

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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

## PLANNING BOARD

August 7, 2023  
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 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: Bryan Taberner, Director of Planning and Community Development; Michael Maglio, Town Engineer; Gary James, BETA Group.

### 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.

#### **A. Extension: 0 & 51 Chestnut Street Special Permit and Site Plan**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. requested an extension for a previously approved permit. She stated the applicant had received the permit in 2018; due to Covid, construction costs, and delays, it was not economically feasible to construct. Vice Chair David stated that this has been going on for a long time. Director of Planning and Community Development Bryan Taberner stated that in the case of this one, he believes the Planning Board should extend it. Ms. Cavaliere discussed the time period for an extension.

*Motion to Extend 0 & 51 Chestnut Street, Special Permit and Site Plan, for two years. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).*

#### **B. Final Form H: 400 & 406 East Central Street – Planet Jeep**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. stated that they were previously before the Planning Board to close out the project, and there were a few outstanding items associated with curb cuts and the old access to Planet Jeep and the flood lights on the poles that are not the property of Planet Jeep. She stated they have received a work order from the utility company to take the lights down for the flood lights, but they do not have a timeframe. She stated the preexisting curb cut that they closed off where the old access was has a utility pole there. She explained that BETA and Town Engineer Michael Maglio looked at it. MassDOT said they do not care. She explained that from a safety standpoint the modification would reduce the width of the sidewalk. She requested the sidewalk and curbing remain in its current state.

Ms. Wierling asked that the applicant continue to work on the floodlights. Ms. Cavaliere stated that it is in motion, it is just up to the utility company when they get it done. She stated that they will stay on top of the work order.

*Motion to Accept the Final Form H as presented for 400 & 406 East Central Street – Planet Jeep. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).*

#### **C. Endorsement: 519 Beaver Street**

*Motion to Endorse 519 Beaver Street, Limited Site Plan. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).*

7:00 PM

**PUBLIC HEARING** – *Initial*  
***0 Upper Union Street Solar Project***  
Site Plan Application

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

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

Ms. Colleen DeBenedetto of Valta Energy on behalf of the applicant VS Union Solar Smart LLC addressed the Planning Board. She stated that they were proposing a ground-mounted solar facility off Upper Union Street. It has a long driveway and crosses the utility right of way to get to the facility. She introduced Mr. Rich Tabaczynski of Atlantic Design Engineers.

Mr. Tabaczynski showed and reviewed the site plans. He reviewed the existing conditions and stated a full set of existing condition plans has been provided. He showed and explained the proposed ground-mounted solar on the 6.2-acre site. He noted it was north of the Ribero Drive subdivision. He stated that the topography is fairly flat and is slightly steeper in the back of the property. He reviewed the 320 ft. wide New England Power easement that has an existing dirt access road going through it. He noted there are some wetland areas which have been identified by Goddard Associates. He stated that they have had one hearing with the Conservation Commission, which has been continued, regarding work proposed in the buffer zones to those wetlands. He stated that this project is proposed as a medium scale ground-mounted solar facility based on kilowatts per the Town's bylaws. The solar panels are in the back rear of the property. He stated that it is 2.3 acres of fenced in solar array; the total development area is about 3.2 acres proposed. He stated that Ms. DeBenedetto has had conversations with the Fire Department which dictated the gravel access drive being proposed at 20 ft. wide. In addition, there is a 50 ft. long paved apron at the entrance with gravel the rest of the way. He stated that it is a typical ground-mounted solar project with concrete pad and equipment. He explained the overhead run of the utility, and at the easement the utilities will run underground. The array will be fenced in with a 7 ft. security gate. He stated that there will be a wildlife gap at the bottom of the fenced area to allow small wildlife to transport back and forth. He stated that there are large setbacks and buffers to any residential area; bylaws required a 75 ft. setback. He stated the closest house to the solar array is 545 ft. away. There is quite a bit of vegetated buffer. The project will be well screened. He discussed the engineering work for the project. He stated that very little grading was needed for the access road. He reviewed the proposed swale. He stated that they regraded in the back due to the slope dropping off. He stated that stormwater is being handled by several stormwater basins shown on the plans; they are detention basins and not designed as infiltration basins. He stated that there is a full stormwater report provided in the meeting packet. He stated that there is very little impervious surface on a solar propjet like this; they are clearing some trees which will increase some runoff which is why the basins were needed. There are also some recharge requirements regarding the stormwater policies. He stated that the stormwater meets DEP's and the Town's standards. He stated that they have filed for a Scenic Road permit for Upper Union Street. He stated they know some peer reviews are coming from BETA, Fire, Town Engineer, and Planning which they will address.

Mr. Maglio stated that he submitted his review today. Mr. James stated that he submitted his review last Friday. Mr. Taberner stated the reviews will be provided for the next meeting.

Ms. Williams asked how much area will be clear cut. Mr. Tabaczynski reviewed that the total site is 6.2 acres, and the area being cleared for roadway, stormwater, and the facility is 3.2 acres. He stated that tree clearing is probably close to 3.0 acres. Mr. Mello stated that he is not convinced that the hay bales will hold up over time. He asked if they could use stone or another method. Mr. Tabaczynski stated they could do that.

Ms. Wierling asked about the closest house to the roadway. Mr. Tabaczynski stated that would be about 90 ft. to 100 ft. Ms. Wierling confirmed there is not a lot of traffic at the solar array. Ms. DeBenedetto stated that after the project is operational, there is snow removal and about three to four times per year they need to

do vegetation management; the projects are typically monitored remotely. Ms. Wierling asked if any gates were proposed. Mr. Tabaczynski stated that there is a double gate proposed at the entrance and one in the rear for access to the basin. Ms. Wierling confirmed the power company has access to the applicant's property through an easement.

Vice Chair David asked about the transformer that will disburse the electricity. He asked what is the buffer for the humming. Mr. Tabaczynski stated that have not proposed any sound walls or vegetation to screen that; they felt 500 ft. would be enough, so they would not need to do that. He stated that they could always put up additional vegetation regarding sound. Vice Chair David stated that he would like to see that especially when things do not have foliage. He stated that in the past, they look for a bond for decommissioning down the road and replanting. Mr. Tabaczynski said okay.

Ms. DeBenedetto asked when the peer review comments would be coming. Mr. Taberner stated he would send them tomorrow, so the applicant could provide comments before the next meeting.

***Motion to Continue the public hearing for 0 Upper Union Street Solar Project, Site Plan Application, to August 21, 2023. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

### **Chair and Member Comments**

Ms. Williams asked if there can be anything put in the bylaws that has to do with clear cutting heavily wooded areas. She discussed the detrimental effects of this. Vice Chair David asked if Ms. Williams was looking to change the bylaw just for solar farms or for any development. Ms. Williams said there should be some incentive for people regarding redevelopment of brownfield sites or abandon buildings or other sites. Mr. Mello stated those incentives exist in other ways regarding developing brownfields. Ms. Williams asked about the tree bank in Town. She asked about tree replacement as there is no incentive for anyone to not clear cut heavily wooded areas. Ms. Wierling stated that she does not think there are too many sites like that left to clear cut. She said that she does not think there is much we can do about it. Vice Chair David reviewed the tree bank. Ms. Williams discussed clear cutting areas and saving what little there is left. Mr. Mello discussed properties that were purchased by the Town to save the areas. Discussion commenced on clear cutting and what the Town gets from a solar farm.

Mr. Taberner stated that this item is not on the agenda. He requested that Ms. Williams send to him, Town Planner Amy Love, and the Planning Board chair an email that requests we look into the issue and we will put it on our things to do or on an agenda and have an open discussion about it.

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

***Meeting adjourned at 7:38 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

# Town of Franklin

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## PLANNING BOARD

### August 21, 2023 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 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; Jennifer Williams, Jay Mello, associate member. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Gary James, BETA Group.

#### 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 she heard from an attorney today that there was a lot not released at Daniels Street, Lot A at Harmony Farms which is a subdivision from 1990. During a title search for the sale of a house, it can be found that a lot was not released. She stated that there are no issues with it. She asked if the Planning Board wanted to sign the lot release tonight.

***Motion to Sign off on Daniels Street, Lot A, release of lot. Rondeau. Second: Power. Vote: 5-0 (5-Yes; 0-No).***

Chair Rondeau and Ms. Love discussed moving the date of the Planning Board's September 11, 2023, meeting to September 18, 2023, as two members will not be able to attend the September 11 meeting.

***Motion to Change the September 11, 2023, meeting to September 18, 2023. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

7:00 PM **PUBLIC HEARING** – *Continued*  
***15 Liberty Way***  
Site Plan Application  
*Documents presented to the Planning Board are on file.*  
***TO BE CONTINUED***

Ms. Love confirmed the applicant requested a continuance.

***Motion to Continue the public hearing for 15 Liberty Way, Site Plan Application, to September 18, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:00 PM **PUBLIC HEARING** – *Continued*  
***0 Upper Union Street Solar Project***  
Site Plan Application  
*Documents presented to the Planning Board are on file.*  
***TO BE CONTINUED***

Ms. Love stated that the applicant requested a continuance to the next meeting.

***Motion to Continue the public hearing for 0 Upper Union Street Solar Project, Site Plan Application, to September 18, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:00 PM            **PUBLIC HEARING** – *Continued*  
***100-200 Financial Way***  
Site Plan Modification Application  
*Documents presented to the Planning Board are on file.*

Ms. Love stated that the applicant's information was not received until late on Tuesday; therefore, there was no time to review the information for this meeting. She stated that BETA responded to the traffic; however, she has not heard back from the applicant.

Chair Rondeau requested a quick update from the applicant as the item will be continued.

Mr. Doug Hartnett of Highpoint Engineering and Mr. Brendan Pellerin, asset management director of Berkeley Partners, addressed the Planning Board. Mr. Hartnett stated they made the submission and are awaiting BETA's peer review comments. He stated that they have responded to BETA's second peer review comments for the traffic, and they have some design modifications to present regarding the King Street/Washington Street intersection; this can be submitted to have BETA review. He stated they have been working on the safety for the site entrance driveway; it has been redesigned and submitted to BETA. He stated that they have an internal traffic circulation plan for the property. He explained that they have had discussions with the Benjamin Franklin Classical Charter School regarding student safety. He stated that Executive Director Heather Zolnowski will speak to the Planning Board on September 18 and tell the Planning Board that they do not allow students to be walkers to the school. He stated they have done some sidewalk evaluations and will respond on September 18, and they have done additional analysis regarding the HDPE pipe and the waiver request. He reviewed other items to be submitted for the September 18 meeting including discussion of parking.

Ms. Love stated that currently, the September 18, 2023, meeting has five public hearings; September 25 has zero hearings scheduled. Ms. Wierling requested the peer review traffic consultant be present at the continued hearing.

Mr. Hartnett indicated concern about being pushed to the September 25 meeting. Chair Rondeau stated that they will take some of the information at the September 18 meeting, and the traffic item will be taken at the September 25 meeting.

***Motion to Continue the public hearing for 100-200 Financial Way, Site Plan Modification Application, to September 18, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

Resident stated that it starts with the Planning Board, and the Planning Board is already sending the applicant to other departments, and this is not a good plan. Chair Rondeau stated that residents will have an opportunity to speak on September 18 and September 25.

7:00 PM            **PUBLIC HEARING** – *Initial*  
***725 Union Street***  
Special Permit & Site Plan Application  
*Documents presented to the Planning Board are on file.*

***Motion to Waive the reading. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

Ms. Love stated that the site is in the Commercial II Zoning District; the site is currently under construction for a hotel. She stated that the applicant is requesting to add an exit only curb cut at the rear of the hotel. A Special Permit is required under Section 185-21,C(7) – Parking area Design and Location. She recommended that the applicant add signage to include Do Not Enter on Union Street if the Planning Board were to allow this.

Mr. Maglio stated that he did not have any objection to the additional driveway; the amount of impervious they will be increasing is minimal.

Ms. Wierling asked what the proximity of the new exit to the Spruce Pond Village condominiums would be. Mr. Scott Roger (via Zoom) stated that it would be 60 ft. away from the existing driveway and about 200 ft. from the proposed driveway. Ms. Wierling asked why this exit was not contemplated at the time of the original submittal. Mr. Roger stated that it had never come up as a potential concern. As it developed, they looked at it for deliveries and fire truck maneuverability. Ms. Wierling discussed the new proposed exit regarding traffic flow and safety. She stated that she does not have enough information to determine if this is an improvement. Ms. Williams noted that across the street a daycare was approved and asked if that should be considered in relationship to this. She stated that it seems as though this will be directly across the street from the daycare entrance. She asked why this secondary exit is critical from a safety perspective.

Ms. Love read aloud and discussed the bylaw regarding the location of the proposed exit. She stated that the Planning Board will have to decide if they are comfortable with it being that close. Mr. Maglio discussed an aerial view and noted the locations of the entrances to the daycare and the existing hotel next door.

Resident from Spruce Pond stated that she hopes everyone takes into consideration that they have two hotels there, the plaza with Dunkin, the gas station, the doctor's office, a transportation company, the daycare, and 100 residents in the Spruce Pond condominiums, so it is a lot going on. She stated that every entrance/exit that is added makes it more chaotic.

Chair Rondeau stated that as this is a Special Permit, they will have a roll call vote.

***Motion for Close the public hearing for 725 Union Street, Special Permit & Site Plan Application. Rondeau. 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: Special Permit is required under Section 185-21,C(7) – Parking area Design and Location.**

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

Ms. Wierling stated that she voted NO as sufficient information regarding how this was affecting abutters or the traffic flow adjacent to the other entrances was not sufficiently presented to the Planning Board.

Chair Rondeau stated that is why we have the bylaw because these entrance/exits are so close to another and yet they have another exit across the street. He stated that he feels as it is the safety aspect is really detrimental to the site.

Mr. David stated that he voted NO for the same reason as it is a safety feature and agrees with the bylaw.

Mr. Power stated that he voted NO because he does not feel like the applicant provided enough information to make a conscious decision around the safety and accessibility of the parking lot and the street.

Ms. Williams stated that she voted NO because she does not believe the vehicular traffic flow and access related to pedestrian safety and nearby entrances and exits off Union Street were properly addressed.

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; Rondeau-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; Rondeau-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; Rondeau-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-NO; Wierling-YES; Power-NO; Williams-YES; Rondeau-NO. Vote: 2-3 (2-Yes; 3-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; Rondeau-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; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)**

Chair Rondeau stated that the Special Permit does not pass.

7:00 PM **PUBLIC HEARING** – *Initial*  
***Maplegate Solar South***  
Site Plan Application  
*Documents presented to the Planning Board are on file.*

Mr. Greg DiBona of Bohler Engineering stated that he was previously before the Planning Board for an affiliated project on the north side of the golf course. He stated that he is representing a separate LLC but also under common ownership through NextGrid for developing the southern portion of the Maple Gate Country Club. He stated that technical reviews have not yet proceeded forward. He noted that they will need an NOI from Conservation Commission. He noted that BETA would be doing a peer review from a stormwater perspective. He stated that this will be high level, and he will be showing three slides. He showed and reviewed an aerial exhibit. He discussed that they will be using access agreements for Parcel 1 and

Parcel 2 to provide gravel access road to the southern development. He explained that on Parcel 3 they are proposing a 15,000 kW system. He explained that the project is bisected by a Y-shaped wetland feature in the middle of the site. He noted turnaround areas on the gravel access. He stated that they have received initial feedback from the fire department. He stated this project will have two equipment pads and reviewed the location on the plans. He noted that there will be a little disturbance on the Bellingham lot. He explained the site entrance, location of the proposed culvert, golf cart crossing, and turnaround areas near the equipment pads. He explained that there would be 7 ft. high chain link fence. He reviewed that they will be going to the Conservation Commission.

Ms. Love stated that BETA will be taking a look at this. She noted that the applicant will need to put together a decommissioning plan with a bond as well as a PILOT program with the Town. She stated that they typically have not had any of the previous solar projects do anything about the trees they remove since this is a private property. Chair Rondeau stated that he definitely wants to have a tree bond with this one. Ms. Love asked how this was to be done. She noted that for Spring Street, they had the decommissioning bond and the PILOT program. She discussed a previous applicant's tree removal on a scenic roadway and some trees might have been in the right of way and were replace, but for the actual trees on the private site, we did not have a bond. Chair Rondeau asked Ms. Love that this be checked as he was an advocate for the tree replanting.

Mr. Maglio stated that he has not had a chance to review it; he will have some comments for another meeting. Mr. James stated the same.

Mr. Greg Dowdell, golf professional at Maple Gate Country Club, discussed that golf is good exercise, requires mental focus and good thinking, provides social interaction, improves balance and coordination, helps with problem solving and cognitive skills, contributes to a healthy life style, values personal integrity, and is a rewarding and enjoyable activity for people of all ages and skill levels. He addressed the solar array plan and noted that there has been a lot of time, effort, and money on this. He stated that he is concerned with the premise of this proposal. He is concerned with the idea that a solar array benefits the community more than a golf course. He said the owners will not compromise to save it. He stated they are asking the Planning Boards of both Franklin and Bellingham to take a hard look at the proper use of this established golf course. He stated that tens of thousands of people will be affected by the decision town administrators make on this project.

Mr. James Reeder, 4 Jeffrey Road, stated that he has been going to Maple Gate for five years. He learned to play golf there, and the coaches have helped him grow as a person. He stated that his mother and father also play golf there. He stated that playing golf has been a fun way for him to spend time with his family. He stated please save Maplegate.

Mr. Rich Popovic, 16 Stanwood Drive, stated that he agrees with both previous speakers. He stated that golf is a great sport. He stated that there are only so many golf courses which are places to spend time with family and friends. He stated that maybe there would be another place for the solar farm; it would be a shame to lose the golf course.

Mr. Michael Connor, Bellingham resident and Chair of the Bellingham Board of Selectman, stated that he has spoken before the Bellingham Planning Board regarding this proposed project. He stated that if the Dover Amendment is the overriding factor and this is destined to pass, please tell us so we will not waste our time coming to these meetings. He noted concerns of battery storage issues and decommissioning costs. He stated that there is no expert in the world who knows how we will recycle batteries and these panels 20 years from now. He discussed an invasive species on the solar project that abuts this. He stated that they are having trouble with that developer as the landscape plans were not adhered to and fencing issues were not complied with; we are now seeking enforcement. He stated the largest landowner abutter to the project is the U.S. government with the Charles River Watershed District. He discussed that a majority of the trust wants to sell



the property, but a minority does not want to. He noted that the developer will be cutting down hundreds, if not thousands, of trees. He suggested doing what Asland did and put solar on both Bellingham and Franklin high schools and keep the golf course. He stated that the sellers have tried to put two other projects there: an Amazon project and two- to three-hundred houses; both were stopped. He stated that Maple Gate is a money-making public asset used by thousands. He stated that the BETA review indicated that the Franklin Fire Department is reviewing. He stated that there is no way the Franklin Fire Department will respond to a fire on that property. Bellingham will be first call as they are the closest station. He stated that he urges the Planning Board to look at this and stated no one knows what the decommissioning costs will be. If the Planning Board is going to seek a decommissioning bond, look at another town which was a smaller project, as it was over \$8 million.

Mr. Peter Brown, attorney of Brown Legal in Boston, representing Maple Gate Realty Trust, owners of the property, stated that they are working in conjunction with the applicant throughout the process. He stated that he wanted to respond to comments made. He stated that there was an agreement signed four years ago for all members of our trust authorizing the sale of the property. He stated that we worked hard for many years to find the right project and conveyance that would be acceptable and welcomed by both Franklin and Bellingham. He stated that they spoke to the communities and listened and heard what they wanted and what they were concerned about. He stated that they are required to separately permit in Bellingham, and they are pending before them on the North project. He stated that they have not yet submitted for the South project in Bellingham but will be doing so. He stated that he is confident they will address, investigate, and resolve any legitimate concerns in Bellingham.

Mr. Mello asked to hear Town Attorney Mark Cerel's commentary on Chapter 40A implications regarding the Dover Amendment. Chair Rondeau asked Ms. Love to get that commentary.

Resident of 5 Winterberry Lane, Medway, stated that he urged the Planning Board to decline the application for a solar farm for several reasons: far more residents from Franklin and surrounding communities will derive benefit from the golf course than they would from a solar farm. The Planning Board should consider the widespread and growing trend in the U.S. to decline and prohibit solar farms. It has been reported that over 520 oppositions have happened in 2022. The primary reasons are the potential risks of hazardous waste from abandoned panels, how they are recycled, and the massive amount of land needed to make solar viable. Solar is a low density and requires massive amounts of land. We should be protecting our natural habitat. If solar is to be used, it belongs on the roofs of large buildings, not tearing down pristine landscape.

Mr. Brown stated that regarding the Dover Amendment, prior to filing they did a pre-hearing review with counsel present and this project will be covered by the Dover Amendment Chapter 40A. This is not a Special Permit or Variance, it is standard site plan approval. He stated that the Dover Amendment does apply to solar, and he reviewed the Dover Amendment application.

***Motion to Continue the public hearing for Maplegate Solar South, Site Plan Application, to September 25, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:00 PM            **PUBLIC HEARING** – *Continued*  
                         ***Maplegate North Solar***  
                         Site Plan Application  
                         *Documents presented to the Planning Board are on file.*

Mr. Greg DiBona of Bohler Engineering on behalf of the applicant stated that the last time they were before the Planning Board, there were some outstanding comments. He stated one of the biggest outstanding items was that they had not gotten their soil test done. They now have four test pits completed. The technical data was only recently provided to BETA. He stated that the initial results indicate supporting the initial design for stormwater.

Chair Rondeau stated that he read through BETA's report and additional information is needed. He requested decommissioning numbers as well.

Mr. DiBona stated that they received approval from the Conservation Commission. He asked if the tree bond and decommissioning bond are separate. Ms. Love stated that the past one was combined. Chair Rondeau stated that he would like to see two separate line items to be clear for everyone.

Mr. Maglio stated that all previous comments have been addressed.

Mr. James stated that additional information was recently received including the soil test information. There are a few items to take care of. Mr. DiBona stated that there are some administrative items to take care of; the plans submitted two weeks ago will not be changing.

Mr. Peter Brown, attorney of Brown Legal in Boston, stated that if the Planning Board is comfortable, they would like them to take a vote on the site plan approval subject to the two things that have been mentioned: 1. Obtaining a clean BETA letter, and 2. A satisfactory bond amount and approval by the Planning Board.

Chair Rondeau stated that he does not want to close this tonight. He stated that he wants to make sure the information is in front of all of us especially for the decommissioning and the BETA work; he wants to see decommissioning and tree bond numbers.

Ms. Wierling stated that it is her opinion that the applicant has done a good job and has limited items to clean up. She asked if the decommissioning and bond information can be conditioned. Mr. David said what if we all do not agree. Chair Rondeau stated that he wants all to be onboard with the numbers. Ms. Wierling stated that she trusts the applicant to come up with a number that works for the Town. Ms. Williams asked about the Town Attorney review. Mr. Power stated that he agrees with Chair Rondeau that there is no harm in waiting a few more weeks. Ms. Love stated that the applicant also needs to establish a PILOT agreement with the Town; those talks should be started as well. She noted the access to Parcel 2 needs attention. Chair Rondeau stated that he wants to make sure the Planning Board does their due diligence.

***Motion to Continue the public hearing for Maplegate North Solar, Site Plan Application, to September 18, 2023. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

### **Chair and Member Comments**

Ms. Love stated that she would like to go back to the 725 Union Street item with the hotel. She explained that it does not get denied with the Planning Board voting YES on the last question. She stated that therefore, it is technically not denied. She stated that the Planning Board could do a re-vote on that question or any of the questions or it remains as is. She stated that one NO vote does not deny a project. Chair Rondeau stated that the way we voted, I would like to bring this back to the table and do a re-vote.

***Motion to Bring back the public hearing for 725 Union Street, Special Permit & Site Plan Application. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

Chair Rondeau discussed that they will re-vote on the last question. Ms. Love stated that they have nine days to file the decision, so they can bring it back on the table. She stated that the last question is the determination.

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-NO; Wierling-YES; Power-NO; Williams-NO; Rondeau-NO. Vote: 1-4 (1-Yes; 4-No)**

The Special Permit does not pass.

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

***Meeting adjourned at 8:14 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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## PLANNING BOARD

### September 18, 2023 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 dialing into the meeting using the provided phone number or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams, Jay Mello, associate member. Members absent: William David, Vice Chair. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Gary James, BETA Group.

#### 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.

Chair Rondeau stated the meeting agendas are getting busy; he asked the Planning Board members if they would be open to adding another meeting on October 23, 2023.

***Motion to Add another meeting on October 23, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

#### **A. Endorsement: Prospect Hill Subdivision**

Ms. Love reviewed that the applicant submitted the mylars to be endorsed. The subdivision is partially accessed through Franklin, and all lots are located in Bellingham. Bellingham has approved and signed the mylars. The private road covenant has been signed by the Town Administrator.

***Motion to Endorse Prospect Hill Subdivision. Wierling. Second: Rondeau. Vote: 4-0 (4-Yes; 0-No).***

#### **B. Meeting Minutes: July 10 & July 24, 2023**

***Motion to Approve the Meeting Minutes for July 10, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

***Motion to Approve the Meeting Minutes for July 24, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

7:00 PM **PUBLIC HEARING** – Continued  
***0 Upper Union Street Solar Project***  
Site Plan Application  
*Documents presented to the Planning Board are on file.*  
***TO BE CONTINUED***

Ms. Love stated that the applicant requested a continuance to October 16, 2023.

***Motion to Continue the public hearing for 0 Upper Union Street Solar Project, Site Plan Application, to October 16, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

7:00 PM        **PUBLIC HEARING** – *Continued*  
***15 Liberty Way***  
Site Plan Application  
*Documents presented to the Planning Board are on file.*  
***TO BE CONTINUED***

Ms. Love stated that the applicant has gone through all their Conservation Commission issues; they are now looking at the engineering plans and the stormwater. She recommended this be continued to October 16, 2023.

***Motion to Continue the public hearing for 15 Liberty Way, Site Plan Application, to October 16, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

7:00 PM        **PUBLIC HEARING** – *Initial*  
***Upper Union Street***  
Scenic Road Permit  
*Documents presented to the Planning Board are on file.*

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

Ms. Love reviewed that §170-53 of the Town Code requires that any tree or stonewall removal within a Scenic Road must seek a permit through the Planning Board. The applicant is proposing to remove 30 ft. of stonewall and several small trees and shrubs in order to install an access road to the proposed solar farm. The DPW Director submitted a letter. She reviewed that the Planning Board will need to take a vote if they are in agreement of issuing a permit to remove the trees and stonewall.

Chair Rondeau confirmed 30 ft. are being removed. He asked if some of the stone could be relocated.

Mr. Richard Tabaczynski with Atlantic Design Engineers on behalf of the applicant addressed the Planning Board. He explained that the existing stonewall is not well manicured. He said they could take the stones/boulders and create a radius on each side like an entrance for the project. Chair Rondeau said that would be good if it was feasible.

Resident (via Zoom) asked where was the 30 ft. going to start and how far is the entrance from Ribero Drive. Chair Rondeau said it was a little way down the road. Mr. Tabaczynski said it was about 230 ft. Mr. Mello explained the location of the road, the entrance, and the stonewall.

***Motion to Close the public hearing for Upper Union Street, Scenic Road Permit. Wierling. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

***Motion to Approve Upper Union Street, Scenic Road Permit, with the letter from the Tree Warden DPW. Rondeau. Second: Wierling. Vote: 4-0 (4-Yes; 0-No).***

7:00 PM        **PUBLIC HEARING** – *Initial*  
***138 East Central Street***  
Site Plan Modification  
*Documents presented to the Planning Board are on file.*

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

Mr. Brad Chaffee, owner/applicant, addressed the Planning Board. He stated that they were at Design Review; he provided the Planning Board members with a packet of what the building was going to look like.

Mr. Rick Goodreau of United Consultants addressed the Planning Board. He reviewed the property on the locus map. He showed and explained the Site Plan. He reviewed the proposal which includes an addition and reconfiguration of the parking lot with regrading and striping to accommodate both building uses. He said significant pavement is proposed to be removed in the front of the building and replaced with landscaping. He reviewed that they have been before the Conservation Commission and are working through those comments. He said they scheduled a meeting with Town Engineer Michael Maglio and others to review stormwater. He said they are proposing to consolidate all the accesses into one access point.

Ms. Love noted that review letters will be provided from BETA, DPW, and Fire, and she provided a few recommendations. The applicant should provide all structures within 300 ft. of the site, show the main entrance and any other entrances to the building, provide an area(s) for snow storage, provide location, size and sketch of all proposed signs, and provide a complete landscaping plan, including existing vegetation and proposed plantings for the entire site.

Chair Rondeau noted there were two waivers submitted for light spillage and for HDPE pipe.

Mr. Maglio reviewed his comments. He said it is unclear if these two lots are to be combined into a single lot as part of this project. He noted that there appears to be an existing gravel access driveway between #118 and #122 East Central Street. It should be noted if and how this access will be closed off. He said the applicant should provide a calculation indicating the net increase or decrease in impervious coverage on the site. He said a calculation should also be provided showing the underground storage system is able to drain within 72 hours.

Mr. James reviewed BETA's letter to the Planning Board dated September 14, 2023. He noted a paved strip on the south side and said he is not sure if it is wide enough for vehicle access. He asked that if it is not, why would it remain. He noted the grades are up to 6 percent in some locations. He suggested that once it is over 5 percent, when the vehicle door is open, it will swing back shut. He noted the infiltration system is a good size. He noted that there is some minor light spillage.

Ms. Williams asked about how long the house is to remain and what is the purpose to maintain the paved connection area. She noted that only 20 parking spaces are required and asked could some parking spaces be eliminated and add some additional pervious area.

Ms. Wierling requested showing all the buildings on the plan. She noted that #122 is to remain a two-family and asked if the applicant owned #118 next door. Mr. Chaffee stated no. Ms. Wierling asked about parking spaces 21-25 regarding what will prevent headlights from shining into the residential area.

Chair Rondeau noted parking for the two-family house. He said he would like to see signs for the dedicated parking. He noted the grade drop off and asked if a retaining wall would be proposed. He asked about the dumpster location and if there is fencing around it. He asked about the loading docks at the rear of the building and confirmed they were at ground level. He said there should be screening for the loading docks. He confirmed there will be three tenants including the applicant. He confirmed there are two waivers requested. He confirmed the addition is one story. He confirmed the underground detention basin will be green space.

Ms. Kathy Martin, 33 Cross Street, said she was glad the applicant was doing this. She asked about the trees and noted the grade is very steep. She asked if the grade would affect her yard with rainwater. Mr. Goodreau explained the proposed grading for the site and the surface water.

Mr. Goodreau noted the location of the dumpster. Mr. Chaffee said #122 is going to remain; it was fully gutted, and once the site is restored, it will look a lot nicer. He said that regarding the connection, there is a lot of good vegetation, so we kept it the way it was. He said that regarding driving the car through it would probably not work. He said he could put some bollards in there for safety. He discussed parking and said they tried to get as much parking as they could.

Ms. Williams asked if they would support putting in an electric charging station. Mr. Chaffee said that insurance carriers do not want to carry that anymore because of the fires; it is very expensive. He explained the grade change and the locations and said he does not anticipate any headlights shining into any residential. Mr. Goodreau stated that they are relocating the existing curb cut. Chair Rondeau asked for the neighboring house to be put on the plans. He confirmed the applicant will be meeting with DPW and BETA regarding stormwater.

***Motion to Continue 138 East Central Street, Site Plan Modification, to October 23, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

7:00 PM            **PUBLIC HEARING** – *Continued*  
***100-200 Financial Way***  
Site Plan Modification Application  
*Documents presented to the Planning Board are on file.*

Mr. Doug Hartnett of Highpoint Engineering, representing the applicant Berkeley Partners, addressed the Planning Board. He provided an update from the last hearing one month ago. He stated that Highpoint has submitted a revised set of plans to BETA and the Planning Board from the peer review and comments. He stated they received BETA's latest letter on Friday. He stated their traffic consultant MDM is reviewing BETA's traffic letter. He stated they requested a meeting with all the consultants, the BETA team, and Town Engineer Michael Maglio to go over some remaining items; they are having a meeting tomorrow. He stated they met with Conservation Commission and addressed all BETA's comments except for stormwater which they are addressing.

Ms. Love noted her letter to the Planning Board dated September 11, 2023. She stated the applicant submitted the waiver for the HDPE pipe and a draft ANR plan. She noted the applicant should provide additional snow storage and the waiver for the change in parking spaces. She stated traffic will be discussed at the next meeting.

Mr. Maglio stated that the majority of his comments have been addressed. He said there are a few outstanding items related to stormwater which will be discussed at tomorrow's meeting. Mr. James agreed and said the stormwater has become complicated on this and will be discussed at tomorrow's meeting.

Chair Rondeau said the next meeting will pertain to traffic and the following meeting will pick up the balance of items. Mr. Hartnett said they can revise the plans based on information from tomorrow's meeting.

***Motion to Continue the public hearing for 100-200 Financial Way, Site Plan Modification Application, to September 25, 2023. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).***

7:00 PM            **PUBLIC HEARING** – *Continued*  
***Maplegate North Solar***  
Site Plan Application  
*Documents presented to the Planning Board are on file.*

Ms. Love stated that the applicant requested a continuance to September 25, 2023.

***Motion to Continue the public hearing for Maplegate North Solar, Site Plan Application, to September 25, 2023. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).***

7:00 PM            **PUBLIC HEARING** – *Initial*  
***3 Fisher Street***  
Site Plan Modification  
*Documents presented to the Planning Board are on file.*

***Motion to Waive the reading. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

Mr. Casey Killam and Mr. Rick Kaplan, owners, and Mr. Daniel Campbell, engineer of Level Design Group (via Zoom), addressed the Planning Board. Mr. Killam noted they have been working on this for about three years. Originally, the redevelopment was for retail office uses with mix of warehouse and manufacturing. Since that time, they have had a change in the real estate market, and now they are not going to do retail at this time. He said they will focus on bringing it up to today's standards aesthetically and keep the uses they have had throughout the buildings. He stated that they just received BETA's comments and will be reviewing those to get them answered.

Mr. Killam stated that the biggest change on the site plan is that instead of parking spaces they are going to keep the existing building. He stated that the area in the back will continue to be a field as they will not anticipate as much parking needed. Chair Rondeau stated that he was not in favor of stacked parking; he would prefer the open parking that was shown on the first drawing. He reviewed parking spaces as shown on the plan. He asked if the fire department has seen the plans and requested their comments. Ms. Love stated she would follow up. Chair Rondeau asked that the location of the dumpster, handicapped spaces, and snow storage be on the drawing.

Ms. Wierling stated that she understands that there is nothing they can do about market conditions, but she is disappointed they are not going to see any of the retail uses that were hoped for. She stated that there are quite a few comments here. Mr. Kaplan noted that for 3 Fisher Street the plan is to change all the windows because the future plan is for retail, office, or even restaurant. Mr. Killam noted that they have some future creative ideas that they are working on. Ms. Williams asked about the tenant taking over 3 Fisher Street building. She requested the location of the loading. Mr. Killam explained the location which has been there for about 100 years, and it accommodates a tractor trailer. Chair Rondeau asked for the turning radiuses so BETA can look at it. Ms. Williams said she would like to talk about hours of operation and delivery schedule considering the residents across the street. Mr. Killam stated that the tenant has not changed their shift hours. Ms. Wierling questioned what the tenant is producing at 3 Fisher Street. Mr. Killam said PCI is utilizing the stacked parking and they are expanding into 5 Fisher Street. Ms. Williams asked about how the noise would be controlled. Mr. Killam discussed the siding and windows are going to be replaced. Mr. Kaplan discussed the allowed use is light and medium. He stated that with the new materials, it will probably keep the noise inside better. Mr. Killam said they were before Design Review.

Ms. Ann Wallace, 256 West Central Street, direct abutter to the Fisher Street project. She asked for a copy of the new plan to see what is changed. She said she is glad they are redoing the windows. She said she is concerned about a buffer between her condo association and the project. She said her daughter planted arborvitaes, and it was her understanding that Mr. Kaplan was going to do something on his side. She said her concern is headlights and noise. Chair Rondeau gave Ms. Wallace a plan. He said that landscaping is an item to be addressed. Mr. Kaplan said that he went to Ms. Wallace's home and introduced himself. He said that on his side there is only a small amount of room and you cannot plant into the asphalt. Chair Rondeau said that they will look at the landscaping plan once the applicant designs it and they will see how much land is available.



Ms. Love commented that the applicant needs to provide outdoor lighting, open space areas, snow storage, and parking areas. She noted they need to provide location, size, and sketch of all proposed signs, and they need to provide a complete landscaping plan, including existing vegetation and proposed plantings for the entire site. She noted that the Planning Board may want a traffic study regarding what is coming in and out of the site.

Ms. Wierling said she would like to see some of the internal circulation. Chair Rondeau said they should take a clean plan and show the movement, turning, and parking. Mr. Nick Facendola of Level Design Group (via Zoom) said they can show a full traffic turning movement plan for the proposed changes.

Mr. Timothy Buckman, owner 54 Fisher Street (via Zoom), said it was good to hear the Planning Board talk about noise. He said they have noticed a huge increase in noise from trucks backing up. He said he wanted clarification that there should be none of that noise before 7 AM and after 9 PM. He asked for the working hours. Mr. Kaplan said the shifts were with the existing tenant which is PCI at 5 Fisher Street. Chair Rondeau asked for the operation of hours agreed to at the last site plan. He asked the applicant to designate the hours for each building on the plan. He asked for the loading docks to be highlighted on the plans for clarification.

***Motion to Continue the public hearing for 3 Fisher Street, Site Plan Modification, to October 23, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).***

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

***Meeting adjourned at 8:17 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary