

Town of Franklin



Planning Board

**April 26, 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: 340 East Central Street

Mr. Erik Poulin of Jones and Beach Engineers stated that the purpose of the plan is to create two buildable properties as depicted on the plan of land. He reviewed the plan and stated that both lots shown on are conforming to zoning and have adequate parking and lot density. The project was originally approved as one lot. Therefore, there would be some services, such as drainage, that cross the property line; in those cases, there will be an easement agreement for services.

Ms. Love stated that ANR plans are typically for frontage, circle width, and lot size. The applicant is showing two conforming lots.

Motion to Sign 81-P ANR: 340 East Central Street. Rondeau. Second: David. No Roll Call Vote Taken. Vote: 5-0-0 (5-Yes; 0-No).

B. Minor Modification: Countryside Estates – Sidewalk

Ms. Love reviewed that this item came before the Planning Board in the past regarding the neighbors and the developer wanting to remove the sidewalk. If the Planning Board is in agreement with removing the sidewalk, it is a minor modification. She noted a letter that was received from Mr. Joel D'Errico dated April 6, 2021. Chair Padula stated that his concern was the lawyer. Ms. Love stated there is no longer a lawyer involved. Chair Padula stated that he went to the site and spoke with the homeowners. There is one piece of sidewalk in front of one person's property. He stated that all the septic system leach fields are in the front yards because of the topography of the property. Putting a sidewalk in front of one person's house would require disturbing the landscaping and installing a retaining wall; and as the leach

field is in the front yard, he recommended a modification to eliminate this strip of sidewalk. Mr. Maglio stated that he has no comments; it is up to the Planning Board.

Motion to Remove the sidewalk at Countryside Estates at Countryside Lane only. Power. Discussion: Planning Board members discussed what could be done with the bond money not needed for the sidewalk. Chair Padula stated that due to the sidewalk location, one of the driveway asphalt aprons needs to be removed and a reinforced concrete apron installed. As well, on the other side of the street there are three or four driveways that need concrete aprons. There will be no releasing of any bond money until the items discussed are remedied. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).

C. Field Change: Borrego Solar – Maple St. Bellingham

Ms. Love stated that this request is from the applicant and the owner of Maplegate Country Club. It is an agreement that the property owners have reached with each other. However, due to the site plan change, she felt it should be brought to the Planning Board's attention as during the approval process the evergreen tree count was important. This field change only requests a reduction in the evergreen tree count to prevent driving range golf balls from hooking or slicing into the solar array by installing netting as outlined by the applicant in a letter from Zachary Farkes of Borrego Solar Systems, Inc. and Leonard French of Maplegate Country Club to the Planning Board dated April 20, 2021. Chair Padula confirmed there would be screening on Maple Street. Mr. Farkes stated that none of the plantings along Maple Street would change; the only plantings to change are on the east side of the array between the driving range and the solar farm. Chair Padula requested the applicant provide a plan of where the trees would be eliminated and the netting would be going. Mr. Farkes stated that the information to reduce the number of trees was provided in his April 20, 2021 letter. They will come back before the Planning Board regarding the installation of the net. Chair Padula stated that he wanted all the information on record outlining the changes before the Planning Board votes. Mr. Farkes confirmed that for the next meeting he is to show not just removal of the trees, but the netting, as well. Planning Board members agreed.

D. Meeting Minutes: March 8, March 22, and April 5, 2021

Motion to Approve the Meeting Minutes for 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).

Motion to Approve the Meeting Minutes for 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).

Motion to Approve the Meeting Minutes for April 5, 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).

7:05 PM **PUBLIC HEARING** – Initial
 21-872 Zoning By-Law Amendment
 Tasting Room Definition
 Documents presented to the Planning Board are on file.

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

Ms. Love reviewed Director of Planning and Community Development Bryan Taberner's memorandum to the Town Administrator Jamie Hellen dated February 20, 2021, outlining the definition of Tasting Room and the reason for the proposed change. She stated that this concern began with staff, went to the Economic Development Committee (EDC) for discussion who recommended it to Town Council, who

recommended it to the Planning Board. Chair Padula confirmed that all Planning Board members read the memorandum. Ms. Williams stated that she is in full support of this to encourage business. She thinks there are challenges around the current verbiage as it is limiting for the current businesses in Town or businesses that may want to come into Town. In terms of zoning, tasting room sizes may affect parking and seating counts; however, the Planning Board would still have discretion over that. Mr. Rondeau stated that he would like to do some more homework on this to make sure the Planning Board is making the right decision.

Chair Padula asked why the Planning Board was not involved in any of the previous discussions on this item. Mr. Taberner reviewed the process and stated that the Planning Board should be involved in such discussions in the future. He stated that the process for zoning changes in recent years begins with someone proposing a change. As the process continues, the Town Council then recommends the proposal to the Planning Board for a public hearing. He suggested that when doing amendments in the future, the Planning Board should be copied on the original documents and letters. He stated that the tasting room definition created a few years ago indicated that it had to be no more than 33 percent. It was changed by the Planning Board to 25 percent which is the same as all other manufacturing. Since that time, there has been a brewery, distillery, and a winery. It is challenging at times with that percentage. They would like to have larger than 25 percent. He stated that he believes the applicant should come forward with a proposal for the percentage they would like to have. The primary use is always manufacturing; the tasting room is an accessory use. He explained that when the Planning Board is permitting the Special Permit, they have the authority to say no. The intent is that the Planning Board is giving the business the flexibility to present something that makes sense, more so than under the current language. Chair Padula stated that he does not feel every distillery or winery should have not have a percentage as it is difficult to figure out the parking schedule, and the plumbing and building inspector to determine number of restrooms needed, and how many people need to be accommodated for the infiltration system. There is a lot of information that needs to be thought out rather than just that saying we are going accommodate because the owners are not making enough money to support their business. He requested taking up this item at another meeting in order to review this proposed bylaw amendment. Discussion commenced on the process for a tasting room and that the only item that would change is that the tasting room would not be limited to 25 percent. It would be based on the amount of parking required in the zone and the seating capacity. An applicant can propose a different limit; however, it would be an accessory use. Mr. Halligan stated that even if restrictions were lifted, it will not benefit any existing brewery that is in Town today as they already went before the Planning Board. He discussed the required parking based on square footage and requirements that go along with parking spaces including drainage, underground infiltration, dumpster pads, and snow storage. He cannot see this benefitting any existing brewery. He wants to make sure parking is adequate so it does not infringe on neighbors.

Mr. Taberner reviewed that the Planning Board currently has the ability to waive the required number of parking spaces. Town Council member Andrew Bissanti stated that he concurred with most everything he just heard, such as the parking concern. He thinks the most successful tasting room is La Cantina Winery. He stated that we need to think back to what the intent of the bylaw was. He stated the intent was to generate businesses and good will and get people into the parts of Town that were not getting the kind of commercial attraction they should. He stated that he is in favor of having joint meetings with the Planning Board on items like this. He wants to help bring the downtown back. Town Council member and Chair of the EDC Melanie Hamblen reinforced what Mr. Taberner stated that this was a new bylaw and it worked, but it had a few restrictions in it that limit some businesses. She agreed that the parking has to be kept in mind; they do not want people parking in neighborhoods or on the grass.

Motion to Continue the public hearing for 21-872 Zoning Bylaw Amendment, Tasting Room Definition, to May 10, 2021. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-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 stated that since the applicant's last meeting with the Planning Board, they have met with Conservation Commission. For tonight's meeting, the applicant submitted a revised Site Plan, traffic memo, response to DPW and BETA, presentation of the child care facility, and deeds and private road ownerships. She reviewed comments from the March 22, 2021, Planning Board meeting which included: Chair Padula stated that the Planning Board has concerns about the snow storage, cul de sac, pavement, parking spaces, and screening between this lot and the Wendy's property; Mr. Halligan stated that his biggest concern is parking and the amount of traffic; and Chair Padula noted the difficulty of having parking spaces in the queuing line/drop-off line.

Mr. Maglio reviewed his letter to the Planning Board dated April 21, 2021. He noted the following concerns: 1. The rear access roadway has been changed to porous pavers; details showing the construction and installation of the porous pavers should be provided. 2. Changes to the stormwater model should be provided if modifications from the use of porous pavers will alter the runoff characteristics. 3. The groundwater elevation shown for test pit #17 is higher than the finish grade for the access road; potential for breakout through the porous pavers should be evaluated. 4. How will the proposed catch basins along the access road operate in conjunction with the porous pavers? Mr. Crowley reviewed his comment letter to the Planning Board regarding Site Plan Modification Peer Review Update dated April 22, 2021. He noted porous paver concerns, as well. He would like confirmation that the enrollment at the facility will be close to 80 percent as indicated in order to verify parking requirements. He stated that if the Planning Board were to approve this project, he recommended a condition to monitor the existing infiltration system to ensure it is draining within 72 hours.

Mr. Edward Cannon, Attorney on behalf of the applicant, stated they have a good handle regarding the Conservation Commission requirements. Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. reviewed the plan changes since the last meeting. She reviewed the revised snow storage. She stated that regarding the cul de sac, the Planning Board requested it be paved. However, due to the local conservation restrictions and bylaws, there is no paving and no disturbance within the 0 to 25 ft. buffer, and no pavement within the 50 ft. to 100 ft. buffer. They requested a waiver from the Conservation Commission to allow paving within the 25 ft. to 50 ft. buffer. If Conservation does not allow pavement there, the site becomes inaccessible. She stated they have received letters from the trustees of the private way to be able to pave within the cul de sac. She stated Stonefield Engineering will discuss parking spaces. She noted that for screening, additional arborvitaes have been added. She described the emergency vehicle access around the building. She stated that 33 parking spaces have been provided.

Mr. Josh Kline, traffic engineer from Stonefield Engineering, discussed the adequacy of the parking without the queuing lane and the traffic flow for the project. He noted the operator owns hundreds of sites across the United States and have a diligent site selection process. He clarified this is a day care, not a school. He said that as a day care there is no queuing; there is adequate parking. He reviewed pick up and drop off. He noted that children arrive at different times throughout the day. Their observations show that at most eight children are dropped off at one time. He stated that the license capacity is the highest possible parking capacity; however, the facilities do not operate at 100 percent capacity range. He

reviewed his letter to the Planning Board dated April 15, 2021. He stated that the subject site was previously approved for a medical office building or shopping center land use with neighboring fast-food land uses. He discussed the trip generation comparison between the previously approved trips and the proposed trips. With their proposal, they are decreasing the number of trips. He reviewed the methodology to determine parking demand. He reviewed the distribution of parking demand graph. He stated that they are proposing 33 parking spaces which is adequate for the facility. He stated that from a traffic perspective, this project will not have an adverse impact on the surrounding roadway network; the site has adequate proposed parking for its use.

Mr. Cannon provided a summary of the plan modification for the proposed child care facility including the following: Empirical data has demonstrated sufficient parking, four parking spaces have been added, widened access to 20 ft. around the facility, increased and improved snow storage, provided proper screening between this lot and Wendy's, letter of support provided by owner of this lot and Midas lot, applicant has been before Conservation Commission and Design Review, and provided operational procedures for drop off and pick up. He requested the Planning Board close the public hearing and approve with reasonable conditions the Site Plan.

Ms. Williams stated that she is still concerned with the circulation within the facility and the safety aspect. She asked for clarification on the emergency exits and snow storage. Mr. Rondeau agreed with Ms. Williams. He asked for a drawing of the proposed cul de sac in the wetlands. He asked about the drainage and runoff from the pervious pavers going into the Wendy's lot. He stated there is a lot of traffic for children to be safe. Mr. David stated concern about the drainage and water runoff. He asked about the access road. Chair Padula reviewed the trash truck procedure. Mr. Power indicated concern regarding the data on the parking demand graph provided by Mr. Kline. Chair Padula stated the frontage on the parcel should be 175 ft.; he asked where are they taking the frontage from. Mr. Cannon stated it is from the cul de sac layout. Chair Padula stated that he is not inclined to approve pervious pavers for constant traffic, and as Mr. Maglio indicted, he would also like to see a detail on the pervious pavers.

Ms. Cavaliere addressed some of the questions presented by the Planning Board. She stated that the traffic aisle is 24 ft. wide which is suitable for two cars. She reviewed the exit by the children and the snow storage location. She stated the emergency gate is proposed as a lock gate for emergency vehicles only. She reviewed fire truck access. She reviewed the catch basins and the runoff for the project. Mr. Rondeau noted that it seems like there would be sheet flow and he asked for details. Ms. Cavaliere stated that the local bylaws do not allow to pave the cul de sac; they are trying to protect the wetland resource areas. In response to questions, Ms. Cavaliere stated that the local bylaw does not allow paving within the 25 ft. to 50 ft. buffer. She stated a variance request was provided to the Conservation Commission; without the approval the site is inaccessible. They are anticipating an Order of Conditions at the next Conservation Commission meeting. They will install pervious pavers. Mr. Halligan stated the trash truck would not be allowed over the pervious pavers. Ms. Cavaliere stated that they could relocate the dumpster to the front and screen it. Planning Board members agreed that the public hearing could not be closed until Conservation Commission meets with the applicants.

Mr. Lei Wang, owner of 515 West Central Street, the Wendy's lot, stated this is the perfect site for a day care. He believes the applicant will address he remaining concerns. He does not think it will attract too much traffic for the site. Mr. Kline clarified site circulation and the parking demand graph. He reiterated that the facility has adequate parking. He noted all this was reviewed with a third-party engineer.

Motion to Continue 515 West Central Street, Site Plan, to May 10, 2021. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).

Chair and Member Comments

Ms. Love discussed bringing the Planning Board meetings back to the Town Hall. She stated that she spoke to Jamie Hellen today. The maximum number of people allowed in the Council Chambers is 15 at one time. It would be difficult to have the public. An applicant could be present during their hearing process if there is enough space, or the applicant could participate via Zoom. This process will be in place long term. Some boards have members attending both remotely and in-person. She confirmed masks are required while in chambers. She noted that Mr. Hellen is following Governor Baker's rules. Chair Padula asked the Planning Board members to think about it.

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:13 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

******The Planning board voted to accept the meeting minutes on June 7, 2021***