

Town of Franklin



Planning Board

**March 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. Members absent: associate member Jennifer Williams. 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. Field Changes: 105 Constitution Blvd – Marijuana Cultivation

Mr. Rondeau recused himself.

Mr. Crowley reviewed his letter to the Planning Board dated March 4, 2021, regarding the proposed field changes, which was provided in the Planning Board's meeting packet. He noted that the provided stormwater analysis demonstrates that peak runoff rates and total runoff volumes will remain below the pre-development conditions; conformance to all other stormwater management standards will be maintained. He stated that the accessible parking space located at space 34 should be relocated to space 31 so it is adjacent to an accessible aisle. A ramp should also be provided to the sidewalk from the accessible aisle. He stated that the applicant should provide a revised detail for the outlet control structure.

Chair Padula read aloud the applicant's engineer Mr. Mark Santora's letter to the Planning Board dated February 27, 2021, which was provided in the Planning Board's meeting packet. Mr. Santora commented on and explained the reasoning for each of the six proposed field changes and requested the Planning Board's approval of the listed minor modifications to the site plan approval. Mr. Ankur Rungta commented on the request to eliminate the grease trap and stated no kitchen-type activities will take place at this location. Planning Board members indicated no concerns on the proposed six changes. Mr. Maglio stated that he has discussed the proposed changes; he indicated no concerns. Mr. Halligan confirmed the changes will be made on the final As-Built before sign off.

Motion to Accept Field Changes for 105 Constitution Blvd, Marijuana Cultivation. Halligan. Second: Power. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Rondeau re-entered the meeting.

B. Meeting Minutes: January 25, 2021, February 8, 2021 & February 22, 2021

Motion to Approve the Meeting Minutes for January 25, 2021. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for February 8, 2021. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for February 22, 2021. Halligan. 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** – *Continued*
Olam Estates – 900 Washington Street
Definitive Subdivision
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Chair Padula stated that the applicant requested a continuance of the public hearing to March 22, 2021.

Motion to Continue the public hearing for Olam Estates, 900 Washington Street, Definitive Subdivision, to March 22, 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*
515 West Central Street
Site Plan
Documents presented to the Planning Board are on file.

Ms. Love reviewed her letter to the Planning Board dated March 2, 2021, which was provided in the Planning Board's meeting packet. She noted that the applicant filed with Conservation Commission and received recommendation from Design Review Commission. She stated that the applicant submitted a revised parking schedule increasing the number of spaces from 30 to 39.

Mr. Edward Cannon, attorney on behalf of the applicant, summarized the plan modifications in response to the Planning Board's previous comments. He reviewed the changes which included, but were not limited to, that they have provided enhanced traffic flow around the building to allow for extended queuing, provided a parking report from Stonefield Engineering to demonstrate sufficient parking, widened access around the facility to 20 ft., and provided drop off, pick up, and other operational procedures. He further summarized additional plan modifications for the Planning Board's consideration, which included, but were not limited to, remove 5 ft. sidewalk on the south side of the parking lot, relocate crosswalk to the southwest, reduce sidewalk in front of facility to 8 ft. width, shift site layout 7 ft. south to provide additional parking along retaining wall, and have a total of 39 parking spaces.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. reviewed the proposed Site Plan Modification pointing out the revisions outlined by Mr. Cannon. She requested feedback from the Planning Board. Mr. Rondeau asked about parking spaces in the cul de sac, snow storage, and access to the cul de sac. Mr. David asked about snow storage, the shift of 7 ft. to the southwest toward the Wendy's parking lot to add additional parking spaces, and whether there was enough space allotted to the parking spaces. Chair Padula asked about screening in the parking lot. Ms. Cavaliere provided the dimensions of the parking spaces. She stated that she did not have the landscaping plan, but they can provide screening. She stated the road width was 18 ft.; the

fire department requested it be widened to 20 ft. She discussed the needed waiver from Conservation Commission.

Mr. Cannon noted the cul de sac issue and stated that the Planning Board was going to check with Town Counsel. Ms. Love stated she spoke with Town Attorney Mark Cerel; it was agreed in the beginning when the subdivision was built that the cul de sac would not be paved. Mr. Halligan stated the Special Permit pertains specifically to Wendy's as they have a drive-through window. Mr. Cannon stated that there is a covenant recorded at the Registry of Deeds between the owner of the subdivision when it was developed and the Town of Franklin that it would not be paved, in perpetuity. Mr. Halligan requested minutes from that meeting regarding the Special Permit and the cul de sac. He stated that it was designed for low traffic use, not high generation traffic. Chair Padula noted that the applicant is showing four parking spaces in the cul de sac. Mr. Rondeau stated it is a safety concern. He stated this was presented to get the Wendy's open. It all came about in pieces. He stated that the Planning Board was told it would be low volume which is why the cul de sac got waived for paving.

Mr. Cannon requested to hear from Town Counsel and asked for feedback from the Planning Board regarding the proposed changes. Chair Padula stated he would not ask the Planning Board members for a straw vote tonight. Mr. Cannon asked that at the next meeting Town Counsel weigh in on the impact of the covenant that is on record. He will send a copy of the covenant to Ms. Love. Mr. Halligan asked Mr. Cannon why they do not want to put in the cul de sac. Mr. Cannon stated that they feel strongly that the access, parking, and the way these sites operate has an excellent safety record, and this site would be no different; the expense of having to build out the cul de sac would not be necessary. Discussion commenced by Planning Board members on the benefits of the cul de sac and other safety concerns. Chair Padula asked about legal concerns regarding the ownership of the cul de sac. Mr. Cannon stated that when the Town Attorney weighs in on the covenant, it will become clear.

Motion to Continue 515 West Central Street, Site Plan, to March 22, 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).

7:20 PM **PUBLIC HEARING** – *Continued*
S-21-01 Subdivision Stormwater
Documents presented to the Planning Board are on file.

Chair Padula stated that this was sponsored by the administration. As provided in the Planning Board's meeting packet, he reviewed the proposed Bylaw Amendment S-21-01 Chapter 300, Subdivision of Land Article IV. Design and Construction Standards, a bylaw to amend the Code of the Town of Franklin at Chapter 300, subdivision of land. He stated that it is not enacted by the Town Council. Ms. Love stated that this came from the DPW regarding the MS4 permit and then went through the administration. Chair Padula confirmed that it came from Public Works Director Brutus Cantoreggi then through the Town Council. He explained that any amendment or change to the Subdivision Control Law comes from the Planning Board and is voted on by the Planning Board. Ms. Love stated she agrees. She stated this has not gone in front of Town Council. It is an administrative error in typing the document; it should read Franklin Planning Board, not Town Council. Chair Padula stated that this was not proposed by the Planning Board Chair or any Planning Board member. He does not know how it got in front of the Planning Board as it did not go through the process.

Mr. Bryan Taberner, Director of Planning and Community Development, commented on the proposed bylaw amendment. He stated the when it says sponsored by, in this case it means recommended. These are recommended changes coming from the administration for the Planning Board's consideration. He stated that he understands that the Subdivision Regulations are the Planning Board's regulations, and they are for the Planning Board to amend as appropriate. He clarified that these are recommended changes the administration

is looking to make happen. Chair Padula stated such changes should begin with a discussion meeting by the Planning Board and then go through the process; however, this was advertised as a public hearing put on the Planning Board's agenda. He does not agree with this. He also does not agree with the MS4 as he has explained in previous meetings. They are not controlled by the EPA; they go under Mass DEP. They cannot attempt to satisfy both. The Town of Franklin has some of the strictest laws among the surrounding communities.

Mr. Andrew Bissanti, Town Council member, stated that it is refreshing to hear Chair Padula speak on this. He stated that this process has been fragmented and confusing. He stated that Chair Padula is correct in his assumptions that we cannot, as a Council and as a Town, try to make EPA and DEP happy on all levels. He stated that he was confused in September when the Town Council was told that if they voted for the stormwater utility it would get them off their back. However, that has not been the case. Chair Padula stated we will never get them off our back. He is not on their cheerleading team as much as Mr. Cantoreggi is. He stated that the people who the Town hires as advisers do not live in Franklin and are advising us to do these different things. But, when making the decisions, the elected officials living in the town have to look at what is being advised; in the end, we are the ones voting on the recommendations. Most of the changes are education to the public about stormwater. He stated that he does not believe we have to tax the people with utility taxes as we are already keeping up with the education.

Motion to Close the public hearing for S-21-01 Subdivision Stormwater. Rondeau. Second: David. Roll Call Vote not taken. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Deny revision S-21-01 Subdivision Stormwater. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
S-21-02 Subdivision Street Lights
Documents presented to the Planning Board are on file.

Chair Padula stated that this item also did not go through the discussion process. He agrees with what is on it; he does not agree with the process it went through.

Mr. Maglio stated that at the last meeting Mr. Halligan asked about the process when street lights are accepted. He stated that as a result, a change in wording is proposed which he read aloud: In case of accepted street lighting, the developer, contractor, or association of customers shall contract with the local utility company to initially provide electricity for light operation. Once the Planning Board accepts the final project and releases all bonds, and all previous charges for electricity usage are paid to date, the Town will then assume responsibility for payment of electricity usage.

Chair Padula asked questions about other sections of the Street Lighting Bylaw Revisions document. Mr. Maglio discussed the fixture type and specifications. He stated these are recommendations; it is up to the Planning Board. Chair Padula requested the description of the lighting be provided in the regulations. If the description needs to be changed in the future due to technology, it can be changed. Mr. Maglio confirmed that he would add in the lighting requirements.

Motion to Close the public hearing for S-21-02 Subdivision Street Lights. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve S-21-02 Subdivision Street Lights with the changes as discussed. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Chair and Member Comments

Chair Padula noted that years ago there was a Board of Selectmen before the Town Council form of government was accepted. He reviewed that zoning was accepted by the Planning Board. He stated the Subdivision Control Law was accepted in Franklin in 1954 by the Planning Board.

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Halligan. 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 8:18 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary