

DRAFT FOR REVIEW**Town of Franklin****Planning Board****January 25, 2016
Meeting Minutes**

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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, Alternate Rick Power. Also present: Bryan Taberner, Director, Planning and Community Development; Michael Maglio, 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. Limited Site Plan Modification and Form-H: 529 West Central Street – Midas

Chairman Padula recused himself.

Donald Nielsen, Consulting Engineer of Guerriere & Halnon, Inc., representing the applicant Jeff Stearns, addressed the Planning Board. He stated in regard to the Form-H there was some discussion at the last meeting about the concrete retaining walls and lack of head walls, and Conservation Commission's concern regarding the relocation of the utility line that services the site through the adjacent lot. With the Planning Board's recommendation they prepared and provided a Limited Site Plan Modification and Interim As-Built. He stated Michael Maglio requested flared end sections with dry riprap, no concrete, be used around the ends of pipe outfalls. They filed for an amendment for the order of conditions and have scheduled a meeting with Conservation Commission on January 28th. Mr. Nielson asked if the Planning Board has any changes, that he would like to forward that information to Conservation Commission so all are working with same issues and documents. He anticipates Conservation will issue amendment to order.

Mr. Halligan confirmed with Mr. Taberner that no vote is taken until all information received.

Bryan Taberner said there are two issues at this time: Form P and Form H. Form H being for the approved site plan, but as applicant modified it they are coming forward with a modified site plan.

Mr. Nielsen said he is not looking for anything regarding the Form H at this meeting as the site work is not complete. The electrical work has not been totally installed and there are a few outstanding minor safety issues.

Mr. Taberner recommended Planning Board not vote tonight, but suggested if Planning Board has any concerns with the site plan presented tonight the items should be discussed and issues worked out. Then applicant can go to Conservation Commission and then return to Planning Board.

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Mr. Halligan confirmed the electrical service comes from another lot. He questioned whether Planning Board is approving a site plan modification for the complete site because there were changes done on one lot that were not on the original plan.

Mr. Taberner stated this situation is not straight forward. The electrical is on the undeveloped lot. Any development proposed for the third lot will have to have a site plan. He said if it was nice and clean they would have four separate lots including the roadway and each would have their own site plan.

Mr. Nielsen stated Planning Board is basically going to approve the Midas portion.

Mr. Taberner said the Planning Board has in front of them the Midas lot, but also have the outstanding electrical conduit and box on another lot.

Mr. Halligan said when someone comes in for the other lot with the electrical conduit and box on it, it will be updated then.

Mr. Nielsen stated on the original plan approved around 2009/2010 they had the electrical coming through what is now the Wendy's lot. The electrical connections were always set up to come from the far side of Wendy's across the site through the roadway and into Midas. When the project moved forward, the applicant could not get any commitment from National Grid to define what could and could not go in there. Therefore, they were forced to move it; used to be on lower side of retaining lot and now moved to upper side. Utility was always planned, but now 15 ft. horizontally changed from where originally approved. This is a limited modification of Midas including the electrical coming into the site and the other miscellaneous items of retaining wall and head wall.

Michael Maglio stated he has no concerns with the changes except preferred to see flared end sections with dry riprap (no concrete) be used around the ends of pipe outfalls.

Matt Crowley stated BETA was not tasked with review of the site plan modification.

Mr. Taberner had no additional comments.

Mr. Nielsen confirmed with Mr. Halligan that Mr. Maglio's suggestions regarding the flared end sections should be done.

Mr. Halligan stated Planning Board will wait for Mr. Nielsen to wrap up with Conservation Commission and then applicant will come back with everything put together including all the changes. He asked Mr. Taberner if a vote was needed to agree this is a limited site plan.

Mr. Taberner said there was no need to vote based on the size of the plan according to the bylaws. Planning Board should vote to continue hearing in two weeks.

Motion to Continue the Limited Site Plan Modification and Form H for 529 West Central Street to February 8, 2016 at 7:15 PM. David. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula reentered the meeting.

7:05 PM **PUBLIC HEARING** - Continued
300 & 340 East Central Street
Special Permits (3) & Site Plan

Documents presented to the Planning Board:

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1. Letter dated January 20, 2016 from Richard R. Cornetta, Attorney at Law, to Chairman Padula, Franklin Planning Board
2. Memorandum dated January 14, 2016 from Michael Maglio, Town Engineer, to Bryan Taberner, Director Department Planning and Community Development
3. Letter dated January 13, 2016 from Philip Paradis, BETA Group, Inc., to Chairman Padula, Franklin Planning Board
4. Memorandum dated September 21, 2015 from Department of Planning and Community Development to Planning Board
5. Memorandum dated October 13, 2015 from George Russell, Conservation Agent, to Franklin Planning Board
6. Memorandum dated October 13, 2015 from Franklin Board of Health to Franklin Planning Board
7. Memorandum dated September 26, 2015 from G.B. McCarraher, Fire Chief to Department of Community Planning and Development
8. Memorandum in Support of Application for Special Permit Convenience Store and Filling (Fueling) Station dated August 21, 2015 from Richard R. Cornetta, Attorney at Law to Planning Board
9. Memorandum in Support of Application for Special Permit Motor Vehicle Service Station dated August 21, 2015 from Richard R. Cornetta, Attorney at Law to Planning Board
10. Memorandum in Support of Application for Special Permit Shopping Center dated August 21, 2015 from Richard R. Cornetta, Attorney at Law to Planning Board
11. Application for Approval of a Site Plan-Form P, Received by Planning August 18, 2015
12. Application for Special Permit for Retail Shopping Center with no date
13. Application for Special Permit for Convenience Store and Fueling Center with no date
14. Application for Special Permit for Automobile Service Center with no date
15. Two (2) Certificates of Ownership with Fax Date August 12, 2015
16. Letter dated August 14, 2015 from Wayne Morrill, Jones & Beach Engineers, Inc. to Town of Franklin Planning Board, RE: Waiver Request Letter
17. Deed with Property Address 340 East Central Street, Franklin, MA dated December 24, 1998
18. Norfolk Registry District Land Court Document regarding Ficco's Bowladrome with Registered date December 4, 1963
19. Ground Lease between Ficco's Bowladrome, Inc., and Franklin MA, Properties, LLC dated October 25, 2015
20. Ground Lease between Keigan Family Trust, LLP and Franklin MA, Properties II, LLC dated July 14, 2014
21. Three (3) Letters of Authorization with dates August 11, 2015, August 12, 2015, August 13, 2015
22. Abutters List Report, Town of Franklin, August 11, 2015
23. CAI Property Card for 300 East Central Street dated July 29, 2015
24. CAI Property Card for 340 East Central Street dated July 29, 2015
25. 300 & 340 East Central Street - 300' Abutters Map with Fax Date August 12, 2015
26. Franklin Zoning Board of Appeals Detailed Record and Decision September 24, 2014
27. Franklin Planning Board Public Hearing Notice Received by Town Clerk August 18, 2015
28. Shops at Franklin 300 East Central Street Pylon Sign Specifications with Revision date June 30, 2015
29. Shops at Franklin 340 East Central Street Pylon Sign Specifications with Revision date June 30, 2015

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.

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(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 letter dated January 20, 2016 had been received requesting a continuance to the February 8, 2016 Planning Board meeting.

Motion to Continue the Public Hearing for 300 & 340 East Central Street to February 8, 2016. Carroll. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). Mr. Halligan abstained as he is associated with the development.

7:10 PM **PUBLIC HEARING** – *Initial*
 Delfino Estates
 Definitive Subdivision

Documents presented to the Planning Board:

1. Letter dated January 8, 2016 from Michael Maglio, Town Engineer, to Chairman Padula and members of the Franklin Planning Board
2. Letter dated January 20, 2016 from Mark Cerel, Town Attorney, to Franklin Planning Board
3. Letter dated January 21, 2016 from Phil Paradis, BETA Group, Inc., to Chairman Padula Franklin Planning Board
4. Memorandum dated January 13, 2016 from George Russell, Conservation Agent, to Franklin Planning Board
5. Memorandum dated January 8, 2016 from G.B. McCarraher, Fire Chief, to Department of Community Planning and Development
6. Memorandum dated January 13, 2016 from Franklin Board of Health to Franklin Planning Board
7. Delfino Estates – A Private Definitive Subdivision, Franklin, Massachusetts, Plan Sheets 1-6, Prepared by Guerriere & Halnon, Inc., with date December 24, 2015
8. Abutters List Request Form, with Received by Planning date January 4, 2016
9. Abutters List Report, Town of Franklin, December 28, 2015
10. Form C – Application for Approval of Definitive Plan, with Received by Planning date January 4, 2016
11. Form R – Franklin Planning Board Subdivision Waiver Request F-3971, #1, #2, #3, #4, #5, #6, #7, #10, with Received by Planning date January 4, 2016
12. Form R – Franklin Planning Board Subdivision Waiver Request F-3725, #81, #9, with Received by Planning date January 4, 2016
13. Certificate of Ownership with Received by Planning date January 4, 2016
14. Franklin Planning Board Public Hearing Notice Received by Town Clerk January 5, 2016
15. Delfino Estates, A Private Subdivision, Chestnut Street, Franklin, MA, Property Description, with Received by Planning date January 4, 2016

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

John Hickey, Attorney for Richard Delfino; Richard Delfino, Applicant; and Donald Nielsen, Consulting Engineer of Guerriere & Halnon, Inc., addressed the Planning Board. Mr. Nielsen provided an overview of the project for a one lot subdivision, Delfino Estates, a Private Definitive Subdivision, on Chestnut Street. It is a parcel with 31,379 sq. ft. compliant with zoning for Residential III. Being a private subdivision, Town will have no maintenance or repair of the access of Delfino Estates. If proposal moves forward, it will go before the Town Council for a resolution that it will never become a public road. The project includes a 12 ft. access drive that connects to Chestnut Street, with a hammerhead t-type

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connection for a turn around. Some test pitting done revealed good sand and gravel for site. Drainage will include draining all water into swale with riprap and pretreatment. House will be set back approximately 40 ft. Intend to have septic on site, water service line of 1 to 1 ¼ inch, and requested a waiver for above-ground wiring. There is gas on Chestnut Street, but not sure if going to bring it up. Roadway pavement will be built in accordance with subdivision regulations. Site is surrounded by residential homes. Ten waivers are requested in the application.

Mr. Maglio stated waiver has been requested for a conventional stormwater system. It appears that the overall disturbance will exceed one acre which will require a permit from DPW and a full drainage analysis and design will need to be submitted for review. He referenced Mark Cerel's written opinion indicating the proposed plan does not represent a legal subdivision, and he stated agreement with this determination.

Mr. Nielsen stated preliminary numbers were done and it does fall under one acre. This information will be provided to Planning Board and Town Engineer.

Chairman Padula referenced and read from Mark Cerel's letter of January 20, 2016 stating that this plan does not show a legal subdivision.

Mr. Crowley stated BETA provided a letter dated January 21, 2016. He highlighted some of the issues including access to the site meets safety requirements of Fire Chief, little concern on visible impacts to abutters along the roadway, recommended electric remain underground, site is located in the Water Resource District, and impervious coverage requires special permit.

Chairman Padula read memo from Conservation Agent indicating additional measurements may be necessary to determine if proposed roadway and house are outside of the Conservation Commission's jurisdiction.

Anthony Morrongiello, 210 Chestnut Street, abutter, questioned if the stone wall between the properties will remain.

Mr. Hickey stated there will be no impact to wall and nothing will change.

Paul Vetrano, 6 Sarah Lane, abutter, stated this proposal has been brought before the Town in the past and it was denied. He asked if Planning Board had any comment on this.

Chairman Padula requested to continue the public hearing as he wanted to have Mark Cerel, Town Attorney, present at meeting to explain and comment.

James Downie, 4 Sarah Lane, abutter, stated he had the same concerns as Mr. Vetrano and questioned how anything has changed since the previous decision.

Lisa Vetrano, 6 Sarah Lane, abutter, questioned how is one lot considered a subdivision.

Chairman Padula stated it does have to be more than one lot.

Motion to Continue the Public Hearing for Delfino Estates, Definitive Subdivision to February 8, 2016. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

DRAFT FOR REVIEW**B. Endorsement: Site Plan – 5 Kenwood Circle**

Mr. Taberner stated site plan was approved with standard conditions on December 21, 2015. They have made minor modifications to the plan as requested at that time and now submitting for endorsement. There are no changes to what Planning Board had approved.

Motion to Endorse Site Plan for 5 Kenwood Circle. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Bond Acceptance and Lot Releases Form G: Bogan Estates

Chairman Padula stated that before they release bonds they like to have a road checklist of what has been done such as catch basins, base coat, and curbing.

Mr. Maglio stated the road has been brought to binder with structures and drainage in place done last fall. BETA put together the bond estimate and Mr. Maglio said it all looked good.

Chairman Padula confirmed they are currently holding \$130,704.00 bond.

Mr. Taberner confirmed they have received a personal check for \$130,704.00.

Motion to Release Lot 2 for Bogan Estates. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Rescind the Vote to Release Lot 2 for Bogan Estates. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Accept the personal check for \$130,704.00 for Bogan Estates bond. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Release Lot 2 for Bogan Estates. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

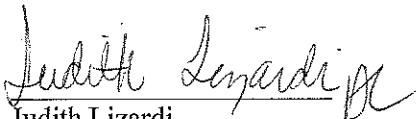
D. Acceptance of Meeting Minutes: December 21, 2015 and January 4, 2016

Motion to Accept the January 4, 2016 meeting minutes. Carroll. Second: Rondeau. Vote: 5-0-0 (4-Yes; 0-No).

Motion to Accept the December 21, 2015 meeting minutes. Halligan. Second: Carroll. Vote: 5-0-0 (4-Yes; 0-No).

Motion made to adjourn. Carroll. Second: David. Vote: 5-0-0. Meeting adjourned at 7:41 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary