

Town of Franklin



Planning Board

**February 8, 2021  
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 continued 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.

**A. 81-P ANR: 300 Financial Park**

Ms. Love stated the applicant requested this item be moved to the February 22, 2021, meeting under General Business. She stated the applicant had a Limited Site Plan for the parking along with the ANR. The concern of the Planning Board was the deeds across the several lots because at the beginning this was all one lot; those deeds have been provided. Mr. Rondeau asked if Attorney Mark Cerel has seen the easement documents. Ms. Love stated Mr. Cerel said this is basically a private agreement between private property owners. She stated that she will review it with Mr. Cerel again. Chair Padula requested that Mr. Cerel review the agreements before the next meeting.

**B. 81-P ANR:469 Maple St**

Ms. Love stated the applicant has submitted a Form A application for 81-P Plan review to accompany the plan of land for 469 Maple Street, dated January 22, 2021. The purpose of the plan is to move the rear lot lines and add the additional square feet to lot 242, Parcel 012. The application depicts the land known on Assessors Map 235 Lot 142 and Map 242 Lot 012. The current lot at 469 Maple Street is conforming to zoning.

***Mr. Rondeau stated he abstained.***

Chair Padula stated that the Certificate of Ownership indicates 369 Maple Street. Ms. Love stated the ANR plan that would be signed by the Chair and filed with the Registry of Deeds is correct. She stated she would ask the applicant to submit a correct Certificate of Ownership showing 469 Maple Street. Chair Padula requested it be corrected before it is signed.

***Motion to Approve 81-P ANR for 469 Maple Street. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No).***

**C. Partial Form H: 14 Ruggles Street**

Ms. Love reviewed that the applicant submitted a Partial Form H and Engineer's Partial Certificate of Completion and as-built plan to date. BETA has provided an onsite report with pictures verifying the site work is complete. The applicant is requesting the following changes: aisle width measures 21.5 ft. where 22 ft. was approved; parking within 10 ft. of right of way; stripe handicap parking space; plant tree proposed adjacent to Ruggles Street. She noted that there is concern about the lighting on the building filtering onto the abutting property.

Mr. Crowley reviewed his Site Observation Report dated February 4, 2021, which included, but was not limited to, that five evergreen plantings have been installed adjacent to the Symmes' property line where six were proposed, the grading of the parking in the area of the accessible parking does not meet ADA standards, and the water quality swale areas are comprised of crushed stone instead of grass.

Chair Padula stated he did not see screening around the dumpster. Mr. Dana Franco stated there were slats on the two sides and the front. Chair Padula requested the lights be lowered. Mr. Franco stated he got dark tinting to dim the light. Chair Padula asked if Mr. Franco could change the fitting to a can so it would face down. Mr. Franco stated he could do that. Chair Padula asked why there is stone in the grass swale. Mr. Franco stated he was looking for a maintenance free yard. Chair Padula stated there is nothing that is green onsite except for the five plantings; there are supposed to be six and one looks dead. Mr. Rondeau asked if there is a place to put more trees for the green space that was lost. Chair Padula requested junipers, low growing shrubs, or elephant grass that would grow through the stone. Mr. Franco stated that is not a problem for the ornamental grass. Chair Padula requested the applicant fix the dead tree and add one evergreen. Mr. Franco stated the trees will grow up to 20 ft. wide and 30 ft. high; they will fill in the whole area. He will plant another tree there, no problem at all. Mr. Halligan asked about the handicapped parking space. Mr. Franco stated it is now striped. He stated the issue is that it was not ADA compliant because the slope is 2.5 percent. He met with the fire department and asked if they would mind if he shifted the handicapped space to a location where it is flat. They said they had no issue. Mr. Crowley stated he did not believe it would have an effect on the dumpster access. Ms. Williams asked if shifting the handicapped space still fell within guidelines of distance to the door. Mr. Crowley stated if it were shifted, it would be the closest spot to the building. Mr. Franco stated he has not run it by the building commissioner yet.

***Motion to Approve Partial Form H for 14 Ruggles Street. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM

**PUBLIC HEARING – Initial**

***Olam Estates – 900 Washington Street***

Definitive Subdivision

*Documents presented to the Planning Board are on file.*

***Motion to Waive the reading. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

Ms. Love reviewed that the applicant submitted a Definitive Subdivision plan for a Conventional Subdivision for four buildable lots with infrastructure and roadway. The Planning Board has 90 days for a decision unless the applicant provides a written extension to the Planning Board to extend the deadline. The applicant should fill out a Form R for any waiver requests. The construction of the roadway and stormwater system will require a permit through the Conservation Commission.

Mr. Maglio reviewed his letter to the Planning Board dated February 1, 2021. He discussed items including, but not limited to, that the extension of the water main into the proposed subdivision will require a Water Map Amendment approved by the Town Council. There is no Town sewer available at this location; it is assumed that each lot will have its own septic system. The second fire hydrant should be relocated from STA 4+25 to after the last services in the cul-de-sac. Sight distance at the entrance of the proposed driveway should be evaluated and noted on the plans. The applicant is requesting a waiver for constructing only one sidewalk. He noted that in the past, this waiver has been granted when the applicant proposes to utilize vertical granite curb in place of sloped granite edging. The proposed sidewalk is shown utilizing hot mix asphalt rather than cement concrete. A portion of the site is within the Water Resource District; the district boundary should be shown on the plans. In accordance with the subdivision requirements, in addition to runoff rates, total runoff volume should also be compared between existing and proposed conditions.

Chair Padula noted that this is not under 40B. He stated the Planning Board requires that when an applicant comes in with a Definitive Plan, they expect to see a plan that conforms to the bylaws, not a plan showing waivers. He asked Mr. Maglio if he reviewed the long-term maintenance plan. Mr. Maglio stated that he had not. He noted that if the Town accepts the roadway, the Town has to perform the maintenance. The maintenance would be done by the applicant until the Town accepts it.

Mr. Halligan stated that he thinks the applicant came before the Planning Board with something like this in the past. Ms. Love stated the applicant had filed a preliminary plan in October 2019; the plan is to put the temple in the last lot. Discussion commenced about having one sidewalk and the road width for a four-lot subdivision with a temple at the end of the roadway. Chair Padula reviewed that a temple can go in any zone, but they are not exempt from public safety, parking, or stormwater management.

Mr. Jude Gauvin of Andrews Survey & Engineering, Inc., representing the applicant, reviewed the plans. He stated that the lot for the temple does not exist yet; it has to be created. There is parking, stormwater, and its own septic system provided for the church; it has been designed and thought through. He stated it was recommended that the subdivision is done first. There will be three homes on the site. There will be parking for the temple in the back. They are proposing a 24 ft. wide roadway which is typical for this type of use. He stated that there is an existing temple at the site now; they are looking to build a new one. He discussed stormwater, underground drainage, and the concerns noted by Mr. Maglio.

Chair Padula reviewed some of the requirements for one sidewalk, lighting, drainage, road width, and underground piping. Mr. Gauvin stated they would be going to Conservation Commission. Mr. Crowley confirmed BETA would be providing comments. Planning Board members asked questions about parking and parking lot drainage. Ms. Williams asked if the Town is going to do anything about improving the sidewalks on Washington Street. Mr. Maglio stated that at this time there are no plans for that section of Washington Street.

***Motion to Continue the public hearing for Olam Estates, 900 Washington Street, Definitive Subdivision, to March 8, 2021. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM      **PUBLIC HEARING** – Continued  
                  ***138 East Central Street***  
                  Site Plan  
                  *Documents presented to the Planning Board are on file.*

***Mr. Halligan recused himself.***

Ms. Love reviewed that at the last meeting the Planning Board expressed concern with the following: parking spot #14 for the food pantry truck; parking spot #1 so close to the entrance; screening between East Central

Street and the parking area; the dumpster location; and the color of the building fitting in with the neighborhood. She noted the five waiver requests as listed on her memo to the Planning Board dated February 4, 2021.

Mr. Maglio discussed his three comments as provided in his letter to the Planning Board dated February 2, 2021. Mr. Crowley stated his comments have primarily been addressed; his few remaining comments are interrelated. He discussed the applicant showed that a shorter vehicle can make the turning; however, for a longer vehicle such as a truck, it would be tight. He discussed that for the proposed entrance for the food pantry truck, the truck may have to do a turning movement. He noted some questions on the lighting and tree trimming.

Mr. Rondeau asked about the dumpster, backing out onto Cross Street, parking spot #1, and what is going to be done between the Shell Gas Station and this site. He stated they are putting a lot on a small site, especially traffic-wise. He noted the neighbors must be taken into consideration. Mr. David agreed with Mr. Rondeau regarding the dumpster. He stated agreement with Mr. Crowley about the tightness of the property and the dumpster truck getting through. He stated that 5 AM is too early to pick up trash in a residential area. He asked about snow storage. Ms. Williams agreed with all that has been said; she indicated concern about parking spot #1 as a safety hazard. Mr. Power stated an abutter at the last meeting noted the early trash pickup times. He noted concern about parking spot #1 and the color.

Chair Padula stated this is a Site Plan modification. He stated not much has been changed in four weeks. He stated this site in the past was polluted. It is a challenged site. He stated that there is already a list of five waivers and it should be six as the applicant is looking for a stormwater waiver. He reviewed the waivers. He discussed the current runoff from the site.

***Motion to Close the public hearing for 138 East Central Street, Site Plan. Rondeau. Second: David. Roll Call Vote: Padula-YES; David-YES; Rondeau-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No).***

***Motion to Disapprove the Site Plan modification for 138 East Central Street. Rondeau. Second: David. Roll Call Vote: Padula-YES; David-YES; Rondeau-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No).***

***Mr. Halligan re-entered the meeting.***

7:15 PM      **PUBLIC HEARING** – *Continued*  
                  ***515 West Central Street***  
                  Site Plan  
                  *Documents presented to the Planning Board are on file.*

Ms. Love reviewed that the applicant has filed with Conservation Commission. The applicant has provided the Certificate of Vote for the Subdivision Approval dated September 25, 2013, a private road covenant, and a traffic study. There have been no submitted revised Site Plans. She noted the Planning Board expressed concern at the last meeting regarding the paving of the cul de sac.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. stated that Mr. Edward Cannon, attorney for the applicant, would address the Planning Board regarding the proposal to construct a two-story 5,250 sq. ft. day care facility to include parking spaces, with drainage and landscaping.

Mr. Cannon stated they listened to the concerns of the Planning Board. He discussed the issue of paving the cul de sac. He stated that in reviewing the materials, there is a private covenant signed by the then owner of the private way and the Town of Franklin. It was agreed that it shall remain a private way in perpetuity; there was a promise from the Town that the cul de sac would not be paved. These documents have been provided for the Planning Board's review. He stated this is a Site Plan for a day care which falls under the Dover

Amendment; therefore, there is limited review by the Planning Board. He stated that traffic is not a permitted criterion upon which to review this application.

Chair Padula reviewed the history of the site. Mr. Cannon confirmed this was a for-profit child care facility. Chair Padula stated that regarding the Dover Amendment, they are not exempt from traffic and circulation within the site, parking, and stormwater; they are exempt from a traffic study.

Mr. Josh Kline of Stonefield Engineering and Design reviewed his letter to the Planning Board dated February 1, 2021, regarding Traffic & Parking Assessment Report Site Plan Modification of 505 West Central Street, Lot 3 Proposed "The Learning Experience" Childcare Center. He discussed the use and how it operates. He stated that this user operates hundreds of these day care centers across the country. He stated this is not a school. He stated there is no surge effect where children are entering at a specific time. He reviewed the existing conditions and noted that this is a vacant property that they will be developing. He reviewed a color Site Plan and pointed out features of the proposed development. He noted that this is a two-story day care facility with a 3,700 sq. ft. playground and 30 parking spaces. He reviewed the fire lane that wraps around the site. They will be providing ADA compliant sidewalks. He noted that at the last meeting the applicant agreed to modify the site circulation; however, they believe the design was adequate. He reviewed the revised site circulation. He stated they would add signage to the plan as a condition of approval. He stated that people will become familiar with the site and will become familiar with the circulation process. He stated they reviewed trip generation/traffic; he discussed peak day and evening trips. He stated they looked at operations of the day care. Typically, they are open Monday through Friday from 6:30 AM to 6:30 PM. Therefore, drop-offs happen over a three-hour window beginning at 6:30 AM; pick-ups typically happen between 4:00 PM to 6:30 PM. Children must be accompanied by a parent or staff member at all times. He reviewed how parents would enter the parking lot and drop off their children; this is usually a five-minute process. He noted a pick-up takes about eight minutes. He stated that license capacity is really just per code how many children that the center could safely handle. He noted that on any given day, there is about a 10 percent absentee rate. He discussed that on the plans there will be about 25 employees; but it is based on the capacity of children. He stated that 30 percent of the employees are part time. He stated that in summary, only about 15 to 20 employee vehicles will be parked there at any one time. Employee staff peak time is 11 AM to 1 PM. He discussed that from observing other centers and providing analysis, the 30 parking spaces they are proposing are adequate for this use. He stated the site circulation is safe, and the proposed layout is adequate.

Chair Padula stated that Mr. Kline mentioned this center was to be approved for 143 children. He noted that during Mr. Kline's presentation information changed such as when Mr. Kline indicated that most of the children would be no older than three years and then he stated that their older brothers and sisters could join them. Chair Padula noted discrepancies in Mr. Kline's presentation such as the number of employees changed throughout the presentation. He noted concern about drop-off, pick-up, and the number of parking spaces used by employees regarding traffic flow and safety. He noted that prior to COVID and probably when COVID ends, the Wendy's is quite busy when the Tri-County and high school students end their school day. He noted the Wendy's traffic will be at the peak pick-up time for the day care and will create difficult traffic flow. He noted that this site is very challenged as when people try to exit and take a left, they must cross two lanes of traffic.

Mr. Rondeau questioned the traffic flow and noted that when looping around the back to drop off, vehicles will have to cross the incoming traffic lane to exit. He asked about events and functions for the children. Mr. Kline stated that when these centers were observed, there was adequate parking for drop off and pick up. He stated that based on observations and findings, there will not be a queuing happening at this site. Mr. Rondeau stated he is concerned about the proposed five-minute drop off based on the weather in the northeast. Mr. Kline stated that if they do have events, they are done on off days or off-beat times and not done for all the students at one time.

Mr. Halligan discussed the number of employees as listed on the application. Mr. Kline stated these centers do not operate at maximum capacity. Mr. Halligan noted concern about the number of drop-offs that could be happening at one time based on the data provided by the applicant. Mr. Kline discussed the minimum number of employees he thinks would be on the premise at one time; he suggested maybe two to three employees in the morning and three to six in the afternoon. Ms. Williams stated there are required teacher ratios with at least one teacher per classroom and at least one facility manager. She stated concern about the parking for parents, safety, congestion, and the overall layout of the site. Mr. Kline reiterated that the site will probably not operate at peak capacity. Mr. Halligan stated that as a Planning Board member he has to look at the worst scenario: 143 children, 23 teachers, and two administrative staff. With those figures, they have to ensure the safety of the pedestrians, children, etc., and that there is enough parking and drop off area. He stated he believes the applicant is about 20 parking spaces shy. He asked if they can limit the occupancy of the premises to make it work. Mr. David stated the timeframes do not seem to work in reality. He stated that there is no way to get an infant and a toddler into the facility and be back in the car within five minutes. He does not see how this can work.

Chair Padula stated that currently day care centers are not being used to the maximum due to COVID as many people are home. He reiterated that with the Dover Amendment they are only exempt from zoning, not stormwater, parking, and circulation. He reviewed the proposed queuing lane around the back which does not have a bypass lane. He stated the applicant is presenting a dangerous situation for the children at pick up and drop off based on the parking and traffic flow. In addition, to take a left out of the facility is dangerous. The Planning Board is not in the habit of creating a dangerous situation.

Mr. Manoj Gandhi, applicant, stated he owns five day cares in Massachusetts. He stated the children and the teachers arrive staggered. He stated that he does not expect full capacity.

Ms. Cavaliere stated they will meet with Conservation on February 18, 2021. She stated that they have been to Design Review and the design was approved.

Mr. Halligan asked where they stand with the cul de sac issue. Mr. Cannon stated he provided the Planning Board with the covenant and the Subdivision Approval. He stated that he hopes the Planning Board will speak with Town Counsel to get an opinion regarding the treatment of the cul de sac. Discussion commenced regarding the cul de sac. Ms. Love confirmed she would speak with the Town Attorney.

***Motion to Continue the public hearing for 515 West Central Street, Site Plan, to March 8, 2021. David. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:23 PM.***

Respectfully submitted,

Judith Lizardi,  
Recording Secretary

***\*\*\*Planning Board voted on March 8, 2021 to accept the meeting minutes.***