

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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## PLANNING BOARD

May 8, 2023  
Meeting Minutes

Chair Gregory Rondeau called the above-captioned meeting held in the Training Room, third floor, at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams; Jay Mello, associate member. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Town Planner.

### 7:00 PM Commencement/General Business

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

#### **A. Lot Release: Brookside Estates**

Ms. Love reviewed that this was a subdivision in the early 1980s; the house is up for sale and they found out that lot #2 was never released from the covenant. She stated that they are requesting approval and signatures from the Planning Board to release the lot.

***Motion to Release Lot #2 for Brookside Estates. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

### 7:00 PM PUBLIC HEARING – *Continued*

#### ***15 Liberty Way***

Site Plan Application

*Documents presented to the Planning Board are on file.*

Ms. Love stated that the applicant is requesting the public hearing be continued. She stated that the applicant is still working with the Conservation Commission; they may not be ready but could be put on the May 22, 2023, agenda.

***Motion to Continue the public hearing for 15 Liberty Way, Site Plan Application, to May 22, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

### 7:00 PM PUBLIC HEARING – *Initial*

#### ***Maplegate North Solar***

Site Plan Application

*Documents presented to the Planning Board are on file.*

***Motion to Waive the reading. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

Attorney Allison Finnell of Brown Legal PLLC (via Zoom) representing the property owner Maple Gate Realty Trust stated that the parcels of land are those that make up the existing Maplegate Country Club. She stated that the proposed solar array will be developed in two phases: north parcel and south parcel. She stated that the current application is only in respect to the northern parcel which represents approximately 62 acres of the overall site. She stated that the current site plan incorporates and reflects some changes from the tech review meeting and feedback from the town administrator and conversations with the fire department. She stated that at tonight's meeting are the applicant Daniel Serber of NextGrid Mescalbean, LLC (via Zoom), Mr. Greg DiBona of Bohler Engineering (via Zoom), and Attorney Peter Brown of Brown Legal (via Zoom).

Mr. DiBona shared his screen and summarized the existing conditions and the overall project. He reviewed the aerial exhibit and explained the location of the three parcels. He showed the location of the existing access road, the wetland delineations, and the 100 ft. buffer from the wetlands. He stated that the site has typical features seen in a golf course such as fairways, access areas, and wooded areas. He showed and explained the exhibit shared with Conservation Commission at their meeting. He pointed out areas that will have disturbance within the buffers. He stated that they are trying to preserve as much of the wetlands as possible and work around them. He stated that the only area of new disturbance is highlighted in red and is very small. He explained the dashed yellow line shows the limit of work; all trees inside the limit of work will be cleared for the solar project. He stated that the current paths and building will be removed, and there will be a net reduction in impervious coverage on the site. He reviewed the overall site plan exhibit. He explained the outline of the existing access driveway that will be maintained. He explained that once the project is completed there will be very little maintenance. He explained that it is almost 60 acres of development for the solar project. He reviewed that the entire project will have perimeter fencing around it, and it will be eco-friendly fencing to allow for animals to cross in a safe manor but deters people from getting in and out. He stated that they will have a gravel access road which will run almost throughout the center of the development and then splits off into two roadways. He stated that they have included a turnaround area as requested by the fire department. He stated that once construction is complete, there will be large arrays of solar panels on racking systems, and they will revegetate the site with meadow mix. He stated that they will be reducing impervious coverage by about three percent, and to compensate on the stormwater side, they are proposing a basin. He explained that it is natural sheet flow that will flow into the basin. He stated that parcel 2 is intended to not be developed with any type of solar project; it is a property of about six acres that we are making available for potential use by the town maybe to be used for parking or connectivity to walking areas. He stated that it is not part of anything they are going to formally develop. He stated that there were some initial comment letters that he would go through if the Planning Board would like. He stated that they do not usually see site lighting proposed for this type of project, and they do not intend to have lit up areas.

Ms. Love reviewed that the Planning Board approved an 81-P ANR plan on January 9, 2023, combing the lots indicated on the application into one single lot. The proposed project includes the construction of solar panels along with drainage. She noted that the applicant filed an NOI with the Conservation Commission and review letters will be provided from BETA, DPW, and fire department. She discussed outdoor lighting and requested complete landscaping plans including existing vegetation and proposed plantings. She stated that they must have a mowing plan. She noted the plans for gravel access and requested snow storage plans. She noted that Town staff

recommended providing public access such as a walking trail around the perimeter of the site or a park with public access.

Mr. Maglio reviewed his comments as provided in his letter to the Planning Board dated May 3, 2023, including permit applications may need to be filed with the Franklin Department of Public Works. While the Stormwater Report indicates the project will comply with the MADEP Stormwater Standards and the Town's Stormwater Management bylaw, the report should indicate how the project specifically meets the Town's standards criteria. The grading plan shows areas highlighted in red which are to be regraded, but it does not indicate how the grades will be modified or if it will impact drainage patterns. Rainfall amounts used in the calculations should be updated to reflect current NOAA Atlas 14 values.

Planning Board members asked questions and made comments. Ms. Wierling asked how far the inverters were from abutters and how much noise they produce. Mr. DiBona stated that the closest abutter is the other solar project. Mr. Serber stated that the inverters can produce 60 decibels at 1 meter. So, generally we find at peak performance a few weeks a year in the summer, they can be heard up to 250 ft. away. They are shut off at night and low functioning in the morning. They ramp up during the day.

Ms. Wierling asked for confirmation that the closest abutter is at least 300 ft. away. Mr. DiBona stated it is at least 300 ft. away. Ms. Love confirmed this is an industrial zone so a special permit is not required. Ms. Williams said there was a lot of wooded area being cut down. She wondered if there is any way to maintain more wooded area on the perimeter and where the Town would be trying to provide a walking site.

Mr. Serber stated that they do not like to cut down trees if they do not have to; however, in this case it is a dollar and cents things. They are a business and have to make money. They set aside the middle parcel and committed to accommodating some public use. He stated that there is buffer and marsh area that they are open to make connectivity to. But in terms of reducing the footprint, they have done the math and this is what is needed to make it work. Mr. DiBona stated that of the 60 acres of the site, only 40 acres will be cleared, the remainder will be left alone as is.

Mr. Mello asked what would be the noise level at 250 ft. Mr. Serber stated that it should be inaudible/de minimis. Mr. Mello asked where they get their water currently for the golf course. Mr. DiBona stated that he was not sure where they were getting it from. Mr. Mello explained that a golf course used 30,000 gallons of water per week. He stated that he cannot say enough for the town's water by removing a golf course and putting in a solar field.

Mr. David asked about the fence around the perimeter regarding how high is the chain link and will there be any residential abutters looking at the site. Mr. DiBona stated that they are so far set back that you really will not see this project. He stated that the fence is 7 ft., and there is a crawl space under the fence for animals. Mr. David asked about parcel 2 being possibly a dog park and if there would be any parking for people going to use this. Mr. DiBona stated that there is enough room to possibly open up a parking field. He stated that it has not been worked out what that area will be.

Chair Rondeau asked how many acres of trees will be cut, if they are purchasing, not leasing the property, are there any pole or wiring upgrades, and will there be any ancillary plan for fire protection within the site itself. He stated that there was another project like this and there was an

agreement regarding the number of trees to be taken down. Mr. DiBona stated that they are going to do an exact count of how many trees are coming out and the acreage; the area of disturbance is roughly 40 acres, and the tree line is about 15 percent of that which is about 6 acres of trees. He will have that information for the next time. Mr. Serber discussed upgrades to the infrastructure. He stated that they have never done a ground mount structure where they did not require decommissioning bonds. So, they are expecting it. They usually have a third-party engineer come up with the number. He stated that they have fire warning systems and it is remotely monitored. They cut the grass once or twice a year. He explained that the only place where a fire could start is at the inverter; he reviewed the potential situation. He explained that they work with the fire department on such fires.

Resident asked if there was a reason the indicated parcel could not be developed and why it is being considered for walking trails for the town. Mr. Serber stated that the parcel could be developed, but they decided to keep the parcel open to offer to the town. Chair Rondeau asked if it would be possible to rearrange some of the solar fields so they would not be cutting so many trees. Mr. Serber stated that they needed to maintain some separation between the two lots just based on the utility rules, and there is not a lot of savings in trees. He said that a lot of the middle lot is cleared for fairway, and there are wetland buffers that we could not clear; I do not think there is a substantial amount of savings.

Chair Rondeau stated this item would be continued; the applicant must work through Conservation Commission and some of the questions the Planning Board had. Ms. Love suggested June 5, 2023, so BETA will have time. Mr. DiBona stated that date should work well.

***Motion to Continue the public hearing for Maplegate North Solar, Site Plan Application, to June 5, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:00 PM      **PUBLIC HEARING** – *Initial*  
***Zoning By-Law Amendments***  
23-894 – Accessory Dwelling Unit (ADU) Definition  
23-895R – ADU Use Regulation Schedule  
23-896 – Accessory Dwelling Unit Setbacks  
*Documents presented to the Planning Board are on file.*

***Motion to Waive the reading. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

Ms. Love stated that the Planning Board has three zoning bylaw amendments that all relate to the accessory dwelling units (ADU). She noted that current bylaws do not include a definition of ADU; Zoning Bylaw Amendment 23-894 – Accessory Dwelling Unit (ADU) Definition would add that. She explained that 23-895R would add ADU Use Regulation Schedule and 23-896 would add Accessory Dwelling Unit Setbacks. She stated this had been in front of the Economic Development Committee (EDC) which recommended it to Town Council. At their April 12, 2023, meeting, Franklin Town Council voted to refer three accessory dwelling unit (ADU) related zoning bylaw amendments to the Planning Board for a public hearing. Before voting to refer to the Planning Board, the Town Council voted to make one revision to Zoning Bylaw Amendment 23-895, which has been renamed 23-895R. She explained that the change of RR1, RR2, RR6 and RR7 would be by right; the rest of the zoning areas would be by special permit through the Zoning Board of Appeals (ZBA). She provided a summary of ADU zoning and the proposed zoning bylaw amendments. She

stated that previously if someone wanted a to add an accessory dwelling unit, they needed a special permit and to go before the ZBA. She stated that this is to clean up the zoning bylaws and to have this in our zoning bylaws.

Planning Board members asked questions and made comments. Ms. Williams stated thanks to everyone who worked on this. She stated that we need more housing in this town. She stated this would make it easier to provide more affordable options for many people. She stated this is a great first step to allow some ADUs by right. She asked about the 10 ft. setback requirement in a district where a building exists and does not have that setback, and how did they come up with the 900 ft. limitation as a maximum square footage. Building Commissioner Gus Brown discussed the setback requirements. Director of Planning and Development Bryan Taberner discussed the 10 ft. setback in regard to a new structure and a detached building already in place. Commission members discussed the provided language regarding setbacks. Ms. Love reviewed special permits by the ZBA which is the current process.

Ms. Wierling stated that this item was discussed with the EDC for many hours, and she is disappointed to see that it has come to the Planning Board with changes regarding by right for RRI and RR2. She discussed RR6 and RR7 for accessory dwelling units and what is appropriate by right. She stated that this has not been thoroughly reviewed for RR1 and RR2 by right. She discussed the process by the Planning Board. She stated that the intent is to make this a clear process, and there is no clear process right now. She stated that this should be a special permit by the ZBA for now. She stated that we should take our time with this and look at it through the Master Plan process. She recommended that they send it back to what was originally requested through the EDC to be a special permit in all zones.

Chair Rondeau stated that he agreed with Ms. Wierling. He stated that as time goes on, they can tweak it.

Chair Zoning Board of Appeals Bruce Hunchard stated that he agrees with Ms. Wierling. He discussed that there were many people that put a lot of time into this. It does not make any sense to make it by right in RR1 and RR2 for an ADU. He discussed RR6 and RR7 and noted most are condo projects that have restrictions on them. He discussed the EDC process that sent this item forward to the Town Council, and the proposed by right amendment put forth by a Town Council member.

Ms. Williams confirmed that what is currently before the Planning Board is not what was agreed on and that there was a change proposed at the Town Council meeting.

Ms. Love read aloud some chats from Richard Frongillo and Cobi Frongillo regarding ADU requirements. She discussed that currently a family member's name would go on the deed at the Registry of Deeds, and with the proposed ADU, there would not need to be a family member's name on it. She stated that in the definition, there is a requirement that the owner of the unit must remain in the unit, and they maintain who is going into the ADU.

Mr. David noted that in 25 years, there has only been one denied through the current process. He stated that ADUs were to be for in laws. He discussed that doing it by special permit would be a case-by-case basis and it would go in front of the ZBA. ZBA Chair Bruce Hunchard stated that during the ZBA hearing they ask for the name of the person who is living there to make sure it is a

family member. He stated that special permits can run with the property or with the applicant. Mr. David stated that with all the work that has already been done, the special permit process seems like it would work. He discussed the 10 ft. setback. He noted that years ago they approved chicken coops to be a 25 ft. setback, and he questioned that now we are going to allow ADU units to be 10 ft. off the line. He stated that he believes the ADUs should be by special permit.

Ms. Williams stated that she believes that this item should go back to the way it was approved at the EDC when it originally went to the Town Council. She asked about the cost and process to go to the ZBA. Chair Rondeau stated that this simplifies the process. ZBA Chair Hunchard stated that the fee is not much, but a certified plot plan is required. Ms. Wierling stated that the filing fee listed on the ZBA webpage is \$100. ZBA Chair Hunchard stated that the abutter notification may be expensive; we make them mail certified to make sure it is delivered.

Mr. Mello stated that he feels that 900 sq. ft. is not an ADU as it is big; it is basically a second home. ZBA Chair Hunchard stated that 900 sq. ft. is the largest size and the bylaw says 50 percent of the size of the current dwelling or 900 sq. ft., whichever is less. Mr. Mello stated that 900 sq. ft. is too big for an ADU no matter how big the primary unit is. He stated that this is a mess in his opinion.

Resident explained that he started designing an ADU at approximately 650 sq. ft., but when looking at wheelchair accessibility and other considerations, it quickly increased to approximately 900 sq. ft.

Chair Rondeau stated that this can be tweaked in the future, but we need to send something to Town Council. He stated that the neighbors want to have a fair shake at it as the value of a property is directly affected by what your neighbors do. He stated that this is the baseline of starting the process, and it can get adjusted; this is a good starting point. He stated that this what is best for the Town.

Ms. Wierling stated that she does not have a problem with the definition or the size as it has been referenced in MGL. She stated that she does not have a problem in RR1 and RR2 with detached accessory dwelling units, but she has an issue with an abutter not having a chance to weigh in on it, which is why she believes it should be by special permit. Mr. David explained his reasons why a special permit would be best.

Chair Rondeau noted for the record Mr. D'Errico's letter.

***Motion to Recommend Zoning By-Law Amendment 23-894 – Accessory Dwelling Unit (ADU) Definition as written. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Recommend Zoning By-Law Amendment 23-895R – ADU Use Regulation Schedule; however, recommend to amend to allow per RR1, RR2, RR6, RR7, by special permit not by right as recommended by Town Council. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Recommend Zoning By-Law Amendment 23-896 – Accessory Dwelling Unit Setbacks as written. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Close the public hearing. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

**Chair and Committee Member Comments:**

Ms. Love stated that the Planning Board had asked what was going on across the street with the apartment buildings. She stated that they have had setbacks with getting materials, but they are plugging away. She stated that she received an update that the transformers they need to get electricity to the buildings have been out of stock for one year; they are working on it. Chair Rondeau asked about landscaping. Ms. Love stated that they are still working on interiors and other things.

Ms. Williams discussed that she read through some other town's bylaws including Hingham regarding alterations of drainage patterns/disturbing area affecting drainage and wondered if the Town would consider anything similar to this on any project. Mr. Maglio discussed the current regulations. Ms. Williams stated that there is impact regarding clear cutting heavily wooded areas, and she wondered if there is a way to control it. Chair Rondeau asked Ms. Love to look at that bylaw and highlight areas that we would want to approach. Mr. Mello discussed that this was looked at in Canton and it did not go through. Ms. Love explained the process that something like this would go through. She noted that some of these ideas will be reviewed during the Master Plan process.

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

***Meeting adjourned at 8:49 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

***--Planning Board approved minutes at June 5, 2023 Meeting***