
RE: Bogan Estates

1 message

Michael Bogan <mbogan@icqconsultants.com>
To: Amy Love <alove@franklinma.gov>

Thu, Sep 29, 2022 at 6:32 AM

Hi Amy,

Thanks, and as mentioned I would prefer for the consideration of a field change of not installing the trees. If that is not amenable, then maybe we can meet in the middle and plant some trees toward the front of the entrance. A few on the left and the right side. This will provide an attractive curb appeal and since the street is a dead end most would not need to drive down. However, in attempts to make the entire street look and feel nice I've installed a gazebo at the end of the cul-de-sac and cleaned up the overgrowth around the retention pond. At any rate please let me know.

Thanks

M



Michael Bogan
President
ICQ Consultants, Corp.
1.800.201.9871 Ext: 700
Cell: 1.508.298.5571
Fax: 1.800.213.1850
www.icqconsultants.com



From: Amy Love <alove@franklinma.gov>
Sent: Tuesday, September 27, 2022 8:30 AM
To: Michael Bogan <mbogan@icqconsultants.com>
Subject: Re: Bogan Estates

I think the Board would be amenable to planting some of the trees, maybe near the entrance. There is no waiver for curbing in the bylaw based on the number of houses built, especially with a street that will be accepted with the Town.

I post the agenda on Thursday, so if you want to include any information for the Planning Board please let me know.

Thank you

[Amy Love, Town Planner II](#)

Town of Franklin

355 East Central

Franklin, MA 02038

508-520-4907

On Tue, Sep 27, 2022 at 8:24 AM Michael Bogan <mbogan@icqconsultants.com> wrote:

I will. Looking for barrows to get me a cost estimate for the trees. Will also request that I not have to purchase and just donate to the town since I had to pay a 10k donation to the water department for water hook up as well as being stuck with granite curbing even though we are below the stipulated 5 house requirement for the granite curbing per town bylaws.

I know the folks in the town think im some big developer but im not. Just a guy the got home from the military and tried to do well for his family ultimately buying this property for our kids and us.

M



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From: Amy Love <alove@franklinma.gov>
Sent: Tuesday, September 27, 2022 8:15 AM
To: Michael Bogan <mbogan@icqconsultants.com>
Subject: Bogan Estates

Hi Michael

Will you be submitting any new information regarding the landscape changes for the upcoming Planning Board meeting?

[Amy Love, Town Planner II](#)

Town of Franklin

355 East Central

Franklin, MA 02038

508-520-4907

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Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: September 26, 2022
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Bogan Estates
Proposed Field Change

General:

1. The Planning Board approved a 4 lot subdivision on June 2, 2014.
2. The following waivers were granted with the Approval:
 - **SECTION** **ALLOWED**
 - §300-13(A)(1): To construct one sidewalk where two are required on both sides of the road.
 - §300-10H(1): To install vertical granite curbing in lieu of slant granite curbing.
 - §300-10-D(5): To fill 5 feet above or below road grade.
 - §300.11A(3): Stormwater Management. To allow stormwater drainage components to be located on a separate lot, not conforming to zoning requirements.
3. The Applicant is requesting to not install the tress per Subdivision Regulation §300-13.E(2)(a).

Comments:

1. The Planning Board requested that some of the trees be planted and speak with DPW if trees can be planted elsewhere within Town.
2. If not installing the trees, it is a waiver from Subdivison Regulations and a modification of the Definitive Plan should be submitted.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: September 28, 2022
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: 585 King St
Special Permit & Site Plan

The Applicant is requesting changes to the Certificate of Vote, Special Conditions. Attached are the changes that are being requested. I have also provided last page of the Certificate of Approval that lists the Special Conditions.

This is only a discussion for tonight's purposes. If the Planning Board agrees to move forward with any changes to the Special Permit, the Applicant is required to file a formal Special Permit Modification that will require a Public Hearing.

9. Prior to any work commencing on the subject property, the owner/applicant shall provide plans to limit construction debris and materials on the site. In the event that debris is carried onto any public way, the owner/applicant and his assigns shall be responsible for all cleanup of the roadway. All cleanups shall occur within twenty-four (24) hours after first written notification to the owner/applicant by the Board or its designee. Failure to complete such cleanup may result in suspension of construction of the site until such public way is clear of debris.
10. The owner/applicant shall install erosion control devices as necessary and as directed by the Town's Construction Inspector.
11. **Prior to construction activities, there shall be a pre-construction meeting with the owner/applicant, and his contractor(s), the Department of Public Works and the Planning Board's Inspector.**
12. The Certificate of Vote is to be added to the plans.
13. Prior to the endorsement, the following is required:
 - The elevations of the top and bottom of the proposed retaining wall between the parking area and the truck access on the southeast side of the building should be noted similar to the other proposed walls on the site.
 - The retaining wall along the I-495 layout may require a protective fence along a portion of its length due to the 11-ft. height.
 - The plans call for HDPE piping for drainage; however, the Planning Board requires reinforced concrete pipe for drainage.
 - Any drainage pipe within the Town right-of-way should also be reinforced concrete pipe.
 - The row of arborvitaes being proposed should be placed outside the limits of the proposed subsurface sewage disposal system to ensure that they will be maintained when the system is replaced.

SPECIAL CONDITIONS OF APPROVAL
585 King Street

1. Any offsite improvement plans shall be reviewed, approved, and permitted by DPW as well as MassDOT prior to issuance of a building permit.
2. The Applicant is required to apply with the Design Review Commission for any signage for the site.
3. A sign is to be added to the plans stating "No right turn on Red" leaving the site.
4. This decision is subject to MEPA approval.
5. Hours of operation will be 5:00am – 11:00pm.



Amy Love <alove@franklinma.gov>

RE: 585 King Street

1 message

Josh Berman <jberman@marcuspartners.com>
To: Amy Love <alove@franklinma.gov>
Cc: Josh Berman <jberman@marcuspartners.com>

Wed, Sep 28, 2022 at 6:35 AM

Amy,

I will be there.

We would like to discuss with the board two potential modifications. Modifying special condition #1 to read:

Any offsite improvement plans shall be reviewed, approved and permitted by DPW as well as MassDOT and the work shall be completed prior to the issuance of a Certificate of Occupancy.

Remove special condition #5: Hours of operation will be 5AM – 11PM.

This condition severely restricts our ability to lease the building and would ultimately not allow us to move forward with the project. As an applicant, we feel like we have addressed all of the boards concerns throughout the process by:

- Reducing the project by 50,000 SF
- Rotating the building so that the loading is closest to the interstate 495 and over 450 feet from the closest neighbor
- Added additional landscape buffer between the building and the closest neighbor

To help with the concern of trucks taking a right out of the development, we would be amendable to putting a restriction in the decision that states: "Trucks are prohibited from taking a right hand turn after 10 PM".

Please let me know if you have any questions.

Thanks,

Josh Berman

From: Amy Love <alove@franklinma.gov>
Sent: Tuesday, September 27, 2022 1:01 PM
To: Josh Berman <jberman@marcuspartners.com>
Subject: Re: 585 King Street

Josh,

I spoke with Greg. I think we both agree that you should attend Monday night's meeting and talk with the Board.

If you have any questions, please give me a call.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

PLANNING BOARD

August 22, 2022 Meeting Minutes

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

7:00 PM Commencement/General Business

Vice Chair David reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

A. Partial Form H: Amego, Washington Street

Mr. Kevin Quinn of Quinn Engineering on behalf of Amego stated that his office submitted a Form H to the Planning Board for a partial certification of compliance. He noted the Site Plan Work Completion List indicating milestones for completion of outstanding items. He stated that they received a memo from BETA last week identifying additional items which were noted in BETA's inspection. He stated that there is no reason they cannot complete those items within their milestone completion under October 31, 2022.

Ms. Love reviewed that the Planning Board approved a Site Plan on June 17, 2019. The applicant submitted a Partial Form H for the Site Plan and listed all outstanding items. BETA provided an observation report and submitted a comment letter. DPCD recommends a Partial Form H be issued until all outstanding items are complete.

Mr. Maglio stated that he did not see anything on the BETA memo that he had any issues with. Mr. Crowley stated that they visited the site and prepared a rather extensive list of items still to be addressed. He stated many of the items can be lumped into punch list type items; there are a few that require a little more effort such as the concrete dumpster pad.

Ms. Williams confirmed the safety issue of the drop off of the footbridge would be addressed before occupancy of any units. Mr. Quinn stated that the contractor would be taking care of that. Ms. Wierling asked about railings on the bridge. Mr. Crowley stated that he recalls some discussion regarding the bridge being modified to no longer be a bridge and just being a crossing. He stated that he does not have the record of that on hand. Ms. Wierling asked for that to be checked on. She asked Mr. Crowley if there were any items that were safety items. If not, she does not have any concern issuing a Partial Form H. Mr. Crowley stated that he did not see anything that was a real safety issue.

Motion to Approve a Partial Form H for Amego, Washington Street, with a recommendation that the items listed on BETA's Observation Report be completed by October 31, 2022, and look into the issue with the railings. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

B. Endorsement: 115 Constitution Boulevard

Ms. Love stated that the applicant submitted plans for endorsement. They added the Certificate of Vote on the front page. There were no special conditions that needed to be met for endorsement.

Motion to Endorse 115 Constitution Boulevard. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

C. Meeting Minutes: July 11 & July 25, 2022

Motion to Approve the Meeting Minutes for July 11, 2022. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the Meeting Minutes for July 25 2022. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Initial*
 105 Beaver Street
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

Motion to Waive the reading. David. Second: Wierling. Vote: 4-0 (4-Yes; 0-No).

Motion to Activate Associate Planning Board member Jay Mello to vote. David. No Second. No Vote Taken.

Ms. Love reviewed that the site is located in the Single-Family IV zoning district. The site is currently a single-family residential house. The applicant is requesting to increase the impervious surface within the lot. A Special Permit is required under Section 185-36 – Impervious Surfaces. The site is currently at 36.1 percent impervious, were 35 percent impervious is allowed. The applicant is requesting to increase the impervious area to 39.4 percent. She stated that the town engineer has reviewed the plan; BETA has not been asked to review the Site Plan. She stated that the applicant is requesting that the Site Plan application fee of \$1,500 be waived; the applicant paid the Special Permit fee of \$750.

Mr. Maglio stated that he reviewed the submitted plan. He reviewed that in order to exceed the maximum amount of impervious area, the applicant is proposing to install a couple of infiltration chambers which are designed to accommodate 1 in. of runoff on the site. He asked that the applicant provide a statement from a professional engineer that the stormwater runoff will not be increased on the development. He stated that a letter was submitted from their design engineer. He recommended that if this is approved there be a condition that their design engineer verify the existing soil conditions when they go to construction. He stated that there were no requirements in the bylaw as to what storm they have to design it for.

Mr. Power stated that the Planning Board may want to condition this based on approval of the test pit and make adjustments from there. Planning Board members discussed and agreed to waive the fee. Vice Chair David stated that there is no infiltration system there now so anything added is 100 percent better.

Motion to Waive the fee for 105 Beaver Street, Special Permit & Site Plan. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).

The applicant stated that they installed an inground pool last year and they would like to have an area that was covered to have shade. Therefore, they want to build the pavilion. He discussed that it was like a shed with no walls.

Mr. Wayne Brodsky, 21 Stubb Street, stated that a few years ago he tried to get a variance to build a duplex but was denied and he needed it for living area. He stated that the applicants were the ones who complained. He stated that he feels that the applicants should not get the permit because what they are doing is not important enough to break to the law. He stated that he feels that since he could not get the permit, they should not get it.

Ms. Joanne Downey, abutter to the applicant, stated that she wants the infiltration system built for the 100-year storm because it is quite an incline from their property into her yard which already floods. She stated that they already have a patio in their yard and she is not sure what they are proposing as she did not get any plans. She stated that her concern is the runoff of the water. She stated that the applicant just installed a 7 ft. wall on the corner of her property as well. She does not want her yard to be any more flooded.

Mr. Brodsky stated that he is also worried about water as there are already problems. He stated that it is bad enough as it is already, and the applicants do not need what they are proposing.

Mr. Power noted that the Planning Board does not have the facts of Mr. Brodsky's project in front of them. The Planning Board must make their determination on this item based on the facts in front of them.

Motion to Close the public hearing for 105 Beaver Street, Special Permit & Site Plan. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

ROLE CALL VOTE:

This determination shall be in addition to the following specific findings.

(1) Special Permit: To allow impervious surface increase to 39.4% under Section 185-36.

Ms. Wierling read aloud the following.

a) Proposed project addresses or is consistent with neighbor or Town need.
David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-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.
David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

- d) Neighborhood character and social structure will not be negatively impacted.
David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)
- 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.
David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-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.
David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-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.
David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-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.

David-YES; Wierling-YES; Power-YES; Williams-YES; Mello-YES. Vote: 5-0 (5-Yes; 0-No)

Motion for a Special Condition that the approval on test pits should be inspected, inspect the soil conditions prior to the system installation, make any necessary design modifications prior to the installation of any systems for stormwater or infiltration, for 105 Beaver Street, Special Permit & Site Plan. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Continued*
175 East Central Street – Franklin Ford
 Special Permit & Site Plan
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Motion to Continue the public hearing for 175 East Central Street – Franklin Ford, Special Permit & Site Plan, to September 12, 2022. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

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

Meeting adjourned at 7:30 PM.

Respectfully submitted,

Judith Lizardi,
 Recording Secretary

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

PLANNING BOARD

September 12, 2022 Meeting Minutes

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

7:00 PM Commencement/General Business

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

Ms. Love stated that the next Planning Board meeting was scheduled for September 26, 2022. Due to scheduling concerns, she requested the September 26, 2022, meeting be cancelled and moved to October 3, 2022.

No Motion/No Second Made to Reschedule the September 26, 2022, Planning Board meeting to October 3, 2022. Vote: 4-0 (4-Yes; 0-No).

A. Decision: 585 King Street

Ms. Love reviewed that the Planning Board closed the public hearing on August 8, 2022; the applicant is proposing to construct a warehouse/storage facility. She stated that storage facilities require a Special Permit in the Business Zoning District. She stated that she provided some recommended conditions prior to endorsement and some special conditions of approval.

Chair Rondeau stated that he thanked the applicant, engineers, and everybody for all the changes they made that the Planning Board requested as they were pretty substantial changes.

Motion to Approve the following Recommended Conditions prior to endorsement:

- 1. The elevations of the top and bottom of the proposed retaining wall between the parking area and the truck access on the southeast side of the building should be noted similar to the other proposed walls on the site.***
- 2. The retaining wall along the I-495 layout may require a protective fence along a portion of its length due to the 11-ft. height.***
- 3. The plans call for HDPE piping for drainage; however, the Planning Board requires reinforced concrete pipe for drainage.***
- 4. Any drainage pipe within the Town right-of-way should also be reinforced concrete pipe.***
- 5. The row of arborvitaes being proposed should be placed outside the limits of the proposed subsurface sewage disposal system to ensure that they will be maintained when the system is replaced.***

Rondeau. No Second Made. Vote: 4-0 (4-Yes; 0-No).

No Motion/No Second Made to Approve the Special Conditions of Approval:

- 1. Any offsite improvement plans shall be reviewed, approved, and permitted by DPW as well as MassDOT prior to issuance of a building permit.*
- 2. The Applicant is required to apply with the Design Review Commission for any signage for the site.*
- 3. A sign is to be added to the plans stating "No right turn on Red" leaving the site.*
- 4. This decision is subject to MEPA approval.*
- 5. Hours of operation are 5 AM to 11 PM.*

Vote: 4-0 (4-Yes; 0-No).

ROLE CALL VOTE:

This determination shall be in addition to the following specific findings.

(1) Special Permits: To allow a storage facility in the Business Zoning District, under 185 Attachment 4, 3.10 (a).

Ms. Wierling read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)
- 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.
David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-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.
David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-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.
David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-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.

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

B. Covenant: Eastern Woods

Ms. Love reviewed that the Planning Board endorsed a subdivision plan on November 1, 2021, for four house lots known as Eastern Woods. The applicant was required to provide a covenant which is provided in the Planning Board's meeting packet. She stated that the town attorney reviewed the covenant and determined it is acceptable. Therefore, the Planning Board needs to vote to accept the covenant and endorse.

Motion to Accept the covenant for Eastern Woods. Wierling. Second: Power. Vote: 4-0 (4-Yes; 0-No).

C. Tri-Partite Agreement: Uncas Avenue

Ms. Love reviewed that the Planning Board approved on November 19, 2007, a Definitive Subdivision plan entitled "Uncas Ave Extension." A modification to the approval was endorsed on March 10, 2014. She stated that all utilities were installed at the site, but no units were built. Overtime, the infrastructure eroded. She stated that BETA provided a site observation report and an estimated cost to complete/repair the existing conditions of \$335,102. She stated that the applicant has provided a tri-partite agreement with the Town. The tri-partite agreement must be signed by the Planning Board. Mr. Maglio stated that BETA put together the process that is appropriate.

Motion to Accept the Tri-Partite Agreement for Uncas Avenue. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

D. Field Change: Bogan Estates

Ms. Love reviewed stated that the office received a letter from Bogan Estates requesting that the trees that were approved on the subdivision and are required under the subdivision control laws be removed and not be installed. She stated that technically, it is a waiver for a subdivision plan. Chair Rondeau stated that he went there and it is pretty sparse; he would like to see the trees planted as it meets the rules and regulations. Ms. Love confirmed it is 32 trees. Chair Rondeau stated that he does not want to waiver from the rules and regulations. Mr. David confirmed the location of the trees. Mr. Maglio confirmed they would be 2 in. to 3 in. caliper trees. Ms. Wierling confirmed that the road would become a town road eventually. Mr. Power asked what is the purpose of lining the road with 32 trees. Mr. Maglio stated that it is in the rules and regulations and it is just for street-scape. He stated that they are to be planted on private property as opposed to the right of way. When the Town accepts the roadway, the Town will not be responsible for the trees as they will be on private property. Mr. Power asked how can the Town force someone to put a tree on their private property. Mr. Maglio stated that it is part of the rules and regulations. He stated that he believes that once the project is closed out, the private property owners are free to do with the trees as they wish.

Ms. Wierling asked that if they already know the homeowners may remove the trees, would it be better to have the developer put the money for the trees in a street-tree fund or put the trees somewhere else so the town would get use of the trees. She noted four of the homeowners have already signed a document indicating they do not want the trees on their property. Mr. Maglio stated that this seems like a reasonable approach having the developers contribute to a fund or have the trees planted somewhere else in town. Mr. David suggested that in the future, the trees be planted prior to homeowners moving in so it does not come to this. Ms. Love stated that if the Planning Board is amenable to the owner

providing a proposal in the form of trees or monetary amount for trees elsewhere in town, at the next meeting the Planning Board can move forward and allow them not to plant trees.

Mr. Mike Bogan, 10 Bogan's Way, stated that he is not opposed to what the Planning Board is suggesting. He noted requirements that were put in place regarding the road and curbing when he first applied for subdivision approval.

Motion to Continue Field Change: Bogan Estates. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

E. 81-P ANR: Spring Street

Ms. Love stated that this ANR plan was received in November. The Planning Board voted to approve the plan. The plan was endorsed; however, the plan was not filed with the Registry of Deeds. So, the owners have come back and submitted the same plan for signature by the Planning Board so they can get it filed at the Registry of Deeds. She stated that the applicant paid the \$350 fee in November; the Planning Board can decide if the fee should be waived this time.

Motion to Waive the fee for the 81-P ANR for Spring Street. Wierling. Second: Power. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the 81-P ANR for Spring Street. Wierling. No Second Made. Vote: 4-0 (4-Yes; 0-No).

F. Meeting Minutes: August 8 & August 16, 2022

Motion to Approve the Meeting Minutes for August 8, 2022. Rondeau. Second: Wierling. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the Meeting Minutes for August 16, 2022. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Continued*
 700 Union Street
 Site Plan Application
 Documents presented to the Planning Board are on file.
 TO BE CONTINUED

Chair Rondeau stated that this will be a continued public hearing.

Motion to Continue the public hearing for 700 Union Street, Site Plan Application, to October 17, 2022. Rondeau. Second: Wierling. Vote: 4-0 (4-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Continued*
 704 Washington Street
 Site Plan Application
 Documents presented to the Planning Board are on file.
 TO BE CONTINUED

Chair Rondeau stated that this will be a continued public hearing.

Motion to Continue the public hearing for 704 Washington Street, Site Plan Application, to October 17, 2022. Rondeau. No Second Made. Vote: 4-0 (4-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
175 East Central Street – Franklin Ford
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Attorney Edward Cannon on behalf of Franklin Ford, Mr. Rick Goodreau of United Consultants, and Mr. Bob Breen, general manager of Franklin Ford, addressed the Planning Board. Mr. Cannon stated that since they were last before the Planning Board they listened to the concerns of the Planning Board, town engineer, BETA, and the direct abutter Mr. Kevin Keith of 33 Chestnut Street. He stated that he is aware that the Planning Board received a letter from Mr. Keith’s attorney. He stated that they listened and revised the plan. He stated that they have been in touch with Mr. Keith’s attorney to address his concerns. He stated that he assured Mr. Keith that the proposed drain pipe will not affect the drain pipe that is on Mr. Keith’s property. He stated that there is about a 3 ft. berm between the properties; Franklin Ford has agreed to install a 6 ft. stockade fence along the property. He noted that the lighting plan has been changed and there is zero light spillage on the neighboring property. Mr. Cannon stated that Mr. Keith asked that no garage doors face his property; Mr. Cannon stated that is the case. Mr. Cannon stated that Mr. Keith’s attorney responded that they are satisfied with the changes. Mr. Cannon stated that they have received an Order of Conditions from the Conservation Commission.

Mr. Goodreau highlighted other changes to the plans. He stated that they have provided revised plans to BETA, the town engineer, and planning for review. He reviewed some of the changes made that were requested. He stated that one item of concern was the location of snow storage; he pointed out the new area proposed for snow storage. He stated that some parking spaces were requested to be removed and vehicle storage spaces identified. He stated that with the removal of the spaces for snow storage, they have 100 parking spaces; the requirement is 51 spaces. He noted the relocated headwall from the wetland area as requested by BETA. He stated that the area has been regraded. He stated that the site lighting was revised. He discussed the fencing and noted there will be zero light spillage on the two abutting properties; however, there is some light spillage onto the Chestnut Street right of way. He stated that he spoke with BETA and DPW about this; he would like to get confirmation from the Planning Board that they are comfortable with that. He stated that they were requested to modify the stormwater calculations from a 6.8 in. hundred-year storm event to a 7 in. storm event which they have done. He stated that they have made a slight modification to the pond based on the infiltration requirements. He discussed the stormwater pollution prevention plan and required permit. He stated that the Design Review Commission approved the project; the Commission requested additional plantings along Chestnut Street which the applicant has provided. He noted that the planting schedule has been updated.

Ms. Love stated that the applicant requested three waivers. She noted that the Planning Board expressed concern with the light spillage. She stated that a revised plan has been submitted. She stated that the Planning Board should consider if the lighting is excessive for the site. She questioned that both driveway accesses are labeled “emergency vehicle access.” She stated that there should be one main access off East Central Street shown on the plans. Mr. Goodreau stated that was done to satisfy the fire department. Discussion commenced regarding signage for this.

Mr. Maglio stated that all his previous comments have been addressed. Mr. James stated that Mr. Goodreau addressed all BETA's concerns and comments. He noted that all the stormwater issues have been addressed. He stated that he has no further comments.

Mr. David asked about the snow storage. Mr. Goodreau stated that snow storage has been added to the final plans; he stated that there are 192 total spaces. Chair Rondeau asked about the plantings. He asked for more plantings between lights 73 and 82 to make it look nice across the front. Discussion commenced regarding the lighting including location. Mr. Breen stated that one hour after closing the main lights will be shut off, at 9 PM. He stated that there will only be a few lights on the buildings. Mr. James reviewed his thoughts on the lights out at 9 PM. He stated that the lights will be bright and will light up Chestnut Street. He stated that he will leave it to the discretion of the Planning Board. Ms. Wierling questioned the need for such bright light intensity prior to being shut off at 9 PM. Chair Rondeau asked about controlling the lights. Mr. Goodreau stated that he would need to talk to the lighting consultant. Ms. Wierling discussed that after it is built if it is too bright, would the applicant be amenable to toning it down with shielding. Mr. Goodreau stated that they would be amenable to that. Mr. Breen stated that he thinks the new lighting will be much better than the current National Grid lighting which is much higher up. He stated that National Grid will be removing those lights when the new lighting is in. Chair Rondeau stated that it sounds like the applicant has addressed all the issues. He stated that he wants to make sure the Planning Board has all the updated drawings.

Motion to Continue the public hearing for 175 East Central Street – Franklin Ford, Special Permit & Site Plan, to October 3, 2022. Rondeau. No Second Made. Vote: 4-0 (4-Yes; 0-No).

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

Meeting adjourned at 7:52 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary