

Town of Franklin



Planning Board

TOWN OF FRANKLIN
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**December 7, 2015
Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau. Also present: Bryan Taberner, Director, Planning and Community Development; Michael Maglio, Town Engineer; 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. Endorsement: Site Plan – 210 Grove Street

Bryan Taberner stated the plan had been submitted with the required changes as proposed by the Planning Board's prior decision; recommended endorsement.

Motion to Endorse Site Plan – 210 Grove Street. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: Site Plan – 150 Emmons Street

Michael Maglio stated he had no comments.

Mr. Taberner stated plans had been updated according to Planning Board's decision.

Motion to Endorse Site Plan – 150 Emmons Street. Carroll. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). Chairman Padula abstained.

C. Approval of 81-P Signing Authority – Majority Board Signatures

Mr. Taberner stated this was voted on at the last meeting. Signatures were just obtained, so all set with this.

D. Certificate of Completion – Form H: 599 Washington Street – Guardian Self Storage

Mr. Maglio stated BETA Group, Inc. had done all the inspections and from the last report they did not see any outstanding items on the site. Everything has been completed.

Motion to Accept Certificate of Completion – Form H: 599 Washington Street – Guardian Self Storage. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

E. Acceptance of Meeting Minutes: November 16, 2015

Motion to Accept the November 16, 2015 meeting minutes. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

DRAFT FOR REVIEW**F. Associate Member: Review and Discuss**

Mr. Taberner stated there are two applicants for the open Associate Planning Board Member. Tomorrow night at the 5:30 PM Town Council meeting there will be a joint public hearing of both Planning Board and Town Council. At that time there will be a vote to appoint one of the two applicants. Applicants have submitted individual background information which Planning Board members have. Tonight is not a public hearing so there is no open discussion; this is just for informational purposes. It will be discussed at the public hearing at the Town Council meeting.

7:05 PM **PUBLIC HEARING** – *Continued*
 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*

Thomas Haynes, Applicant, and Thomas Ryder, Engineer, addressed the Planning Board. Mr. Ryder stated at the last Planning Board meeting they proposed subdividing a piece of property off of Acorn Place in accordance with Chapter 185 Section 43 of the Town of Franklin's Open Space Development Bylaws. He stated under the bylaw this is a two-step process. The first step is the concept/preliminary plan which they have shown, and the second step is a special permit for the definitive plan requirements. At this time they are at the concept/preliminary plan step. He reiterated the information discussed at the last Planning Board meeting and stated applicant feels the Open Space Plan is superior to the Conventional Plan. They are here to request bringing forward the Open Space Plan to the definitive stage. He showed and discussed both the Open Space and Conventional Plan layouts with the surrounding lots in the area. The Open Space Plan allows for much more open space with lower development impact, and it meets all zoning requirements.

Mr. Haynes stated he analyzed five factors for the two plans and the results were overwhelming in favor of the Open Space Plan; it is superior in every way. The most important factor in selecting the Open Space Plan is there would be no increase in impervious surface; the Conventional Plan would require construction of a 600 ft. length by 26 ft. wide roadway creating 15,600 sq. ft. of impervious surface. The Open Space Plan limits the impervious surface in the Water Resource District. The Conventional Plan would also require construction of drainage lot to collect and filter runoff from the new impervious surface of the roadway. In addition, environmental impacts were considered and the Open Space Plan

DRAFT FOR REVIEW

allows for more open space. The rear portion would likely remain wooded forest as there is no need to disturb this area which is a natural habitat for birds and animals. The current residents on Russell Street enjoy wooded backyards. The Conventional Plan would require removing most of the trees with extensive re-grading involved creating negative impacts to the environment. As well, maintenance and costs were considered. The Open Space Plan uses existing infrastructure to access lots and minimizes Town costs. Current owners have spent \$0 maintaining the parcel of land in its current open space form. The Conventional Plan would utilize a new road with new surfaces for Town to sand, salt, and maintain at the Town's expense. The Town already maintains Acorn Place so there would be no additional costs. Zoning was also considered and the Open Space Plan meets all guidelines of bylaw. Also looked at surrounding residences/subdivisions that were constructed in 1990s—all of which are non-conforming lots for Rural Residential I Zoning District. The proposed lots are not detrimental to the area. Taking all of the above reasons into consideration, Mr. Haynes stated he believed the Open Space Plan would be preferred by the Town of Franklin, and asked Planning Board to vote in favor of it so he can proceed with a definitive plan.

Chairman Padula stated he is still in favor of the Conventional Plan as he finds the open space minimal for the Town to take over, and the Town does not really want minimal open space right now, especially parcels that are landlocked as this is, except for the 20 ft. easement that is being shown on the side of the property. The lots that surround it are smaller because they were developed before the zoning change.

Mr. Haynes stated the 75,000 sq. ft. they are proposing for open space has limited uses, but the zoning bylaw only requires five acres. Giving 20 percent of that provides about 1.15 acres as minimum to qualify for open space. But, this gives the ability to preserve the land in its natural state as it is a water resource protection district. This is the best thing to do for the Town. He stated he wants to put the four houses on the existing street so it does not cost the Town more money and preserves the forest containing many older trees. Abutters enjoy the view of the forest as it is currently. He questioned why anyone would want the trees cut down and have residents view the back of someone else's yard. He stated he has talked to many people in Town and no one said they preferred the Conventional subdivision.

Chairman Padula stated this is a subdivision and applicant is trying to squeeze four lots onto pork-chopped lots on an existing street. The Open Space Plan is a savings for the applicant because they do not have to put in infrastructure. He stated he would rather see a neighborhood with sidewalks that is private with four homes in it. There are houses surrounding the entire area and he questioned why applicant continues to talk about the Water Resource District as applicant is going to put in four houses anyway—whether on street or in subdivision. Chairman Padula stated Planning Board members have email that stated people are in favor of the subdivision.

Mr. Ryder stated it is not an easement and would like to see a 20 ft. right-of way. He stated a sidewalk could be put in. He said although the open space area is not only for use by people in the area, most likely that is who will use it. In response to a member's questions, Mr. Ryder stated they would have to cut and re-grade much of the parcel if they put in a Conventional subdivision due to changes in elevation.

Chairman Padula stated he is concerned with people parking on the street which is already narrow and walking through people's backyards to get to the open space. There is only one means of egress, otherwise landlocked.

Mark Hummel, 68 Stewart Street, stated he has lived there for 11 years and walks all around area. There is a short section without sidewalks that could easily be tied into where the new subdivision will start. There are other places along Stewart Street with an easement where people can get to the Town land. People do occasionally park there, but it is never a problem; he does not see it as an issue. He stated the Open Space Plan is better as losing all the trees will be horrible. He likes the area as it is now and does not want it cut down.

DRAFT FOR REVIEW

In response to member's question, Mr. Ryder said the driveways will be pitched and raingarden style detention areas or chamber system for roof drainage will be used. Plan shows location for retention facility and trees to be maintained. The intentions are for a low-impact development and to minimize tree removal.

Mr. Haynes stated he anticipated part of the front of the left-hand side of the property would be cut down to reduce the grade. The area is sand and gravel based on test holes done years ago, so area will drain nicely.

Mr. Halligan stated he liked open space design, but is having a hard decision on the basis of how does the Town of Franklin, the whole community, benefit from this Open Space Plan. If the back land was tied to conservation land or property the Town owned, then something could be formed from that, but how does the community, aside from the few existing neighbors, benefit from this open space. The traffic flow on the street is very minimal, so basically it will be a dead, useless piece of land that does not benefit the residents of Franklin. As well, afraid people could possibly put their debris and leaves into the woods and it is a water resource area. He asked Mr. Taberner what is the Town's general rule/guideline as far as accepting open space.

Mr. Taberner stated that each individual subdivision comes before Planning Board on its own merits. If it has connections with other Town-owned property, it has more benefits. Is there is a benefit to natural habitats, water resource areas, or any of the issues. Does this subdivision meet the intent of the regulations? If so, the Planning Board should consider that and act accordingly.

Mr. Haynes reiterated the main reasons why the Open Space Plan is the superior plan. He stated the homes in either plan would bring in about the same tax revenue for the Town, and noted the cost to maintain the new road in the Conventional Plan, whereas there is no cost in the Open Space Plan.

Mr. Ryder stated when the area is graded for the Conventional Plan most of the trees will be removed. Septic, water and drainage will be needed. This is a water resource area that Town wants to protect.

In response to a member's question, Mr. Haynes stated the bylaw only requires 20 percent, about 1.15 acres based on the parcel. The Open Space Plan gives almost 2 acres, about 30 percent. There is also a provision in the bylaw--if the Planning Board thinks it is favorable, they could put in a no build, no disturb 40 ft. at the rear of the lot that would remain wooded as an additional buffer. This is about preserving the forest that is there. The reason the lots go so deep, 300-400 ft., is due to the Water Resource Protection District as the Board of Health requires it for septic systems.

Motion to Close the Public Hearing for Acorn Hill Estates – Preliminary Subdivision. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Deny the Open Space Plan for Acorn Hill Estates – Preliminary Subdivision. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Haynes stated that when the Planning Board denies an Open Space Plan like this, the reasons need to be put in writing. He stated he did not hear any reasons why the Planning Board voted it down.

Chairman Padula stated putting the reason in writing is for a special permit. The law says if we deny a special permit we do not have to. If we approve a special permit, we do have to. Applicant came for a decision on a preliminary subdivision as to whether or not the Planning Board wanted an open space or conventional plan, and application was for an open space plan. Only in the preliminary stages as it was the concept plan that was proposed. If the Planning Board had said they were in favor of the conceptual

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open space plan and applicant came before Planning Board with a definitive plan, there would be a special permit attached to that. If we denied that, we have to show why we voted for that. Planning Board has A through G reasons that it would benefit the Town. If the Planning Board did not agree on one of those reasons, it would not go through. And, that is on the definitive plan with a special permit attached.

Mr. Taberner looked up information and read out loud Concept Approval, Section F2.

7:15 PM **PUBLIC HEARING** - *Continued*
300 & 340 East Central Street
Special Permits (3) & Site Plan

Documents presented to the Planning Board:

- 1. Letter dated December 2, 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.

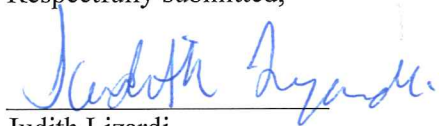
(Note: Although Chairman Padula had activated Alternate Greg Rondeau at the September 14, 2015 Planning Board Meeting, as of the November 3, 2015 Town Elections, Mr. Rondeau became a full member of the Planning Board.)

Chairman Padula stated a continuance to the next Planning Board Meeting had been requested.

Motion to Continue the Public Hearing for 300 & 340 East Central Street to December 21, 2015 at 7:10 PM. 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: David. Vote: 5-0-0. Meeting adjourned at 7:55 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary