

Town of Franklin



Planning Board

**May 10, 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.

*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. Final Bond Release: Union Meadows

Ms. Love reviewed that the Planning Board is currently retaining a bond in the amount of \$2,002. The Town Council voted to accept the roadway, and the Town Attorney filed with the Registry of Deeds. The applicant has requested a refund of the bond posted. She recommended releasing the final \$2,002 bond.

Motion to Approve Final Bond Release of \$2,002.00 for Union Meadows. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).

B. 81-P ANR: Prospect Street

Ms. Love reviewed that the applicant submitted a Form A application for 81-P Plan Review to accompany the plan of land for Franklin and Bellingham located on Prospect Street, dated April 16, 2021. The purpose of the plan is to create six buildable lots. She stated that the Planning Board recently approved a similar ANR plan which had a 50 ft. opening between lots 2 & 3; that opening has been moved to between lots 3 & 4. She noted that the original plan was not filed with the Registry of Deeds. She stated that she did not know the purpose for the opening. She stated that Attorney Mark Cerel has not reviewed this. Mr. Rondeau stated that the plan he is viewing shows a 60 ft. opening between lots 3 & 4 which is enough for a right of way; the applicant may be setting this up for a road. Ms. Love confirmed the rear of the lots cross into Bellingham. Planning Board members asked questions about the provided plans. Ms. Love confirmed the applicant was not present at the meeting. She reviewed the purpose of an ANR plan.

Motion to Approve 81-P ANR: Prospect Street, Rondeau. Second: Power. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).

C. Field Change: Benjamin Franklin Charter School

Mr. Maglio stated that he saw the plan; he did not see anything significant regarding the grading, the layout, or the sidewalk. He noted that the applicant is proposing to eliminate a lot of the concrete and add landscaped islands within the plaza area of the sidewalk. He recommended the applicant come before the Planning Board for a field change request. Ms. Love confirmed that the gymnasium was part of the original Site Plan.

Mr. Daniel Snider, architect of Arrowstreet, representing the applicant, showed and explained the original plan and the new proposed plan regarding the gymnasium. He stated the existing grades from phase I were not suitable to allow for a concrete plaza to be fully accessible; therefore, they made necessary alterations. Mr. Maglio stated that he did not see any issues with the proposal; it is within the tolerances for an accessible path. Mr. Snider reviewed the previous modification submitted in August 2020; that and the current proposed field change are not related. Mr. Stephen Garvin of Samiotes Consultants, on behalf of the applicant, clarified that the curb cut has not changed; only how someone can move on the plaza itself has changed. The plaza is becoming more of a sidewalk than a plaza. Chair Paula confirmed that it is reinforced concrete curb.

Motion to Approve Field Change: Benjamin Franklin Charter School. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Continued
 Site Plan – 27 Forge Parkway
 Site Plan Modification
 Documents presented to the Planning Board are on file.
 TO BE CONTINUED

Chair Padula stated that the applicant requested a continuance to the next Planning Board meeting.

Motion to Continue Site Plan - 27 Forge Parkway, Site Plan Modification, to May 24, 2021. Halligan. Second: Rondeau. 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
 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 to extend the decision deadline to July 1, 2021. Ms. Love stated July 1, 2021 was already agreed to with the applicant.

Motion to Continue Olam Estates – 900 Washington Street, Definitive Subdivision, to May 24, 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).

7:15 PM

PUBLIC HEARING – Continued
21-872 Zoning By-Law Amendment

Tasting Room Definition

Documents presented to the Planning Board are on file.

Chair Padula read aloud a memorandum from the Department of Planning and Community Development to the Planning Board dated May 4, 2021, regarding Proposed By-Law Amendment-Tasting Room. The memo began with the following: In June 2017 Franklin Town Council approved three Zoning Bylaw amendments that collectively allow a brewery, distillery, or winery that holds a Farmer Series Pouring License to have a Tasting Room. One of the amendments, Zoning Bylaw Amendment 17-788, added a definition for a “Tasting Room” in Section 185-3 Definitions of Franklin’s Town Code. Tasting Room: A room attached to a brewery, distillery, or winery that allows patrons to sample or consume wine, beer, or other alcoholic beverages that are produced on-site in accordance with M.G.L. c. 138. A tasting room may not be greater than twenty-five (25) percent of the main building's gross square footage. The memo further stated that the problem identified with the definition is the restriction on size of a Tasting Room. DPCD recommends the Tasting Room definition be amended by making two changes: 1. Delete the following sentence: “A tasting room may not be greater than 25% of the main building's gross square footage,” and, 2. Add in its place the following sentence: “A tasting room is an accessory use to the primary brewery, distillery, or winery use.”

Chair Padula reviewed that tasting rooms are allowed in multiple zones. Planning Board members asked questions. Director of Planning and Community Development Bryan Taberner responded to questions and explained the distinction between an accessory use which can be 25 percent and the main use of manufacturing. He discussed that for tasting rooms, the 25 percent allowed size does not make sense for businesses that would like to come in and start up. The accessory use is a secondary use. Mr. Halligan stated that the parking will dictate the size of the tasting room; the Planning Board controls the Special Permit which includes parking. He stated that even if the Planning Board passes this proposed amendment, it will not benefit any of the existing tasting rooms in Franklin. Mr. Rondeau stated that a percentage should be included as it sets a boundary. He noted that all tasting rooms that have come before the Planning Board have been given parking relief. Mr. Power stated that as a Planning Board, there are already checks and balances in place; therefore, there is no need for a given percentage. The tasting room is there to promote the viability of the product. Ms. Williams agreed and stated she is in favor of eliminating the percentage. Chair Padula confirmed that Ms. Williams supports taking the percentages off. Mr. David stated that he agreed with Mr. Halligan and Ms. Williams.

Chair Padula stated that he is for the percentage of at least 33 percent. He stated that he believes the entire bylaw is written incorrectly. He reviewed what he believes was the original intent. This was supposed to help the farmers and creators of the breweries to have people taste the product; not have people sit, consume the product, and socialize on the premises. He reviewed that in 2013 the ABCC came out with a farmers series pouring permit. He stated the tasting rooms are competing with restaurants that must have insurance and have high overheads. He does not want to hurt already established businesses or chase away future restaurants. Mr. Power noted that pre-COVID there were no food regulations for the tasting rooms. He does not think they are competing with each other. Chair Padula stated that the Planning Board should not be tweaking bylaws; this should wait until everyone is back in full from COVID before tweaking any bylaws. Mr. Halligan indicated concern that a tasting room can be opened a few nights a week whereas a restaurant must be open six nights a week per their pouring license. Mr. Taberner stated that he was not sure of this. The original intent of the tasting room was reviewed; however, that is not what has happened with the industry. Chair Padula stated the original intent of the bylaw was not mini social clubs which is what they have turned out to be. Ms. Williams stated she believes that each should be reviewed and treated separately regarding the percentages. Mr. Halligan stated that tasting rooms have live entertainment and are a social event; he is okay with this as long as all the breweries come under a

Special Permit, parking restrictions and parking schedules are in place which must be complied with, and the Planning Board has control over the number of patrons.

Town Council member Andrew Bissanti stated that he is in agreement with almost everyone. He stated that the EDC got this off the ground a few years ago, and it has now morphed into something not originally anticipated. The original intent of the tasting room was to create synergy; the tasting room would call another food place, and they would get business from each other. He noted that maybe a sliding scale percentage could be used. The intent of the bylaw was to help businesses, but now they are becoming mini night clubs, they could be hurting restaurants. He noted that in all the occasions this item has been discussed, no restaurant owners or wineries have attended or provided input/feedback. Mr. David asked if there are applicants waiting for this or could the Planning Board put this item on hold for six months. Town Council member Cobi Frongillo noted that there was an EDC open business listening session in which each brewery and winery and some thinking of coming to Town were in attendance. Mr. Bissanti stated that the Planning Board is the platform for the businesses to come to the meetings and voice their opinions. Mr. Halligan explained that for the current breweries, the Planning Board has helped them all with their Special Permits regarding maximum parking, etc., and they cannot expand anymore. Chair Padula reiterated that the intent was a brewery, not a night club. He does not want to hurt established businesses or residential people who have the brewery people parking on the residential streets and damaging the resident's quality of life.

Motion to Close the public hearing for 21-872 Zoning By-Law Amendment, Tasting Room Definition. Power. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Recommend 21-872 Zoning By-Law Amendment, Tasting Room Definition. Power. Second: Halligan. Roll Call Vote: Padula-NO; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 4-1-0 (4-Yes; 1-No).

7:20 PM **PUBLIC HEARING** – *Continued*
 515 West Central Street
 Site Plan
 Documents presented to the Planning Board are on file.

Mr. Edward Cannon, Attorney on behalf of the applicant, stated there were some outstanding issues from the last Planning Board meeting that he would like to review and then would like to have the public hearing closed. Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. reviewed that since the last meeting with the Planning Board, they have received Conservation Commission approval. She stated that they plan to revise the plans to show snow storage. She reviewed that the emergency gate will be locked and is not for through traffic. It is for emergency vehicles only. All trash removal vehicles will come around the rear of the building. She reviewed the porous concrete slabs. She discussed the proposed drainage and stated that they have two proposed catch basins; the stormwater design was based on the previously approved plans.

Mr. Josh Kline, traffic engineer from Stonefield Engineering, clarified parking concerns discussed at the last Planning Board meeting; he showed a graph indicating staff and parent drop off vehicle numbers. He stated there is adequate parking on site for the demand. He noted children are escorted from the vehicles to the door. He stated they meet the parking requirements.

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

Chair Padula confirmed a decision could be made at the next meeting. Ms. Love stated a decision must be made within 30 days of the close of a public hearing; the next Planning Board meeting is in two weeks.

Motion to put 515 West Central Street, Site Plan, on the agenda for May 24, 2021, for a decision. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-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; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:34 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

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