

Town of Franklin



Planning Board

**December 7, 2020
Meeting Minutes**

Chair Anthony Padula called the above-captioned **Remote Access Virtual Zoom Meeting** to order this date at 7:00 PM. Members in attendance: Joseph Halligan, William David, Gregory Rondeau, Rick Power, Associate member Jennifer Williams. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.; Maxine Kinhart, Administrative Staff.

*As stated on the agenda, due to the continuing concerns regarding the COVID-19 virus, the Planning Board will conduct a **Remote Access Virtual Zoom Meeting**. The Massachusetts State of Emergency and the associated state legislation allows towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link also provided on the agenda.*

7:00 PM **Commencement/General Business**

Chair Padula read aloud the Zoom platform call-in phone number and the Zoom link which were also provided on the meeting agenda. He discussed a change in the Planning Board meeting schedule.

Motion to Change the January 4, 2021 scheduled Planning Board Meeting to January 11, 2021. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

A. 81-P ANR: 212 Jordan Road

Ms. Love stated the applicant is Mr. James McDermott of 212 Jordan Road with United Consultants, Inc. as the engineering firm. The purpose of the plan is to move existing lot lines increasing the lot size for 212 Jordan Road by 180 sq. ft. to make it a conforming lot. The lot providing the square footage will remain a conforming lot. Mr. Maglio stated he did not review the plan.

Motion to Approve 81-P ANR for 212 Jordan Road. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

B. 81-P ANR: 55 Coutu Street

Ms. Love reviewed that the purpose of the plan is to move existing lot lines and create one conforming buildable lot. She explained that 55 Couto Street is known as a one Lot Subdivision "Couto Street Extension" and was approved by the Planning Board on March 6, 2006. On page 4 of the Certificate of Vote, #12 condition reads: No further subdivision will be allowed; Site will remain a 2-lot subdivision with 1 buildable lot and 1 drainage lot. She noted that the Certificate of Vote for the Subdivision is attached to her memorandum provided in the Planning Board's meeting packet. She stated that DPCD recommends that the applicant file a Definitive Subdivision Modification with the Planning Board. Subdivision Plans are recorded at the registry of deeds.

Chair Padula explained that it was originally a one lot subdivision because there was only enough frontage to put one lot. He stated that Coutu Street is not a publicly approved road. He stated he is amenable to approving this as there is one lot for a drainage lot. There was a cul de sac put in with curbing and two drains on it which is built to subdivision standards, so frontage has been created. Now there is frontage for another lot; therefore, he cannot see a reason to turn this down. He noted the cul de sac is the only turn around for this street. He stated he would like to add two conditions to this approval: 1. The cul de sac be relinquished to the Town; the Town is plowing and maintaining it at this time, and 2. The lot that is being approved, lot 3, will never be used as a means of egress to another property. Planning Board members asked questions. Chair Padula stated the applicant needs frontage on a public way; if the applicant does not make it a public way and relinquishes it to the Town, then he does not theoretically have frontage. Mr. Halligan asked if a 90 ft. circle would fit on the lot. Mr. Bryan Taberner, Director of Planning and Community Development, stated the size of the circle is based on the zoning district. Ms. Love confirmed the circle should be 112.5 ft. diameter for Single Family III with one edge of the circle touching the frontage.

Mr. Steve Moran, surveyor, confirmed the presence of a 112.5 ft. circle diameter which touches the front of the lot. Planning Board members noted that the circle is not shown on the plans they received. Ms. Love stated the plans posted electronically show the circle.

Motion to Approve 81-P ANR for 55 Coutu Street with the conditions that this will be used as a buildable lot for a house lot and never used for a roadway or access to another piece of property, and the cul de sac will be relinquished to the Town prior to the building permit. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Bond Reduction: Acorn Hill Estates

Ms. Love reviewed that the Planning Board approved on May 8, 2017, a Definitive Subdivision plan entitled "Acorn Hill Estates-Acorn Place." The Planning Board is currently holding a bond in the amount of \$77,635.00. The applicant has requested a bond reduction for work that has been completed. Mr. Matt Crowley, BETA Group, performed an on-site inspection and estimated the cost for completion is \$14,969.00. She stated that the Planning Board will need to vote to release \$62,666 of the Bond be held.

Chair Padula expressed concern about the installation of the granite radius stones which should be approximately 7 in. off the pavement. Mr. Crowley explained the installation of the stones. Chair Padula stated that currently it is not serving its purpose as it does not serve as a deterrent to vehicles. He asked what it would cost to bring it back to the level where it should be. Mr. Crowley reviewed what would need to be done and stated he would have to determine the cost; he noted it would increase the estimate he provided in his Site Observation Report dated December 2, 2020, which is provided in the Planning Board's meeting packet. He reviewed the overall construction status and remaining work. He discussed that there are two driveways involved that do not have the concrete sidewalk in front of them. Chair Padula stated they need to fix the curbing to have a 6.5 in. to 7 in. reveal; the curbing should not disappear into the asphalt as is currently.

Mr. Maglio reviewed approximate costs to fix the curbing. Chair Padula stated that \$4,000 should be adequate; therefore, the new estimated cost for completion is \$18,969.00.

Motion to Reduce the Bond to \$18,969.00 for Acorn Hill Estates. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

D. Discussion: 29 Hayward Street – Change in Tenant

Ms. Love stated this agenda item was a request from the owner of the property and his attorney. She referenced a letter provided by Mr. Craig Ciechanowski, attorney of Ciechanowski Drayton, PC, dated November 25, 2020, regarding a change in tenant.

Mr. Rick Kaplan, owner, stated the original tenant never signed the lease and never moved in. The Pulse Group would now like to move into the space. He stated the estimated trucking and employees are outlined in the above-mentioned letter. The use would be less than the originally approved tenant.

Chair Padula noted that the Planning Board voted to approve the previous tenant as they were going to produce needed PPE. Mr. Kaplan confirmed the originally approved tenant was going to produce PPE, but he did not believe that was the reason it was approved. He hopes the change from one tenant to another is not a big issue.

Planning Board members discussed the original tenant and use of the building. Chair Padula stated a Site Plan was requested for this piece of property. Mr. Kaplan stated there is an attempt to put a Site Plan together; it is a 14-acre site and they are working on it. Chair Padula noted that he has driven around the site and it is an eye sore with uprooted trees, stacks of metal, and fenced areas that should be locked off. Mr. Kaplan addressed the issues.

Mr. Rondeau stated he was okay with the change as it would be good to get some business out of the location; he noted that the owner was to provide a Site Plan. Mr. David agreed. Mr. Halligan asked if there were any retail sales. Mr. Power stated he was fine with this.

Mr. John Greeley, Pulse Group, stated there would not be much retail sales; it was primarily wholesale sales and website sales. The hours of operation are 7:30 AM to 5 PM.

Motion to Approve the Change in Tenant to Pulse Group for 29 Hayward Street, and the original conditions are still in force. David. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

E. Meeting Minutes: September 28, October 5, and October 19, 2020

Motion to Approve the Meeting Minutes for September 28, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for October 5, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for October 19, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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

176-210 Grove Street

Site Plan Modification

Documents presented to the Planning Board are on file.

Ms. Love reviewed that the applicant is proposing to construct 150,000 sq. ft. building with parking spaces, drainage, and landscaping. The applicant is also proposing to subdivide the land into three separate parcels. She reviewed comments from the November 2, 2020, Planning Board meeting: 1. Planning Board requested easements and deed restrictions be provided for the three lots. The applicant has provided a draft of the deed restrictions and easements; 2. Planning Board requested snow storage be shown on the plan. The applicant has provided snow storage; 3. Per Zoning By-Law §185-31 C (3)(k), the applicant has not provided a landscaping plan. The Planning Board will need to determine if a landscaping plan is required for this project. The applicant has provided a landscape plan; 4. DPCD recommends Special Conditions from the previously approved Site Plan be included with the revised Site Plan; 5. The applicant is not required to file with the Conservation Commission. She reviewed that BETA

recommended one Special Condition to provide a test pit within the limits of proposed Subsurface Recharge System #3 to confirm the assumed exfiltration rate of 8.27 in./hr.

Mr. Crowley confirmed his above-noted special condition. He stated all their other comments have been addressed.

Mr. Rondeau asked about the grant for the parcel. Mr. Levi Reilly stated they did not get the funding; the State said that this year they prioritized housing. The State suggested they reapply next June. Mr. Reilly stated they will reapply. Planning Board members discussed the grant and the conditions of approval.

Motion to Close the public hearing for 176-210 Grove Street, Site Plan Modification. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve 176-210 Grove Street, Site Plan Modification. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love confirmed this approval does not include the ANR. Mr. Reilly requested a separate vote for the ANR. Ms. Love stated it is not on tonight's agenda. It will be on the next meeting agenda. Chair Padula stated he would like to wait to the November 21, 2020 meeting. Mr. Edward Cannon, attorney, reviewed the ANR request. Mr. Halligan stated he would not oppose voting on it but not endorsing it until the plan is submitted. Mr. Cannon stated the plan has been submitted to Ms. Love. Mr. David Kelly stated it is a very simple plan and just moves the lines to create the three lots.

Motion to Approve the ANRs for 176-210 Grove Street, Site Plan Modification. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Initial*
 186 Grove Street
 Site Plan Modification
 Documents presented to the Planning Board are on file.

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

Ms. Love reviewed that the site is approximately 1.88 acres and is located in the Industrial Zoning District. The applicant has filed a Site Plan Modification to increase the number of parking spaces to 23 total spaces. The plans are currently being reviewed by BETA and the town engineer. The applicant filed a minor buffer zone modification with the Conservation Commission. She noted that the Deputy Fire Chief has no concerns at this time with the submitted Site Plan. She asked if additional lighting will be installed, and if so, noted that it should be shown on the plan.

Mr. Maglio recommended making a pipe connection between the existing and proposed leaching basin in addition to connecting the stone beds rather than relying on the stone beds alone for transmission of the stormwater between basins.

Chair Padula stated concern regarding screening for the neighbors with the increase in parking spaces. Mr. Halligan stated it was a great distance away from neighbors' property lines. Mr. Crowley addressed the screening fence that was installed last year; it should be sufficient for the new parking area. Planning Board members asked questions and discussed the dumpster pickup area. Mr. Timothy Power, applicant, confirmed the Conservation Commission meeting date is this Thursday.

Motion to Continue the public hearing for 186 Grove Street, Site Plan Modification, to December 21, 2020. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
70, 72 & 94 East Central St – Multi-Family
 Special Permit & Site Plan Modification
Documents presented to the Planning Board are on file.

Chair Padula recused himself.

Mr. Richard Cornetta, attorney representing the applicant; Mr. Brad Chaffee, owner/applicant; and Mr. Rick Goodreau of United Consultants, Inc. addressed the Planning Board. Mr. Cornetta reviewed that at the last Planning Board meeting there was discussion about the house and the confusion caused by the email from the Historical Commission regarding the house. He stated that regarding the historical nature of the building, it was never the developer's intention to indicate the building could never be taken down lawfully. He reviewed that at the close of the last Planning Board meeting, there were comments from members to provide clarity on the historical issue. He stated that there is a new letter from the Historical Commission dated December 1, 2020, provided in the Planning Board's meeting packet which indicates the Historical Commission's position to preserve the building. He reviewed the Planning Board's suggested special conditions that would be placed on the property. He stated the developer has assented to the two special conditions. He stated he feels that they have addressed all comments from BETA and Town departments.

Mr. Chaffee apologized for any misleading information or lack of clarity regarding the building. He hopes the Historical Commission's new letter provides clarity.

Vice Chair Halligan asked Planning Board members for final comments; no members had comments. Mr. Maglio stated all his previous comments have been addressed.

Motion to Close the public hearing for 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification. Power. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Vice Chair Halligan confirmed with Ms. Love that this item will be voted on at the December 21, 2020, Planning Board meeting during General Business.

Motion to Vote on 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification on December 21, 2020, during General Business. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Chair Padula re-entered the meeting.

7:20 PM **PUBLIC HEARING** – *Continued*
Maple Hill
 Definitive Subdivision
Documents presented to the Planning Board are on file.

Mr. Bill Buckley of Bay Colony Group, representing the applicant Carroll Construction, noted that at the last Planning Board meeting on October 5, 2020, there were several outstanding issues. Since that time, they have met with Conservation Commission and were issued an Order of Conditions on November 19, 2020. He stated that they have completed their discussions with BETA regarding the modifications to the plans, and the Planning Board has the final plan set. He stated that all issues have been addressed with BETA. He reviewed the off-site improvements agreed to as outlined in his letter to the Planning Board dated December 2, 2020, which is provided in the Planning Board's meeting packet. He stated that the paving of Bridle Path in the third phase of the project has been agreed to by the developer.

Mr. Maglio stated he agrees with what is being proposed if the project is approved. He reviewed his comments as outlined in his letter to the Planning Board dated November 24, 2020, which is provided in the Planning Board's meeting packet. Mr. Buckley confirmed there was no problem with the granite or the sidewalks as discussed by Mr. Maglio. Mr. Crowley stated all of their comments have been addressed with the exception of those just mentioned by Mr. Maglio.

Chair Padula reviewed an email provided by Mr. Michael Doherty, 50 Bridle Path, dated December 7, 2020, discussing issues related to traffic calming measures, building permits, and the number of lots.

Mr. Steve Dunbar, 30 Madison Avenue, stated his remaining concern regards the two horizontal curves on Kimberlee Avenue that do not meet the bylaw. He requested this be in the waiver requests as they are converting this to a collector street.

Mr. Christopher Peterson, 66 Bridle Path, discussed the bricks in the current crosswalks throughout Town which are broken. He noted the brick rotary in Norfolk had to be redone. He questioned the maintenance and upkeep of the proposed red brick planned for the proposed development roads. He stated concern about the sewer and water caps within the brick and stated that it will not look good for the neighborhood. He requested it be removed from the plan. He requested that the road name Bridle Path be changed to another name in the new development. He does not want the new development associated with Franklin Woods as they have their own association group. He requested a locked gate for the egress during development.

Ms. Laura Dombroski, 20 Kimberlee Avenue, reiterated Mr. Dunbar's concerns about the roadway regarding street widths in conjunction with the street curves and site distance; she discussed comments made in BETA's letter. She requested the Phase 1 timeline.

Mr. Christopher Brady, 36 Kimberlee Avenue, stated the street is too narrow as is. He suggested the Planning Board members drive on the street. He noted that in the beginning of this proposal, Chair Padula was vehemently opposed to phasing; somewhere along the line that changed, and he cannot figure out when the phasing was approved. Chair Padula stated he approached the town attorney about this. He noted there are two possible large subdivisions proposed for large areas in Franklin. He asked the town attorney if the Planning Board had any chance to put it on the applicant that the Town would like to have all roadways and infrastructure put in before building permits were issued. The town attorney said no; as long as the subdivision is bonded, the applicant has the right to phase the project. Mr. Brady noted the developer stated this is a 10 to 12-year project; therefore, this will impact four neighborhoods for up to 12 years. Chair Padula stated that as long as it is bonded, the Planning Board has no power to put a time limit on houses. Mr. Halligan asked if the Planning Board has the right to increase the bond periodically as what the bond will cover today, will not cover 10 years from now. Chair Padula stated the Planning Board has the ability to increase the bond amount as the cost of living and cost of product increases.

Ms. Lisa Brady, 36 Kimberlee Avenue, noted the number of waivers being requested and asked what is the ability of the Planning Board to not grant the waivers. She indicated that the Planning Board should want to stay within the boundaries and policies created for the Town. Mr. Crowley noted the waivers are mostly administrative in nature; there are none related to public safety. Mr. Buckley reviewed the six waivers. Chair Padula stated that waivers are often requested by the Planning Board if the applicant can show that the project can be built without the waivers; this is done to provide for a better project. He stated most of these waivers are consistent with other approved subdivisions.

Ms. Williams asked how the roads are terminating during the phases. Chair Padula explained when the through paved streets will be in and noted it is shown on the plans. Mr. Peterson further explained his

request for the Bridle Path road name to be changed in the new development. Chair Padula stated he would look into that through the proper channels.

Motion to Close the public hearing for Maple Hill, Definitive Subdivision. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver Request for Maple Hill, Definitive Subdivision. Waiver Request: §300.13.A.(1) - Sidewalks. Location: To allow a sidewalk on one side allowed where sidewalks are required on both sides of the road, with upright granite. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver Request for Maple Hill, Definitive Subdivision. Waiver Request: §300.11.B.(2) – Waiving the requirement that pipes maintain 42’ cover in some areas, for Class V. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver Request for Maple Hill, Definitive Subdivision. Waiver Request: §300.8.A.(1)(c) – Not require a new alternative development plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver Request for Maple Hill, Definitive Subdivision. Waiver Request: §300.8.C.(10) – Setting stakes every 100’ for sideline and sidewalks. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver Request for Maple Hill, Definitive Subdivision. Waiver Request: §300.10.D.(5) – Waiving the requirement that cuts/fills be no more than 5’ in some areas. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Waiver Request for Maple Hill, Definitive Subdivision. Waiver Request: §300.10.E.(4) – Waiving the requirement that a dead-end be no less than 400’ long. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Chair Padula stated he needed to look into if they needed a modification for the subdivision when going from one curb width to another in the cul de sac. Mr. Buckley stated he disagrees with Mr. Dunbar. He believes the regulations are limited to new construction; the Planning Board has no jurisdiction over existing public ways. He understands the issue; he does not think it applies to an existing way.

Ms. Love reviewed the Recommended Special Conditions:

1. The Applicant’s proposed off-site Traffic Mitigation shall be included in the decision, as written in the memo dated December 2, 2020.
2. Phasing – The Planning Board agrees to the construction of the project be done in 3 phases, as shown on sheet 2 and attached to this document.
3. The Street name and Street numbers will require approval from the Department of Public Works.

Mr. Maglio stated street names are approved by the Town Clerk’s office.

Chair Padula stated he would like the list of waivers and the special conditions to be listed on the front page of the definitive subdivision plans.

Motion to Approve Maple Hill, Definitive Subdivision, with Special Conditions. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:57 PM.

Respectfully submitted,

Judith Lizardi, Recording Secretary

******Planning Board approved at their January 25, 2021 meeting***