

**DRAFT FOR REVIEW****Town of Franklin****Planning Board****July 23, 2018  
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: Bryan Taberner, Director, Department of Planning and Community Development; 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. He stated the Public Hearing for 116 Alpine Place, Special Permit & Site Plan Modification and the Public Hearing for Senior Village Overlay District Chestnut Street, Special Permit & Site Plan Modification would be continued and the Public Hearing for 45 Forge Parkway, YMCA, Site Plan Modification would be withdrawn.

**A. Extension: 120 Grove Street – Beaulieu Business Park**

Ms. Love stated this Site Plan was originally approved August 6, 2007. The applicant has come in frequently asking to extend their approval for this Site Plan as the site has not been developed; they are again requesting a one-year extension.

*Motion to Extend 120 Grove Street – Beaulieu Business Park to June 25, 2019. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).*

**B. Form H: 5 Forge Parkway – Site Plan Modification**

Ms. Love stated the Site Plan was approved February 27, 2017, for a 35,000 sq. ft. addition. They filed a Form H for the site completion. BETA has been there; they provided a list of a few items that were still incomplete. Since then, a letter from the developer has been received indicating he has completed most of those items.

Amanda Cavaliere of Guerriere & Halnon, Inc. and Brian Wye of Ryan Construction addressed the Planning Board. Ms. Cavaliere stated the last outstanding item was loam and seed which has been completed; she stated they had photos for documentation.

*Motion to Accept the Form H: 5 Forge Parkway – Site Plan Modification. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).*

**C. 81-P ANR: 100 Financial Way – Warehouse**

Ms. Love stated the applicants have filed to split the existing lot into two lots whereas one lot has the existing building on it and the second lot is where they will be constructing the warehouse.

Mr. Taberner confirmed this is all set.

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***Motion to Sign the 81-P ANR: 100 Financial Way – Warehouse. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING – Initial**  
***Timberline Estates – Phase I***  
 Definitive Subdivision Modification

*Documents presented to the Planning Board:*

1. *Memorandum dated July 18, 2018 from DPCD to Franklin Planning Board*
2. *Letter dated July 17, 2018 from Stephen J. O'Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board*
3. *Subdivision Modification Plan of Timberline Estates, Phase I in Franklin, MA, Plan Sheets, Prepared by Andrews Survey & Engineering, Inc., dated June 11, 2018, with Received by Planning date June 18, 2018*
4. *Form C, Application for Approval of a Definitive Plan with applicant listed as Anthony Marinella, Marinella Construction, Inc., with Received by Planning date June 18, 2018*
5. *Certificate of Ownership with Received by Planning date June 18, 2018*
6. *Form R, Franklin Planning Board Subdivision Waiver Request for Timberline Estates (Modification), with Received by Planning date June 18, 2018*
7. *Certificate of Ownership with Received by Planning date June 18, 2018*
8. *Abutters List Request Form dated March 9, 2018, with Received by Planning date June 18, 2018*
9. *Abutters List Report dated March 12, 2018*
10. *Letter dated March 15, 2018, from Town of Bellingham, Assessment Administration Office, RE: Abutter to Abutter within 300 Feet of Map 81, Parcel 3*
11. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date June 25, 2018*

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

Mr. Stephen O'Connell of Andrews Survey & Engineering, Inc., Mr. Anthony Marinella, property owner and applicant, and Frank Marinella, future owner of lot they would like to create, addressed the Planning Board.

Ms. Love stated the applicant is looking to create a buildable lot by extending a cul-de-sac to provide enough frontage that the back lot is buildable for at least one single-family house. The applicant has asked to waive the subdivision rules, Article 4 of Design and Construction Standards, which involves extending the roadway. They also owe the Town the advertising and mailing fees of \$455.50.

Mr. O'Connell handed an illustration to the Planning Board members. He stated it was the same information the Planning Board already had in color. He provided an overview of the proposal. He stated an application was submitted to the ZBA for a variance for frontage on Cypress Lane. He stated this was a subdivision known as Timberline Estates. It was previously approved in the 1990s. On the subdivision plan there were provisions for Phase II which was essentially the expansion of Cypress and provisions for a right-of-way. Phase II is not going to happen. In lieu of a Phase II of a conventional subdivision, he stated they are proposing a modification to the original which creates the frontage needed around the geometry of the paper cul-de-sac; the driveway for the single lot they are hoping to create will come off the existing paved turnaround. He explained the site plan and proposed definitive subdivision modification. He stated they had very productive dialog with the abutters; they were supportive of the zoning application. He stated the abutters were hoping this could be approved so the future development of the land would not likely occur. Mr. O'Connell explained that to ensure that no future development is

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proposed, the applicant is proposing to convey portions of his land to two abutters as shown on the plan. They have spoken to various departments about any concerns they may have. If the fire chief would like to see sprinklers, the applicant is willing to do that.

Chairman Padula asked about the right-of-way they are relinquishing to the two abutters; doesn't that go to the applicant's property/back yard.

Mr. Marinella stated Yes, and confirmed the road is still a private road.

Chairman Padula asked why they cannot just put a 12 ft. driveway.

Mr. O'Connell confirmed that is what they are asking for but there is just not the minimum required frontage at the end of Cypress. He confirmed they are not going to put in the cul-de-sac, but they need legal frontage. He stated the house on the right does have legal frontage and reviewed the provided plans. He reviewed the frontage on the applicant's lot; they are short on minimum required frontage which is why they initially sought a variance on frontage. Most of the ZBA was in favor, but one member was not.

Chairman Padula asked about the modified easement on the left; that concerns him as he does not want to see a possible access to another subdivision in Bellingham.

Mr. O'Connell stated that is not his intention. He explained they are classifying it as a modified easement as there is a stormwater basin there now. It is an existing easement.

Chairman Padula discussed the lot acreage.

Mr. O'Connell stated the existing lot contains 16.5 acres. Most of the existing lot is shown on the second page. There will be 13.67 acres of remaining land.

Chairman Padula confirmed with Mr. Anthony Marinella that he had no plans to develop the approximate 13.5 acres of land, and that he did not mind a covenant stating it would not be developed. He stated he would have attorney Mark Cerel draw up a covenant. They would get rid of the modified easement and just leave the access to the detention basin. The covenant would say no access to Bellingham subdivision and it would not be developed.

Mr. Anthony Marinella stated he did not mind if Mr. Cerel drew up a covenant.

Chairman Padula asked if the 12 ft. driveway going to that lot was acceptable.

Mr. O'Connell stated Yes.

Mr. Rondeau asked about the grade.

Chairman Padula stated they would not build the cul-de-sac; it has to be approved but would not be built.

Mr. O'Connell explained that it is needed to provide the adequate frontage.

Mr. Tom Payne, 22 Cypress Lane, stated he is an abutter and has not been contacted or had any discussions with anyone to date. He stated the plan is different than what is being described. He stated he does not want a 12 ft. driveway as the frontage of his house. He showed his lot on the plan.

Planning Board members, Mr. Payne, and Mr. O'Connell reviewed and discussed the 12 ft. driveway and frontage.

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Mr. Payne stated he did not want the driveway in front of his property.

Chairman Padula stated he is sure the applicant would not mind doing some plantings or whatever Mr. Payne would want. He stated the Planning Board always asks applicants to have a conceptual plan that meets the bylaws; this meets the bylaws for a cul-de-sac. After it can be shown that the bylaws can be met, they can come in for a waiver or modification. He thinks this is the least impact.

Mr. Jeff Love, 23 Cypress Lane, wanted to confirm there is no impact from the 12 ft. driveway on the frontage to his home. He requested more information and clarification about the suggested covenant. He thinks the homeowners in the community supported putting in the one home at the expense of foregoing the potential for a subdivision.

Mr. O'Connell stated that is correct.

Chairman Padula stated this public hearing will be continued. He will ask Attorney Cerel to draw up a covenant indicating there will be no access to Bellingham and there will not be another subdivision.

Ms. Karen Pierce, 16 Auburn Road, stated it seems like a reasonable plan with the one home and the covenant. She asked about the requested waiver and why the applicant wanted the Design and Construction Standards waived. She wants to make sure there is not a lot of clearing and they are building a home that fits in with the neighborhood.

Chairman Padula reviewed that the subdivision regulations stated the applicant would have to build the cul-de-sac, turnaround, catch basins, and curbing. He asked the applicant to put the location of the house on the new plans that they will submit.

Mr. O'Connell requested clarification on the modification Chairman Padula requested regarding the easement. He showed Chairman Padula the plan that was originally approved and the drainage easement as it exists today. They reviewed and discussed the plans.

Chairman Padula stated to mark it as a stormwater basin not a modified easement.

***Motion to Continue the public hearing for Timberline Estates – Phase I, Definitive Subdivision Modification, to August 6, 2018, at 7:10 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM      **PUBLIC HEARING** – Initial  
                 ***Zoning Bylaw Amendments***  
                 18-815 Setbacks in CI  
                 18-816 Poultry

*Documents presented to the Planning Board:*

1. *Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-815 with Received by Town Clerk date June 25, 2018*
2. *Town of Franklin Zoning Bylaw Amendment 18:815 Commercial I Side Yard and Maximum Imperious Coverage Dimensional Regulations*
3. *Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-816 with Received by Town Clerk date June 25, 2018*
4. *Town of Franklin Zoning Bylaw Amendment 18:816 Poultry Use Regulations, Changes to Chapter 185, Use Regulations, Schedule Parts I and VII*

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Mr. Taberner stated, regarding Zoning Bylaw Amendment 18-815, this is for changes in dimensional regulations for the CI zoning district. Earlier this year, there were several changes proposed for CI; these have been divided into different bylaw amendments. This one has basically two parts. One issue deals with the minimum side yard dimensions. Currently, in CI there are no requirements; it is a zero setback. They are proposing a 10 ft. setback on one side of the building for new construction. That way there is access for emergency personnel. The other side can be built to the property line as is today. There is one caveat; if the parcel is directly adjacent to a residential district, there would be a 20 ft. setback on that side of the lot. Another issue deals with impervious coverage. Currently, between structures and paving 100 percent of the lot can be covered; there is no requirement for green space or setbacks. They are proposing 80 percent coverage for structures and 90 percent by impervious. It is just 10 percent more than is today.

Planning Board members asked questions about the proposed zoning bylaw amendment.

***Motion to Waive the Reading for Zoning Bylaw Amendment 18-815, Setbacks in CI. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Recommend to the Town Council Zoning Bylaw Amendment 18-815, Setbacks in CI. Carroll. Second: Rondeau. Vote: 4-0-1 (4-Yes; 0-No; Abstain-1).*** Mr. Halligan abstained.

Mr. Taberner stated, regarding Zoning Bylaw Amendment 18-816, that currently in the zoning bylaws under principles uses it combines other livestock and poultry. With this bylaw, we are separating other livestock from the poultry and treating them as two separate issues. He reviewed the wording changes. He noted in the majority of zones it is not allow. In most of the Residential Zones, I-V, it does allow; it is noted that any related structures should be in the rear of the primary building and 25 ft. from side and rear property lines. This makes it easier to have poultry in the backyard.

Mr. Halligan stated he was at the EDC meetings when this was discussed. He learned that not only do the structures have to be 25 ft. from the sidelines and the back of the property, but the poultry cannot run loose; they have to stay within a fenced pen at all times.

Mr. Rondeau wanted to confirm the fenced area was included in the 25 ft. setbacks.

Mr. Edward Szymanski, 529 Pleasant Street, stated he was at the EDC meeting. He stated currently the chickens cannot run free; they have to be confined. There are many people who would like to preserve a little of the agricultural heritage in Franklin. He stated they understand there is need for regulation. He noted there is a limit of 25 chickens.

Mr. Halligan stated when he was at the EDC meeting some people indicated the chickens were their pets and they let them run free. He wants to let everyone know what this bylaw is all about. He noted the Board of Health has more jurisdiction over this.

Mr. Taberner stated the only issue being talked about is giving a little more freedom regarding the size of the lots and things of this nature. It does not mean you are going to get a permit from the Board of Health.

***Motion to Recommend to the Town Council Zoning Bylaw Amendment 18-816, Poultry. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM      **PUBLIC HEARING** – Initial  
116 Alpine Place  
Special Permit & Site Plan Modification

*Documents presented to the Planning Board:*

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1. Memorandum dated July 18, 2018 from DPCD to Franklin Planning Board
2. Letter dated July 5, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Letter dated July 12, 2018 from Daniel Campbell, Level Design Group, to Franklin Planning Board
4. Alpine Green, Multi-Family Housing, 116 Alpine Place, Franklin, MA, Plan Sheets, Prepared by Level Design Group, dated June 29, 2018, with Received by Planning date June 29, 2018
5. Alpine Green, Multi-Family Housing, 116 Alpine Place, Franklin, MA, Color Rendering of Front Elevation, Prepared by JG Architecture, dated June 20, 2018, with No Received by Planning date
6. Memorandum dated July 3, 2018 from G. B. George Russell, Conservation Agent, to Franklin Planning Board
7. Application for Approval of a Limited Site Plan and Special Permit(s) with Modification with applicant listed as NE Premier Properties, LLC, with Received by Planning date July 13, 2018
8. Certificate of Ownership with Received by Planning date July 13, 2018
9. Deed, Massachusetts State Excise Tax, Norfolk Registry of Deeds, dated March 30, 2018
10. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date June 2018

Chairman Padula stated there was request for continuance of the public hearing.

**Motion to Continue the public hearing for 116 Alpine Place, Special Permit & Site Plan Modification, to August 6, 2018, at 7:15 PM. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).**

7:20 PM      **PUBLIC HEARING** – Continued  
                  **Senior Village Overlay District Chestnut Street**  
                  Special Permit & Site Plan Modification

*Documents presented to the Planning Board:*

1. Letter dated May 21, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board
2. Memorandum dated April 25, 2018 from Jeffrey Nutting, Town Administrator, to Franklin Planning Board
3. Memorandum dated April 18, 2018 from DPCD to Franklin Planning Board
4. Gmail dated April 17, 2018 from Jeffrey Nutting, Town Administrator, to Amy Love, Town Planner
5. Application for Approval of a Site Plan and Special Permit(s) from Whitman Homes, Inc. (51 Chestnut Street, Franklin), applicant, with Received by Planning date April 2, 2018
6. Certificates of Ownership (2) with Received by Planning date April 2, 2018
7. Project Narrative prepared by Guerriere & Halnon, Inc. with Received by Planning date April 2, 2018
8. F-3183-5, Special Permit Application for Senior Village Overlay District for Chestnut Street Senior Village, to allow construction of 33-units for senior housing, dated March 30, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018
9. F-3183-5, Special Permit Application for Senior Village Overlay District for Chestnut Street Senior Village, to allow an increase in impervious coverage, dated March 30, 2018, prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018
10. Open Space Management Plan, Exhibit "A" prepared by Guerriere & Halnon, Inc., with Received by Planning date April 2, 2018
11. Abutters List Request Form dated February 13, 2018, with Received by Planning date April 2, 2018
12. Abutters List Report dated February 13, 2018

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13. *Plan Sheets for Chestnut Senior Village, Chestnut Street, Franklin, MA, prepared by Whitman Homes, with Received by Planning date April 2, 2018*
14. *Letter dated January 10, 2017, from Joseph Halligan, Vice Chairman Planning Board, to Teresa Burr, Town Clerk, RE: Certificate of Vote-Limited Site Plan and Special Permit Extension*
15. *WPA Form 7 – Extension Permit for Orders of Conditions dated August 31, 2006, Issued by Franklin Conservation Commission*
16. *Letter dated June 22, 2011, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegri, Town Clerk, RE: Certificate of Vote-Special Permit*
17. *Letter dated June 12, 2008, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegri, Town Clerk, RE: Certificate of Vote-Special Permit*
18. *Letter dated June 13, 2008, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegri, Town Clerk, RE: Certificate of Vote-Site Plan*
19. *Letter dated June 12, 2008, from Ronald Calabrese, Chairman Planning Board, to Deborah Pellegri, Town Clerk, RE: Certificate of Vote-Special Permit*
20. *Letter dated October 12, 2006, from Paige Duncan, Clerk, to Deborah Pellegri, Town Clerk, RE: Certificate of Vote-Site Plan*
21. *Letter dated October 12, 2006, from Paige Duncan, Clerk, to Deborah Pellegri, Town Clerk, RE: Certificate of Vote-Special Permit*
22. *Letter with Date of Hearing December 11, 2007, from Jennifer Peters, Design Review Commission, to Franklin Planning Board, RE: Certificate of Vote from Design Review Commission*

***Note: Vice Chairman Halligan activated alternate Planning Board member, Mr. Power, at the April 23, 2018, Planning Board meeting, as this public hearing is for a special permit.***

Chairman Padula stated there was request for continuance of the public hearing.

***Motion to Continue the public hearing for Senior Village Overlay District Chestnut Street, Special Permit & Site Plan Modification, to August 6, 2018, at 7:20 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:25 PM      **PUBLIC HEARING** – *Continued*  
                  **45 Forge Parkway - YMCA**  
                  Site Plan Modification

*Documents presented to the Planning Board:*

1. *None.*

Chairman Padula stated the applicant requested to withdraw without prejudice.

***Motion to Accept to Withdraw without Prejudice for 45 Forge Parkway – YMCA, Site Plan Modification. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**Chair and Member Comments**

Mr. Halligan stated he was disappointed when driving through town regarding the condominium project being developed across from the Getty Station. He stated the applicant spent time and money putting artwork renderings out front that looked really great and he had to cover it all up because it does not meet the sign bylaw. We are trying to develop the downtown area and this looked great. How does it not meet the sign bylaw? You want people to drive by and see the money being spent and the beauty being developed in town, not a big blue sheet in the front. For the future, what can we do?

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Mr. Taberner stated he was not part of it. The Building Commissioner is in charge of implementing the sign bylaws. If he believed it should not be there, it is his call. In the near future there will be some proposals to change the sign bylaw. That is one of the things to be discussed.

Chairman Padula noted there are other violations for sign bylaws that nothing is done about.

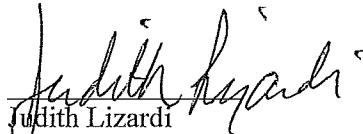
Mr. Taberner stated he will be going to one of the next Design Review meetings to talk about the sign bylaw proposed changes and then to EDC late summer/early fall with the proposed changes.

Mr. Halligan suggested something that would allow new construction project banners or screening to be separate allowing it to be temporary for a few months and then gone. Maybe the applicant could go to Design Review to get it approved.

Mr. Taberner discussed difficulties with temporary signage. He is sure something can be done; he will put it on the list to discuss.

***Motion to Adjourn. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 7:57 PM.***

Respectfully submitted,

  
Judith Lizardi  
Recording Secretary