

Town of Franklin



Planning Board

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TOWN OF FRANKLIN
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**June 20, 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. Also present: Bryan Taberner, Director, Planning and Community Development; Michael Maglio, Town Engineer; Kristin Kaczmarek, 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. Limited Site Plan – 101 Constitution Blvd. – Parking

Chairman Padula stated the applicant requested a continuance.

Ms. Kristin Kaczmarek confirmed the request.

B. Extension-- Chestnut Senior Village

Chairman Padula recused himself.

Mr. Donald Nielsen of Guerriere & Halnon, Inc. requested a continuance to the next meeting.

Chairman Padula re-entered the meeting.

C. Acceptance of Meeting Minutes – June 6, 2016

Motion to Accept the June 6, 2016 meeting minutes. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula called a three-minute recess.

7:05 PM PUBLIC HEARING – Continued
100 Financial Park – Warehouse Development
Site Plan

Documents presented to the Planning Board:

- 1. Letter dated June 17, 2016 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
- 2. Memorandum dated June 16, 2016 from Department of Planning and Community Development to Franklin Planning Board*

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3. *Letter dated June 10, 2016 from Douglas Hartnett, Highpoint Engineering, Inc., to Franklin Planning Board*
4. *Memorandum dated May 12, 2016 from G.B. McCarraher, Fire Chief, to DCPD*
5. *Letter dated May 11, 2016 from George Russell, Conservation Agent, to Douglas Hartnett, Highpoint Engineering*
6. *Memorandum dated May 3, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
7. *Memorandum dated May 3, 2016 from Franklin Board of Health to Franklin Planning Board*
8. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date May 2, 2016*
9. *100 Financial Park – Warehouse Development, Site Development Plans, with Plan Revisions date June 13, 2016*

Mr. Douglas Hartnett, Principal of Highpoint Engineering, representing CRE Management, addressed the Planning Board and provided a follow-up from the last hearing. He stated there are a few items in the overall project in which the two properties, the warehouse development and the Charter School, benefit from mitigation, and other items that affect the land swap. They have submitted revised plans based on peer review and department head comments. They are in a good position to clear up all loose ends as they relate to BETA and Planning Department. Have had discussions with DPW regarding Grove Street access. Regarding town property on which Well #3 is located, the access was granted to the property that Digital controlled and the easement has been in place for approximately 45 years. There were concerns by DPW about increased traffic trips across the property and potential accidents that could negatively affect the well. DPW requested to work with applicant to provide a deed restriction on a portion of land abutting town well property to accommodate a future well head that would have a 400 ft. Zone I radius that would encroach on applicant's land. Discussions have been held with Mr. Michael Maglio and DPW Director. Also, had discussions with DPW Director regarding proposal which resulted in allowing access to remain the same for the original building, future development of the warehouse and expansion would be fully restricted from accessing Grove Street, and Charter School would be restricted to only allow bus access through Grove Street. So, there would be no increased vehicle trips from what currently occurs today. Future development parcels would also not access Grove Street.

Mr. Michael Maglio stated they met with applicant last week and discussed issues regarding traffic that would be allowed to use the Grove Street access. Seems like all are in agreement of what would be allowed and how to move forward. The original traffic analysis would have to be updated to show the changes and impacts at the Grove Street intersection. There would be limited access to Grove Street for only school buses and other traffic forced to go through Washington Street. It will increase impacts at the Washington Street and King Street intersection.

Chairman Padula stated it is a very busy area with much traffic and this will increase truck traffic as well.

Mr. Halligan questioned the distance to the closest part of the access road and parking lot to the current well head. Why would there be limited use to the roadway if the parking lot is as close to the well head? What is gained by limiting use on the road?

Mr. Hartnett showed at closest point well was about 1,400 ft. to the school project and 300 ft. to the driveway. He noted there will be a revised analysis to finalize any impacts to the surrounding intersections.

Mr. Halligan asked if there was a traffic analysis that shows how close Grove Street is to the well, and how much unregulated traffic passes by the well on a daily basis. If there are already trucks passing near the well head, what is the benefit of limiting access? He mentioned that Jeff Nutting had spoken about a possible traffic light at the Grove Street and Washington Street intersection. He asked if applicant were

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allowed to use the access road, would there be a possibility of cost sharing for a traffic light there? The safety issue would be valuable for all citizens.

Mr. Hartnett stated the access today is only for the existing occupancy of the building; there are only about 30 to 40 employees. Future access would include the school buses and the existing office building. He stated that Jeff Nutting had spoken about the traffic light without the knowledge of the results of the traffic study. There has been a signal identified at the Washington Street and King Street intersection.

Mr. Daniel Mills of MDM Transportation Consultants, Inc. provided an overview of the traffic study. They had originally shown full access to the Grove Street roadway. This is not the case, so this does change the impacts of the development. He noted the traffic signal was for the Washington Street and King Street intersection based on full use of the existing building, the school traffic and the warehouse traffic. It warrants a traffic signal and should be discussed with the town.

Mr. Matthew Crowley stated review of the traffic analysis was dependent upon the Grove Street access. BETA will review the revised submission. Most comments have been addressed; those remaining are relatively minor. He noted parking seems adequate and BETA requested some long-term plan information on stormwater management.

Chairman Padula questioned applicant's comments that indicated required information would be submitted with building permit. He told applicant to make sure responses were complete by the next hearing.

Mr. David Sottile, 595 Washington Street, stated he lives about three houses from the intersection of Washington Street and King Street. He would like Planning Board to reconsider the proposed limited access out of Grove Street. Morning traffic is backed up from the lights at the fire station all the way to his house. When Digital was in the building it was very difficult to get out of Grove Street. There will be many big trucks with 70 loading docks. If majority of traffic is going to be funneled out onto Washington Street, that will have a significant impact on the area.

Mr. Halligan asked for the working hours of the warehouse, if the 184 expansion parking spaces will be able to meet requirements, and if any generators were proposed for the project.

Mr. Hartnett stated they do not yet have a tenant. If there was a need for additional spaces, a parking demand study would be submitted to the Planning Board. No generators are requested at this time; if there were, they would be natural gas as in a Water Resource District.

Chairman Padula stated the Planning Board can make the hours. He also noted they are getting rid of 447 parking spaces and only have ability to increase by 184.

Mr. Carroll stated concern about safety of children with the traffic as putting in both school and tractor trailers using the same driveway. What if a truck turns left and tries to go out Grove Street and ends up going into the school area?

Mr. Hartnett stated the school site is remote from the commercial/industrial property. It will be managed by the owners of the property.

Mr. Maglio stated there would be an automated access key gate there with the technology that police, fire and school buses have to get in and out. He noted DPW is trying to restrict traffic in Grove Street area as it is too close to the well head. The town is currently under water conservation plan and do not want to potentially loose a well.

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Chairman Padula said there could be many ways to mitigate the truck access.

Mr. Halligan expressed concern and requested thought be given regarding if hazardous materials, chemicals, and fertilizers would be stored in the warehouses being so close to a school. As they do not know who the tenant is, do they have to come back every time.

Ms. Kaczmarek stated the applicant clarified the documentation to support the parking waiver. Would like to know the number of employees working in the data center. She noted the waiver would apply to the existing use and any change would require a return to the Planning Board.

Motion to Continue public hearing for 100 Financial Park, Warehouse Development, Site Plan, to July 11, 2016, at 7:10 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
 100 Financial Park – Benjamin Franklin School
 Site Plan

Documents presented to the Planning Board:

1. *Letter dated June 16, 2016 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
2. *Memorandum dated June 16, 2016 from Department of Planning and Community Development to Franklin Planning Board*
3. *Memorandum dated June 14, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Memorandum dated June 7, 2016 from Franklin Board of Health to Franklin Planning Board*
5. *Peer Review and Town Response and Supplemental Information Submission bound documents from Samiotes Consultants, Inc., for Benjamin Franklin Classical Charter School with Received by Planning date June 13, 2016*
6. *Benjamin Franklin Classical Charter Public School, Plan Sheets, with Received by Planning date June 13, 2016*
7. *Memorandum dated May 12, 2016 from G.B. McCarraher, Fire Chief, to DCPD*
8. *Letter dated April 27, 2016 from George Russell, Conservation Agent, to Stephen Farvin, Samiotes Consultants, Inc.*
9. *Memorandum dated May 3, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
10. *Letter dated April 15, 2016 from Andrew Truman, Samiotes Consultants, Inc., to Franklin Planning Board*
11. *Form P Application for Approval of a Site Plan with Received by Planning date May 2, 2016*
12. *Certificate of Ownership with Received by Planning date May 2, 2016*
13. *Abutters List Request Form with Received by Planning date May 2, 2016*
14. *Abutters List Report, Town of Franklin, December 15, 2015*
15. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date May 3, 2016*

Mr. Andy Truman of Samiotes Consultants, Inc., Mr. Larry Spang of Arrowstreet, Inc., and Mr. Richard Marks, Owner's Project Manager, of Daedalus Projects, Inc. addressed the Planning Board. Mr. Truman stated they responded to the comments from BETA and the town. BETA commented on the responses. Mr. Truman stated they are about 95 percent complete; the only remaining item is stormwater. Site plan did not really change; dumpster was moved. He clarified the children would be in the back of the school; there would not be at time that children would be in the area of Financial Drive. He stated, as required by ADA, they must provide an accessible route from the public way to the building. They have a proposed sidewalk coming up the driveway on the site plan; it will be only on their property.

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Ms. Kaczmarek noted the NOI permit application with Conservation Commission. She thanked the applicant for providing the sketch of parent and bus drop off. The review indicated 7,700 yds. of fill required for the site. In reference to Chapter 185, 40, Zone II Water Resource District, a certification must be submitted that notes the material does not exceed the standards for oils and hazardous materials.

Chairman Padula asked who checks the fill for contaminants as it is next to a well head.

Mr. Maglio stated a licensed site professional has to certify it is clean.

Mr. Marks stated they would get a submittal from the earthwork contractor that states the source of the material. There will be a testing company onsite to make sure material is consistent with the submittal.

Mr. Truman stated a flow test is being scheduled. He noted a waiver for HDPE pipe had been requested.

Chairman Padula stated reinforced concrete pipe is required in town bylaw for drainage. He noted sewer can be plastic pipe.

Mr. Truman stated the infiltration system is all HDPE pipe; he described the two Cultec systems.

Motion to Continue public hearing for 100 Financial Park, Benjamin Franklin School, Site Plan, to July 11, 2016, at 7:15 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – *Continued*
 Lincoln Street – Rolling Brook Estates
 Definitive Subdivision

Documents presented to the Planning Board:

1. Letter dated June 13, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Memorandum dated June 14, 2016 from Department of Planning and Community Development to Franklin Planning Board
3. Memorandum dated June 14, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
4. Letter dated June 13, 2016 from Eric Dias, Strong Point Engineering Solutions, LLC, to Franklin Planning Board
5. Form R: Franklin Planning Board Subdivision Waiver Request: Waivers #1 – 6, with Received by Planning date June 13, 2016
6. Definitive Subdivision Plan for Rolling Brook Estates, Lincoln Street, Franklin, Massachusetts, Plan Sheets with Revision Date June 13, 2016
7. Memorandum dated May 12, 2016 from G.B. McCarraher, Fire Chief, to DCPD
8. Memorandum dated May 18, 2016 from Lenore White, Wetland Strategies, Inc., to George Russell, Franklin Conservation Commission
9. Email dated May 3, 2016 from Kathy Celorier, Conservation Department, to George Russell, Conservation Agent
10. Letter dated May 2, 2016 from Eric Dias, Tunison Dias, Inc., to Franklin Planning Board
11. Form C Application for Approval of Definitive Plan with Received by Planning date May 2, 2016
12. Form R: Franklin Planning Board Subdivision Waiver Request: Waivers #1 – 13, with Received by Planning date May 2, 2016
13. Certificate of Ownership with Received by Planning date May 2, 2016
14. Abutters List Request Form with Received by Planning date May 2, 2016

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15. *Abutters List Report, Town of Franklin, February 24, 2016*
16. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date May 2, 2016*
17. *Memorandum dated April 21, 2016 from Department of Planning and Community Development to Franklin Planning Board*
18. *Letter dated April 12, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board*
19. *Memorandum dated March 30, 2016 from George Russell, Conservation Agent, to Franklin Planning Board*
20. *Memorandum dated April 5, 2016 from Franklin Board of Health to Franklin Planning Board*
21. *Letter dated March 28, 2016 from Eric Dias, Tunison Dias, Inc., to Franklin Planning Board*
22. *Form C-1 Application for Approval of Modification Plan with Received by Planning date March 29, 2016*
23. *Letter dated April 4, 2016 from Eric Dias, Tunison Dias, Inc., to Franklin Planning Board*
24. *Form R: Franklin Planning Board Subdivision Waiver Request: Waivers #1 – 13, with Received by Planning date April 4, 2016*
25. *Certificate of Ownership with Received by Planning date March 29, 2016*
26. *Abutters List Request Form with Received by Planning date March 29, 2016*
27. *Abutters List Report, Town of Franklin, February 24, 2016*
28. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 4, 2016*

Mr. Eric Dias, Strong Point Engineering Solutions, LLC, representing the applicant, TNT Building Corporation, addressed the Planning Board. He noted this is the third time before the Planning Board. At the last meeting the focus was on the proposed low-impact development design stormwater management system. The general consensus of the Planning Board was not in favor of the LID design and the associated waivers required to support that design. Now proposing a closed drainage system design. Originally had 13 waiver requests, most to support the LID design; now have 6 waiver requests, none of which are to support the drainage design. Other changes to site include elimination of the stormwater management forebay on residential Lot 2. Also, lots on east side of the street have been reconfigured to make room to increase size of stormwater basin to handle the capacity. The waivers are broken out into the public and private way portions of the roadway; he reviewed them. They have received comments from the town, but not yet from BETA.

Ms. Kaczmarek noted applicant responded to some of the comments from the previous submission. On new plan, there is a wall shown on the south side of the drainage lot and would like to see what that may look like. There is a discrepancy in the acreage to convey to the town in Lot B and would like to have that looked at. She asked if any trees that might be greater than 10 inches that should be kept. A retaining wall is shown on Lot 7, but no grading shown. Plans will also be reviewed by Conservation this week. They will have comments after that review.

Chairman Padula noted that sloped granite must be removed from the detail on the plans. Concrete sidewalks across the driveways, and upright granite requires roundings at the driveway openings.

Mr. Crowley stated BETA does not have comments yet.

Ms. Margaret Auerbach, 57 Winterberry Drive, stated she brought up a concern at the last meeting regarding the water runoff and the problems on Winterberry Drive behind Lot 2. The water is going under the road, but there is freezing in the winter and cars go off the road there. She asked if anyone had looked into that issue.

Mr. Maglio stated he would look into it.

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Motion to Continue public hearing for Lincoln Street, Rolling Brook Estates, Definitive Subdivision to July 11, 2016, at 7:20 PM. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

7:25 PM **PUBLIC HEARING** – *Continued*
 Union Meadows Estates
 895 & 899 Upper Union Street
 Definitive Subdivision

Documents presented to the Planning Board:

1. Letter dated June 14, 2016 from Michael Maglio, Town Engineer, to Franklin Planning Board
2. Letter dated June 16, 2016 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board
3. Letter dated June 14, 2016 from Department of Planning and Community Development to Franklin Planning Board
4. Memorandum dated June 8, 2016 from Franklin Board of Health to Franklin Planning Board
5. Letter dated June 13, 2016 from Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: Franklin Planning Department comments
6. Letter dated May 31, 2016 (Revised June 13, 2016) from Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: Franklin DPW comments
7. Letter dated June 13, 2016 from Guerriere & Halnon, Inc., to Franklin Planning Board, Ref: BETA Group comments
8. Union Meadows Definitive Subdivision in Franklin, Massachusetts, Plan Sheets with Revision Date June 13, 2016
9. Memorandum dated March 30, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
10. Memorandum dated April 5, 2016 from Franklin Board of Health to Franklin Planning Board
11. Form C Application for Approval of Definitive Plan with Received by Planning date March 29, 2016
12. Form R: Franklin Planning Board Subdivision Waiver Request to cut and fill greater than 5 ft. within the proposed roadway with Received by Planning date March 29, 2016
13. Form R: Franklin Planning Board Subdivision Waiver Request to allow one sidewalk on the southerly side of the roadway, where two are required with Received by Planning date March 29, 2016
14. Form R: Franklin Planning Board Subdivision Waiver Request to allow a separate drainage lot which does not conform to zoning with Received by Planning date March 29, 2016
15. Certificate of Ownership with Received by Planning date March 29, 2016
16. Abutters List Request Form with Received by Town Clerk date March 30, 2016
17. Abutters List Report, Town of Franklin, March 1, 2016
18. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date March 31, 2016

Mr. Donald Nielsen of Guerriere & Halnon, Inc., Mr. Baptiste of Guerriere & Halnon, Inc., and Mr. Bruce Wilson of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Wilson stated they have upgraded the detention basin and relocated the outfall structures so the runoff is now going in a pattern away from the nun's property and into Dick's Brook. The rate of flow has been reduced; calculations show less water leaving the property. They have addressed most of BETA's and Mr. Maglio's comments.

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Mr. Maglio stated most of the comments have been addressed with a few minor ones remaining regarding infiltration chambers. He would like a note on the plans that if the proposed roof is larger, they will have to resubmit a larger system design with a building permit.

Mr. Crowley stated it is essential that the drainage design is contingent upon the individual recharger systems for each house installed. They have a 6 in. pipe with a 2 in. orifice, this should remain capped at all times except for maintenance purposes.

Ms. Kaczmarek stated the applicant has responded to most of their comments. One waiver was to not provide the environmental analysis; want to make sure applicant is coordinating with Department of Health to verify this is not required. Have letter from the Board of Health that the septic systems locations are not consistent with areas where soil testing was conducted; want to make sure this is cleared up.

Chairman Padula noted the applicant is requesting five waivers. He reminded them to work with Board of Health regarding not providing the environmental analysis. He confirmed upright granite on the curbing and roundings on the driveways will be shown on the plan detail. He asked about the proposed fence.

Mr. Wilson stated there are no conservation issues on the property.

Mr. Nielsen stated they will put in a split rail fence and some other minor details. He noted there is no water there. They will go with wells and septic. The well site is located on the nun's property.

Motion to Close the public hearing for Union Meadows Estates, 895 & 899 Upper Union Street, Definitive Subdivision. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Nielsen commented and Chairman Padula seemed to indicate they were going to vote to approve at the next meeting when applicant corrects the details.

7:30 PM

PUBLIC HEARING – Initial

Amendments to Chapter 300, Subdivision Rules and Regulations

Section 11.A – Stormwater Management

Documents presented to the Planning Board:

- 1. Memorandum dated June 13, 2016 from Department of Planning and Community Development to Franklin Planning Board***
- 2. Town of Franklin, Amendment to Planning Board's Subdivision Regulations, Stormwater Management***
- 3. Franklin Planning Board Public Hearing Notice***

Mr. Maglio stated these are the proposed changes to Chapter 300, Subdivision Rules and Regulations which have been discussed at previous Planning Board meetings. The Chapter 300-11 A. Stormwater Management changes are for clarifications on references to standards and making everything blend together with other town bylaws. The only real change included is stormwater management controls must be located on a separate lot of sufficient size and with sufficient access. The mention of low-impact development (LID) was taken out.

Mr. Nielsen questioned why it is not changed to allow plastic drainage pipe as MassDOT regulations allow it.

Chairman Padula stated he prefers conventional concrete drainage pipe as it lasts forever. Stormwater becomes drinking water; anything that runs through plastic is not healthy.

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Mr. Maglio stated they use concrete for any work that is done in the public right-of-way. Very rarely do they use plastic unless it is a minor repair.

Planning Board members discussed use and cost of plastic pipe in private developments.

Motion to Approve Amendments to Chapter 300, Subdivision Rules and Regulations, Section 11.A – Stormwater Management. Carroll. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

7:35 PM **PUBLIC HEARING** – Continued
 265-303 East Central Street - Aubuchon
 Site Plan Modification

Documents presented to the Planning Board:

1. Memorandum dated June 16, 2016 from Department of Planning and Community Development to Franklin Planning Board
2. Letter dated August 24, 1987 from James Nash, Chairman Planning Board, to Deborah Pellegri, Town Clerk
3. Letter dated June 7, 2016 from Anthony Padula, Chairman Planning Board, to Lloyd Brown, Building Commissioner
4. Memorandum dated May 16, 2016 from G.B. McCarraher, Fire Chief, to DCPD
5. Memorandum dated April 28, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
6. Memorandum dated May 3, 2016 from Franklin Board of Health to Franklin Planning Board
7. Site Plan Modification Aubuchon Hardware for 265-303 East Central Street, Franklin, Massachusetts, Plan Sheet 1 of 5, with Revision date May 31, 2016, and Plan Sheets 2 and 3 of 5 dated April 7, 2016 with Received by Planning date May 31, 2016
8. Site Plan Modification Aubuchon Hardware for 265-303 East Central Street, Franklin, Massachusetts, Plan Sheet 1 of 5, and Plan Sheets 2 and 3 of 5 dated April 7, 2016 with Received by Planning date April 27, 2016
9. Form P Application for Approval of a Site Plan with Received by Planning date May 31, 2016 with signature of owner
10. Form P Application for Approval of a Site Plan with Received by Planning date May 31, 2016 with signature of applicant
11. Certificate of Ownership with Received by Planning date April 27, 2016
12. Abutters List Request Form with Received by Planning date April 27, 2016
13. Abutters List Report, Town of Franklin, March 14, 2016
14. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date April 28, 2016
15. Plan of Land "Exhibit A" Norfolk Registry of Deeds, Dedham, MA, Received June 12, 1989

Mr. Halligan recused himself.

Mr. Donald Nielsen of Guerriere & Halnon, Inc. and Mr. Bruce Wilson of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Nielsen stated there has been a number of discussions regarding whether or not applicant has a site plan and what constitutes a site plan. The plan presented has the stamp on it from the Town Clerk.

Chairman Padula stated there are many plans with the Town Clerk's stamp.

Mr. Nielsen stated he got a copy of the approval letter from the Town Clerk. The plan demonstrated on the application is the same plan referenced in the certificate of vote letter for Star Market.

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Chairman Padula stated he agreed.

Mr. Nielsen stated that is the site plan for the site.

Chairman Padula disagreed and stated it is the site plan for Star Market.

Mr. Nielsen when they developed Star Market they changed the parking. All that was done under the approval of that site plan.

Chairman Padula asked when they came through with that, did they also change all the drainage, where the gas piping came in, catch basins, gas mains, and all the sewer. Was that all included or did they give an as-built of what was there and then they put in the islands and drew in the landscaping when they came in for the full site plan for Star Market?

Mr. Nielsen stated the site plan is for the whole site.

Chairman Padula disagreed. It shows the as-built of the entire site.

Mr. Nielsen stated it shows construction of the site as well. The regulations and how they are being interpreted is very ambiguous. A site plan is what we have as a certificate of vote which shows the entire site.

Chairman Padula stated that is what he wants to eliminate. He said people have been coming to the Planning Board with modifications to a site, they show an as-built with the modification, Planning Board approves the modification, and then they say this is a full site plan because it was signed by the Planning board. He does not want to approve the whole site on a limited site plan application.

Mr. Nielsen stated the site has an approved site plan with a certificate of vote. That is what the regulations indicate is needed to submit a limited site plan.

Chairman Padula stated he agrees there is a certificate of vote on Star Market, but he does not have a site plan for the whole thing.

Mr. Nielsen stated what the Planning Board is doing today and what the Planning Board did 15 years ago are two different things. He reviewed past regulations. He stated in the past the plans were never signed, there was only a certificate of vote. He stated there are 50 years of information that Planning Board is discarding because it does not comply to today's standards.

Chairman Padula stated applicant is eliminating 10 parking spaces, putting in an outside storage for landscaping, and requesting a propane filling station. So, this is not just a limited thing.

Mr. Nielsen stated they filed an application for a site plan modification, notified the abutters, and are at a public hearing, so why is the Chairman saying applicant cannot go forward. They have an approved site plan with the proper information.

Chairman Padula stated based on the regulations, they do not have an approved site plan, they have an approved site plan of Star Market.

Mr. Nielsen stated they need a third-party discussion; an opinion from the Town Attorney or Gus Brown. This is a zoning enforcement issue.

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Chairman Padula stated the Planning Board is trying to pass a bylaw to change this. At the last meeting, he gave an ok to the building inspector to allow occupancy and allow Aubuchon to occupy without the modifications until the bylaw is changed.

Mr. Nielsen stated the bylaw does nothing to help Aubuchon. In order to comply with that, applicant would have to spend \$20,000 to \$25,000 to do a total survey of the entire site for the 10 parking spaces.

Chairman Padula stated it is not for the 10 parking spaces, it is for any time they come in for a modification for any part of that project. He stated he had allowed the occupancy at the meeting last week. Now, Mr. Nielsen wants to force the issue on the propane tank, outside storage and parking spaces. He asked Mr. Nielsen if he wanted to take a vote on the limited site plan tonight.

Mr. Nielsen stated No, he wanted the opinion of whether or not they have a plan or not. He stated in 1980 the plan did not have to be signed by the Planning Board; there was no endorsement. There was a letter with a certificate of vote that stated the date of the plan that coordinates with the vote. He provided the letter of vote. That is for the entire site.

Chairman Padula stated that was only for Star Market. We will get that determination. We will continue it to the next meeting.

Mr. Nielsen stated they are at a stalemate.

Motion to Continue public hearing for 265-303 East Central Street, Aubuchon, Site Plan Modification, to July 11, 2016, at 7:30 PM. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula stated to let Gus Brown know there will be no occupancy until the next hearing.

Mr. Nielsen stated Chairman Padula pulled back occupancy out of spite and he requested that the entire Planning Board vote on the occupancy.

Motion to Allow Aubuchon to occupy, but they cannot do anything until this is resolved. Carroll. Second: David. Vote: 3-1-0 (3-Yes; 1-No). (Chairman Padula voted No.)

Motion to Adjourn. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No). (Mr. Halligan had not re-entered the meeting to vote.) ***Meeting adjourned at 8:36 PM.***

Respectfully submitted,


Judith Lizardi
Recording Secretary

