Chairman Padula stated that at the last Planning Board meeting a BETA review was requested for the additional paving. After review, BETA submitted a letter stating they do not see any issues with the additional paving.

Mr. Crowley, BETA Group, confirmed that is correct.

Motion to Sign the Final Form H for 60 Earl's Way. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: 27 Forge Parkway - Parking

Ms. Love stated the Planning Board approved the Site Plan on April 22, 2019. The only special condition was for ZBA approval for earth removal which the applicant has received. The applicant has referenced the Certificate of Vote and Conditions of Approval on the front page of the plans.

Motion to Endorse 27 Forge Parkway - Parking. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Endorsement: 0 Upper Union Street

Ms. Love stated the Planning Board approved the Limited Site Plan Modification on July 8, 2019. The applicant has provided the Order of Conditions on the front page of the plans. The applicant has provided a color rendering of the building that the Planning Board requested.

Mr. Carroll asked if there was a better picture of the color rendering.

Ms. Love stated she has the one that was submitted on file.

Mr. Halligan confirmed it would be attached to the plan when the Planning Board signs it.

Mr. Rondeau asked if they had an actual address yet to be able to tie the Site Plan to the actual building address.

Ms. Love stated DPW assigns it and it was just received. It will be #864. This number is currently not on the plan because when the applicant submitted it for endorsement, they did not have the number.

Chairman Padula stated it would be nice to put this address information on the plans.

Mr. Halligan stated he has no problem voting to endorse, but he will not sign it until the front page is changed.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated they can do whatever the Planning Board wants. She noted the application packet and documents submitted all reference 0 Upper Union Street.

Ms. Love noted the same thing happened to 4 Liberty.

Chairman Padula stated he would like it changed on the cover page before endorsement.

Ms. Love confirmed they would add an additional cover page to be signed.

Motion to Endorse 0 Upper Union Street. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

D. Partial Form H: 70 East Central Street

Chairman Padula recused himself; Mr. Carroll recused himself.

Mr. Brad Chaffee, owner/developer, stated that at the last Planning Board meeting it was requested they put up the building siding. They had crews come out and it was started. Due to the heat, they did not get as far as they had wanted. They went between the buildings and completed that entire wall and then wrapped around both sides. The only remaining side is the rear of the building which they are working on now. He stated this side is closed off from a safety perspective for anyone that may be living there. The only remaining item from BETA was the dumpster fence which is now installed.

Mr. Crowley stated BETA revisited the site after their initial report to give an update. The site has been primarily cleared of debris. The construction fencing allows them to close off the rear portion of the site. He stated the sidewalk along the frontage of the property has been reinstalled. He reviewed the other items that have been completed.

Mr. Rondeau stated he has seen progress. He would like to see the handrails on the front of the building done as they are only temporary rails at this time.

Mr. Chaffee stated the railings are on order as they need to be custom fabricated which will take about 60 days. The current railings are up to code and acceptable, but they will be changed.

Vice Chair Halligan stated he drove by the building. The back of the building is not done, but the applicant has made significant progress.

Mr. David noted concern about heavy equipment if there are going to be people in the front building.

Vice Chair Halligan stated his major concern is making sure the project gets done. The applicant has shown willingness to do what the Planning Board has asked. He would be in favor of releasing some of the units in the front of the building for occupancy. But, not a full occupancy of the building. He recommended if the Planning Board moves forward it will be with some conditions. He would like a fence around the back building so no one from the front building can get out there; we have to worry about the safety issues.

Mr. Chaffee stated they have four residential units scheduled to close at the end of this week. The building is complete inside.

Vice Chair Halligan recommended the Planning Board release four residential units; they would not release the remaining two residential units or anything in the commercial part of the building. He asked the Planning Board members for their feelings on this. He reminded the Planning Board members that the decision is based on safety and on the project. He asked if a fence were put across the back of the front building, how many parking spaces would be available for the front building.

Mr. Chaffee stated three of the units would have parking in the garage which is accessed between the buildings. He explained how a fence could be put up and still allow parking and where the contractors would park.

Mr. Rondeau said he would like to see some signage to direct the contractors to the rear of the site to park.

Vice Chair Halligan stated it seems to be the feeling of the Planning Board to release four units. To release the remaining two units and the commercial space the Planning Board would like to see more work performed on the back building such as siding, safety items, and sidewalks. He reminded the applicant that the Special Permit stated no occupancy would be granted in the front building until both buildings were complete. He thinks the Planning Board is working with the developer in a fair way.

Mr. Rondeau requested the applicant work with the Fire Department about putting a lock on the fence.

Mr. Chaffee stated absolutely.

Motion to Approve the Partial Form H for 70 East Central Street for four (4) residential units for the Building Commissioner to give occupancy; two (2) residential units will be held and no use of the commercial space until the applicant returns with a Limited Site Plan. David. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula re-entered the meeting; Mr. Carroll re-entered the meeting.

E. Endorsement: Spring Street Solar

Ms. Love stated the Planning Board approved the Site Plan on May 20, 2019. The applicant has referenced the Certificate of Vote and Conditions of Approval on the plans. She stated the applicant is in the process of having a pilot program with the Town Administrator; it is on the Town Council's agenda. It will take place prior to commencement.

Vice Chairman Halligan asked if this should be continued until there is a pilot agreement in place.

Mr. Carroll stated the applicant was supposed to provide a list of materials that they were using.

Vice Chair Halligan stated he remembers it was talked about it, but they did not make it a condition.

Mr. Rondeau asked if the bond for the trees was made.

Ms. Love stated the applicant has to put a surety bond in place with the Town.

Motion to Endorse Spring Street Solar. Carroll. Second: Padula. Vote: 5-0-0 (5-Yes; 0-No).

F. Endorsement: 620 Old West Central Street

Ms. Love stated the Planning Board approved the Site Plan on September 24, 2018 to add parking spaces and replace the drainage and landscaping.

Motion to Endorse 620 Old West Central Street. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM

PUBLIC HEARING – Continued

40 Alpine Row

Special Permit & Site Plan Modification

Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Chairman Padula activated Associate Planning Board member Rick Power.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated when they were last before the Planning Board on June 17, 2019, the Planning Board requested additional information. They have since provided that information.

Mr. Kenneth Mello, Attorney, stated there were three issues they were to address at this meeting. There was a question as to whether this was a modification of a prior plan. He stated on December 15, 2014, there was a detailed record decision by the ZBA regarding the special permit use of the premises. He provided the Planning Board with the document.

Chairman Padula stated the Planning Board does not take any additional information at the public hearing. Information must be submitted by the Tuesday prior to the meeting so the members can review it. In addition, the Zoning Board of Appeals is just that—it is the Zoning Board of Appeals. They do not make a Site Plan and they do not approve a Site Plan. He stated the Planning Board had asked for a Site Plan before the applicant goes for a Site Plan Modification. He stated that on the description on the front page of the Plan the applicant provided, it says Change of Use and Special Permit; then on another sheet it says Existing Conditions and Site Plan. He stated this is not a full Site Plan as there is no drainage and there are no dimensions on it.

Ms. Cavaliere stated a drainage analysis was provided with the application.

Chairman Padula asked for a drainage plan.

Ms. Cavaliere stated the DPW looked at the drainage analysis and made a few recommendations. She read the two comments for the drainage analysis from the comment letters.

Applicant, who did not identify himself, stated a site walk was done with himself, Ms. Cavaliere, and Town Engineer Michael Maglio. The comment letter was in response to that site walk.

Ms. Love stated with a change of use, BETA is not typically involved.

Chairman Padula stated what the applicant submitted is not a complete Site Plan. If it was a full Site Plan, BETA would be reviewing it. The applicant applied for a Site Plan Modification. It is an existing site, but it does not have a Site Plan.

Ms. Love reviewed the process done with 158 Grove Street brewery.

Chairman Padula stated he wanted to see a full Site Plan. He explained there are many Site Plan Modifications in Town with changes of use and new uses. As an example, he noted an applicant with 10 parking spaces that had to put in a Cultec system for drainage. This application has 40 spaces and there is no snow storage marked. It needs a Site Plan.

The Planning Board members informally agreed.

Applicant, who did not identify himself, asked why they are being held to a higher standard than the previously approved Site Plan Modification for the other brewery that came in Town. It is a very similar situation.

Chairman Padula stated that applicant does not have a parking lot that is holding 40 cars, they do not have another garage that is being rented, and they do not have a site that is half the size of yours. That project had an approved Site Plan.

Ms. Cavaliere stated they are improving the drainage from what is currently there. She explained where the drainage is currently going.

Chairman Padula stated it goes right down to the railroad tracks.

Ms. Cavaliere stated they are adding curbing and landscaping to hold some of the runoff and tying into the existing drainage. They are reducing the impervious areas by adding the landscaped areas and a catch basin. She reviewed the details of their plans to improve the stormwater runoff.

Chairman Padula stated he wanted the Town's peer reviewer to look at the drainage and snow storage.

Ms. Cavaliere asked that in order to keep the project moving could there be a condition that prior to endorsement the drainage analysis is reviewed and evaluated by BETA.

Chairman Padula stated he would rather have a full Site Plan.

Ms. Love stated BETA will be part of the construction and any of the site work done.

Chairman Padula stated he wants BETA's recommendation for drainage. He wants to see dimensions and parking. He wants to know what is going to be done with the back building. Will it be rented or used as storage? Who is going in there? Right now, there are complaints from abutters that the toilet is non-existent and people are using the outside.

Applicant, who did not identify himself, said the back building is currently not being used and he does not think it will be rented.

Mr. Mello stated entertainment was another issue. He stated he was submitting a proposal to the Planning Board regarding entertainment for them to review as this hearing will be continued. He stated the applicant is proposing some limited live entertainment. There would be no drums. They are hoping for the Planning Board to approve a six-month trial period with the condition that they purchase a professional sound/decibel meter. The requirement would be that nothing exceeding 90 decibels from 5 ft. from the music would take place there. He noted a vacuum cleaner and flush toilet are both 85 decibels; a food processor is 90 decibels. He believes the sound will not be heard outside the premises. He stated entertainment would end at 9:30 PM with the facility closing at 10:00 PM.

Chairman Padula stated the residents in the area are not allowed to work or have any construction after 8:00 PM. He does not have any problem with indoor entertainment, but the applicant is proposing to have tables outside.

Mr. Mello confirmed the entertainment would be indoors. They proposed nothing would be heard at the street.

Chairman Padula stated the Planning Board will review the entertainment information provided by the applicant.

Mr. Carroll stated the music is an issue. The applicant is going to have to 100 percent guarantee to the Planning Board that the music would not be heard outside or across the street. He has driven by other similar establishments and has heard the music outside. If the applicants do not pass the six-month trial period, they would have no entertainment, no acoustic guitar, nothing.

Mr. Rondeau recommended the applicants get up and running and have all other potential issues worked out before they try the music.

Mr. Power suggested stopping music one-half hour before last call.

Chairman Padula stated that with people entering and existing there is going to be spillage of music on the street. People will be smoking outside. There can be no loitering in the parking lots. This is a neighborhood. It is Commercial I, but they are spilling onto Residential I across the street.

Mr. Mello stated he realizes that. They are only looking for a trial period. He stated it is going to be quieter and have less activity than any prior use of that facility. This is a betterment of the neighborhood.

Chairman Padula reiterated the applicant must provide a Site Plan; BETA needs to look at the drainage and parking.

Motion to Continue the public hearing for 40 Alpine Row, Special Permit & Site Plan Modification, to August 19, 2019 at 7:10 PM. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – *Continued*
 1256 West Central Street
 Special Permit & Site Plan Modification
 Documents presented to the Planning Board are on file.

Chairman Padula stated the applicant requested a continuance of the public hearing to August 5, 2019.

Motion to Continue the public hearing for 1256 West Central Street, Special Permit & Site Plan Modification, to August 5, 2019 at 7:05 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

7:25 PM **PUBLIC HEARING** – *Initial*
 21 Corbin Street
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

Mr. Halligan also recused himself from this public hearing.

Mr. Daniel Campbell of Level Design Group on behalf of the applicant addressed the Planning Board and provided a review of the proposed project. He stated there is currently an existing house with a garage, driveway, and residential yard. They are proposing a four-unit townhouse building moving the driveway from the eastern side of the property to the western side of the property. Each townhouse will have a garage with an individual driveway space. There will be two visitor parking spaces. They have proposed a grass basin with some drainage chambers underneath. He reviewed the modified drainage pathway. He stated this is a redevelopment of the 15,000 sq. ft. property. They have received review letters from DPCD and DPW. They have not yet received BETA's comments. They have to go to ZBA as they are short on frontage.

Chairman Padula noted Town Engineer Michael Maglio was not present at this meeting. He read comments from Mr. Maglio's letter to the Planning Board dated July 17, 2019.

Mr. Campbell stated some of the items will have to be addressed and worked on with Mr. Maglio.

Ms. Love stated letters have been received from the Acting Fire Chief, Town Engineer, and Conservation Agent. The Acting Fire Chief stated concern with the driveway access on the property only being 20 ft. wide. The Conservation Agent stated there were no wetlands jurisdictional areas. Ms. Love noted the application is incomplete; the applicant must submit a Certificate of Ownership, signed and notarized. They have applied with the Design Review Commission. They will have to file with the Historical Commission for the demolition of the building. They will have to file a complete landscape plan. BETA is in process of their review.

Planning Board members asked questions.

Mr. Campbell reviewed the areas of ledge on the property and the grading plan. He described the layout of the units as shown on the provided plans.

Citizens' Comments: ► Resident who did not identify herself stated she lived at 14/16 Corbin Street which is across the street from the proposed project. She said we as a neighborhood have a few questions about safety concerns. The existing building has asbestos on the inside and outside. When/if the building comes down, it must come down correctly. She stated their road was just finished this year and they do not want it ripped up to have utilities put in; we will fight tooth and nail to not have that happen. ► Chairman Padula confirmed the pavement cannot be cut into until 2024. The asbestos issue will be taken up with the Building Commissioner. ► Ms. Sandra Giardino, 4 Corbin Street, stated she has lived there since 1993. She is not opposed to this but maybe not as large. There are people who park on the street. The street is narrow. She is concerned as there are many children in the neighborhood. She asked how many bedrooms there will be in the units. ► Mr. Campbell stated three bedrooms per unit. ► Ms. Giardino stated that is a lot of bedrooms and a lot of units. This should be a little smaller. ► Mr. McCormick, owner of 27 Corbin Street, stated his concerns are size, the number of stories, if there is any egress out the back, and will there be a deck placed over the swale. He asked about the proposed berm and noted currently the driveways are shared. He is concerned about the stormwater and about any blasting as it is on ledge. ► Mr. Campbell said the buildings would be on slabs. ► Mr. Jim McMahon, 15 Corbin Street, stated he is looking forward to something being done with the property but maybe not four condominiums as he has water issues in his basement currently. The size of the project concerns him. He is also concerned about the safety of the neighborhood and the children. ► Chairman Padula stated people who are concerned about the number of units should also attend the ZBA public hearing to let their voices be heard. ► Ms. Love stated all abutters within 300 ft. will receive a certified letter announcing the ZBA meeting. ► Mr. James Lyons, 8 Corbin Street, stated he has lived there for 15 years. He is concerned about the size of the project. He said Corbin Street is a small neighborhood with 12 one and two-family houses with about 16 units in total. This project with four units will add 25 percent to that amount. It will be a 25 percent increase in cars, as well. It is not a small project in the context of Corbin Street. He thinks four units is too big for Corbin Street and it will change the character of the neighborhood. He noted he also has flooding in his basement. He is concerned about the increase in pavement with this project. ► Chairman Padula confirmed the four units will produce a minimum of eight cars. ► Mr. Campbell addressed the drainage related to 15 Corbin Street. He stated they are trying to take the discharge of the basin to the back of the property so it will not be close to the adjacent house. The swale and berm will provide a way for the water into the proposed basin. The system is designed to take water away from the surrounding properties.

Chairman Padula asked if the applicant had any thoughts on downsizing.

Mr. Campbell stated this project is completely inside of the zoning requirements.

Chairman Padula stated they do not have the frontage.

Motion to Continue the public hearing for 21 Corbin Street, Special Permit & Site Plan, to August 19, 2019 at 7:20 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:30 PM **PUBLIC HEARING** – Continued
 Maple Hill – Maple Street
 Preliminary Subdivision
 Documents presented to the Planning Board are on file.

Chairman Padula stated the applicant requested a continuance of the public hearing to August 19, 2019.

Ms. Love stated the applicant provided the Planning Board with a decision extension until August 27, 2019.

Motion to Grant the decision extension for Maple Hill - Maple Street, Preliminary Subdivision, to August 27, 2019. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Continue the public hearing for Maple Hill - Maple Street, Preliminary Subdivision, to August 19, 2019, at 7:30 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:40 PM

PUBLIC HEARING – Continued

5 Forge Parkway

Site Plan Modification

Documents presented to the Planning Board are on file.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc.; Ms. Ruth Silman, of Nixon Peabody on behalf of NETA; Ms. Amanda Rositano, NETA; and Mr. Mike Hill, Odor Consultant, addressed the Planning Board. Ms. Silman stated they would like to discuss the odor. She stated she believes almost all issues from BETA's comments are resolved.

Mr. Crowley stated the applicant is increasing the parking. They are providing 249 parking spaces where 244 spaces are required. He stated he deferred it to the Building Commissioner regarding the interior layout at the site to confirm how they are actually being allocated. The applicant is proposing an additional entrance.

Chairman Padula stated the spaces must be within 300 ft. of the entrance. He asked about snow storage and impervious on the site.

Mr. Crowley stated the applicant is beneath the allowable impervious; he did not look at snow storage for the exiting site.

Ms. Silman noted the letter from Tech Environmental dated July 19, 2019. She stated at the last Planning Board meeting, Chairman Padula requested Mr. Hill have a discussion with the subconsultant from Tech Environmental regarding the odor. They had an exchange of emails; however, they were not actually able to speak to each other last week. She stated that Mr. Hill will answer questions and address the odor issues.

Chairman Padula asked Mr. Crowley to explain the letter.

Mr. Crowley stated he is not an odor control expert. He said he will paraphrase the letter. The goal was to have an exchange of information to discuss whether or not the proposed odor mitigation system would be able to mitigate the existing problems out there. Some design information was requested. Some information was provided; however, the subconsultant did not feel the full design was done to assess the existing odor and what the result would be. The subconsultant felt it was more like this system has worked on previous sites so we will install the system and we hope that it will work.

Mr. Hill stated there is no best demonstrated control technology for cannabis growing operations. We do not use hope; we do use past experience. There are some applications that are similar. He stated that in the odor control business they have to look at the chemicals they are targeting. He said maybe the disconnect is that they were only looking at the equipment. It was a concept, not a detailed design submittal. He said some of the questions could have been very easily answered in a phone conversation and he can answer them now. He requested to go through the odor control options and explain how they got to where they are.

Chairman Padula stated the applicant is here because they have a problem with the State. They have odor that is going offsite. The Planning Board is concerned if his mitigation is going to work. He stated that Mr. Crowley said he does not have the credentials for this and Chairman Padula does not think Mr. Hill does either.

Mr. Hill stated he does have the credentials. He stated Tech Environmental is a consulting engineering firm. He stated he is an engineering technologist. He stated ACC is not an OEM. They are not an odor control consulting firm. He stated ACC is an original equipment manufacturer which is where the expertise lies in the odor control industry. It does not lie within the consulting industry. He said that you can hire any consultant that you want, but

the consultants will not design and build the equipment. They will go to an equipment vendor and say what do you have that will work. He explained how the process works with consultants and that ACC builds odor control equipment. He said there are three professional engineering consultants working on this project. He said the people in his company are not registered professional engineers in Massachusetts, but they have registered engineers involved. He reiterated they are equipment designers.

Chairman Padula stated if the Planning Board approves this, there will be a stipulation that they will probably get about six months, and if they have a fine from the State or we find spillage, we will close the place down. The Planning Board is here to protect the Town, the Industrial Park, and the people.

Ms. Silman stated this is a new industry. She asked to be allowed to provide some background to give assurance to the Planning Board. She stated since they last met with the Planning Board, they have had many meetings with Mass DEP. During the meetings, they have discussed in great detail about controlling the odors. She stated the DEP is comfortable with this bio-infiltration system. She stated we think it is the best system for this type of application and DEP agrees with us. All of the people involved in the meetings know that if this does not work, we are going to have an unhappy client. She stated there is no permit or any other information or documentation that they are required to obtain from DEP. There is no requirement for an odor permit; it is an enforcement issue. When it smells bad, then you have to do something to mitigate the odor. She stated she is trying to convey a sense of confidence about this system. This is the proposed solution. We know it has to work.

Mr. Halligan asked if DEP plans to visit this site after the installation of the system.

Ms. Silman stated yes.

Mr. Halligan asked if DEP will forward their findings to the Planning Board.

Ms. Silman said she cannot speak for them. Sometimes they write a piece of paper and sometimes they do not. She stated that since DEP knows they are going forward with this process, DEP has not taken any further actions on the initial notice of non-compliance.

Chairman Padula stated the Town can override DEP and the Town can have their own person analyze any kind of odor spillage.

Mr. Halligan confirmed there is no specific filtration system that will solve the problem. He stated what they are proposing is better than what is there. Let's hope that it will work.

Chairman Padula stated the applicant is also increasing their production.

Applicant, who did not identify himself, reviewed the history of the project regarding the odor issues. He stated this facility is one of the first to be in an area where people are around it. So, DEP has taken an interest in this issue knowing it will come up again. He said we have been attempting to follow all the Town's bylaws at great expense to the company. The company knows they have to fix these issues. They are relying upon the expertise of the people they hire. He would be shocked if DEP does not follow up on this. They are looking at this in detail. He thinks they are trying to learn how to address this issue. This education process may be beneficial to this community if this issue comes up again in the Town. He said we will follow the conditions the Planning Board has asked for. He stated the process for this system requires them to alter the site which is an additional reason why they are here. They need Planning Board approval.

Chairman Padula reiterated the Planning Board's concern. They are located near other businesses, a hotel across the street, and people are in the area.

Mr. Rondeau asked for the time frame for this system to be installed and up and running.

Ms. Silman said provided they obtain the approval and proceed with the building department, they will begin. She did not provide a time frame.

Mr. Hill showed the Planning Board pictures of the system.

Mr. Crowley stated his other comment regarded the stormwater recharge system. He explained the model needs to be revised.

Ms. Silman said the engineers are aware and working on the resizing of that.

Motion to Close the public hearing for 5 Forge Parkway, Site Plan Modification. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve 5 Forge Parkway, Site Plan Modification. Halligan. Second: David. Chairman Padula confirmed the applicant will change the drainage before endorsement. Vote: 5-0-0 (5-Yes; 0-No).

7:35 PM **PUBLIC HEARING** – *Initial*
 Margaret's Cove
 Subdivision Modification
 Documents presented to the Planning Board are on file.

Chairman Padula recused himself.

Mr. Richard Whittington, Whitman Homes, and Ms. Amanda Cavaliere, engineer of Guerriere & Halnon, Inc., addressed the Planning Board. Ms. Cavaliere stated they are proposing a subdivision modification to a previously approved plan done in 1982 for Mine Brook Estates. The majority of the subdivision has been constructed to date with the exception of the remaining nine lots off of Margaret's Cove at the end of the development. The proposed project site is located on approximately 6.5 acres. It is within a Water Resource District and directly abuts the Town of Franklin's water supply, Well #7. She stated the proposed subdivision modification is fairly consistent with the previously approved plans with the exception of the number of lots and stormwater management and mitigation to the site. The road has not changed from the originally approved subdivision. They have added a detention pond with a forebay that will handle the pre-treatment before it discharges to the wetlands. She reviewed the lots sizes and locations as shown on the plans. She stated a significant number of test pits have been done. They have received comments from the Town and initial comments from BETA. As of tonight, they are still waiting for final comments from BETA and WSI, the wetland scientist consultants. They are scheduled to go before the Conservation Commission.

Ms. Love stated the applicant has not asked for any waivers for the subdivision. The Town Attorney requested this not be an 81-P as the roadway had never been installed. Had the roadway been put in when the subdivision was approved, they would have had the frontage to file the 81-P; the applicant is back with a modification of a subdivision because the roadway was never constructed. She stated Mr. Maglio mentioned the approved road width was 28 ft.; they are now calling for 26 ft.

Mr. Crowley reviewed some of the initial comments.

Ms. Cavaliere stated with the subdivision modification they are going from nine lots to six lots. Although they typically have the detention basin on its own separate non-buildable lot, since they are doing a modification and shifting lot lines, they ask for the Planning Board's approval as shown on the plans.

Planning Board members asked questions.

Ms. Cavaliere stated the modification does not change the width of the cul-de-sac from what was originally approved. The length of the road is 600 ft.; it has not changed. She confirmed Town water and sewer service.

Mr. Rondeau stated he would like to see the retention pond on a separate lot.

Vice Chairman Halligan stated he would like to ask the Town Attorney about that.

Mr. Whittington stated doing so would shift all the lots lines and the frontage. He stated they believe they could come back with an 81-P Plan because the road has a covenant in place; it does not matter whether it was built. There is case law. He discussed the lot sizes if the retention pond is put on a separate lot.

Planning Board members discussed the retention pond location and lot sizes.

Vice Chairman Halligan stated he does not have an issue going forward with the way it is proposed if an okay can be received from the Town Attorney about an easement to allow the Town to go on the property, if needed.

Mr. Whittington stated he had no issue with that.

Mr. Carroll discussed the size of the road.

Vice Chairman Halligan stated the applicant wants to go to 26 ft. road width; the Town wants them to go to 24 ft. road width. The new thing is to shrink the roads and have one sidewalk.

Mr. Whittington stated it is less impervious surface and less impact on the drainage requirements.

Vice Chairman Halligan and Mr. Carroll agreed 24 ft. is too small.

Mr. Whittington confirmed he had no problem with one sidewalk and upright granite.

Ms. Cavaliere stated the rest of the development has sloped granite and they wanted to keep it consistent.

Mr. Carroll stated it has to be brought up to today's standards. If the applicant wants to do things to keep them consistent, then they would need to keep the road width the same also.

Ms. Cavaliere agreed with upright granite and sidewalk on one side.

Vice Chair Halligan reiterated they have a legal question to ask the Town Attorney on the easement.

Motion to Continue the public hearing for Margaret's Cove, Subdivision Modification, to August 19, 2019, at 7:35 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 9:07 PM.

Respectfully submitted,


Judith Lizardi,
Recording Secretary

