

DRAFT FOR REVIEW**Town of Franklin****Planning Board**

**August 21, 2017
Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, Gregory Rondeau, Alternate Rick Power. Members absent: William David. Also present: Michael Maglio, Town Engineer; Amy Love, Planner.

7:00 PM Commencement/General Business

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

A. Form A: 21 Pinehurst Street

Ms. Love stated that the applicant is moving a small portion of a lot line mainly because the shed on it is going to the other lot. Both lots are currently conforming to their existing zoning district.

Motion to Endorse the 81P: 21 Pinehurst Street. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

B. Limited Site Plan: 620 Old West Central Street

Chairman Padula stated there was a request to continue this to September 11, 2017.

Motion to Continue the Limited Site Plan: 620 Old West Central Street to September 11, 2017. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

C. Form H and Bond Release: Old Grove Street & Lorraine Metcalf Road

Ms. Love stated that this was an open space plan subdivision approved on January 24, 2005. The applicant has completed the open space subdivision and the land has been donated to the Town as required. She stated that the signage at the trail is outstanding; the applicant is looking for input as to the wording on the sign. She confirmed there is a fence on both sides of the trail.

Motion to Release the Bond and hold the check until the sign is installed: Old Grove Street & Lorraine Metcalf Road. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Approve the Form H: Old Grove Street & Lorraine Metcalf Road. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

D. Partial Form H and Lot Release: Boudreaux Estates – Marine Way (Off South Street)

Ms. Love stated this subdivision plan was approved November 8, 2004; it is three lots with a private drive. BETA did an observation and provided an estimate of work to be completed at \$31,050. The applicant is requesting approval of the Partial Form H, Release of Covenant and 3 lots, and Set the Bond at \$31,050.

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Mr. Maglio stated only the binder coat is in and the detention basin is working.

Mr. Tayara Mounir, applicant, stated it is just one item which is loam and seed the grass strip. Mr. Mounir indicated he would not be planting the grass strip.

Motion to Approve the Partial Form H and Hold the Bond at \$31,050 for Boudreaux Estates – Marine Way. Rondeau. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Approve the Form G – Covenant Release for 3 Lots for Boudreaux Estates – Marine Way. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

E. Partial Form H: 5 Kenwood Circle

Mr. Peter Bemis of Engineering Design Consultants stated they submitted a Partial Form H. They have provided a site plan work completion list. He stated that the lighting and binder went in; the landscaping is set to be completed on October 13, 2017.

Mr. Maglio stated he saw the site this morning and the undercoat of pavement and sidewalk in front of building is in place; they still need to complete some curbing around the parking lot and other items on the list.

Mr. Bemis stated there is no parking for trucks here, it is for automobiles; the lighting for parking is done.

Ms. Love stated there is no bonding for site plans.

Motion to Approve the Partial Form H: 5 Kenwood Circle. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

F. Endorsement: 800 Chestnut Street – Adirondack Club

Ms. Love stated the Planning Board approved a site plan modification on July 24, 2017. The Certificate of Vote has been added to the plans along with the standard conditions that were issued. The applicant is requesting endorsement.

Motion to Endorse: 800 Chestnut Street – Adirondack Club. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

G. Extension: Warehouse – 100 Financial Way

Ms. Love stated the conditions required that the site plan start within a year. They were approved on August 22, 2016. A letter was received on August 16, 2017 from the engineer requesting a two-year extension. Ms. Love stated she did not know the reason it was not started.

Motion to Approve the two-year extension: Warehouse – 100 Financial Way. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

H. Extension: Benjamin Franklin Charter School

Ms. Love stated the site plan was approved on July 11, 2016. A letter was received on August 16, 2017 from the engineer requesting a one-year extension. Ms. Love stated the applicant got delayed with the MEPA process.

Motion to Approve a two-year extension: Benjamin Franklin Charter School. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

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7:05 PM **PUBLIC HEARING** – *Initial*

Zoning Bylaw

17-795: §185-5 Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I in an area on or near Union, Cottage and Saxon Streets

Documents presented to the Planning Board:

1. *Memorandum dated August 16, 2017 from DPCD to Franklin Planning Board*

Chairman Padula stated there was a request for the public hearing to be continued to September 11, 2017.

Motion to Continue the public hearing for Zoning Bylaw 17-795: §185-5 Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I in an area on or near Union, Cottage and Saxon Streets to September 11, 2017. Carroll. Second: Rondeau. Vote: 3-0-1 (3-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained).

7:10 PM **PUBLIC HEARING** – *Initial*

31 Hayward Street

Site Plan Modification

Documents presented to the Planning Board:

1. *Email dated August 4, 2017 from Dale MacKinnon, Guerriere & Halnon, Inc., to Amy Love, Planner*

Chairman Padula stated there was a request for the public hearing to be continued to September 11, 2017.

Motion to Continue the public hearing for 31 Hayward Street, Site Plan Modification to September 11, 2017. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*

115, 119, 125 & 129 Dean Avenue

Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Letter dated August 14, 2017 from C. Thomas Brunson, Senior Vice President, FF Realty II, LLC, to Franklin Planning Board*

Note: Chairman Padula, at the April 24, 2017 Planning Board meeting, activated alternate Planning Board member, Mr. Power, as this public hearing is for a special permit.

Chairman Padula stated the applicant requested to continue the public hearing to September 11, 2017.

Motion to Continue the public hearing for 115, 119, 125 & 129 Dean Avenue, Special Permit & Site Plan, to September 11, 2017. Carroll. Second: Rondeau. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained).

7:20 PM **PUBLIC HEARING** – *Continued*

The Villages at Oak Hill

Special Permit & Limited Site Plan Modification

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1. *Memorandum dated August 16, 2017 from DPCD to Franklin Planning Board*
2. *Memorandum dated July 31, 2017 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
3. *Letter dated August 3, 2017 from Eric Bazzett of Heritage Design Group to Franklin Planning Board*
4. *Limited Site Plan Modification at The Villages at Oak Hill Plan Sheets Prepared by Heritage Design Group dated June 21, 2017, with Received by Planning date June 30, 2017*
5. *Letter dated July 3, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board*
6. *Memorandum dated July 2, 2017 from DPCD to Franklin Planning Board*
7. *Memorandum dated July 5, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
8. *Memorandum dated July 7, 2017 from G.B. McCarraher, Fire Chief, to DPCD*
9. *Memorandum dated July 12, 2017 from Franklin Board of Health to Franklin Planning Board*
10. *Letter dated June 29, 2017 from Eric Bazzett of Heritage Design Group to Franklin Planning Board*
11. *Application for Approval of a Site Plan (Limited) and Special Permit(s) from Franklin MEWS, LLC, applicant, with Received by Planning date June 30, 2017*
12. *The Villages at Oak Hill Limited Site Plan Modification, Special Permit Criteria – June 21, 2017 with Received by Planning date June 30, 2017*
13. *Certificate of Ownership dated June 29, 2017 with No Received by Planning date*
14. *Form R: Franklin Planning Board Senior Village Waiver Request Form to eliminate sidewalk construction dated June 30, 2017 with No Received by Planning date*
15. *Town of Franklin Board of Assessors Abutters List Request Form dated May 30, 2017, with Received by Planning date June 30, 2017*
16. *Abutters List Report dated May 31, 2017*
17. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date July 3, 2017*

Mr. David Uitti, Attorney of Mirrione, Shaughnessy & Uitti, LLC, representing the Villages at Oak Hill Condominium Trust, stated he would like to speak about some of the issues raised at the last public hearing regarding the absence of sidewalks. He stated this is a unique situation. The condominium was built out in phases beginning twelve years ago. It is a close community with no through roads; the roads are private and the town is never going to own them. The property is surrounded by conservation land. The original developer built the project in a way that would have made the installation of sidewalks impractical and not easy to install. Now, the burden of the sidewalks being installed will fall on the shoulders of the residents as it will be a cost issue and the ancillary damage and destruction to the existing systems on site such as green spaces and electrical systems. As this is a 55+ community, many residents are on a fixed income. He displayed a drawing while explaining barriers to installing the sidewalks which included wetlands, retaining walls, and drainage basins. The sidewalks in some areas would render the driveways too short to fit a car. Electrical boxes would have to be relocated. There are trees and shrubs that would have to be removed. Fire hydrants and street lights would have to be relocated. This would cause substantial cost and disruption to the community. He stated that Fire Chief McCarraher believed the community was safe without the installation of sidewalks. He stated the developer has agreed to widen and pave the emergency access road from 12 ft. to 16 ft. He reviewed other communities in the Town of Franklin without sidewalks. He reviewed traffic data from this 55+ community and stated it is far less than in a non-55+ community. He referenced a petition of the residents and none stated that the sidewalks were wanted. He acknowledged that the Planning Board's sidewalk directive was not followed and offered alternatives that they would be willing to do to mitigate the issue including striping on one side of the road indicating walking paths and adding strategically placed speed bumps.

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Chairman Padula questioned Mr. Uitti's comments about what the Fire Chief had said.

Mr. Uitti stated he did not personally speak with the Fire Chief. He then read aloud the Fire Chief's letter of August 21, 2017 that was sent to Chairman Padula.

Chairman Padula and Mr. Uitti discussed the financial impact to the unit owners on site and if the current developer is responsible for building out the sidewalks.

Chairman Padula stated this is a big mess. It is not built the way it was supposed to be built. He requested to speak to the developer/applicant, not Mr. Uitti who is representing the Villages at Oak Hill Condominium Trust; Chairman Padula stated that Mr. Uitti should be speaking when the public is asked to speak.

Toni Smit, President of the Trustee Association, stated that the Villages at Oak Hill Condominium Trust owns the land. She stated that the developer is developing the last phase but we own it now so we are responsible for the portion that was built by the former developer. She stated that they were on the application for the Site Plan Modification as the owner of the land.

Mr. Uitti stated it was a joint application between developer and condominium board.

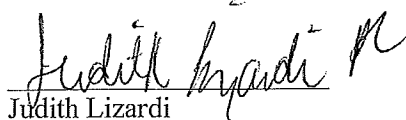
Chairman Padula, Planning Board members, and Mr. Uitti discussed and reviewed the proper procedure of the application, the site plan, the original waiver of one sidewalk, the total cost to bring site to what it is supposed to be, original plans and ownership starting in 2002, the mess that the development is in as many items were not done or done correctly, the many public safety issues, and that inspections have not been done.

Chairman Padula stated he is going to continue this and go to the town's counsel and find out what can be done, who is going to assume this responsibility, and if he can hold up this last phase until these streets are done and the lawns are finished. He stated that there has got to be some mitigation to make this safe; there are some issues. He stated he agrees, it is too late to put in a sidewalk now.

Motion to Continue the public hearing for The Villages at Oak Hill Special Permit & Limited Site Plan Modification to September 25, 2017 at 7:10 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 7:57 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary

