

DRAFT FOR REVIEW**Town of Franklin****Planning Board**

**November 16, 2015
Meeting Minutes**

2015 DEC - 8 AM 10:10
RECEIVED
TOWN OF FRANKLIN
TOWN CLERK

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau. Also present: Bryan Taberner, Director, Planning and Community Development; Jay Mello, Assistant Town Engineer; Matt Crowley, BETA Group, Inc.; Amy Love, Program Coordinator.

7:00 PM Commencement/General Business

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

A. Appointment of Officers

Motion to Elect Anthony Padula for Chairman by Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Elect Joseph Halligan for Vice Chairman by David. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Elect John Carroll for Clerk by Halligan. Second: Padula. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula welcomed Gregory Rondeau as a full-time member.

B. Approval of 81-P Signing Authority

Motion to Approve 81-P Signing Authority. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Acceptance of 2016 Planning Board Meeting Dates

Motion to Accept 2016 Planning Board Meeting Dates. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. Acceptance of Certificate of Partial Completion – Form H: 485 East Central Street, Franklin Retirement

Mr. Halligan recused himself.

Matt Crowley, BETA Group, Inc. stated BETA Group walked the site with the design engineer Patrick Doherty, along with the site contractor, Charles Ortner, and noted outstanding issues on the latest Form H Certificate of Partial Completion submitted by the project engineer. BETA is in agreement with the outstanding items listed. Since BETA's last inspection, it is their understanding that all lighting on site has been installed with the exception of the lighting on the access road, and

DRAFT FOR REVIEW

the lighting is functional with the exception of a small portion that needs to have the timer reset. Mr. Crowley stated he did not check the slope on the handicapped walkway.

Patrick Doherty, of Midpoint Engineering, stated the walkway was constructed at just below 5 percent; 5 percent is the maximum allowed by ADA before it becomes a ramp. As such, this is an accessible path. It is towards the higher percent, but it does meet ADA. The contractor did, however, install a handrail along the side as was discussed at the last meeting. The handrail is not there because it is a ramp; it is there as it separates the walkway from the steep slope of the wetlands. He reviewed a few other items from the last meeting. There was some confusion on the emergency egress going down to Rt. 140 and the pedestrian ramp. Mr. Doherty walked the site with Mr. Crowley and discussed the issue with Michael Maglio. They felt the best way to address it would be to install two wooden posts with a plastic breakaway chain between them at the top of the slope where the pedestrian path veers off the sidewalk. It would be easy for an emergency vehicle to drive through and break the chain, but it will reinforce the correct direction for the pedestrians. As well, a few standard route signs will be placed to reinforce the pedestrian route. He reviewed the regulations as to whether an additional ornamental fence at the top of the slope was needed. The only reference he could find was from the previously used BOCA building code which required a 4 ft. wall if a walkway or parking lot was within 2 ft. of a wall or steep slope.

Chairman Padula stated Mr. Maglio confirmed that in some places the slope was 3:1 and it should not be. But, as long as there was a fence at the top, he is ok with it. He stated it should have been terraced better.

Mr. Doherty stated in regard to the lights, everything is installed. There were some problems with connections and a tripped switch that the electrician is currently fixing. Sidewalk is lit and pedestrian lights are working.

Motion to Accept Certificate of Partial Completion – Form H: 485 East Central Street, Franklin Retirement. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

E. Acceptance of Partial Bond Release – Maple Sands Corporation (Sandy Knoll Estates)

Mr. Halligan reentered the meeting.

Jay Mello read a letter submitted on behalf of Michael Maglio, Town Engineer, recommending the following reduction: \$121,482.00 - Original amount of bonds held for Cottontail Land; \$87,282.00 - Proposed reduction; \$34,200.00 - Remaining bond to be held.

Motion to Accept Partial Bond Release - Reduction of \$87,282.00 – Maple Sands Corporation (Sandy Knoll Estates). Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

F. Endorsement: Site Plan – 210 Grove Street

Chairman Padula stated no information was provided in the Planning Board members' document packets for this endorsement.

Amy Love stated plans had not been received.

Bryan Taberner stated as plans were not available and applicant was not present, there was nothing that could be done at this meeting on this item.

DRAFT FOR REVIEW**G. Acceptance of Meeting Minutes: October 19, 2015 and November 2, 2015**

Motion to Accept the October 19, 2015 meeting minutes. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Accept the November 2, 2015 meeting minutes. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** - *Initial*
 Acorn Hill Estates
 Preliminary Subdivision

Documents presented to the Planning Board:

1. *Letter dated November 10, 2015 from Michael Maglio, Town Engineer, to Chairman Padula and Members of the Planning Board*
2. *Memorandum dated October 27, 2015 from George Russell, Conservation Agent, to Franklin Planning Board*
3. *Email dated October 22, 2015 from Michael Maglio, Town Engineer, to Bryan Taberner, Department of Planning and Community Development*
4. *Memorandum dated November 10, 2015 from Franklin Board of Health to Franklin Planning Board*
5. *Preliminary Open Space Plan Submittal, 24 Acorn Place, Franklin, MA, by Thomas A. Ryder, PE & Associates, October 2015*
6. *Application for Approval of a Preliminary Plan-Form B, Received by Planning October 20, 2015*
7. *Certificate of Ownership Received by Planning October 20, 2015*
8. *Town of Franklin Board of Assessors Abutters List Request Form Received by Planning October 20, 2015*
9. *Town of Franklin Board of Assessors Abutters List Request Form Received by Board of Assessors September 2, 2015*
10. *Abutters List Report, Town of Franklin, September 2, 2015*
11. *Franklin Planning Board Public Hearing Notice Received by Town Clerk October 22, 2015*

Motion to Waive the Reading. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Thomas Haynes, Applicant, and Thomas Ryder, Engineer, addressed the Planning Board. Mr. Ryder stated applicant is proposing on subdividing property off of Acorn Place in accordance with Chapter 185 Section 43 of the Town of Franklin's Open Space Development Bylaws. The zoning bylaws state this is a two-step process with first step a concept/preliminary plan and second step an application for a special permit. He showed and discussed the preliminary plan and provided an overview of the submitted report. He stated the open space plan is a superior plan versus the conventional plan. He reviewed existing conditions, Open Space Plan C2 and C4, and Conventional Subdivision Plan C3. This will be a compliant, waiver free 5-lot subdivision. The existing property is situated in the Charles River Water Shed Basin comprising approximately 5.66 acres of wooded upland. The land is located within the Rural Residential I Zoning District and Franklin Water Resource District. Test pits have been conducted. Ground water is at depth greater than 10 feet. The Open Space Plan C2 and C4 reflect four single-family residential lots ranging in size from approximately 41,000 sq. ft. to 45,250 sq. ft. as well as one open space lot of approximately 75,950 sq. ft. consisting of wooded upland. The preliminary Conventional Plan shows five single-family residential lots. This plan will required significant tree removal and regrading of property. This is not the plan applicant is seeking for endorsement. Mr. Ryder requested the Open Space Subdivision approval and to proceed with a special permit on the grounds that the open space

DRAFT FOR REVIEW

plan is in harmony with the general purposes and intent of the Zoning Bylaw and criteria set forth in section 185-43C.

Therese Crowley, 30 Acorn Place, stated her home has had a dry basement for 20 years and a well is on her property. She is concerned about drainage as the applicant's property goes up at a slant. She wanted to know where the access road would be according to her property; Mr. Ryder pointed it out on the plan.

Chairman Padula stated that no development can increase the water flow out of their site to another property. Development has to contain all their water and drainage on site; drainage must be made the same or better.

Jay Mello read a letter submitted on behalf of Michael Maglio, Town Engineer, indicating items to be addressed including: the subject property is located within the Water Resource District; there is not Town sewer available in their area so it is expected that each lot will have its own septic system; a full drainage analysis will be required; and it appears that the project may disturb more than one acre which will require a Notice of Intent for construction activities be filed with the EPA.

Chairman Padula referenced a letter from George Russell, Conservation Agent, stating Mr. Russell reviewed the plans and conducted a site inspection and there does not appear to be any conservation issues or wetlands jurisdictional areas on the site. He also read a letter from the Board of Health who voted approval subject to municipal water connection, Title V septic systems, and proper dumpster locations.

Mr. Taberner commented that for a preliminary subdivision a decision must be reached within 45 days of the submittal of the plan which was dated October 20, 2015. If a decision is not made tonight, an extension will be needed.

Ellyn Dirienzo, 37 Acorn Place, questioned the cost of the houses to be built because she would like to preserve the equity that she has in her home. Also, as she has woods in her backyard she would like to know if all woods will be cut down. She asked when the process will start and how long it will take.

Mr. Haynes stated the sale of the homes to be built will be around \$600,000 and up with approximately 2,500 to 3,000 sq. ft. The open space plan is intended to keep some of the wooded area in the back.

Mr. Ryder stated there is a natural ridge which will not be taken down.

Matthew Jones, 14 Russell Street, stated his property abuts the proposed development. He would like to know the plan to access the open space and if there would be a path or parking lot.

Mr. Ryder stated the access is a 20 ft. right-of-way and the design has not been developed. The intention is not to bring vehicles to it.

Chairman Padula stated if this were to be approved as an open space development with a 20 ft. right-of-way it could be a foot path or bicycle path and people would park on the street to access it.

Jonathan Weiss, 83 Stewart Street, stated much of the cliff/slope is in his backyard and asked if the other side of the slope was planned to be contained or cut.

Mr. Ryder stated it is proposed at this time to remain untouched.

Chairman Padula stated at present applicant has two lots that have street frontage. Applicant is trying to maximize what he can build. Chairman Padula stated he was speaking for himself only, and that he

DRAFT FOR REVIEW

would never approve this open space subdivision with the long skinny lots needing septic systems. There are four lots whether or not applicant has open space plan. He stated he would be in favor of the conventional subdivision plan or with just the two lots that do not even need Planning Board approval. He reiterated the Conservation Commission stated proposed development is not near wetlands.

Mr. Haynes stated they are in the Water Resource Protection District and according to Town of Franklin bylaws special consideration should be given to those areas. One consideration is doing an open space plan rather than the conventional subdivision in which there will be disturbance to the majority of the existing parcel. He stated during a technical review meeting people from Conservation Commission pointed out the aquifer serving the Town of Franklin is part of this area and they recommended an open space plan rather than conventional plan.

Chairman Padula stated he did not get any recommendations from the Conservation Commission.

Mr. Ryder stated if they were to construct a road with drainage it would be disturbing to the Water Resource District.

Chairman Padula reiterated the applicant could build just two lots; they are only doing this to build more lots.

Mr. Haynes stated he is trying to reduce the disturbance in the Water Resource District according to bylaws and preserve the land. He said there were ten members of various boards at the meeting and they were unanimous in supporting this plan. He noted he needs only four votes to go forward. He believes this is a superior plan. He stated the Stewart Street area was developed in mid 1990s and Stewart Street is part of an open space plan which is how all those lots were created. He stated his plan is just an addition of what was already approved and currently exists. He said this plan preserves the forest in everyone's backyard. With this plan there will be no need for an additional road.

Chairman Padula reiterated that he is not in favor of this plan. He is in favor of the conventional subdivision. He stated the laws have changed and no longer have long skinny lots.

Mr. Taberner stated applicant came to a technical review meeting and presented the concept of an open space subdivision, very similar to the submitted plan. There were no big flags at that time. Formal votes are not taken at technical review meetings--department heads and staff are there to provide assistance to applicants. More trees will remain with the open space plan which is good for preservation of resources. He stated that probably this space will not be used for recreational purposes. It would be great if people in neighborhood benefitted from more trees. There are no wetlands in the area so Conservation Commission has no say. He stated they do like to see undeveloped land in Water Resource District.

Mr. Mello stated there are greater drainage issues in a Water Resource District.

Mr. Halligan asked about the size and structure of the houses to be built and how far back the houses will be from the street. He stated for safety reasons it may be better to back out into neighborhood and then progress to the street. He would like to wait until the next meeting for his decision in order to review project and determine decisions of the tech review group. He did not know there were so many departments that were favorable to this plan. He asked who will maintain the open space, and if the Town will accept the land. If the Town will never accept it, space will become a dead piece of land. This is of great consideration. Quality-wise he is tending toward a conventional subdivision. He will do more research and may change mind.

Mr. Ryder stated the houses are planned to be three to four bedrooms with two car garage set back about 50 to 60 ft.; setback must be at least 40 ft. by law.

DRAFT FOR REVIEW

Chairman Padula stated with the open space plan it becomes open to anyone that wants to access it which can become a problem with people going behind other people's backyards.

Mr. Ryder stated that when documents are prepared it will be determined who will maintain the open space. It does not have to be the Town. It could be another entity or conservation. A maintenance agreement would be in place.

Mr. Haynes stated an extension until December 7, 2015 seemed reasonable.

Motion to Continue Public Hearing for Acorn Hill Estates – Preliminary Subdivision to December 7, 2015 at 7:05 PM. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** - *Continued*
 5 Kenwood Circle
 Site Plan Modification

Documents presented to the Planning Board:

1. Letter dated November 10, 2015 from Peter Bemis, Engineering Design Consultants, Inc., to Planning Board

Chairman Padula stated a request for continuance was received.

Motion to Continue Public Hearing for 5 Kenwood Circle – Site Plan Modification to December 21, 2015 at 7:05 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** - *Initial*
 South Hill Estates
 Subdivision Modification

Documents presented to the Planning Board:

1. Letter dated October 8, 2015 from Michael Maglio, Town Engineer, to Chairman Padula and Members of the Planning Board
2. Letter dated November 4, 2015 from Michael Maglio, Town Engineer, to Chairman Padula and Members of the Planning Board
3. Letter dated November 10, 2015 from Susan Fisher to Department of Planning and Community Development
4. Memorandum dated October 13, 2015 from George Russell, Conservation Agent, to Franklin Planning Board
5. Memorandum dated October 26, 2015 from G. B. McCarraher, Fire Chief, to DCPD
6. Memorandum dated October 13, 2015 from Franklin Board of Health to Franklin Planning Board
7. Franklin Planning Board Public Hearing Notice Received by Town Clerk October 22, 2015
8. Subdivision of Land-Form C-Application for Approval of Modification Plan Received by Planning October 5, 2015
9. Certificate of Ownership Received by Planning October 5, 2015
10. Letter dated October 1, 2015 from Donald Nielsen, Guerriere & Halnon, Inc., to Franklin Planning Board (includes Abutters List Request Form and Abutters List)

Chairman Padula stated a request for continuance to December 21, 2015 was received.

DRAFT FOR REVIEW

Motion to Continue Public Hearing for South Hill Estates –Subdivision Modification to December 21, 2015. Halligan. Second: Carroll.

Discussion of continuance date: Scott Galvin, 10 Garnet Drive, stated many residents attended the meeting tonight and the builder is not here. He asked if the date of the rescheduled hearing can be modified to make it more accommodating for people who want to attend the public hearing but may be travelling as December 21st is just days before the holiday. He requested the window for the continuance be reduced to the next meeting or extended until after the holidays.

Chairman Padula stated he did not want the subdivision modification approved because the Planning Board defaulted.

Mr. Taberner stated this is a modification to a subdivision so not dealing with same time frame requirements. Applicant has Conservation Commission meeting shortly before December 21; the Conservation Commission must make decision before the Planning Board decides whether to approve.

After discussion, Chairman Padula recommended the public hearing be continued to January 4, 2016.

Motion to Continue Public Hearing for South Hill Estates –Subdivision Modification to January 4, 2016. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:30 PM **PUBLIC HEARING** - Continued
 300 & 340 East Central Street
 Special Permits (3) & Site Plan

Documents presented to the Planning Board:

1. Letter dated November 12, 2015 from Richard R. Cornetta, Attorney at Law, to Chairman Padula, Franklin Planning Board

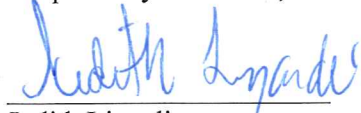
Special Permits: (1) to construct a shopping center with a total footprint of 40,000 square feet or greater, (2) to construct a filling station in the Commercial II Zoning District, (3) to construct a motor vehicle service/repair station in the Commercial II Zoning District.

(Note: Although Chairman Padula had activated Alternate Greg Rondeau at the September 14, 2015 Planning Board Meeting, as of the November 3, 2015 Town Elections, Mr. Rondeau became a full member of the Planning Board.)

Motion to Continue the Public Hearing for 300 & 340 East Central Street to December 7, 2015. Carroll. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). Mr. Halligan abstained as he is associated with the development.

Motion made to adjourn. Carroll. Second: Halligan. Vote: 5-0-0. Meeting adjourned at 8:06 PM.

Respectfully submitted,



Judith Lizardi
 Recording Secretary