

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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PLANNING BOARD

March 11, 2024 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, Vice Chair; Jennifer Williams, Clerk; Jay Mello (via Zoom); Christopher Stickney; Mark Mucciarone, associate member (via Zoom). Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner.

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. Decision: 10 Kenwood Circle

Ms. Love reviewed that the Planning Board closed the public hearing at the February 26, 2024, meeting. She reviewed the proposed Special Conditions: 1. There will be no parking on Kenwood Circle. The applicant will work with DPW to install signs 2. All complaints and calls will be monitored. If there are several complaints, the applicant agrees to provide a traffic study for the Town's consultant to review within 12 months of approval. 3. Applicant will comply with the traffic management plan (Site Plan) dated August 31, 2023.

Motion to Approve 10 Kenwood Circle with the following special conditions as noted: 1. There will be no parking on Kenwood Circle. The applicant will work with DPW to install signs 2. All complaints and calls will be monitored. If there are several complaints, the applicant agrees to provide a traffic study for the Town's consultant to review within 12 months of approval. 3. Applicant will comply with the traffic management plan (Site Plan) dated August 31, 2023. Wierling. Second: Williams.

Discussion: Mr. Edward Cannon, attorney on behalf of the applicant, commented on Special Condition #1. He said if it is possible to limit that to be no parking for OnTrac vehicles or any vehicles doing business with OnTrac. He said OnTrac does not want to be responsible for other businesses or the general public; otherwise, everything looks great. Ms. Wierling motioned to make a modification to Special Condition #1 that there will be no parking for OnTrac or OnTrac related vehicles on Kenwood Circle and the applicant will work with DPW to install the signs. No Second Made to the Amended Motion. Roll Call Vote: Rondeau-YES; Wierling-YES; Mello-YES; Stickney-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No).

B. Discussion: 40 Alpine Row

Ms. Love reviewed that the applicant is proposing a change in the façade at 40 Alpine Row. The changes are shown on the plan with the white facade. She included the previously approved façade along with the new proposed façade, which is in back of the plan and contains darker colors. She said the applicant has been in front of Design Review which has recommended to accept the proposed changes.

Ms. Williams said the height seems to have changed significantly. She noted changes regarding the elevations. She said that the old building, from what she can see, the roof went to 30 ft. above what they are calling 00 which she believes is street level; the new building proposed is much taller than that.

Mr. Marcel Alves, 8 Puffer Drive, Mendon, MA, applicant, addressed the Planning Board. He said he would defer the question to Robert Boynton who is the architect on the project.

Mr. Robert Boynton, 60 Phillips Street, Attleboro, MA, (via Zoom) said the proposed building is going to meet the zoning bylaw. He said it goes from the mean grade elevation to the mean roof elevation, so they will be within the zoning bylaw for that district.

Ms. Williams said this is different from what was approved in terms of height which is significantly higher than the residences across the street. She said she would have to look back at the bylaws that the mean roof height was supposed to be taken from street level or main entry level, not necessarily from the back of the building which looks like where it was taken from. She reviewed the height and said this is a taller building.

Ms. Wierling said she was not part of the Planning Board when this project was approved. She asked if it was by right or special permit. Ms. Love said it was just a site plan. Discussion commenced on the height when it was approved.

Mr. Boynton said he believes the previous building was a flat roof, and they have a mansard roof. Ms. Wierling reviewed the façade colors and asked what is the reasoning for the change in the roof line. Mr. Alves said they decided to change the roof lines because they felt that the previously approved plans were more like a downtown Boston building or seaport, and we are trying to accommodate within the architecture of the town which is why they changed the whole look of the building. Ms. Wierling asked how does that fit in with the rest of the area and how does it impact the residents. Mr. Alves said he would get back on that.

Ms. Williams discussed the measurement of the height. She said she wants to understand how this is being perceived from the neighborhood. She said she wants to make sure it is not overwhelming in the feel of the neighborhood such as shadows being cast for an increase in height. She said she would like to see a comparison. She confirmed she would like to see an overlay of the street elevation.

Mr. Mello said he appreciates the effort; it did look a little out of place for the neighborhood, so he appreciates the white over the darker color. He said he would like to see the elevations. Mr. Mucciarone said he concurs with both Ms. Williams and Mr. Mello. Chair Rondeau said he appreciates the change, and it looks a lot cleaner to the downtown. He said he would like the documentation for the elevations.

Ms. Williams said in the previous submission it came up for the concern for balconies looking across the street and looking into neighbors' houses. She would also like to see a comparison of the balconies. Chair Rondeau said the backside does not matter; it should be initiated from the Alpine Road side to show the proportion to the neighbors across the street.

Mr. Boynton confirmed there is only landscaping and no sidewalk there along the front of the building. Mr. Mello said that is correct. Ms. Williams asked if the site plan itself was the same as it looks like the sidewalk may have been cut back. Mr. Boynton said they did not change the footprint from the previous design.

Discussion commenced on when to continue the meeting. It was confirmed that as this is General Business, no motion is needed. It was agreed to plan to continue on March 25, 2024.

Meeting Minutes: January 8, 22, & 31, 2024

Motion to Approve the Meeting Minutes for January 8, 22, & 31, 2024. Rondeau. Second: Williams. Roll Call Vote: Rondeau-YES; Wierling-YES; Mello-YES; Stickney-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
100-110 East Central Street
Site Plan Application & Special Permit
Documents presented to the Planning Board are on file.

Ms. Love said the last time the applicant was before the Planning Board was February 5, 2024. She reviewed comments from that meeting which included the following: 1. Show on the plans compared height of new building to the existing buildings west of the site. Information was provided 2. Provide current house peak to new house peak. Information was provided 3. Provide latitude and longitude site views. She said she is not sure if that was included in the plans that were submitted. 4. Increase the size of the commercial unit. The size has been increased. 5. Provide height of retaining walls. Information was provided on sheet 10. Ms. Love noted the requested waivers: to allow the use of PVC and HPDE pipe for the roof drains and underground stormwater storage area; and to allow site lighting to extend past the property line. She said a letter has been received from the fire department that all the fire requirements have been met.

Mr. Brad Chaffee, owner/applicant, and Mr. Rick Goodreau of United Consultants (via Zoom) addressed the Planning Board. Mr. Chaffee said they received letters from various departments and BETA Group with no further comments. He said they closed with the Conservation Commission the other night. He noted the rendering and said they added a little patio to the front and increased the commercial size. He discussed the elevations of the building. He said they will be under the three-story threshold. He reviewed other requests from the Planning Board. He said he provided a traffic assessment letter. He said he met with a few abutters about drainage and their concerns.

Mr. Maglio said his letter was late, so it may not be in the meeting packet. He said he did not get a chance to look at the initial submission, but the most recent he looked through, and it looks like they addressed any comments he may have had in the initial set. He noted the applicant would need to apply for the typical DPW permits as normally done for work within the right of way through the DPW permits with the sidewalk and driveway entrances. Mr. Maglio said he had a conversation with Mr. Gary James of BETA on Friday about the project, and he thinks Mr. James said there were a couple of outstanding comments about notes that needed to be added to the plans such as clarification on details.

Chair Rondeau said he did not see the traffic report. Mr. Stickney said he appreciates the revisions. Ms. Williams clarified that she was looking for a transverse and longitudinal section which documents were provided. She noted the direction of the cast shadows.

Ms. Wierling asked about the traffic report provided. She requested BETA provide a general summary of what they think. Mr. Chaffee said he can speak about his traffic consultant's conclusion on trips. He said they approximate 92 vehicle trips on a typical weekday, 8 to 10 vehicle trips in the morning at peak hours which are considered 5:30 AM to 6:30 AM. He discussed the locations that were taken into account. He said they consider that minor. Ms. Wierling said for consistency of what they ask for all applicants, a review by BETA for traffic reports, that BETA should take a look at it. She said she appreciates the renderings and adding additional space for the commercial.

Chair Rondeau discussed the location of the patio and asked the applicant to look into having some bollards so vehicles will not drive through. Mr. Mello noted one retaining wall was eliminated. He noted a concern about the rest of the retaining walls. Chair Rondeau said that was on his list. Mr. Mucciarone noted the commercial space was expanded and asked about dedicated parking spaces for that space. Mr. Chaffee said in front of 100 East Central Street was the most logical for that because it is the closest walking distance. He said residents would park in the rear.

Mr. Mucciarone asked about the parking for two spots for those with disabilities. Mr. Chaffee said it would be for both the residents and commercial space. Mr. Mucciarone said that he had a concern with the shared two spaces. He asked about lighting. Mr. Chaffee explained the photometric plan that was done and that it would be enough lighting in the area for the night. Ms. Wierling asked for the photometric plan to be provided in the new plan set.

Ms. Williams discussed the location of the two ADA parking spots. She asked if there could be a spot more visibly obvious for the commercial parking. Mr. Chaffee said he will probably have to dedicate spots. He discussed the challenges of the site due to the slopes. He said to try to put it in the front, he is not sure if he can do it for the grade. Ms. Williams asked about having signage indicating commercial patrons in the back. Mr. Chaffee said he is happy for recommendations. He explained the accessible access to the commercial space. Ms. Wierling asked about an accessible pathway. Chair Rondeau asked if they could look into a second ADA space for the residential space.

Chair Rondeau asked about the retaining walls that were going to be made out of stone and noted they would be 8 ft. to 14 ft. for the walls. He said he would like to see some additional information. He said BETA will want to review the installation with a structural engineer as well. He said he would like to see products up front as part of the drawings and be itemized. He said for the elevation, there is substantial height change from the existing to the proposed. He noted the neighbors and the height difference; he does not want to dwarf them. He asked for snow storage on the drawing. Mr. Goodreau said it was on page 5. Chair Rondeau said this is looking for 20 units, but it is only allowed for 10 units. He said he wanted everyone to think about that for the next meeting.

Ms. Wierling said she thinks there have been many housing approvals in town in locations that maybe are not the greatest locations for it, and she does not think this one is out of character, and she appreciates how this one has a design element that is mimicking surrounding buildings. She said the design elements on this project are not lost on her.

Motion to Continue 100-110 East Central Street, Site Plan Application & Special Permit, to April 8, 2024. Rondeau. Second: Wierling. Roll Call Vote: Rondeau-YES; Wierling-YES; Mello-YES; Stickney-YES; Williams-YES. Vote: 5-0-0 (5-Yes; 0-No).

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

Ms. Love said the applicant requested a continuance to March 25, 2024.

Motion to Continue Maplegate Solar South, Site Plan Application, to March 25, 2024. Wierling. Second: Rondeau. Roll Call Vote: Rondeau-YES; Wierling-YES; Mello-YES; Stickney-YES; Williams-YES. Vote: 5-0-0 (5-Yes; 0-No).

Chair and Member Comments

Ms. Williams said there is a Master Plan open house for everyone in the community at Dean College, 60 School Street, on Saturday, March 23, from 11 AM to 3 PM to give input on the Town's Master Plan. She said that all subcommittees will be there for an engagement session. There will be activities and refreshments. Ms. Love said more information is available on social media.

Motion to Adjourn the Planning Board Meeting. Wierling. Second: Williams. Roll Call Vote: Rondeau-YES; Wierling-YES; Mello-YES; Stickney-YES; Williams-YES. Vote: 5-0-0 (5-Yes; 0-No).

Meeting adjourned at 7:49 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

Town of Franklin

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PLANNING BOARD

March 25, 2024 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; Jennifer Williams, Clerk; Jay Mello; Christopher Stickney; Mark Mucciarone, associate member (via Zoom). Members absent: Beth Wierling, Vice Chair. Also present: Michael Maglio, Town Engineer; Bryan Taberner, Director of Planning and Community Development (via Zoom); Matthew Crowley, BETA Group (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.

A. Sign Plans: 25 Forge Parkway

Mr. Taberner stated that the plans are ready to sign. Chair Rondeau stated that he and Ms. Williams can sign; he asked if Mr. Mello was eligible to sign or if they have to wait for Ms. Wierling to return. Discussion commenced on who was eligible to sign. Mr. Taberner said they are taking a quick vote to sign the plans. Mr. Maglio read aloud Ms. Love's letter to the Planning Board dated March 12, 2024, which stated that the Planning Board voted on February 26 to endorse the Site Plans for 25 Forge Parkway; however, there were not enough members in the Town Council chambers to endorse the plans. He said that as such, it was already voted on.

Motion to have two members, Ms. Williams and Chair Rondeau, sign the plans tonight, and have Ms. Wierling sign when she comes back, for 25 Forge Parkway. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

B. Final Form H: 725 Union Street

Mr. Taberner said that he would like to hear from BETA on any remaining issues.

Mr. Crowley said that they were last before the Planning Board two weeks ago. Since that time, the contractor has addressed a number of issues which he reviewed and noted as small ticket items. He said there were two other issues that came up. One was the accessible route onto the site. He said there was not an opposing ramp at the sidewalk adjacent to the hotel. He said they have since blacked that crosswalk out and removed the detectable warning on that and constructed a new accessible route which he reviewed. He said that he went out there today, and the railings are located on both sides as required. He said that issue is all set. He said as of the last meeting, they had 99 parking spaces striped where 100 were required. He said they added one additional space in the rear of the site and near the dumpster area; that was the best they could do. He said it is quite tight to make the turning radius. He reminded the Planning Board that during the initial approval process, there was some discussion about allowing for some valet parking. He asked if the Planning Board would like to keep that space or black it out and have 99 spaces.

Ms. Williams said what concerns her is the visual conflict of the concrete of where the dumpster pad is. She said people need to go over that pad to make the turn. She thinks it may be safer to eliminate that spot and just allow the 99 spaces.

Chair Rondeau said he would prefer not to have that access blocked. He said they should black out that space and go back to the 99 spaces as it conflicts with the turning radius.

Motion to Approve the Final Form H for 725 Union Street, with the exception of the one particular parking spot to be removed and blacked out so it is now 99. 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.

Mr. Taberner said that Ms. Love believed this item would be continued. He stated that the revised plans were submitted last Wednesday which did not allow for a lot of time. He stated that the applicant still owes the Conservation Commission some revised plans. He recommended continuing the hearing.

Motion to Continue 15 Liberty Way, Site Plan Application, to April 22, 2024. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

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

Mr. Mucciarone recused himself.

Mr. Taberner reviewed that the site is located at Uncas Avenue Extension in the Single-Family IV zoning district. The subdivision was approved on January 27, 2014, for several lots for duplex housing. The applicant is requesting to construct three-family units on 7 lots. A Special Permit is required under Section 185 Attachment 7.6.1.b-Three Units. The Planning Board recently approved 2 of 9 lots for triplex structures. The applicant is requesting the other 7 lots be approved for triplexes. He noted that engineering did not have much on this. He said he did not think this went through a BETA review.

Mr. Maglio reviewed that he does not have any comments on the submitted materials for the proposed change to triplexes for lots 3 through 9 for the above-noted development. While reviewing the recently approved changes for lots 1 and 2, it was taken into consideration that these further changes would soon also be submitted for review. The original drainage design provided enough capacity to accommodate these proposed changes.

Mr. Crowley said that BETA's review of this was fairly limited. He said he thinks the primary focus from the Planning Board was for BETA to look into the traffic aspects. He said that they looked at the increased traffic from all the lots, not just the ones initially approved the last time the applicant was before the Planning Board. He said the findings essentially indicated that we did not anticipate any traffic issues going from two-families to three-families.

Mr. Stickney reviewed that these lots were originally duplexes and asked why all 9 lots were not looked at to become triplexes at the same time.

Mr. Rob Truax of GLM Engineering Consultants said the reason why is that they were not sure of what would be the Planning Board's feeling on this, so they wanted to see where it was going to go. It was a test-the-waters type thing. He said now they wanted to get right back in here while it is fresh in everyone's mind. He said they figured they would just follow up with the rest of the lots.

Chair Rondeau said looking at the upsize on the number of units from 18 to 27, he would like to see at least three affordable units placed in here. He said all the surrounding buildings and complexes coming up are all giving affordable units as part of the project and this would be good as well as it is within .5 miles of the MBTA and we fall under that regulation from the state. He said he thinks it would be fair to get some affordable units in there.

Mr. Truax said he would have to speak with the applicant on this.

Ms. Donna Paradis, 9 Cook Street, said she was the closest abutter. She said she wanted to talk about traffic. She explained the location of her property and discussed the Uncas route to get to Rt. 140. She discussed the Lewis Street route and noted it was as dangerous. She said neither of the routes are optimal. She reviewed the apartments being built next to Big Y along with the other apartments in the area. She asked what does that do to her neighborhood as a cut-through. She said she wanted to discuss water. She noted the higher ground level. She said she has a picture of how much higher the new development is in comparison to the neighborhood; she handed out the picture to Planning Board members and Mr. Truax. She said she would like some assurance that the water at the side toward Hill Avenue will be handled with an official plan. She discussed that she and some of the neighbors get water in their basements which comes up from the ground. She said there was a local groundwater problem. She said that dealing with water coming down the hill will be an additional burden for the neighbors.

Mr. Truax said that before the site was developed, everything drained surface via right to these folks' yards. He said that since then, they have put in the retention basin. He said they have to recharge the groundwater. He said they took and diverted all the water that went in that direction and put it into the basin, and the overflow for the basin is a culvert. He said all that was done so they would not be discharging water into the neighbors' yards. He said the neighbors have had their groundwater issue for their basements for a long time. He said they use soil maps to study the area.

Mr. Maglio explained that test pits were done. He said when it was originally designed it was a larger plan than what was approved as far as the nine duplexes. He said it was large enough to contain the nine triplexes that were approved; the original drainage system that was designed had enough capacity for that. He said that groundwater levels are very high right now.

Mr. Rene Paradis, 9 Cook Street, asked if the pond was a retention pond or detention pond. He said this pond has no overflow unless it is going into the culvert on Crocker Avenue. He asked that after 10 years doesn't this whole project have to be reapproved for the drainage; it has been over 10 years since this road has gone in.

Mr. Truax said the basin acts kind of twofold. He said that for smaller storms, it is recharging the water back into the ground and for anything larger like a 100-year event, it has an overflow. He said there is a structure at the far end with a culvert leading out to Crocker Avenue.

Ms. Kathryn Tower, 54 King Street, said she had questions about the drainage. She said the last time she spoke at a previous Planning Board meeting she mentioned a large pond behind her house that is not supposed to be there, but it is there today. She said if the drainage system was working as it should be, it should not be there.

Mr. Truax said when they put the houses in, they will grade and that water will sheet flow to the street.

Ms. Tower asked about wording on the Special Permit application. She read aloud from the Special Permit application that said there are no homes within sight or accessible from the Uncas Avenue cul de sac. She said she can see her neighbor's dog across the cul de sac, and they can see her house. She said she is not clear on how she will not see the houses; all the properties back up to her backyard. She said she can see it all. She asked how the application can say that there is nothing accessible or in sight of this property.

Mr. Truax said he is not sure where it is written. He said it was part of the application and just something they wrote.

Ms. Tower said there is no fencing or no deterrent from anyone from walking into her backyard. She said people will have patios and lights which will come into her yard. She said she will be impeded on, and this impacts her living ability in her house. Mr. Truax said he thinks they have about an 80 ft. setback in the rear yard.

Ms. Tower said there should not be false information on the signed application document. She noted concern about the traffic. She said if they are all two-bedroom units, that is 54 bedrooms. She discussed that the traffic study indicated there would be 8 vehicles at peak AM hours and 12 vehicles at peak PM hours. She said the streets named in the traffic study are not the main roads used for that neighborhood. She proposed that they redo the traffic study as it is also two years old now. She said that data from 2022 is not relevant to 2024. She reviewed the number of bedrooms in the complex across the street from Honey Dew Donuts. She reviewed that the traffic study for that project indicates 34 cars during peak AM hours and 36 cars during peak PM hours. She said the project is comparable in size, so why is there such a traffic difference.

Mr. Crowley said he would have to ask their traffic engineers on the specifics on this. He said he can have the traffic engineer present to follow up on this. Chair Rondeau said the traffic study took into account all the projects in the area. He said a lot of these are supposed to be walkable and pedestrian friendly.

Ms. Tower said her request would be that the builder give the town money to upgrade the crosswalks on King Street. She said that the crosswalk at King Street and Summer Street is extremely dangerous.

Mr. Maglio said King Street at Summer Street is all town-owned roadway and not state. He discussed the pedestrian push buttons. Mr. Truax said the applicant built a new sidewalk from the project down to Route 140 along Uncas and a new water line for site improvements. He said when the project first went through, it was anticipated there would be a lot of walking from the project.

Chair Rondeau asked Mr. Truax to look into the traffic calculations and the three affordable units. Mr. Truax said he would do that.

Ms. Williams said that considering the change in time from the original approval to now, and changes in requirements related to stormwater, can we ask the applicant to recalculate to today standards. Mr. Truax said that has already been done.

Mr. Stickney said he has similar concerns about the street access and tightness of coming back through that neighborhood. He said if 18 units were okay in 2014, and the big jump to 27 seems substantial, he is less inclined to be okay with that.

Ms. Donna Colace, 52 King Street, asked about the end of their property and the end of her property. She said she has a chain link fence. She said when this was initially started, there was going to be a tree line left in place along the perimeter and 100 ft. clearance, so for 150 ft. there would be nothing that she would see. She said there was also going to be a place to walk around the whole place. She asked if there is something along the perimeter to protect the neighbors. Mr. Truax said he does not recall a buffer strip or anything around the perimeter other than keeping the houses back like they are on the plans. He showed the plans and noted the paper street. Ms. Colace pointed out her property on the plans. Mr. Truax said none of that was going to get cleared.

Motion to Continue Uncas Avenue, Special Permit & Site Plan Application, to April 8, 2024. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Mr. Mucciarone re-entered the meeting.

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

Mr. Edward Cannon, on behalf of the applicant Marcus Partners, and Mr. Josh Berman of Marcus Partners addressed the Planning Board.

Mr. Taberner reviewed that the site is located in the Business zoning district. The property consists of several lots. The applicant is proposing to modify the plans to increase the building height from 40 ft. to 43 ft. He reviewed that the applicant should indicate on the Special Permit findings on the specific Special Permit use section of the zoning bylaw. The maximum allowed height is 40 ft. or three stories. The applicant has filed a Special Permit to exceed the 40 ft. The applicant is required to file with the Design Review Commission. He recommended that the applicant get on the next Design Review meeting and then return to the Planning Board.

Ms. Williams said the dimensions she is seeing on the exterior elevations are 42.5 and 41.5. She said it is minor, but she is wondering what the inconsistencies are overall.

Mr. Berman said the top of the building height is 42.5; we just had 6 in. for construction tolerance.

Planning Board members discussed approving with the condition that Design Review approves.

Mr. Cannon said he respectfully requests a two-year extension on the underlying special permit so the applicant can complete construction which has not been done yet.

Mr. Stickney asked when the initial permit was granted. Mr. Berman said he thinks it expires in October 2024; so that makes it October 2022 granted. Chair Rondeau said we will make that part of the condition.

Motion to Close the public hearing for 555 King Street, Site Plan Modification Application. Rondeau. Second: Mello. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the site change/the building change based on Design Review approval and the drawings go into the record that were submitted tonight showing the 2.5 ft. change for the building, and an extension of the permit for two years for 555 King Street, Site Plan Modification Application. Rondeau. Second: Mello. Vote: 4-0 (4-Yes; 0-No).

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

Ms. Williams read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)
 - b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Mello-YES; Stickney-YES; Williams-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.
Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)
 - d) Neighborhood character and social structure will not be negatively impacted.
Mello-YES; Stickney-YES; Williams-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.
Mello-YES; Stickney-YES; Williams-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.
Mello-YES; Stickney-YES; Williams-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.
Mello-YES; Stickney-YES; Williams-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.
Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

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

Mr. Taberner said that the Maplegate South project has been in front of the Planning Board for a while. The fire department submitted their review today. He said the Conservation Commission is still reviewing the plans. Otherwise, he has no other comment at this time.

Mr. Greg DiBona of Bohler Engineering said that they are making good strides to get to where they want to be. He said he has not seen the fire department letter yet. He said they are getting really close. He said there were discussions between their main access drive and also the ability to still have emergency access on the other drives that feed the site. He said that to clarify, they are still using the Maplegate Country Club access point which is the north project as our primary and only access for things like maintenance,

construction, etc.; however, there are other access points that do service the golf course that would be available for emergency access. He said he believes one of the comments that will come out is making sure the access is clear and accessible, and they will continue to work with the fire chief. He said he hopes by the next meeting they will have the letter resolved. He said they issued a response letter from Brown Legal on March 18 which relates to the Planning Department's letter of March 6. He said he thinks they clarified some open items, copies of the decommissioning plan, acknowledgement of the bond that they would have to provide prior to construction. He said they are comfortable with all those conditions. He said they received the BETA review letter dated March 12. He said they got their response letter out on Friday. He said they are now waiting for BETA to issue a clean letter. He said they meet with Conservation Commission on April 4; they are waiting on a letter from the fire chief regarding the access drive and emergency access. He said they feel like they are getting very close.

Mr. Stickney asked about the road through the north parcel. Mr. DiBona said the existing road is going to stay the same. Chair Rondeau asked about utilizing parcel 2 and what transpired out of that.

Mr. Peter Brown, attorney of Brown Legal, on behalf of the property owner and applicant, addressed the Planning Board. He said for an update on parcel 2, what we did through the north is we said we can ensure that we will not expand the solar arrays on the parcel 2; we would keep it as open space. He said there was a discussion with Town Administrator Jamie Hellen as well as willingness from our side that if the Town of Franklin could utilize that property for recreational, a dog park, a walking space, we thought that would be a wonderful thing. He said when we did the north approval, we said we are limited in what we could go and do. He said we can restrain ourselves from developing and utilizing that property which we agreed to do and we are total amenable to a condition that would preclude that. He said the other part of trying to make that a reality is in the control of others and those two others are that we would need access through LMP Properties. He said we have an easement that would allow us to go and access that property. He said that when I say us, I am referring to the current golf course or later the applicant who is going to go and acquire the property. He said the law does not allow us to grant that easement to others. He said we would if we could, but we do not have that legal authority. He said as they went through Bellingham Planning Board for the north, they made it very clear to us that this is something that they do not want and are very concerned about it. He said they cannot make something happen that is outside of our control. He said the planner asked them to go and explain that in writing and we submitted that.

Chair Rondeau said that he wants to make sure Ms. Love and Ms. Wierling provide their feedback on these last few items. He said he will wait for BETA's responses.

Mr. Brown said the way they did the north is that they wanted to get through Conservation first and get their approval. Chair Rondeau said that is what they are going to do.

Mr. Stickney noted that they just wrapped up the conversation around parcel 2, and they are seemingly not able to move forward. He asked is there any language or discussion about a covenant restricting any development whatsoever moving forward that it maintains open space in perpetuity. Mr. Brown said they are amenable to that.

Ms. Williams said she thought the decommissioning estimate escalation is 2.5 percent and asked that didn't they talk about that increasing to 3 percent. Mr. Mello said it might have been the other project. Ms. Williams said that the 2.5 percent inflation is completely unrealistic in any industry. Chair Rondeau asked if the applicant was amenable to go to 4 percent escalation. Mr. DiBona said he is sure they will, but said he would confirm with them first.

Motion to Continue Maplegate Solar South, Site Plan Application, to April 8, 2024. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Chair and Member Comments

Ms. Williams said there was a Master Plan open house on Saturday. She said that wraps up the engagement in the initial findings and everything is supposed to wrap up by September.

Mr. Taberner said the REI was issued for Davis Thayer School.

Chair Rondeau said he was getting a lot of emails, comments, and questions about 40Bs. He said he wanted to let everyone know that 40Bs fall under the jurisdiction of the Zoning Board of Appeals.

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

Meeting adjourned at 8:11 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary