

DRAFT FOR REVIEW**Town of Franklin****Planning Board****December 19, 2016****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.

7:00 PM Commencement/General Business (items taken out of order from agenda)

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

A. Bond Reduction – Countryside Estates – September Drive

Mr. Maglio stated BETA reviewed the request for bond reduction for Countryside Estates and they recommended the bond to be reduced from \$456,772 to \$298,088. He stated he agreed.

Motion to Approve the Bond Reduction to release a total amount of \$158,684. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula requested a four-minute recess. *Motion to Approve four-minute recess. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).*

7:05 PM **PUBLIC HEARING** – Initial
Plain Street
Private Definitive Subdivision

Documents presented to the Planning Board:

1. Letter dated December 8, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Memorandum dated December 15, 2016 from DPCD to Franklin Planning Board
3. Memorandum dated December 9, 2016 from G.B. McCarraher, Fire Chief, to DPCD
4. Memorandum dated November 28, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
5. Memorandum dated December 6, 2016 from Franklin Board of Health to Franklin Planning Board
6. Packet with property description dated November 16, 2016 from applicant Paul Pellegrino prepared by Guerriere & Halnon, Inc. for Pellegrino Estates with Received by Planning date November 18, 2016
7. Form C: Application for Approval of a Definitive Plan with Received by Town Clerk date December 5, 2016
8. Certificate of Ownership with Received by Town Clerk date December 5, 2016
9. Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #1 dated November 16, 2016

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10. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #2 dated November 16, 2016*
11. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #3 dated November 16, 2016*
12. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #4 dated November 16, 2016*
13. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #5 dated November 16, 2016*
14. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #6 dated November 16, 2016*
15. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #7 dated November 16, 2016*
16. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #8 dated November 16, 2016*
17. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #9 dated November 16, 2016*
18. *Form R: Franklin Planning Board Subdivision Waiver Request F-3997, #10 dated November 16, 2016*
19. *Town of Franklin Board of Assessors Abutters List Request Form dated November 17, 2016 with Received by Town Clerk date November 21, 2016*
20. *Abutters List Report dated November 19, 2016*
21. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date November 28, 2016*
22. *Pellegrino Estates, A Private Definitive Subdivision, Franklin, Massachusetts, Site Plan Sheets Prepared by Guerriere & Halnon, Inc., with Received by Planning date November 21, 2016*
23. *Pellegrino Estates, A Private Definitive Subdivision, Franklin, Massachusetts, Site Plan Sheets Prepared by Guerriere & Halnon, Inc., with Received by Planning date November 18, 2016*

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

Mr. Paul Pellegrino, Attorney, and Mr. Bruce Wilson of Guerriere & Halnon, Inc., addressed the Planning Board. Mr. Wilson stated this is an approximately 2.5-acre property looking to come in with a private road. The street would be 56 ft. wide with 60 ft. cul-de-sac with 2.2-acre lot and a drainage lot. The property is in Residential I district in the rear and R-II in the front. They have 200 ft. of frontage and plenty of lot depth. He showed an existing conditions plan sheet. Proposal includes private 12 ft. wide paved driveway elevated from right to left to collect stormwater which will go into a rain garden. It will have town water and sewer with underground electric and gas services. He reviewed the 10 waivers they are requesting. He stated Parcel A is part of the project. It would be used if something in addition to the rain garden was needed. Currently, the drainage is in the cul-de-sac; it could be put in Parcel A if the Planning Board prefers.

Mr. Mark Cerel, Town Attorney, stated as Mr. Wilson alluded to, this is a resolution of a litigation issue with the Town. The Town is actually the title holder of this parcel at the present time. This is a parcel the Town took for non-payment of taxes. It went to a land court proceeding and foreclosed. It sat there for a number of years. Then the Town in cooperation with the Housing Authority subdivided the parcel, created a parcel at the front where an assisted living group home was permitted for mentally challenged adults, and in the course of that process after it was approved there were a number of court challenges. Then the Town became aware that Mr. Bagdasarian who is represented by Attorney Pellegrino was the heir to an individual who was originally the owner of record of this parcel and the claim was made that there was not proper notice given at the time of the land court foreclosure. As a result, he claimed to have

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rights to this land. There were extensive negotiations; ultimately, the claim was that the Town had made things worse by conveying the parcel to the Housing Authority. There were claims of damages due. After extended negotiations it came down to a certain amount of money that would be paid to Mr. Bagdasarian as well as conveying the remaining parcel back to him predicated upon his being able to get one buildable lot out of that remaining land which is what resulted in this subdivision before the Planning Board tonight. Mr. Cerel stated he consulted with Chairman Padula and showed him the plan as this was ongoing. Mr. Cerel stated the Franklin Town Council has blessed this. They have authorized the payment of the damages dollar amount and have also authorized the conveyance of this property to Mr. Bagdasarian. The entire settlement now hinges upon the Planning Board's approval of the one-lot subdivision.

Chairman Padula asked Mr. Cerel when it was that he saw this.

Mr. Cerel reminded Chairman Padula that he saw this a few months ago; he had a meeting with Mr. Taberner and asked Chairman Padula to review it so he would know what was coming.

Chairman Padula stated he did not recall that he had seen this. He noted he has had a week to look at it.

Mr. Maglio stated the project will create a single house lot with a private driveway and the drainage will be controlled with a rain garden on the property. The area of disturbance is less than the amount that would trigger the town's stormwater bylaw.

Mr. Cerel stated that it will be one buildable lot; Parcel A was going to be a drainage lot. The group home will be staying on the lot where it is; it has frontage on Plain Street.

Mr. Maglio stated during construction BETA Group will be involved doing the inspections.

Mr. Steven Falcone, 27 Plain Street, stated he already has the assisted living next door to him and now they are going to put a driveway in 15 ft. from the side of his house with a private lot in the back. He bought the house recently because of the seclusion in the backyard. Is this going to turn into a large subdivision? He asked if there is anything he can do about this. And, he does not want someone to come in and clear cut.

Mr. Halligan asked Mr. Wilson the distance from Mr. Falcone's lot line to the buffer zone and is it all tree-lined now? Is there any way the driveway can be pulled over?

Mr. Wilson stated he could probably move the driveway 15 ft. and put some plantings/shade trees for screening. The existing buffer is about 28 ft.; to add another 15 ft. would create 40 ft. of buffer. He said he would make the plan revision. He said the distance of the new home from Plain Street is about 550 ft.

Motion to Close the public hearing. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #1, to reduce pavement width from 26 ft. to 12 ft. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #2, Cape Cod berm on southerly side of driveway; except at entrance use slant granite curbing. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #3, install no sidewalks in place of two. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

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Motion to Approve Waiver #4, to create a hammerhead turn around for emergency vehicles. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #5, to construct a roadway without radius of 30 ft. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #6, underground wiring. Note: Mr. Wilson stated this Waiver should be disregarded; they will be putting in underground wiring.

Motion to Approve Waiver #7, to install no street lighting. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #8, to waive conventional stormwater collection and use a super elevated driveway and infiltration recharge rain garden at low point. ■Mr. Cerel stated this would be an appropriate place to indicate the drainage should be taken onto Parcel A. ■Chairman Padula reworded Waiver #8, to indicate: "to waive conventional stormwater collection and use a super elevated driveway and infiltration recharge rain garden upon Parcel A." ■Mr. Wilson stated he would create a swale and put the rain garden in that parcel. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #9, to waive tree and landscape planting along the road. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver #10, to grade the roadway centerline at 1.0% instead of 1.5%. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Definitive Subdivision Plan for Plain Street. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

■Mr. Halligan stated a condition should be added in that the roadway and the house should both be owned and maintained by the same individual in perpetuity. ■Mr. Cerel stated this should be the typical private road covenant; and if the driveway is to be moved over, it should be put in as a condition as well. ■Chairman Padula confirmed with Mr. Wilson that he is going to move over the driveway 15 ft. ■Mr. Wilson said Yes and he would provide some arborvitae screening for the neighbor.

Motion to Rescind Waiver #9, to waive tree and landscape planting along the road. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Amendment to the Motion to Approve Definitive Subdivision Plan for Plain Street to include the plantings and the moving of the driveway 15 ft. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM

PUBLIC HEARING – Initial
Zoning Bylaw Amendment 16-775
 Summer Street and Re-Zoning

Documents presented to the Planning Board:

1. Packet entitled Summer Street, Proposed Residential Development, Franklin, MA, with housing renditions and floor plans by Grandis Homes with Received by Planning date December 15, 2016
2. Letter dated December 9, 2016 from Nancy Symmes of 342 Summer Street to Franklin Planning Board
3. Email dated November 23, 2016 from Maureen Haughey, Resident of Franklin, to Franklin Planning Board

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4. *Letter including Memorandum in Support of Zoning Bylaw Amendment, dated December 14, 2016 from Richard Cornetta, Attorney, to Franklin Planning Board*
5. *Town of Franklin Zoning Bylaw Amendment 16-775*
6. *Proposed Zoning Map Changes Rural Residential I to Residential VII, Current and Proposed Map*
7. *Town of Franklin Board of Assessors Abutters List Request Form with date stamp November 17, 2016*
8. *Abutters List Report dated November 17, 2016*
9. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date November 21, 2016*

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

Mr. Richard Cornetta, Attorney representing Grandis Homes LLC, and Mr. Mounir Tayara, Principal of Grandis Homes LLC, addressed the Town Council. Attorney Cornetta stated this is a proposal for a map amendment. It has been referred to the Planning Board. The property is at 496 Summer Street located in Rural Residential I zoning district. It is currently owned by Mr. Bruce Hunchard and Ms. Gwynne Hunchard. It is a 10 ½ -acre parcel which includes their primary single-family home; the remainder of the land is undeveloped. Grandis Homes is an active real estate development company based out of Medway, MA. They have about 50 years of experience in developing single-family homes, apartment style homes and condominiums. He stated Mr. Tayara is familiar with the Town of Franklin's regulations. Hillside Estates in Bellingham is a good example of their homes. This petition is a map amendment to change the zoning map from Rural Residential I to Residential VII, the newest zoning district in the town. Mr. Tayara said information packets had been provided to the Planning Board members.

Chairman Padula asked if they could put their information on the easel so the camera could show the public audience. The presenters stated they had a video presentation, but were not able to present it; they did not have drawings to put on the easel for viewing.

Mr. Tayara provided an overview of what the development would look like. He said they were proposing 34 single-family detached homes, 30 ft. x 60 ft. He described the interior and exterior provisions and styles. He stated their target is to attract a certain demographic: professionals, downsizers, people who are looking for a lifetime home. It is meant to be minimal maintenance and small yards.

Mr. Cerel stated this is a proposal that was initiated by the Town Council to rezone a parcel to Residential VII. There is a need for a recommendation from the Planning Board, but it is on the broader issue of rezoning a particular area to determine whether or not it is in the town's best interest to do that. While it may be appropriate to talk about the type of project that can go in, he would caution everyone not to get into the specifics of a particular development. It could be this project, it could be some other project, or no project at all. The Planning Board should want to focus on the pros and cons of rezoning this parcel to compare what is allowed and prohibited now versus what would be allowed and prohibited were it to be changed to RVII. He noted if this were to be rezoned to RVII, any project would require a special permit from the Planning Board.

Mr. Cornetta stated he thinks this is the type of project envisioned by the RVII designation.

Mr. Tayara stated that with 10 acres under RVII, 40 homes are allowed, but they are proposing 34.

Mr. Halligan confirmed with Mr. Cerel that if this were to be an RVII, it would need a special permit, and the Planning Board has full authority of style of homes, the density, the closeness, pretty much all aesthetics of the project.

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Mr. Cerel stated it would be like the experience of Cook's Farm.

Mr. Cornetta stated they are scheduled to go back before the Town Council this Wednesday for a public presentation. It is important to illicit the Planning Board's recommendation on the project. They are here to address any questions.

Eric Bearce, 493 Summer Street, stated his concern is about traffic with 34 more houses. He is directly across the street from this; it does not fit with the surroundings.

Sally Winters, 486 Summer Street, stated her property abuts this property. Her concern is that it is surrounded by 128 acres of town property. After 32 years of looking out her window and seeing no homes and now to see a project that looks like Cook's Farm is not acceptable. In addition, it is not acceptable that she did not hear about this project until she got a notice the mail today. Some people across the street received a notice the day after Thanksgiving. She has had no time to prepare. Also, Summer Street is so busy already and it is a rural area. It would be upsetting and dangerous to have more cars on the road.

Chairman Padula asked if this project could be seen from the street.

Mr. Tayara stated it would be about 400 ft. from the street.

Ms. Love stated all the notices were mailed on the same day prior to Thanksgiving.

Chairman Padula stated this is just a recommending board. The Town Council makes the bylaw; they make the Zone VII. If they decide to change the zoning, whatever zoning change they want to make is just a matter of formality that they bring it to the Planning Board for recommendation or no recommendation, whether they honor it or not.

Mr. Cerel explained the procedure of the Town Council to rezone. He noted that the town is under 10 percent for 40Bs. State regulations cover 40Bs. He stated the Planning Board has quite a bit of authority when it comes to special permits and RVII requires a special permit.

Mr. David Hamparian, Executive Director of Camp Haiastan, 722 Summer Street, an abutter, stated his concerns include the density of the project and things such as trespassing when having a kid's camp in such close proximity. Will there be parameters set up around the border? They have already seen an increase in trespassers from the town woods when it was publicized more. Security is essential for a kid's camp. Mediation is necessary to secure the parameters. He noted the camp received two notices.

Chairman Padula suggested the trespassing issue is a two-way street and the camp must work with the developer. He noted the Planning Board will be aware of that.

Mr. Adam Sanders, 483 Summer Street, stated he has a development like this behind his house, Palladini Village. His concern now is that there are other undeveloped lots in the area. How many of these can be permitted over time in this area?

Mr. Cerel noted that there is a minimum of five acres for this RVII.

Chairman Padula noted that there is a minimum of five acres for a 40B also.

Motion to Close the public hearing. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

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Mr. Halligan stated he would make a motion to recommend to the Town Council because he would know the Planning Board would have this under a special permit and have a vote or some control about the style and quality of product that would be developed on that site.

Motion to Recommend to the Town Council. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

7:35 PM **PUBLIC HEARING** – *Continued*
0 Pond Street (former wastewater sewer beds land)
(1) Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Email dated December 13, 2016 from John Kucich of Bohler Engineering to Amy Love, Planner*
2. *Memorandum dated November 16, 2016 from Mark Cerel, Town Attorney, to Franklin Planning Board*
3. *Memorandum dated November 11, 2016 from G.B. McCarraher, Fire Chief, to DPCD*
4. *Memorandum in Support of Application for Special Permit dated October 6, 2016 from Richard Cornetta, Attorney, to Franklin Planning Board*
5. *Application for Approval of a Site Plan and Special Permit(s) from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
6. *Form P, Application for Approval of a Site Plan from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
7. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date October 7, 2016*
8. *Abutters List Report dated September 28, 2016*
9. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 18, 2016*

Chairman Padula stated this public hearing will be continued to January 9, 2017.

7:40 PM **PUBLIC HEARING** – *Continued*
11 White Dove Road
Definitive Subdivision Modification

Documents presented to the Planning Board:

1. *Partridge Run Estates, Subdivision Modification Plan, Franklin, MA, Prepared for Marinella Construction, Inc. by Knapik Consulting, Inc. revised date December 8, 2016*
2. *Letter dated December 13, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated December 15, 2016 from DPCD to Franklin Planning Board*
4. *Letter dated November 14, 2016 from W. Robert Knapik, Knapik Consulting, Inc., to Franklin Planning Board*
5. *Form C-1, Application for Approval of Modification Plan with Received by Planning date November 14, 2016*
6. *Form R, Franklin Planning Board Subdivision Waiver Request with Received by Planning date November 14, 2016*
7. *Certificate of Ownership with Received by Planning date November 14, 2016*
8. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date November 14, 2016*
9. *Abutters List Report dated November 14, 2016*
10. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date November 15, 2016*

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Mr. Joseph Antonellis, Attorney on behalf of the applicant, and Mr. Robert Knapik of Knapik Consulting, Inc. addressed the Planning Board. Mr. Antonellis stated when they were here last time, the Planning Board had made some recommendations and asked if they could be incorporated into the plan. The Planning Board also had some concerns as this was a modification of a subdivision that requires some construction, what surety would be made available to make sure that happened. He had proposed using a covenant, similar to that used in a subdivision. He spoke with Ms. Wilfork about this. As such, he would like to leave a covenant with the Planning Board. They will record the plan and the covenant at the same time. Then arrangements would be made with the town engineer to supervise work that needs to be done. This is how they would like to proceed. It would also allow the Wilforks to start to advertise the house again. The Wilforks are going to assume the responsibility of putting the road in.

Mr. Maglio stated the applicant submitted a revised plan and made the changes as requested; he had no further comments at this time.

Mr. Cerel stated that at the appropriate time they will accept all roads in the subdivision. He stated he was copied on the covenant; it needed some editing but he is comfortable with the proposed covenant.

Mr. Cliff Trautman, 11 Mockingbird Drive, abutter across the street, asked about the dimensions of the stone road from the centerline of the right-of-way, if the Planning Board will require as-builts, and the approximate time frame for all the roads in the subdivision to be accepted.

Mr. Knapik explained the plans of the gravel path.

Mr. Maglio stated that once they get through this part of the process the intention is to have the rest of the neighborhood acceptance plans prepared and have the entire neighborhood accepted all at once, including this segment. He estimated about six months to one year for this neighborhood to be accepted.

Mr. Halligan asked about the location on the plans of the split-rail fence in the middle of the town-owned property. He would like to see the fence along the property line.

Mr. Cerel stated once this is accepted, no one can acquire a town way by adverse possession.

Mr. Maglio explained why the fence was put in that location. The fence will be about 10 ft. off the property line; it was put in to separate the path and the driveway.

Mr. Knapik stated that having the fence follow the right-of-way line would look rather odd, like a fence sitting in the middle of the yard.

Mr. Cerel stated the town has no compelling reason to have the fence; it could simply be eliminated.

Mr. Rondeau stated he would rather see the fence as it would provide a boundary.

Mr. Antonellis stated they had already agreed to put the bounds in at the edge of the roadway; he said they can put a few more along the driveway.

Chairman Padula stated they should put the fence where it is and put in the bounds. He took an informal vote on the need for the fence. It was determined the fence was not needed and the applicant was told to eliminate it. Chairman Padula stated they are going to vote on the modification without the fence. The imposition of the covenant will be when they endorse.

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Motion to Approve the modification, minus the fence, for 11 White Dove Road. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula stated he would like Mr. Maglio to write a letter from the Planning Board to the Zoning Enforcement Agent asking him to please enforce the following. At Mr. French's Dunkin Donuts, the One Way Do Not Enter sign in the right lane on King Street has been taken down and missing for over 1 ½ years. People are crossing three lanes in the opposite direction and there is no sign that says Do Not Enter. In addition, he noticed on the way here, there was a line of traffic leaving from there, crossing three lanes to go to Rt. 495. That is supposed to be an entry only. Obviously, the sign in the parking lot is missing; there must be a sign in the parking lot.

Motion to Adjourn. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:25 PM.

Respectfully submitted,



Judith Lizardi

Recording Secretary

