

**Town of Franklin**

TOWN OF FRANKLIN  
TOWN CLERK

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Planning Board

**August 19, 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: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

**7:00 PM Commencement/General Business**

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

**A. 81-P ANR: 3 Mount Street**

Ms. Love stated the current lot has two single-family residential houses on it; the applicant is proposing to divide it into four single-family residential lots. The current plan meets zoning requirements. The plans were submitted on August 1, 2019; a decision is required within 21 days of the submittal date.

***Motion to Recommend signing the 81-P ANR for 3 Mount Street. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**B. Partial Form H: 511 East Central Street**

***Mr. Halligan recused himself.***

Mr. Patrick Doherty of MidPoint Engineering & Consulting on behalf of the applicant, Cadillac Realty, LLC, requested a Partial Form H for the Site Plan Modification. He stated the project consists of two buildings. A Partial Form H for the building on the upper part of the property was previously requested; the current request is a release for occupancy for the building on the lower part of the property. All paving, utilities, striping, and signs are in. The remaining work includes finishing touches such as the lawn to be completed by October 31, 2019.

Mr. Crowley stated BETA conducted a site visit and submitted a report dated August 14, 2019, which documents some of the minor site modifications. He reviewed items from the report. He noted the dumpster enclosure had not been completed as of today; it needs to have the gate put on.

Ms. Love stated most of the outstanding items have been discussed. This is a Partial Form H; the applicant is proposing to complete all the site work by October.

***Motion to Accept the Partial Form H for 511 East Central Street. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

***Mr. Halligan re-entered the meeting.***

**C. Partial Form H: Benjamin Franklin Charter School**

Mr. Joseph Sullivan of Daedalus Projects, Inc., the owner's product manager for the Charter School; Mr. Donald Tappin, President of the Benjamin Franklin Educational Foundation; and Heather Zolnowski, Executive Director of the Benjamin Franklin Charter School, addressed the Planning Board.

Chairman Padula asked if they got an occupancy permit from the building inspector to have their open house last week. He stated that occupancy is usually not allowed until all the public safety issues are done.

Mr. Sullivan stated he spoke to the building commissioner and let him know that they were having a ribbon cutting. He does not know how often the open house was occurring. The intent of the ribbon cutting was not to allow full public access to the building.

Mr. Crowley stated BETA visited the site last week. There were a number of modifications to the site from the approved plans. He reviewed some of these items as listed in his report dated August 12, 2019.

Chairman Padula asked about the lower than six in. curb reveal.

Mr. Crowley stated in one area the curb reveal drops to approximately two in.

Mr. Sullivan discussed the areas that called for concrete curbing and concrete sidewalks. He stated that because they are looking to put an addition on the school over the next 12 to 14 months, they provided some temporary asphalt sidewalks in that location.

Chairman Padula stated an applicant does not do a modification on their own when they have an approved site plan. The applicant put in the modification for a future permit that they will come back to the Planning Board for.

Mr. Sullivan apologized and stated he realizes he should have submitted it ahead of time.

Chairman Padula discussed the modifications listed in Mr. Crowley's BETA report dated August 12, 2019.

Mr. Maglio discussed the drainage on site.

Mr. Sullivan discussed the noted concerns. He stated the aerial lift will be moved from the property before school opens on September 3, 2019.

Planning Board members and the applicants discussed curbing, sidewalks, intersection, traffic signal, gate on Grove Street, and safety issues.

Mr. Maglio stated a sidewalk on Washington Street was not a requirement for the school. There is a pre-construction meeting planned for this week for the traffic signal. He stated that one condition of the plan was that a police traffic detail would be there morning and afternoon until the signal was operational.

Mr. Halligan requested something be signed with the police department that they are aware of this.

Mr. Maglio stated he could call the safety officer tomorrow to make sure they are aware.

Mr. Sullivan stated there have been some discussions with the police department, but they will get it in writing.

Ms. Zolnowski confirmed a police detail is in place for the mornings and afternoons each day.

Mr. Halligan asked Mr. Maglio to confirm this.



Mr. Sullivan stated he thought the majority of the items on the punch list could be completed in the next two weeks before school starts.

Chairman Padula stated if the applicant is not going to straighten out the sidewalk and curbing, then he is going to recommend to the building inspector that the applicant have bollards installed on the 20 ft. stretch.

Ms. Love stated her issues regarding the traffic signal and the gate have already been addressed.

Planning Board members stated they would wait two weeks and have the applicants return with what is done.

Ms. Love stated due to the holiday, the next Planning Board meeting is September 9, 2019.

Chairman Padula stated he would recommend approval of the Partial Form H with a letter to the building commissioner that all public safety items need to be done before occupancy.

Mr. Sullivan stated he understood.

***Motion to Approve Partial Form H for the Benjamin Franklin Charter School with a letter to the Building Commissioner to recommend non-occupancy until all public safety issues are addressed and signage is in place. Carroll. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).***

**D. Final Form H: 122 Grove Street**

Mr. Kevin Quinn of Quinn Engineering, Inc., on behalf of Amego, Inc., and Mr. John Randall, CEO of Amego, Inc., addressed the Planning Board. Mr. Quinn stated they are requesting a final Certificate of Completion. They have submitted an As-Built plan and have conducted their own site inspection of completion. He noted the pipes Mr. Crowley identified have been cut flush to the ground and the ground patched over smoothly.

Mr. Crowley stated since their initial report, BETA returned to the site for an update. The dumpster pad and enclosure were relocated to the proper location and the poles were removed and smoothed to grade.

Mr. Quinn confirmed the gate is in place; they will confirm the fire department has a key.

Ms. Love stated the last item was the dumpster pad and enclosure; it has been completed.

***Motion to Approve Final Form H for 122 Grove Street. Halligan. Second: Padula. Vote: 5-0-0 (5-Yes; 0-No).***

**E. Update: Fairfield at Dean Avenue (Apartments)**

***Mr. Halligan recused himself.***

Mr. John Shipe of Shipe Consulting on behalf of Fairfield Residential and Mr. Brian McCarthy, civil engineer of RJ O'Connell & Associates, Inc., addressed the Planning Board. Mr. Shipe stated it had been about two years since presenting to the Planning Board for a Special Permit and Site Plan approval. The project is under construction and going great. He stated Mr. Crowley noticed that the drawings they were building from had a different date than the drawings approved by the Planning Board. They are here to present what they believe are very minor differences between the set of plans submitted to and approved by the Planning Board and those submitted to the Building Department for the permit. He reviewed a letter of August 9, 2019, to the Planning Board providing a detailed summary of the changes. He discussed the constructed noise wall. There was a small change made to accommodate existing water and drain lines. He stated they were not pleased with the initial appearance of the wall when driving down Dean Avenue. They added a robust landscape plan in front of the wall.

Chairman Padula stated the applicants were on the agenda for a general discussion basically to determine if they needed to come back for a Site Plan Modification.

Ms. Love stated staff and BETA reviewed the changes and felt they could be a field change, but she felt it was important the applicants provide the Planning Board with an update. The Planning Board can decide if it is a field change or if they need to return with a Limited Site Plan.

Chairman Padula stated there were many field changes. They are building from a plan other than the one the Planning Board approved and signed. This new plan needs to be signed and resubmitted. He recommended the applicants get on the agenda for a Site Plan Modification.

Mr. Maglio stated they met a few times with the applicant and the construction team. They felt many of the changes were field changes. But, because of the size and scope of the project, he wanted them to talk to the Planning Board. He recommended some of these changes could be reflected in the As-Built.

Chairman Padula stated moving the clubhouse location qualifies for a Site Plan Modification as the main plan has changed. He wants the records to be correct.

Planning Board members asked questions about the changes.

Mr. Maglio discussed the bio-retention area and the improvements to Dean Avenue including replacing the water line. He noted the town received a grant from Mass DEP for constructing a town raingarden on private property. He noted plans for the Dean Avenue roadwork and paving to be done next summer.

Mr. Shipe noted they would probably be looking for occupancy permits in the spring.

Chairman Padula confirmed he would like the applicant to return for a Modification.

Ms. Love stated this would usually fall under a Limited Site Plan Modification under General Business.

***Mr. Halligan re-entered the meeting.***

7:05 PM      **PUBLIC HEARING** – *Continued*  
***West Central Street/Panther Way***  
Special Permit & Site Plan  
*Documents presented to the Planning Board are on file.*

Mr. Rick Goodreau of United Consultants, Inc. and Mr. Brad Chaffee of Camford Property Group addressed the Planning Board. Mr. Goodreau stated he wanted to provide an update since the July 8, 2019 meeting regarding a variance from the ZBA for the property located on Panther Way. The applicant has worked with Building Commissioner Gus Brown on this. He reviewed Mr. Brown's letter of August 12, 2019 and discussed the Special Permits they will be applying for. He wanted the Planning Board to be aware of the change requested that the Special Permit be applied for under 185 Attachment 3 Use Regulations Schedule Part II Section 2.7.b. They also want to make sure there are no other requirements from the Planning Board based on this change. Then, they can start to address the comments they have received from the Town Engineer, Planning, Conservation Commission, Fire Department and BETA. And then return to the Board to discuss those items.

Mr. Goodreau confirmed they applied for Special Permits under 185 Attachment 3 Use Regulations Schedule Part II Section 2.6. and 185 Attachment 3 Use Regulations Schedule Part II Section 2.7.b. The building commissioner suggested a third Special Permit be filed under 185 Attachment 3 Use Regulations Schedule Part II Section 2.7.c.

Ms. Love confirmed the applicant will still need the Special Permit under Section 2.7.b. The Section 2.7.c. will be a third Special Permit. She stated Town Attorney Mark Cerel said that as the first two Special Permits were part of the original public hearing sent out to abutters via certified mail, and with the third Special Permit being in the same section, it can go on record in the meeting minutes; an additional letter does not need to be mailed out.



**Citizens' Comments:** ► Ms. Lisa Harvey, 88 Highwood Drive, stated the school buses were diesel, not gasoline, as previously indicated by the applicant. She discussed the proposed filling station and showed the Planning Board members photographs of the buses and a filling station in Norfolk. She discussed the noise regulation in Franklin prohibiting the startup or idling of diesel engine vehicles between 9:00 PM and 7:00 AM and other regulations pertaining to school buses. She stated the main opposition to the proposed project is with the buses, parking lot, turnaround area, and filling station. She expressed objection to the applicant adding to the application without providing notice to abutters. ► Chairman Padula discussed the content added to the Special Permit and stated what was thought to be going to the ZBA has been changed to a third Special Permit. ► Mr. Jon Mitchell, 16 Highwood Drive, discussed the current traffic on Panther Way, the current wooded areas, the amount of wooded area that would remain, the current neighborhood character, the negative impact on the wildlife, and the increase in noise and fumes from this proposed project. ► Mr. Christopher McCarthy, 114 Highwood Drive, asked about the cubic yards of export from the site; if over 1,000 cu. yds. it requires a Special Permit from the ZBA. ► Mr. Goodreau stated it will be over 1,000 cu. yds. and they will be going to the ZBA. He stated the neighborhood outreach meeting the applicant proposed has not yet occurred. He stated they have openly talked about the process of re-advertising based on the third Special Permit. He mentioned they would be happy to speak with the abutters after this meeting in the hallway area. ► Ms. Pat Lombardi, resident at Presidential Arms, stated abutters from Presidential Arms want to be and should be informed about this project. ► Mr. Halligan stated he had previously suggested as this is a rather controversial product, Mr. Chaffee could get together with some of the neighbors to discuss it. ► Mr. Chaffee stated they are trying to get all the information together before having a neighborhood meeting. He noted they would like to have a contact person from both Highwood and Presidential Arms. ► Ms. Harvey suggested using the fire station meeting room for a public meeting for all residents of Highwood and Presidential Arms. ► Maria from Franklin Crossing asked if the new Site Plan will show the boundaries of where the land will be cleared. ► Mr. Goodreau stated that could be provided. ► Ms. Karen Walsh stated she agrees with Ms. Harvey and Mr. Mitchell. She noted that due to the ledge, Highwood residents do not have basements, they have slabs. ► Mr. Halligan stated the idling of the vehicles is a hurdle. Is there an exemption for school buses? ► Mr. Maglio stated that would be a question for the building commission/zoning enforcement officer. ► Ms. Ericha Fleteau, 111 Highwood Drive, noted this is private property, not school or public property, and she supports everyone who has previously spoken. ► Cheryl, resident at Highwood, spoke about the potential for flooding if the trees are removed. She stated the children driving to the high school will be in danger; the road needs to be safe. She expressed concern about the wetlands. ► Resident expressed concern about the air quality and cutting the current forest area. ► Resident stated Franklin is a college town and we want to attract people with the aesthetic value of the town. ► Resident stated she wanted to support her neighbors. She asked what value and benefit this project will bring to the neighborhood. ► Mr. Chaffee said he would like to have the opportunity in the future to show what the improvements will look like. He stated the proposed project would improve the site. ► Chairman Padula said the person who owns the property has the right to develop it and has the right to develop it to make a profit; it is not to improve surrounding property. ► Resident stated it is the Planning Board's duty to make sure it does not impact the neighborhood.

Chairman Padula stated the Planning Board makes sure the development follows the rules and regulations of the Town including drainage and public safety. He noted the Planning Board is in charge of infrastructure. With regard to Special Permits, the Planning Board has the ability to ask for regulations that are more stringent than the regular regulations. There is a long way to go on this project.

***Motion to Continue the public hearing for West Central Street/Panther Way, Special Permit & Site Plan, to September 23, 2019 at 7:15 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion for a five-minute recess. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM

**PUBLIC HEARING – Continued**

***40 Alpine Row***

**Special Permit & Site Plan Modification**

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



Chairman Padula stated the applicant requested a continuance to September 9, 2019.

***Motion to Continue the public hearing for 40 Alpine Row, Special Permit & Site Plan Modification, to September 9, 2019 at 7:15 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:20 PM        **PUBLIC HEARING** – *Continued*  
                  **21 Corbin Street**  
                  Special Permit & Site Plan  
                  *Documents presented to the Planning Board are on file.*

Chairman Padula stated the applicant requested a continuance to September 23, 2019.

***Motion to Continue the public hearing for 21 Corbin Street, Special Permit & Site Plan, to September 23, 2019 at 7:20 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:30 PM        **PUBLIC HEARING** – *Continued*  
                  **Maple Hill – Maple Street**  
                  Preliminary Subdivision  
                  *Documents presented to the Planning Board are on file.*

Mr. William Buckley of Bay Colony Group, Inc., representing the applicant, Carroll Construction Corp., and Mr. Mark Carroll, president of Carroll Construction Corp, addressed the Planning Board. Mr. Buckley stated they were last before the Planning Board several months ago. They have looked at alternative designs, spoken with neighbors, and had an informal conversation with Conservation Commission. They are currently presenting another open space plan with access solely off Maple Street with an approximately 1,000 ft. road. The last designs, both conventional and open space, showed access off Bridle Path and connecting through Kimberlee Avenue. He noted the Planning Board in the past was not in favor of the open space plan. He noted they will be filing a request with Town Council to allow the site to be put in for an amendment to the sewer system map. He reviewed the new plan and the changes from the previous plan. He described the location of both Metacomet and Town-owned open space areas near the proposed project. He reviewed the proposed drainage.

Ms. Love stated the Planning Board had asked the applicant to return with revised plans for another egress on Maple Street. The applicant has provided a revised Open Space Subdivision Plan.

Mr. Rondeau requested a traffic study based on the cars coming out onto Maple Street. He noted he liked the conventional plan which takes out cul de sacs; it is good for fire, police, and school buses. This is about public safety and what is best for the town. He stated that as an abutter, he filed proper paperwork through the state Ethics Commission.

Mr. Halligan confirmed the Planning Board and the audience had asked the applicant if there was a way to egress to Maple Street; however, he was not sold on that being an exclusive entrance. It was an option to alleviate some of the traffic from the other entrances.

**Citizens' Comments:** ► Mr. Anthony Giacobbe, 65 Bridle Path, requested information on Mr. Rondeau's submitted paperwork. He expressed support for the new plan provided by the applicant. ► Chairman Padula stated he had asked the applicant to provide another means of egress onto Maple Street. They were supposed to go to Conservation Commission to ask them; however, they never showed a map going through wetlands to ask them. ► Mr. Michael Doherty, 50 Bridle Path, thanked the applicant and the Planning Board for listening to the residents' concerns. He reiterated the traffic concerns. He said connecting Lincoln Street to Maple Street is going to become a cut-through for all traffic, not just these 58 homes. He wants to prevent a cut-through and still address safety issues. He stated he and his neighbors support the open-space concept plan. ► Mr. Stephen Dunbar, 30 Madison Avenue, stated he spoke at previous meetings about three specific site distance violations with the connection from Kimberlee Avenue onto Maple Street. He suggested the applicant look at egress through the

Labastie Property. He asked that the wetlands crossing be considered. ► Mr. Christopher Peterson, 66 Bridle Path, stated he abuts the development. He thanked the applicant for the new plan. He stated that the previous plan would lead to the road being a cut-through for people from other towns; there will be more traffic than ever on Maple Street. ► Ms. Maryellen Tenore, 24 Kimberlee Avenue, stated she agrees that if Lincoln Street, Bridle Path, and Kimberlee Avenue are connected, there will be more traffic on Maple Street. ► Mr. Joel D'Errico, 74 Deer View Way, stated he abuts the property in a few places. He spoke in favor of this open space plan and explained many benefits of open space. ► Mr. Greg Beltis, 91 Hancock Road, stated this spring the wetlands were fairly wet. He asked how the sewer system will connect to Hancock Road. ► Chairman Padula stated the sewer system would require digging through the proposed open space and a permit from the Town Council to be able to tap onto the sewer system. ► Mr. Halligan stated that for safety, he would propose at a minimum, whether it be Bridle Path or Madison Avenue, a breakaway gate that the fire department could access in an emergency. ► Ms. Maegan Schlitzer, 59 Bridle Path, noted the current access to Maple Street if there were an emergency. ► Mr. Halligan stated he would not want to make the situation worse. ► Mr. John Cetrano, 64 Bridle Path, stated Trooper Barry Way is an example that has access off Lincoln Street, but has an emergency gate off Daniels Street. He is in full support of the current open space plan.

Chairman Padula stated this has to be voted on tonight.

Mr. Buckley stated they would provide an extension to the Planning Board.

Chairman Padula stated he understands everyone on Bridle Path is all for this plan as it does not affect Bridle Path. He stated Bridle Path was built with the intent to go through as it was built on the property line. He noted that in the past, the Town did not allow property to become land locked. Since then, they have tried to pass a law to stay away from property lines or town lines when ending a subdivision so other towns cannot encroach into Franklin. He was not for an open space development because of sewer and water. Sewer systems with leach fields are difficult with cluster housing like this. Therefore, a sewer easement is needed. The applicant would have to dig across conservation land and wetlands to get there. In addition, he does not like to approve waivers on a preliminary plan. They can approve waivers on a definitive plan, but never on a preliminary plan. He would like this to be reconfigured to be a 600 ft. road and have another means of egress. He feels the applicant should either drop the number of homes so the lots are bigger or find another means of egress onto Maple Street so there is a way in and a way out. Two means of egress are needed as the subdivision is so large.

Mr. Halligan asked if any abutters on Maple Street were notified.

Ms. Love asked if this was one of the original parcels but did not have the road through it. If so, then the abutters were already notified.

Mr. Buckley stated yes.

Mr. Halligan stated if he were an abutter and the original plan and did not show a road through it, he would not show up to the meeting either. But now that there is a road proposed there, the people on Maple Street are not aware. It is not fair to those neighbors.

Mr. Buckley stated it was always connecting to Maple Street, just in a different location.

Mr. Halligan stated that is misleading.

Resident stated this is going to impact Maple Street one way or the other. A cut-through from Lincoln Street is a terrible idea.

Chairman Padula asked the applicant to find another means of egress. He wanted to eliminate the waiver on the preliminary plan and take a few lots off so it will not be so dense.



Mr. Buckley confirmed they are about 400 ft. over the maximum of 600 ft. He mentioned he has stated even in writing that he thinks even one wetland crossing is problematic. He cannot see that they will be allowed two crossings. He discussed the possibility of adjusting the road so it was only 600 ft. He stated they are allowed 58 so that is what they are presenting to the Planning Board.

Ms. Love stated this new plan was not presented to the Fire Department for comment.

Mr. Buckley confirmed Chairman Padula wanted comments from the Fire Department, reduce the road to 600 ft. eliminate the waiver, reduce density, and have emergency egress.

Chairman Padula stated he was advised by town counsel to eliminate any waivers on the preliminary. He told the applicant an extension is needed. He does not want to approve something that is not good for the town.

*Motion to Continue the public hearing for Maple Hill - Maple Street, Preliminary Subdivision, to September 9, 2019, at 7:20 PM. Padula. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).*

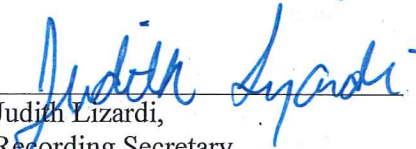
7:35 PM      **PUBLIC HEARING** – *Initial*  
                 *Margaret's Cove*  
                 Subdivision Modification  
                 *Documents presented to the Planning Board are on file.*

Ms. Love stated the applicant requested a continuance to September 9, 2019.

*Motion to Continue the public hearing for Margaret's Cove, Subdivision Modification, to September 9, 2019, at 7:30 PM. Padula. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).*

*Motion to Adjourn. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:20 PM.*

Respectfully submitted,

  
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Judith Lizardi,  
Recording Secretary