

Town of Franklin

355 East Central Street
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PLANNING BOARD

December 4, 2023 Meeting Minutes

Chair Gregory Rondeau called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of dialing into the meeting using the provided phone number or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; Beth Wierling, Vice Chair; Jennifer Williams, Clerk; Jay Mello. Members absent: Christopher Stickney. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Gary James, BETA Group (via Zoom); Matthew Crowley, BETA Group (via Zoom).

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. Limited Site Plan: 122 Grove Street

Ms. Love said that the site is located in the Industrial zoning district. The proposed project includes the construction of a children's playground for the school. She said a review letter has been received from DPW. BETA was not asked to review the plan. She said the applicant should contact the conservation agent to determine if there is any disturbance in the buffer area and provide the amount of impervious area being disturbed or increased.

Mr. Maglio said the applicant proposes to remove an area of the paved parking lot in the rear and add a playground in the area. He said they should note the net decrease in impervious area and add dimensions noting the depth of the 6 in. subdrains on the details in the final plans.

Motion to Approve the Limited Site Plan for 122 Grove Street with the condition that Conservation Commission take a peek at a potential border within 100 ft., and the plans should note the net decrease in impervious area, and dimensions noting the depth of the 6 in. subdrains should be noted on the details as recommended by the town engineer. Rondeau. No Second Made. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

B. Final Form H: 27 Forge Parkway

Ms. Love said the applicant submitted a Final Form H for their solar panels and Engineer's Certificate of Completion and a final as-built plan. BETA has provided an onsite report with pictures verifying the site work is complete.

Mr. Crowley clarified that this was for the redevelopment portion of the site, not the solar facility. He said it was actually split into two projects that were done separately. He stated that this was done a little over two years ago and there were a couple of punch list items remaining. He said the Planning Board's primary concerns were restriping the crosswalk to be in the standard white colors which they have done. He said that at this time, all issues have been addressed, and there is nothing outstanding to comment on.

Motion to Accept the Final Form H for 27 Forge Parkway. Wierling. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

C. Final Form H: Bogan Estates

Chair Rondeau said this item includes a bond reduction.

Ms. Love said there are three things: Final Form H, bond reduction, and street acceptance recommendation to Town Council. BETA has provided an onsite report with pictures verifying the site work is complete. The current bond is held in cash with the Town of Franklin in the amount of \$159,860.00 for Bogan Estates. The Planning Board normally keeps \$1,000 until the roadway is accepted by Town Council and filed at the Registry of Deeds. She recommended the Planning Board vote on the Final Form H, recommendation to Town Council for street acceptance, and the bond reduction or full release.

Audience member who did not identify themselves said it was fine with holding the \$1,000 until it goes on record.

Mr. Crowley said they did a final walk through, and the applicant has addressed the punch list items listed. He noted there were some comments in the final BETA letter. Chair Rondeau asked the applicant if the remaining trees cut in the back lot were removed. Audience member who did not identify themselves said they were removed. Mr. Crowley said he was comfortable with that.

Ms. Wierling said that when they get to the street acceptance recommendation, she would like to make it contingent upon a couple of items that need to be taken care of such as the as-built plan and not reflecting water service. Mr. Mello said he had a question on the driveways.

Chair Rondeau asked Mr. Maglio how he would like to handle the couple of loose ends regarding the Form H. Ms. Wierling suggested addressing them prior to the street acceptance.

Ms. Amanda Cavaliere of Guerriere and Halnon, Inc. clarified a few outstanding items. She said they would not need the water service for Lot 1.

Mr. Crowley confirmed it was inspected. He said he does not think there is any concern that the basin is undersized. He said it was good to have the volumes documented on the plan for easy access. Ms. Cavaliere said the information could be obtained.

Ms. Wierling asked about maintenance. Mr. Crowley said typically for infiltration basins that mowing takes place at least twice per year. He said the basin has been well maintained throughout construction. He said that he would recommend getting the vegetation trimmed down. Chair Rondeau said before the Town takes it, one more mowing would be fine.

Mr. Mello asked about a driveway. Mr. Maglio said a resident built their driveway before the sidewalk was constructed, and there was a little discrepancy between the grades. He said that for the crushed stone behind the sidewalk, they would look at that as on private property and really deal with that as a private property matter between the developer and the home owner; everything within the right of way is satisfactory to the Town.

Motion to Approve the Final Form H for Bogan Estates. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

Motion to Approve the Bond Reduction down to \$1,000 for Bogan Estates. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

D. Street Acceptance: Bogans Way

Motion to Recommend to Town Council the Street Acceptance for Bogan Estates with a few outstanding line items including mow the basin. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

E. 81-P ANR: 9 & 29 Lewis Street

Ms. Love reviewed that the applicant submitted an application for 81-P Plan review to accompany the plan of land for 9 & 29 Lewis Street dated November 17, 2023. The parcels are located in the Commercial I zoning district. The applicant at 9 Lewis Street is acquiring Parcel A on the Plan of Land from the applicant at 29 Lewis Street. She said the applicants meet all requirements for an 81-P approval not required.

Motion to Approve the 81-P ANR: 9 & 29 Lewis Street. Wierling. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

F. Decision: 3-5 Fisher Street

Ms. Love said that at the last meeting the Planning Board closed this item. She said she submitted to the Planning Board the list of standard conditions and one special condition that the applicant meet the Town's stormwater bylaw related to redevelopment design criteria. She said the town engineer has spoken with the applicant's engineer and indicated to him that they are meeting the standards.

Mr. Maglio reviewed his letter to the Planning Board dated November 30, 2023. He reviewed that he has taken a closer look at the existing drain lines and their associated contributing areas that run through the site and has been working with the applicant's engineer on a proposed alternative to address the stormwater requirements. He explained that he is of the opinion that their proposal of including water quality manholes to treat stormwater runoff from approximately 80 acres of off-site area that enters the site from West Central Street and from Fisher Street would provide a significant benefit to the Town's drainage system and is satisfied with that approach.

Motion to Approve the Limited Site Plan for 3-5 Fisher Street with comments from Mr. Maglio/DPW acknowledging the change in the drainage, and the other special conditions which is that the applicant needs to show the design to stormwater bylaw related to redevelopment. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

G. Meeting Minutes: Sept. 25 & Oct. 16, 2023

Motion to Approve the Meeting Minutes for September 25, 2023. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

Motion to Approve the Meeting Minutes for October 16, 2023. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

Documents presented to the Planning Board are on file.

Mr. Joel D'Errico, 72 Deer View Way, applicant, and Ms. Amanda Cavaliere of Guerriere & Halnon addressed the Planning Board. Mr. D'Errico said it was a Residential II zoned parcel for 30,000 sq. ft. lots and adjacent to the Town's open space. He said it is four lots and is planned to provide access to the Town's land. He said he can do it either with a private road or conventional subdivision.

Ms. Love said that the applicant submitted a plan with five waivers, and they submitted a plan with two waivers. She said that since then there were letters from the applicant, Fire Department, and a property locus plan which are provided in the meeting packet. She said this is a preliminary subdivision plan and waivers do not have to be granted at this point. She noted the applicant has provided an extension until December 31, 2023.

Mr. Maglio noted two outstanding items which have been brought up before are to do the length of the roadway based on the subdivision rules; dead end streets should not be longer than 600 ft. The other item regards the cul de sac turnaround area regarding permanent easements. He reviewed the right of way radius should be 60 ft. He said the applicant would need waivers for these two items.

Ms. Laura Dombroski, 20 Kimberlee Avenue, said she submitted a letter to the Planning Board. She said she wanted to highlight three key factors: safety, the overall neighborhood character, and what is the best for Franklin as a whole. She referenced the letter from the Fire Chief addressing the length of the road which is a safety issue. She said there are other safety issues including the proposed 10 ft. wide pedestrian easement for Franklin residents to gain access to the trails and open space. She said parking is suggested to take place on Kimberlee Avenue and that poses a lot of safety concerns. She discussed that the road is 30 ft. wide, and the cul de sac is 60 ft. She said for a fire truck to safely turn around is 45 ft.; if there were two cars parked in the cul de sac and vehicle owners were out in the trails, a fire truck could not turn around. She said a private road is proposed, and legally a vehicle cannot park on a private road. She noted the wells and septic on the lots. She said wells do not last forever and what if they had to be moved. She said the general character is of concern. She said their road is 30 ft., and the road at the end of the cul de sac would be 22 ft. with no sidewalks which is a safety issue. She said snow will compound this. She said that aesthetically, a different curb, narrowing of the road, and lack of sidewalks will change the character of Kimberlee Avenue. She said she wanted to note how beautiful the trails are, but right now it is roped off and they cannot use them. She said this may show the kind of partnership Kimberlee will have with the builder.

Mr. Kit Brady, 36 Kimberlee Avenue, direct abutter, said that the neighborhood was never consulted to be a parking lot for the Town land. This will drastically change the safety and nature of the neighborhood. He said a nearly identical project was proposed in 2005 and turned down by the Planning Board. He noted precedent for a project that the Planning Board may approved that had not been approved previously. He noted the retention ponds and the wells. He asked what if his wells were to become contaminated through the irrigation system. He noted that the applicant has been asked to come back with plans without waivers, and it has been ignored.

Ms. Wierling said her comments were the same as before. Mr. Mello said he was not too hot on the permanent easement thing; he would prefer a public road. He asked what the best use of the parcel is if it is not houses. Chair Rondeau said it was private property, and the Planning Board cannot make call on that.

Ms. Cavaliere addressed some of the questions and comments. She said they understand the neighborhood concerns. She said this parcel is at the end of Kimberlee Avenue and will be four lots. She said typically waiver-free plans are usually looked at when presenting an open space or something

unconventional to show that you are getting a better product. She said this is a straightforward preliminary subdivision plan requesting acceptance from the Planning Board to be able to develop four lots for a private subdivision that will be in a homeowner-type association that would be able to maintain the road. She said a wavier-free plan would be an existing conditions plan. She noted private wells and septic; all requirements for development would be met with Title V. She noted that the applicant would go with the plan with five waivers or with two waivers. She noted the letter from the fire chief. She explained that you cannot plan for natural disasters. She discussed a fire truck getting to the end of the road in the event of a natural disaster. She asked for the Planning Board's consideration so they can move forward with a definitive plan.

Ms. Wierling asked the applicant if he had the ability to say that he would provide parking to the Town land on Kimberlee Avenue and that he was promoting it.

Mr. D'Errico noted that Kimberlee is a public way and we can all park on it. He said he would go with a conventional subdivision; it does not have to be a private way. He said he would allow anyone to park at the end of the cul de sac. He said he expects very few people would park in those cul de sacs. He explained how people walk through Deer View Way, and he does not see cars in his cul de sac.

Ms. Wierling discussed the letter from the fire chief; she read portions aloud. She said she 100 percent agrees that making the road longer makes it even more non-conforming than it already is. She said she does not want to start a precedent for it. She asked the applicant how he would submit a conventional subdivision if he still has the outstanding issue of the length of the roadway.

Mr. D'Errico said he would like to comment on the length of Bridle Path and Hancock and Deer View Way as far as the word precedent is used; it already exists. He said there have not been instances in any weather where people have not been able to be served on these roads.

Mr. Wierling confirmed that those subdivisions were created pre-bylaw.

Ms. Darlene Grove, 28 Kimberlee Avenue, said that Deer View Way is private which is why no one is parking there. She said this was not approved previously for valid reasons. She asked if the Planning Board goes against it, and something were to happen, is the Town liable. Ms. Williams said we have a bylaw for a reason and we can only go by professionals in positions such as the fire chief. She said in terms of precedent, the Planning Board's job is to enforce the bylaws. So, for her, the street length is a major issue.

Ms. Cavaliere stated that from an engineering perspective, she respects the Planning Board's decision as enforcing bylaws and looking at what is in the regulations and rules. She said when these projects are being designed and they look at best use of both the land and what the applicant is trying to do, the Planning Board does have the ability to look at and grant waivers to the bylaws which is the purpose of the waivers. She said regarding the character of the neighborhood, they are single family houses the same as what is on Kimberlee, so that is not changing the neighborhood. There is private water and private septic which is not impacting any Town services. Regarding safety, she said they can put in sidewalks. It is not a through street and never will be; it is a cul de sac with sidewalks that can be proposed and connects to Town land. She reiterated the safety of the development; it is four houses.

Motion to Close the hearing for Kimberlee Avenue, Preliminary Subdivision. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

Chair Rondeau said they will vote at the next meeting.

7:00 PM

PUBLIC HEARING – *Continued*
0 Upper Union Street Solar Project

Site Plan Application

Documents presented to the Planning Board are on file.

Mr. Richard Tabaczynski of Atlantic Design Engineers on behalf of the applicant addressed the Planning Board. He provided a review of the changes and work they have been doing over the last several months. He said they had a chance to take care of BETA peer review comments and from the planner, engineering, and the Conservation Commission. He said they submitted a new set of plans on November 17, including revised site plans, stormwater addendums and responses to comments, noise analysis, and waiver request letter to address site plan requirements that do not really apply to a solar project. He said in addition, the Conservation Commission reviewed and some of the boundaries were adjusted. He said the Conservation Commission has their meeting continued to December 14. He said he hopes they will have closure with the Conservation Commission. He said they received their scenic road permit for the entrance to the project. He noted the condition of the permit regarding the stones of the stonewall being reused on the site. He said the project now looks fairly close to previously, but there are some changes mainly related to increased stormwater measures. He said the access road has not changed. He noted test pits were done on the site. He said they went through the BETA comments; a majority have already been addressed. He said they looked at the November 29, planner's comments; he said he would be willing to talk about those.

Ms. Love stated that the applicant touched on the stormwater. She noted that a lot of the comments at the last meeting dealt with landscaping and screening and any outdoor lighting. She noted the applicant submitted the noise study as requested. She noted there was a decommissioning bond, and they need to make sure that gets in place.

Mr. Maglio said they reviewed the revised plans; he has nothing else to add.

Mr. James said there are still a few technical issues to address relative to the stormwater. He said overall, quite a few of the comments were responded to.

Mr. Tabaczynski noted a few items to address for Conservation Commission; they are waiting to hear back from the conservation agent.

Chair Rondeau referenced Ms. Love's five comments from her letter to the Planning Board dated November 29, 2023, which was provided in the meeting packet. Ms. Wierling said items number 1 and number 4 could be easily addressed by noting no lighting on the plan. She asked that anything additional from Conservation Commission regarding landscaping be added to the plan. Mr. Tabaczynski discussed the proposed plantings/landscaping and noted no plantings were proposed around the transformer which is within the broader fenced-in area. He confirmed there are about 2.8 acres of area for new clearing.

Chair Rondeau stated that he was comfortable with Cape Cod berm. He said there are a few loose ends with BETA and Conservation Commission, and the applicant should put general notes on the plans for the lighting. He asked about signage. Mr. Tabaczynski reviewed the signage as shown on sheet 8. Discussion commenced on the continuance date.

Motion to Continue 0 Upper Union Street Solar Project, Site Plan Application, to January 8, 2024.
Wierling. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

7:00 PM

PUBLIC HEARING – *Continued*

15 Liberty Way
Site Plan Application
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Ms. Love stated that the applicant submitted revised plans last week. She suggested continuance to December 18, 2023.

Motion to Continue 15 Liberty Way, Site Plan Application, to December 18, 2023. Wierling. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

Ms. Wierling noted to the public that there is a Planning Board associate member position open.

Ms. Love said the Master Plan has put out the survey which will be open until January 1, 2024. Discussion commenced that they link was reposted and should work.

Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Absent).

Meeting adjourned at 8:11 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary
--Planning Board approved minutes at January 22, 2024 meeting