

DRAFT FOR REVIEW**Town of Franklin****Planning Board****February 27, 2017
Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner.

7:00 PM Commencement/General Business

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

A. Status Update: Villages at Cook's Farm

Mr. Ron Roux, applicant showed plan boards and discussed project. He stated that they want to separate Phase 3 into Phase 3A and Phase 3B due to the location and the work needing to be done around the pond area. He stated that as requested by the Planning Board at the last meeting, BETA prepared a report.

Chairman Padula stated he had no problem with phasing this if it would help to expedite the project. He wanted to know from Michael Maglio and BETA if any of the drainage from proposed Phase 3A is going into Phase 3B. He also had a question about a house on 18th Road, Drive C, that was built that had no curbs. He thought that unless the drainage was functional the building permits would not be issued. He thought it would at least get temporary cape cod berm so the drainage was functional.

Mr. Maglio stated he did not believe so. The Phase 3B is isolated so it will not have any effect on the front part.

Mr. Roux looked at the picture/plan Chairman Padula showed him. Mr. Roux stated the curbing is on the other side of the street; there is no drainage or catch basins on that side of the road. Mr. Roux stated he is requesting approval from Planning Board that Phase 3 will be done in two phases.

Planning Board members informally stated they had no problem with this.

Mr. Halligan stated that as he was driving by he did not see any silt fencing around the entire project.

Applicant stated that everything on the original plan was done.

Chairman Padula asked if there were a rainstorm now, where would all the piles wash to?

Mr. Maglio stated he believed there were filter logs around some of the areas and silt sacks inside the catch basins. There are sediment controls around all the wetlands area.

Chairman Padula stated that the applicant knows the feeling of the Planning Board.

DRAFT FOR REVIEW

7:05 PM **PUBLIC HEARING** – Continued
Maple Preserves – 469 Maple Street
 Definitive Subdivision

Documents presented to the Planning Board:

1. Email memorandum dated February 22, 2017 from William Buckley, Jr. of Bay Colony Group, Inc. to Bryan Taberner, DPCD
2. Letter dated January 18, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board
3. Letter dated January 17, 2017 from Matthew Crowley of BETA Engineering to Franklin Planning Board
4. Memorandum dated January 19, 2017 from DPCD to Franklin Planning Board
5. Memorandum dated January 13, 2017 from G.B. McCarragher, Fire Chief, to DPCD
6. Memorandum dated January 3, 2017 from George Russell, Conservation Agent, to Franklin Planning Board
7. Memorandum dated January 11, 2017 from Franklin Board of Health to Franklin Planning Board
8. Definitive Plan of Land in Franklin, MA, "The Maple Preserve" Plan Sheets Prepared by Bay Colony Group, Inc., with no date, with Received by Planning date December 28, 2016
9. Letter dated December 22, 2016 from William Buckley, Jr. of Bay Colony Group, Inc. to Franklin Planning Board
10. Form C, Application for Approval of a Definitive Plan from Carroll Construction Corp., applicant, with Received by Planning date December 28, 2016
11. Form R, Franklin Planning Board Subdivision Waiver Request, to allow a cut/fill of 10'+/- for the construction of the roadway, with Received by Planning date December 28, 2016
12. Form R, Franklin Planning Board Subdivision Waiver Request, for sidewalk on one side of the roadway, with Received by Planning date December 28, 2016
13. Certificate of Ownership with Received by Planning date December 28, 2016
14. Town of Franklin Board of Assessors Abutters List Request Form with Received by Town Clerk January 3, 2017
15. Abutters List Report dated January 3, 2017
16. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2017

Chairman Padula stated applicant asked for a continuation for this public hearing and the public hearing for Special Permit & Site Plan (see 7:10 PM public hearing) to March 27, 2017.

Motion to Continue the public hearings for Maple Preserves, 469 Maple Street, Definitive Subdivision, and for Maple Preserves, 469 Maple Street, Special Permit & Site Plan, to March 27, 2017 at 7:05 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
Maple Preserves – 469 Maple Street
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. Letter dated December 22, 2016 from William Buckley, Jr. of Bay Colony Group, Inc. to Franklin Planning Board
2. The Maple Preserve Franklin (Lots 9 & 10) Massachusetts Plan Sheets Prepared by Bay Colony Group, Inc., with date July 1, 2016, with Received by Planning date December 28, 2016

DRAFT FOR REVIEW

3. *Application for Approval of a Site Plan from Steven Labastie, The Franklin Labastie Family, LLC, applicant, with Received by Planning date December 28, 2016*
4. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date January 3, 2017*

Please see motion to continue the public hearings for Maple Preserves, 469 Maple Street, Definitive Subdivision, and for Maple Preserves, 469 Maple Street, Special Permit & Site Plan, as noted under the 7:05 PM public hearing.

General Business (continued)**B. Bond Agreement: Rolling Brook Estates**

Ms. Love stated the private way covenant was approved in September, and public road covenant was approved February 6, 2017 and filed on February 14, 2017 at the Registry of Deeds. They have deeded the open space lot to the Town of Franklin. They are looking for eight lot releases. BETA has put together an estimated bond amount.

Chairman Padula asked if the base coat and drainage were in.

Mr. Maglio stated they have a temporary berm in place. The curbing is not in. He stated they still have to raise the catch basins for the binder coat to get them operational.

Chairman Padula stated he would not recommend to release the lots yet especially with spring coming and there will be a lot of water; nothing is working for drainage and everything is just coming down the hill. He recommended to deny the lot releases until he hears from BETA or someone on how it is working.

C. Form H: 38 Forge Parkway – Limited Site Plan

Mr. Padula reviewed the plans submitted. Ms. Love indicated that all requirements were met to satisfy the Limited Site Plan As-Built.

Motion to Accept the Form H for 38 Forge Parkway – Limited Site Plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING – Continued**
 5 Forge Parkway
 Site Plan Modification

Documents presented to the Planning Board:

1. *Letter dated February 9, 2017 from Michael Maglio, Town Engineer, to Franklin Planning Board*
2. *Memorandum dated February 21, 2017 from DPCD to Franklin Planning Board*
3. *Letter dated February 14, 2017 from Zev Hovitz of EnviroTech Cultivation Solutions to Kevin O'Brien of New England Treatment Access with attachments from Excel Mechanical, Inc.*
4. *Cultivation Addition, Site Plan Modification, 5 Forge Parkway in Franklin, Massachusetts, Plan Sheets Prepared by Guerriere & Halnon, Inc., revision date January 25, 2017 with Received by Planning date January 30, 2017*

Mr. Craig Ciechanowski, attorney representing J D Family Trust, owner of the property at 5 Forge Parkway, stated they were before the Planning Board in January seeking site plan modification to add approximately 34,000 sq. ft. to the existing building on what is presently impervious paved surface. Since

DRAFT FOR REVIEW

then they have received an order of conditions from the Conservation Commission and completed Design Review which recommended approval. He noted there was a question of odor control.

Director of Compliance with New England Treatment Access stated the concerns of odor mitigation were heard. They have found a company that will proactively deal with not only what exists now but with the expansion. He stated that Mr. Zev Hovitz, President of EnviroTech Cultivation Solutions, who is present at tonight's meeting, designed a solution for cannabis and other agricultural products. He stated applicant will install this odor mitigation control system; it will put us well into compliance in regard to odor.

Mr. Hovitz addressed the Planning Board and stated his company provides technology for odor mitigation solutions around the world. He presented his odor mitigation plan. He stated they performed a site visit to the property. He noted odors are dependent upon climate and wind conditions. They designed a three-prong approach to the solution: a custom air scrubber, a fresh air intake system, and controlled active exhaust on the facility roof. This will be applied to the existing building and the new addition. He believes this plan will eliminate odors and assure compliance with the Franklin zoning bylaws.

Mr. Maglio stated the proposed addition is over an existing paved parking lot so there is no increase in impervious area. Applicant has made some changes to the previous plans. They have added an infiltration basin to pick up some additional runoff to improve what is already there.

Mr. Bruce Wilson, project engineer of Guerriere and Halnon, Inc., stated the parking will be restriped. Some spaces will be relocated to an area that was fenced off.

Chairman Padula asked if there were any catch basins underneath that will be covered with the new building.

Mr. Wilson said there is one that will be abandoned and replaced with a beehive type manhole. Everything works with the existing drainage.

Mr. Halligan stated there is not enough information in his packet for him to make a decision tonight. He thought the applicant was coming here tonight to discuss the odor issue and would be coming back again for a final. For a 34,000 sq. ft. addition, the one colored picture he has is not enough information.

Mr. Ciechanowski stated materials and plans were submitted in January. He can show Planning Board members his copies; he cannot speak to what is provided to the Planning Board members. He stated it was advertised as a site plan modification hearing for tonight.

Mr. Maglio stated he had a letter from February 9, 2017 and applicant had revised all plans as requested.

Mr. Wilson said the revised plans were very minor changes and described the changes.

Ms. Love stated she does not have the February 6, 2017 meeting minutes with her; they were already approved and probably on the website. Applicant did submit revised plans. She apologized to the Chairman for revised plans not being in the packet. She stated BETA group would be doing the inspections on this and Conservation Commission issued a notice of intent on January 12, 2017.

Mr. Halligan stated that as long as BETA Group will be doing the inspections, he has no problem and will make a motion to approve.

Motion to Approve the 5 Forge Parkway, Site Plan Modification, with the condition of approval that the odor control system in the existing building will be improved and upgraded to limit and prevent future odors from leaving the building and will be in place before the doors are opened on the addition.

DRAFT FOR REVIEW

This will be part of the orders of conditions. The applicant/owner will install an odor control system in the new addition that limits the release of odors from inside the building. And, the Planning Board determines that 166 parking spaces will be sufficient instead of the 244 required. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Ciechanowski stated he agreed with the conditions just stated by Chairman Padula.

7:20 PM **PUBLIC HEARING** – Continued
Acorn Hill Estates – 27 Acorn Place
 Definitive Subdivision

Documents presented to the Planning Board:

1. *27 Acorn Place, Franklin, MA, Definitive Subdivision Plan Submittal Packet Prepared by Thomas A. Ryder, P.E. & Associates, with Technical Memorandum, with Received by Planning date December 13, 2016*
2. *Form C: Application for Approval of a Definitive Plan with Received by Planning date December 13, 2016*
3. *Certificate of Ownership with Received by Planning date December 13, 2016*
4. *Form R: Franklin Planning Board Subdivision Waiver Request dated November 7, 2016 with Received by Planning date December 13, 2016*
5. *Town of Franklin Board of Assessors Abutters List Request Form dated November 14, 2016 with Received by Planning date December 13, 2016*
6. *Abutters List Report dated November 14, 2016*
7. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date December 19, 2016*

Mr. Thomas Ryder addressed the Planning Board and requested an extension to March 13, 2017 as their engineer did not get together with Mr. Maglio to go over the changes. In addition, he noted it has been brought to his attention that the bylaws require a minimum of a 400 ft. road. They are proposing a road that is 350 ft. to 365 ft. and he wanted to know the feeling of the Planning Board as to whether they would have a problem with reducing the road to the lesser number. He stated he could not find any reason why the 400 ft. minimum was set.

Ms. Love stated that in the subdivision control law under 300-10 there was an amendment made in 2000 that requires dead end streets at a minimum of 400 ft. to a maximum of 600 ft.

Chairman Padula stated that there is a cul-de-sac; it is fine with him. He asked the Planning Board members what they thought.

Planning Board members informally agreed.

Chairman Padula stated so we are good.

Motion to Continue the public hearing for Acorn Hill Estates, 27 Acorn Place, Definitive Subdivision, to March 13, 2017 at 7:15 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:25 PM **PUBLIC HEARING** – Continued
0 Pond Street (former wastewater sewer beds land)
 (1) Special Permit & Site Plan

Documents presented to the Planning Board:

DRAFT FOR REVIEW

1. *Email Memorandum dated January 19, 2017 from Michael Maglio, Town Engineer, to Amy Love, Town Planner*
2. *Memorandum dated February 21, 2017 from DPCD to Franklin Planning Board*
3. *Letter dated January 17, 2017 from John Kucich of Bohler Engineering to Franklin Planning Board*
4. *Memorandum dated January 18, 2017 from George Russell, Conservation Agent, to Franklin Planning Board*
5. *Proposed Conditions Exhibit Plan Sheet for Baystone Franklin, LLC, Prepared by Bohler Engineering, with Revision 0 date October 10, 2016, with no Received by Planning date*
6. *Letter dated December 9, 2016 from (no name) Charles River Pollution Control District to Franklin Planning Board*
7. *Memorandum dated November 16, 2016 from Mark Cerel, Town Attorney, to Franklin Planning Board*
8. *Memorandum dated November 11, 2016 from G.B. McCarraher, Fire Chief, to DPCD*
9. *Memorandum in Support of Application for Special Permit dated October 6, 2016 from Richard Cornetta, Attorney, to Franklin Planning Board with Received by Planning date October 7, 2016*
10. *Application for Approval of a Site Plan and Special Permit(s) from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
11. *Form P, Application for Approval of a Site Plan from Baystone Franklin LLC, applicant, with Received by Planning date October 7, 2016*
12. *Certificate of Ownership with Received by Planning date October 7, 2016*
13. *Town of Franklin Board of Assessors Abutters List Request Form with Received by Planning date October 7, 2016*
14. *Abutters List Report dated September 28, 2016*
15. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 18, 2016*

Mr. Richard Cornetta, Attorney, on behalf of the applicant Baystone Franklin, LLC; Mr. Roy MacDowell, Principal of Baystone Franklin, LLC; and Mr. Todd MacDowell, Principal of Baystone Franklin, LLC, addressed the Planning Board. Mr. Cornetta stated this is a continuation of a previous public hearing. He stated there had been a mix-up with some of the forms and they finally got before the Conservation Commission last Thursday; they received approvals. He stated he believes they have no further revisions to the plans or the comments and they are ready to close the public hearing and move to a decision.

Chairman Padula stated the following are recommended Conditions of Approval to be added to the Standard Conditions in the Certificate of Vote:

1. The Condo Association is responsible for all roadway, landscaping and sidewalk improvements and maintenance, as well as snow removal.
2. The Granting of Easements and Restricted Open Space as per Section 44 of the Purchase and Sale Agreement, shall be noted on the Plan.
3. The plan should detail signage for the Public Parking area and access to the trails.
4. Signage should be provided for the Restricted Open Space, identifying the areas.
5. Dumpsters are not permitted on site after the final Certificate of Occupancy is issued.
6. All trails, parking, signage and utility infrastructure shall be completed in Phase I.
7. The applicant shall share with the Town any correspondence between the applicant and the Army Corp of Engineers.
8. The Owner/Developer must comply with the conditions stated in the letter dated February 3, 2017 from the Charles River Pollution Control District. The letter will be attached to the Certificate of Vote.

DRAFT FOR REVIEW

9. Town Administration has requested that the applicant make improvements to the drainage area in the Northeast section of the Site. Improvements will be made in accordance with the DPW and the Town Engineer. Improvements must be completed prior to the issuance of the first building permit. In addition, the Town will require a 50' x 50' drainage easement in the Northeast corner of the property.

Chairman Padula reiterated that improvements must be completed prior to the issuance of the first building permit.

The applicant stated he understood and accepted those conditions.

Motion to Close the public hearing for 0 Pond Street (former wastewater sewer beds land), (1) Special Permit & Site Plan. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula read the following: Special Permit Findings: Criteria. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following specific findings:

- a. Proposed project addresses or is consistent with neighborhood or Town need.
- b. Vehicle traffic flow, access and parking and pedestrian safety are properly addressed.
- c. Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development
- d. Neighborhood character and social structure will not be negatively impacted.
- e. Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.
- f. Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
- g. Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

ROLL CALL VOTE to approve the Special Permit: To allow multi-family residential use within the Office (O) zoning district as shown on the Plan.

- a) Proposed project addresses or is consistent with neighborhood or Town need.
Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

DRAFT FOR REVIEW

- e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.
Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.
Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

Motion to Approve the (1) Special Permit & Site Plan for 0 Pond Street (former wastewater sewer beds land). Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

General Business (continued)

D. Form H: 20 Liberty Way – Site Plan Modification

Ms. Love stated a limited site plan was approved September 21, 2016. BETA has been out there and has done an observation report. The only thing they noted was that 10 parking spots were not striped. Applicant's engineer indicated that at this time they do not need those parking spots.

Mr. Maglio stated he believed those 10 spots were in an area that they were not previously striped.

Motion to Accept the Form H for 20 Liberty Way – Site Plan Modification. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Meeting Minutes: February 6, 2017 and February 13, 2017

Motion to Approve the February, 6, 2017 Meeting Minutes. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the February 13, 2017 Meeting Minutes. David. No Second, No Vote. Chairman Padula stated it was approved.

Chairman Padula stated he has had some inquiry about the home near the senior center on King Street about snow storage where it is not supposed to be. He believes the Conservation Commission is going to be looking into that. Is that a BETA Group thing or is it just for the Town to deal with?

Mr. Maglio stated it would not be BETA at this point for snow storage. He said he would check on that.

DRAFT FOR REVIEW

Chairman Padula stated he went by it today and all the detention basins were full of water; they are retention basins right now. He does not know if they are blocked with leaves or silt or something.

Mr. Maglio stated he would look into it and said he thought it may have to do with the frozen ground.

Chairman Padula asked Mr. Maglio or BETA to check out Planet Jeep; he believes they are using the parking lot and vehicles are parked there, but he does not know if the Cultec system is working or installed.

Mr. Maglio stated he would follow up on the status of that.

Motion to Adjourn. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 7:51 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary

