

Town of Franklin



TOWN OF FRANKLIN
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Planning Board

January 7, 2019
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; 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. Street Acceptance: Padula Way

Chairman Padula, after reading the memo dated November 14, 2018, by Mark Cerel, Town Attorney, RE: Proposed Padula Drive Street Acceptance, asked the Planning Board for a recommendation.

Motion to Recommend to the Town Council for Street Acceptance, Padula Way. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

B. Lot Release: O'Brien Way

Ms. Love stated that on July 9, 2003, the Planning Board accepted a Private Definitive Subdivision known as O'Brien Estates with two buildable lots. At the time, there was a covenant that was held until the driveway was constructed. The applicant is here tonight for a Partial Form H and two lot releases. She stated that BETA has been out there to make a list of a few outstanding items that need to be complete. She stated that if the Planning Board decides to release the lots, she recommends that all the outstanding items on BETA's report be completed prior to occupancy for the houses.

Chairman Padula asked if all the Planning Board members had read the attached documentation. He stated that although the Planning Board members can vote the way they want, he does not recommend signing the Form H for lot release. The base coast on the entire project is from 2003; it is questionable if it will take the finish coat. The catch basins are full which means the drainage lines are full. He does not recommend signing the Form H until the drainage is operational.

Mr. Jim O'Brien, property owner, stated it is a Partial Form H which indicates all that has to be done is the base coat. He does not have a problem cleaning the basins. He would like to start building before it is complete. He stated he does not want to do the final tar until the construction is done. He wants to build one house now. He stated the road was inspected when it was put in. He is confident it is still good. He can have the inspection company come back and inspect it again.

Chairman Padula stated that when a subdivision is put in, the drainage must be functional; this drainage is not functional. When it is functional, the applicant can come back to the Planning Board with this item under General Business and the Planning Board will sign the Form H. There are pictures of it full.

Mr. O'Brien stated it is functional. He has never seen water out there. He requested to see the pictures. He stated he wished people had informed him; he was not told there was a problem. He said he paid BETA to do the inspection. When he called after the inspection, he was told everything was fine; he was not given a copy of the report.

Chairman Padula stated it is the applicant's property. He saw the report when he was reading the documents during the weekend in preparation for this meeting. He stated the drainage needs to be working before the Form H will be signed which needs to be done before the applicant can build.

C. Meeting Minutes: November 19, 2018 & December 3, 2018 & December 10, 2018

Motion to Approve the November 19, 2018, Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the December 3, 2018, Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the December 10, 2018, Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Initial*
 278, 280, & 300 West Central Street
 Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. Memorandum dated January 3, 2019 from DPCD to Franklin Planning Board
2. Memorandum dated December 6, 2018 from George Russell, Conservation Agent, to Franklin Planning Board
3. Memorandum dated December 21, 2018 from G. B. McCarraher, Fire Chief, to DPCD
4. Special Permit Criteria, Highland Village Condominiums, 278 – 280 – 300 West Central Street, with Received by Planning date November 28, 2018
5. Preliminary Site Plan for 2 Special Permits, Highland Village, 278 – 280 – 300 West Central Street, New Project Site Details, with No Received by Planning date
6. Site Plan for Highland Village 278-300 West Central Street, Franklin, MA, Plan Sheets, prepared by Guerriere & Halnon, Inc., dated September 26, 2017, with Revision date November 20, 2017, with Received by Planning date November 22, 2017
7. Conceptual Site Plan for Highland Village 278-300 West Central Street, Franklin, MA, Plan Sheets, prepared by Guerriere & Halnon, Inc., dated November 20, 2018, with Received by Planning date November 28, 2018
8. Application for Approval of a Site Plan and Special Permit(s) Two, with applicant and owner listed as Joel D'Errico, with Received by Planning date November 28, 2018
9. Certificate of Ownership with Name of Record Owner listed as Joel D'Errico, with Received by Planning date November 28, 2018
10. Application for Approval of a Site Plan and Special Permit(s) Two, with applicant listed as Joel D'Errico, and name of owner listed as John E. Marguerite and John Mucciarone, with Received by Planning date November 28, 2018
11. Certificate of Ownership with Name of Record Owner listed as John E. Marguerite and John Mucciarone, with Received by Planning date November 28, 2018
12. Application for Approval of a Site Plan and Special Permit(s) Two, with applicant listed as Joel D'Errico, and name of owner listed as Foley Family Trust Dennis Foley Trustee, with Received by Planning date November 28, 2018
13. Certificate of Ownership with Name of Record Owner listed as Foley Family Trust Dennis Foley Trustee, with Received by Planning date November 28, 2018

14. *Abutters List Request Form dated November 7, 2018 with Received by Board of Assessors date November 7, 2018*
15. *Abutters List Report dated November 18, 2018*
16. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 6, 2018*

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

Mr. Halligan recused himself.

Mr. Joel D'Errico, owner/applicant, and Mr. Mark Lanza, attorney representing the applicant, addressed the Planning Board. Mr. D'Errico stated that before the Planning Board is a plan with significant change of the three parcels. The access point is one roadway with lines of sight in the westerly direction of 550+ linear ft. and in the easterly direction lines of sight of more than 2,000 ft. The unit count has been dropped by 20 percent. The impervious coverage is now at 50 percent. The units on the site are under General Residential V. The properties were rezoned about three years ago. The sponsor was the Town Administration. Franklin Town Council voted 7-yes, 1-no, 1-abstain, in favor of rezoning the premises. The abstention was for business reasons. The zoning of General Residential V allows for one dwelling unit per 1,000 sq. ft. of land area. The plan before them today is one dwelling per 5,172 sq. ft. of land area. There have been other votes in this community by this Planning Board such as September 2017, where the Planning Board approved units in another part of Town near the center at one per 3,000 sq. ft. of land area with 257 units. In checking the Assessor's records and the Assessor's maps in the Town of Franklin, at this present date there are 130 single-family house lots between 5,000 and 5,800 sq. ft. and they are zoned Single-Family Residential, not General Residential V. He stated he believes this is a good plan and that post-development there shall be no runoff whatsoever. The site is all gravel; the percolation rates are ideal. The snow storage has been increased by more than 40 percent on the site. There is a green area adjacent to Lot A which is the Foley Family homestead which is cut out of this project. There is a strip of green area that will be delineated on the margin sides with shrubbery for access for the fire department. He stated he received an impervious coverage Special Permit at 47 Summer Street in 2008, for 59 percent coverage, and this is 50 percent.

Ms. Love stated the units have been reduced by 20 percent, the lot area has been reduced by 10 percent, and the visitor parking has been reduced by two spots. The purpose of this hearing is that the applicant was recently denied a Special Permit, and with a significant change, if the Planning Board determines, he is reapplying. Part of the denial involved the areas of the abutting property easement which there was no agreement, and the noise control from the abutting property, as well.

Mr. Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon, P.C, on behalf of JNJ Industries, Inc., 290 Beaver Street, Franklin, stated this is a repetitive petition. This is barred by MGL Ch. 40A Section 16. An applicant may be entitled to bring a repetitive petition, but the statute and the cases on it are very clear in the process by which that is allowed. Significant change is not permitted by the statute. The statute permits the applicant to petition this Board by a public notice to all parties of interest that the applicant wants to bring a repetitive petition. That is the first step and it has not been done. The applicant has brought forward a request for modification; there is nothing to modify. This application was denied; barred for two years from coming forward. So, the first step is the applicant has to petition this Board and the applicant has to show specific and material changes that address each of the concerns that this Board raised when it denied the petition last summer. That has not been done. An application has to be filed and public notice has to be given to all parties of interest; that has not been done. If that is done, and the applicant can show specific and material changes to each of the points this Board has raised for reasons for denial, at least four out of five members of this Board must then say the applicant can pass go. If the applicant is not able to gather enough of those votes, the applicant is barred from bringing this petition for two years. That is the process by statute, but it has not been done. So, this application is not properly before this Board. If the applicant brings in a request to bring in a repetitive petition and can make those findings and gives public notice and this Board holds a public hearing on it, then the applicant can bring it forward under the two-year rule. But,

until that is done, the applicant is barred. He stated he just found out about this today. He can submit it to the Planning Board now or submit it by mail tomorrow.

Ms. Love, in response to Chairman Padula's question, stated the filing by the applicant was for a Site Plan Modification and that is how it was advertised.

Chairman Padula stated, that as Mr. Cannon stated, under MGL Ch. 40A Section 16, it goes back to the Planning Board for a vote on whether or not the Planning Board decides if it is a significant change. So, this application should not have been submitted, even though he notified residents within 300 ft.

Mr. Lanza stated the application was for a new Special Permit and Site Plan. Not for a modification of an existing Special Permit or Site Plan granted or denied. It is a different site. There are fewer square feet; there is a different number of units. The site configuration is different. The access and egress are completely different. It is not the same application. It is a new application and that is the way it was advertised. He stated that the agenda says something about a modification, but we are not asking for a modification because we are not submitting something to modify; it is a new application.

Ms. Love referenced the Public Hearing Notice and stated it indicates Special Permit and Site Plan application. They have filed two special permits: one for impervious and one for density.

Chairman Padula stated he would have to ask the Town Attorney; how can the applicant submit within a two-year period on the same site or piece of property without the Planning Board deciding. He referenced MGL Ch. 40A Section 16 regarding what the Planning Board votes and considers a significant change. He asked the applicant if he would like the Planning Board to take a vote on this.

Mr. Lanza stated the issue before the Planning Board is the merits of the application; not a repetitive petition request question. If the Planning Board needs more time to consult with its counsel, as to whether it can take the vote on the Special Permit application, that is a separate issue. Then, this should probably be continued to let the Planning Board have the benefit of that advice.

Motion to Continue the public hearing for 278, 280, & 300 West Central Street, Special Permit & Site Plan Modification, to January 28, 2019, at 7:30 PM. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:10 PM **PUBLIC HEARING** – *Initial*
Sign By-Law Amendments
18-822: Changes to 185-20. Signs
18-823: Changes to Sign District Regulations
18-824: Changes to Sign District Overlay Map

Documents presented to the Planning Board:

1. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 12, 2018.*
2. *Franklin Sign Bylaw Summary of Proposed Changes dated November 20, 2018.*
3. *Town of Franklin Zoning Bylaw Amendment 18-822: Changes to §185-20. Signs*
4. *Town of Franklin Zoning Bylaw Amendment 18-823: Changes to Sign District Regulations*
5. *Town of Franklin Zoning Bylaw Amendment 18-824: Changes to Sign District Overlay Map*

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

Mr. Bryan Taberner explained the three proposed zoning bylaw amendments related to the Sign Bylaw. He stated that in 2012, the Sign Bylaw was rewritten. Since that time, little problems, things they would like to

change, and minor modifications have been found. These three proposed amendments clarify wording and the regulations. He reviewed the document titled "Franklin Sign Bylaw, Summary of Proposed Changes." He stated that the major changes to Zoning Bylaw Amendment 18-822: Changes to §185-20. Signs, relates to preexisting signs; he read the proposed new wording. For example, if a sign is deteriorated or falling down, the Building Commissioner can require the sign to be replaced; or, when a new user goes in, the Design Review Commission can recommend the sign be replaced. He discussed and gave examples of dimensional regulations for freestanding signs and temporary signs. Regarding Zoning Bylaw Amendment 18-823: Changes to Sign District Regulations, he reviewed changes to the size of freestanding signs and temporary signs and gave examples. He noted this information goes with "Attachment 10, Schedule of Permitted Signs per Sign District" in the back of the zoning book. Regarding Zoning Bylaw Amendment 18-824: Changes to Sign District Overlay Map, he stated this is just an adjustment to the Sign Overlay Map. The sign district boundaries have been adjusted to reflect all zoning district line changes.

Mr. Halligan wanted to clarify the wording for the pre-existing signage. He confirmed that if the sign structure was there, the lit part of the sign, the face part, could be changed without discussion. He discussed that if an act of nature destroys someone's sign, their non-conforming sign should be protected. He wants to protect what is existing.

Mr. Taberner stated that the structure of the sign could be reused all you want until it does not look too nice. Then, the Building Commissioner is going to say that it is being pushed too far. So, if it needs replacement in the eyes of the Building Commissioner, he has the authority to tell a person it has to go. Until then, it can be reutilized for whatever businesses. He discussed with Mr. Halligan the intent of the wording and stated he would take a look at Mr. Halligan's concerns.

Motion to Recommend to the Town Council, with the changes Mr. Halligan requested, Zoning Bylaw Amendment 18-822: Changes to §185-20. Signs, Zoning Bylaw Amendment 18-823: Changes to Sign District Regulations, and Zoning Bylaw Amendment 18-824: Changes to Sign District Overlay Map. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Initial*
 0 Upper Union Street
 Site Plan

Documents presented to the Planning Board:

1. Memorandum dated January 2, 2019 from DPCD to Franklin Planning Board
2. Letter dated December 27, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Memorandum dated December 21, 2018 from G. B. McCarraher, Fire Chief, to DPCD
4. Site Plan Narrative for American Earth Anchors, 0 Upper Union Street, Franklin, MA, dated December 14, 2018
5. Site Plan, American Earth Anchors, Inc., Franklin, MA; Plan Sheets, prepared by Guerriere & Halnon, Inc., dated December 14, 2018, with Received by Planning date December 17, 2018
6. Form P: Application for Approval of a Site Plan with applicant listed as 73C3, LLC c/o Cy Henry, American Earth Anchors, with Received by Planning date December 17, 2018
7. Certificate of Ownership with Name of Record Owner listed as 73C3 LLC, with Received by Planning date December 17, 2018
8. Abutters List Request Form dated January 17, 2017 with Received by Board of Assessors date January 17, 2017
9. Abutters List Report dated January 18, 2017
10. Letter dated March 28, 2017 from IRS Department of the Treasury to 73C3 LLC, Ralph S. Henry Jr. Sole Mbr., RE: Employer Identification Number
11. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 19, 2018

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

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., representing the applicant, 73C3, LLC, stated the applicant was unable to attend tonight due to a previous commitment. The applicant is proposing to develop a 4.6-acre site off Upper Union Street which is zoned Industrial. They are looking for Site Plan approval from the Planning Board. The property is currently a vacant lot. There is a 300 ft. wide power easement at the rear. They will be utilizing the front of the property only. They are proposing to construct a 45 ft. x 105 ft. metal building to be utilized as a warehouse for products by American Earth Anchors. The site will be paved and landscaped as shown and a stormwater management system will be put in place. There will be vertical granite curbing at the entrance and vertical concrete curbing throughout the remainder of the site. There are no wetlands onsite. Currently, they have received comments back from the Planning Board, Town Engineer, and Fire Chief; they are still awaiting comments from BETA. She stated they have to file for a Scenic Road Permit and will submit that under separate cover. The color rendering will be forthcoming. They will go to Design Review.

Chairman Padula asked if there will be any retail sales there.

Ms. Cavaliere stated that is a question for the applicant as she does not know. She stated there will be three office units on the second floor. There will only be one business.

Planning Board members asked questions.

Ms. Cavaliere, in response to the questions, stated there will be no automotive maintenance, there will be overhead garage doors in the loading area in the rear, architectural drawings can be submitted that show the elevation views, there are no gas traps, there is sewer, there is a Cultech system going underground, there is a sidewalk in the front of the building but not all the way around, there will be bollards at the corners of the building but they can put them by the garage doors.

Mr. Halligan stated gas traps and floor drains will be needed with overhead doors. He would like the renderings attached to the Site Plan.

Motion to Continue the public hearing for 0 Upper Union Street, Site Plan, to February 11, 2019, at 7:30 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – *Initial*
 Prospect Farms – Prospect Street
 Preliminary Subdivision

Documents presented to the Planning Board:

1. *Memorandum dated January 3, 2019 from DPCD to Franklin Planning Board*
2. *Letter dated December 19, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated December 18, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Memorandum dated December 21, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
5. *Email dated December 17, 2018 from Timothy Bobola, Abutter, to Amy Love, Town Planner*
6. *Document Packet from Andrews Survey & Engineering, Inc., with the following:*
 - *USGS Locus Map*
 - *Project Narrative*
 - *Request for Subdivision Waivers Letter dated December 13, 2018 with Received by Planning date December 17, 2018*

- *Application for Approval of a Preliminary Plan (Form B), with Received by Planning date December 17, 2018*
 - *Attachment "A" – Owners of Record*
 - *Certificate of Ownership (Schmidt's Farm Inc.)*
 - *Property Deed (Schmidt's Farm Inc.)*
 - *Certificate of Ownership (Maria M. Conant)*
 - *Property Deed (Conant)*
 - *Certificate of Ownership (Kenneth M. & Deborah A. Torosian)*
 - *Property Deed (Torosian)*
 - *Certified Abutters List dated December 11, 2018 with Received by Planning December 17, 2018*
 - *Wetland Delineation Report prepared by ECR, Environmental Consulting & Restoration, LLC, dated August 28, 2017*
7. *Plan Sheets for Prospect Farms, A Preliminary Subdivision, Franklin, MA, prepared by Andrews Survey & Engineering, Inc., dated December 6, 2018, with Received by Planning date December 17, 2018*
 8. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 18, 2018*

Motion to Waive the Reading. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Stephen O'Connell of Andrews Survey & Engineering, Inc., on behalf of Maddi North Street Development Corporation, LLC, and Mr. Anthony Marinella addressed the Planning Board. Mr. O'Connell stated they are here for a Preliminary Subdivision application for Prospect Farms. He stated they withdrew their recent application which proposed access out through Nicholas Drive. They are proposing this alternative layout with a total of 59 lots that accesses out to Washington Street. He stated they heard the concerns of the Planning Board and the neighbors about the sight distance coming out of Nicholas Drive and prepared this revised plan. In the application they are requesting three waivers: intersections of street lines shall be rounded with a curve of not less than a thirty-foot radius, measured at the curb line; dead-end streets shall serve no more than 12 dwelling units and shall be no longer than 600 feet, etc.; and waiver of administrative fees as applicant paid \$5,500 for the previous Preliminary Subdivision plan. He reviewed the drawings and explained the requests for the waivers. He stated that other than the access onto Washington Street, the plan is essentially the same. The project will be proposed to be serviced by municipal water and onsite individual septic systems. All the lots meet requirements. He noted the property is intersected by a brook area. They are proposing one wetland crossing at the smallest point. The topography varies.

Mr. Rondeau asked about the paper road and said that he counted 11 houses on the extension road.

Mr. O'Connell stated that even if that lot was counted, it was still under the 12 allowed; however, it is still over the 600 ft. allowed.

Mr. Halligan stated that at the last meeting he heard residents say that if there was an emergency exit only onto Nicholas Drive, they would be okay with that, but they did not want a full access road. He asked Mr. O'Connell if they had thought about a second means of exit for fire trucks.

Mr. O'Connell stated the cost of land acquisition would lean toward prohibitive.

Chairman Padula stated that the last time they were before the Planning Board he asked them to come in with a conforming plan before they asked for waivers. He is not happy with the cul-de-sac. He stated that the Planning Board has never allowed anything over 600 ft. and he does not want to start. Regarding the radius on Washington Street, as long as they can make the 30 ft. radius and the curbing for exiting vehicles, he would be okay with it. As far as the fees, he would not have a problem with them just paying the

difference between the first and second application fee which is about \$600. He stated the applicant should show a 600 ft. cul-de-sac and point out the drainage lots.

Mr. O'Connell reviewed the drainage lots on the diagram.

Mr. Halligan confirmed that the Planning Board has not allowed more than 600 ft. for a cul-de-sac. He asked the Planning Board that if the applicant were to supply an emergency egress, what consideration would they give to allow this product to go forward.

Chairman Padula stated he would not want to make amends and would want it to stay within the 600 ft.

Ms. Love stated many of her points had already been touched on such as the waivers. She asked the Planning Board to take a vote on waiving the fees except the \$600 for the new lots added. The applicant would need a Scenic Road Work Permit. For Town water they need a bylaw amendment from the Town Council. They will file with Conservation Commission if this goes forward. In his letter, the Fire Chief expressed concern about the dead-end street at more than 600 ft.

Mr. Maglio pointed out a few of his comments. The approval of a water map amendment will be required by Town Council to extend the main into the neighborhood. There is concern that the water main may lack sufficient pressure. It appears that significant earthwork will be required to construct the proposed Road C; the existing terrain has a slope of 23 percent.

Mr. Richard Staiti, Attorney with offices in Canton and Norwood, representing Mr. and Mrs. Antonio DeVito of 873 Washington Street, stated he submitted a copy of his letter to the Planning Board. He stated that as direct abutters to this proposed project, it will have an adverse effect on their property and their home as the proposed entrance/exit will run alongside their property. There are not sufficient buffer zones. As well, the increased vehicular and pedestrian traffic will pose safety issues. There is already an ongoing issue with drainage in the area. They do not think this plan addresses open space sufficiently and should be revised in scope and density. They are opposed to the granting of any waivers except the one regarding administrative fees. He noted the granting of any waiver has to be for the public good; the public good would not be served by granting the proposed waiver requests. He reminded the Planning Board that previous petitions around 2006 that had to do with a much smaller scale of development for this area were denied by the Planning Board several times. They believe this proposal is too far reaching and would like the applicant to look at other options for size, density, vehicle access and egress, and preservation of open space.

Mr. Andrew Duffy-Peter, 869 Washington Street, stated his house will be on the corner of where this is going in. He agrees with everything Attorney Staiti said on behalf of the DeVito's. He does not oppose development in the area; he is opposed to the density and the traffic as part of this development. This is a very bad traffic area already. He objects to the current proposal but would look at future proposals.

Ms. Peg Stolfa, 5 South Street, stated she agrees with the citizens' comments so far. The traffic on Washington Street is extremely busy. She opposes the two waivers. She noted there is already so much runoff coming down the street. She would like them to reconsider the size and number of lots proposed.

Ms. Kim Halloran, 5 Nicholas Drive, stated that she liked the idea of emergency access only through Nicholas Drive. She stated she was speaking on behalf of some residents that could not attend tonight's meeting. There is concern with the three-way stop at Prospect Street. It is a dangerous road already. With some many homes, pesticides and runoff will be increased. How will that be mitigated? Some people already have increased water in their basements from additional neighborhoods in the area. Will this increase water in people's basements?

Chairman Padula stated they will hear about water runoff in the Definitive Subdivision Plan.

Ms. Patricia Fitzgerald, 35 October Drive, stated that she believes Mr. Marinella started that subdivision in 2002. All the lots are currently built on and there is \$39,000 in the bond to finish October and September Drives. She asked is that enough to finish that development so it can be deeded to the Town so it is not a private road anymore? What is the Town's view on taking 16 years to finish the development? Should he finish that development before starting a new one?

Chairman Padula stated that the Planning Department and Engineering Department can provide Ms. Fitzgerald with an answer.

Mr. Maglio stated that in regard to that development, about two years ago Mr. Marinella asked for a punch list to close out that bond. Mr. Maglio said he provided a list but does not think anything was done.

Chairman Padula asked Mr. Marinella if he had any idea when he was going to finish that subdivision.

Mr. Fariborz Hashemi, 5 Bald Hill Drive, stated that in the past 10 years two people have died on Washington Street near the Jewish Center. The traffic is very bad. With 59 houses in there, it will be very bad traffic and the curve will be a disaster.

Ms. Lauren Duffy-Peter, 869 Washington Street, stated this not something to joke about. There have been five accidents from people pulling out of her house. There will be approximately another 125 children with no sidewalks and people driving around school buses; this is dangerous. She stated that the current residents' way of life should matter, too.

Mr. Brian Dolinski, 9 Mercer Lane, reiterated the concerns about the water table on Washington Street. Right now, there are orange barrels with signs indicating icy road conditions. Adding the additional street will probably have water pouring onto Washington Street. He stated the part of Washington Street the applicant will be tying into is the narrowest part of Washington Street and there have been many accidents there. Can they widen the street there and add sidewalks?

Ms. Love, in response to Chairman Padula's question, stated a traffic study will be required in the Definitive Plan.

Mr. Halligan stated that a Site Plan cannot legally be denied if the applicant complies with everything in the regulations; it cannot be denied just because you don't like it. He stated that we don't want people to think the Planning Board just approves everything that comes through.

Chairman Padula reiterated that the Town had the first bite of the apple; it was not the Planning Board that said let's not purchase this piece of property. We will try to get the best project we can. We have eliminated Nicholas Drive. In a Definitive Plan, they must show that they can contain all the water and all the runoff on their site. The Town has an independent engineering firm that will oversee this as well as the Town's Engineering Department. As far as widening the road, that would come from the Town Council. He told the developer he wants to see a conforming plan with a 600 ft. cul-de-sac, showing the drainage.

Mr. Jeffrey Brown, 5 Sarsfield Street, asked about the Conservation process. He stated that there are vernal pools on the land.

Ms. Love stated that during the Definitive Phase the applicant will be required to file with Conservation. Conservation will review all the wetlands on the property.

Mr. O'Connell stated that included in their application packet was a report from a wetland scientist that gives a lot of information about the resource areas on the property. It is public record.

Ms. Melissa DeVito, 873 Washington Street, provided documents to the Planning Board. She showed her home on the diagram. She stated her home is not in a subdivision because in 2006 it got shut down and could not be a subdivision as the Town only allowed the builder at the time to have two lots. At the time, neighbors had said there would be too much traffic if three more homes were added. Now, they are coming forward with a 60-home project. That would be much more traffic. There have been many accidents there. It would be irresponsible to put that amount of traffic on that roadway. Drainage and traffic were cited as reasons it was shut down in 2006. She said just because they have the footage does not mean it works.

Chairman Padula gave Mr. O'Connell a copy of the documents provided by Ms. DeVito.

Ms. Jennifer Dolinski, 9 Mercer Lane, stated that in terms of the public school system, adding more students would probably be a strain on the schools and resources.

Chairman Padula stated that would be the Town Council. He discussed that the Town Council only has to advertise 48 hours in advance of a meeting to discuss purchase of land.

Ms. Kristen Brown, 5 Sarsfield Street, stated that she agreed with all those who spoke. She abuts this property and does not oppose development, but she is concerned that the EPA cited Mr. Marinella about erosion controls. She is concerned about the runoff; there is already a large ice patch on Prospect Street. She said that she has the same concerns as everyone else.

Mr. Marinella stated that is not him; it is a relative.

Chairman Padula stated the water is coming from the farm above Sarsfield Road.

Mr. Maglio stated they are working on it and trying to address the situation.

Ms. Michelle Hess, 8 Nicholas Drive, stated that she would like to know how to access information in regard to the perc testing. She is concerned about getting water in her home.

Chairman Padula stated those calculations will be submitted during the Definitive Subdivision Plan.

Mr. O'Connell stated the current testing was only done as part of the applicant's due diligence.

Mr. Halligan stated that tonight's meeting has been all about existing conditions of ice, traffic, and water. Going forward, the Town, at Mr. Marinella's expense, will hire traffic consultants, drainage consultants, etc. He suggested the citizens come to those meetings and ask the professionals questions. The developer might do some mediations to address some of these concerns.

Mr. Duffy-Peter stated the ice conditions on Prospect and Washington Streets have existed for as long as he has lived there, 25 years. The Town of Franklin has not done enough to correct the conditions that are there. He and others pay taxes and the problems on those roads have not be resolved by the Town in 25 years. He clarified that it is the Town that has a problem with the roads and that should have been fixed.

Mr. O'Connell stated that this property has no bearing on the conditions of icing on Prospect Street and Washington Street.

Chairman Padula stated he lives on Washington Street and the traffic problems have existed for a very long time. There is a lot of runoff from the ledge; he discussed the traffic, runoff and drainage problems.

Mr. Roger Sturtevant, 22 Lyons Street, said he would be opposed to any waivers. He stated they should make a good choice of developers for this. He discussed the concern that the project gets started, but never gets finished and the citizens are left with something that looks terrible. He noted the unfinished project on

October Drive and this is the same developer. He asked if that were to happen, is there anything the abutters or residents can do to protect themselves? Can they hold back money?

Chairman Padula stated they do take bonds for the total amount of the infrastructure. They do have the right to increase the bond amount as prices increase. The Town is protected for the infrastructure.

Ms. DeVito discussed the berm that was installed at 871 Washington Street because there was so much water. She stated that the land should be developed within reason. The project is just too big. She explained that in 2006 one of the reasons for denial was that they did not want to set precedent.

Chairman Padula explained lot size requirements per zoning district.

Mr. Richard Staiti, Attorney, thanked the Planning Board. He noted to the audience that this is a preliminary hearing. This gives direction to where this is going. He stated that the Planning Board does have the opportunity to examine any project within the guidelines of waiver requests and in the spirit of the subdivision rules, that would include traffic and drainage. Mitigation and remediation should be looked at very carefully. This development is too big and too much impact for the residents. He hopes they look at reducing the size and the scope. He and his clients will also be looking at drainage, traffic, wetlands and all aspects of this subdivision.

Chairman Padula directed the applicant to provide the Planning Board with a conforming plan.

Ms. Love requested consensus from the Planning Board on the application fee. She noted the public hearing would have to be continued to January 28, 2019, or later with a written request by the applicant.

Motion that the applicant pays only the difference between the first application that was withdrawn without prejudice and this second application fee which is \$600 for Prospect Farms – Prospect Street, Preliminary Subdivision. Padula. No Second Provided. Vote: 5-0-0 (5-Yes; 0-No).

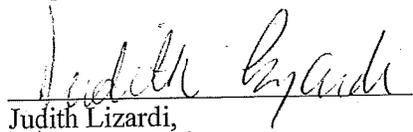
Mr. O'Connell asked that if he provides a conforming plan and reduces it by three lots, should he pay less than the \$600 fee difference?

Chairman Padula confirmed it is \$100 per lot, so he will allow \$300 less for three less lots.

Motion to Continue the public hearing for Prospect Farms – Prospect Street, Preliminary Subdivision, to January 28, 2019, at 7:45 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:09 PM.

Respectfully submitted,


Judith Lizardi,
Recording Secretary

