

## Town of Franklin



## Planning Board

**June 21, 2021  
Meeting Minutes**

Chair Anthony Padula called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, or dialing into the meeting using the provided phone number, or participating by copying the provided link. 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.

**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. Housing Production Plan Feedback**

Planning Board members agreed to discuss this item last.

**B. Decision: 12 Forge Parkway – Special Permit and Site Plan**

Ms. Love stated that the Planning Board closed the public hearing on June 7, 2021. There were Special Conditions discussed: 1. Prior to endorsement, the applicant will add arborvitae around the parking area on the Site Plan. 2. Prior to endorsement, the applicant will add a 10 ft. fence in the details of the Site Plan and show the location of the fence on the Site Plan. 3. There is to be no light spillage onto the abutting property. 4. Saturday hours of 9 AM to 3 PM were discussed at the last meeting. She stated that the Planning Board is required to take a roll call vote. Planning Board members discussed Saturday hours.

Mr. Brian Poitras of GFI Partners, representing the ownership group, discussed the other tenant in the building and stated that he is not aware that the other tenant has any restrictions in their hours. Ms. Williams noted that the business is closed on Saturdays and Sundays. Mr. Gene Sullivan, civil engineer on behalf of the property owner, stated that it was his recollection of the previous meeting that the Pack-Rat tenant was going to do their best to schedule any and as many deliveries as possible on Fridays so there would be limited deliveries on Saturdays. They would police that. He stated that he thought if the fence and trees were put up, their hours would not be restricted, and they would do the best they could with managing the business to not have any impacts on the neighbors. Chair Padula stated that he thought the conversation just covered Saturday mornings; the company would open at 8 AM but would not do any moving of storage containers until 9 AM. Mr. G. Costas, Facilities Manager, stated that they can get everything out of the yard starting at 9 AM. He can guarantee they would not go into the yard before 9 AM; that can all be done on Friday nights. He asked that the trucks be allowed to pull out at 8 AM. Chair Padula confirmed that there would be no loading of containers before 9 AM on Saturdays. Mr. Costas stated that they can limit going into the yard area. Chair Padula stated that he was looking at the back-up alarms and forklifts as that is noisy; no yard work before 9 AM on Saturdays just in the storage yard. Mr. Costas stated that he can guarantee 100 percent no use in the storage yard before 9 AM. Chair Padula stated that is perfect.

Chair Padula reviewed the Special Conditions: 1. The applicant will add arborvitaes around the parking area on the Site Plan. 2. Prior to endorsement, the applicant will add a 10 ft. fence in the details of the Site Plan and show the location of the fence on the Site Plan. 3. There is to be no light spillage onto the abutting property. 4. Saturday hours start at 9 AM in the yard.

**ROLL CALL VOTE:**

**This determination shall be in addition to the following specific findings:**

**(1) Special Permit: To allow a storage facility in the Industrial Zoning District, 185 Attachment 3 Section 2.11**

Chair Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.  
**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.  
**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.  
**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**
- d) Neighborhood character and social structure will not be negatively impacted.  
**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**
- e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.  
**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**
- f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.  
**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**
- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.  
**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

**Halligan-YES; David-YES; Rondeau-YES; Power-YES; Padula-YES. Vote: 5-0 (5-Yes; 0-No)**

***Motion to Approve the project with the Standard Conditions of Approval. Vote: 5-0-0 (5-Yes; 0-No).***

**C. Final Form H: 1256 West Central Street**

Mr. Crowley stated that they conducted a site visit last week to review the site in full compared to the plans. As stated on his Site Observation Report dated June 16, 2021, BETA's site walk and review of the As-built plans confirmed the site to be constructed in general conformance with the approved plans with the following exceptions/notations: Items listed by the engineer on record on the as-built plan, the designer should confirm that the revised tree species are included on the acceptable planting list from the Best Development Practices Guidebook, the designer should confirm that the revised rain garden outlet orifice elevation does not adversely affect the drainage calculations, erosion control measures should be removed at the discretion of the Conservation Agent, and the As-built plan should be updated to show the drainage pipe from CB3 to the detention basin. Chair Padula confirmed that wood chips were used in the rain garden. Mr. Crowley state that wood chips were used in the basin instead of the loam and seed/New England wet mix. Mr. Maglio stated that he did not have an issue with that as far as being stabilized; possibly Conversation may have a comment. Ms. Love stated that the applicant will have to close out with Conservation.

***Motion to Accept the Final Form H for 1256 West Central Street. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

**D. Discussion: Prospect Farm Estates – Bellingham**

Ms. Love stated that she wanted to make the Planning Board aware that a Public Hearing notice from the Bellingham Planning Board was received for a 23-lot Preliminary Subdivision plan off of Prospect Street in Franklin. All the buildable lots will be in Bellingham. She stated that she consulted with Town Attorney Mark Cerel. If the developer intends to keep the roadway private, there is no required action from the Franklin Planning Board. If the developer is constructing a public way to be accepted by the Town, then the applicant would be required to file a Subdivision with the Planning Board. The applicant will be required to file a Scenic Road permit.

Chair Padula asked how a developer could make a 23-lot subdivision a private way. Ms. Love stated that the first hearing is this Thursday. Mr. Halligan stated that Franklin will take the brunt of all the vehicle traffic and deliveries and get nothing out of it; it is like a Franklin subdivision on Bellingham land. Mr. Maglio stated that he believes they will be getting their water from Bellingham; he does not know about septic or if they will come to the Town Council in Franklin for sewer. Ms. Love stated that Section 300-10.B(4)(b), states that "roads shall not provide access to undeveloped land in other towns." She stated that none of the bylaws would apply if it came as a private way. She asked if the Planning Board would like a letter sent to the Bellingham Planning Board addressing the issues so they are aware; she stated that she would write the letter for the Planning Board to review. Mr. Halligan recommended the letter be sent prior to Bellingham's first public hearing. Ms. Love stated that she can get the letter to Bellingham's planner by Thursday.

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 read a letter from the applicant requesting a continuance of the public hearing. He stated that the applicant is providing the Planning Board with an extension. Ms. Love stated that she discussed with the applicant the possibility of withdrawal; the applicant asked that the public hearing be continued.

***Motion to Continue Olam Estates – 900 Washington Street, Definitive Subdivision, to July 12, 2021. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Accept the Extension Deadline to September 1, 2021, for Olam Estates – 900 Washington Street, Definitive Subdivision. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

**General Business (continued)**

**A. Housing Production Plan Feedback**

Ms. Love reviewed that the Department of Planning and Community Development first presented the draft of the Housing Production Plan (HPP) to the Planning Board on May 24, 2021. A presentation was given to the Housing Trust and to the Economic Development Committee. The public outreach period will end on June 25, 2021. She stated that DPCD will develop a complete list of all comments received during the public comment period. Once the public comment period is over, all input received will be considered and a Final HPP will be developed. The final draft will be presented to the Planning Board and to the Town Council for review, consideration, and formal adoption. Once formally adopted by both elected bodies, the HPP will be submitted to the Massachusetts Department of Housing and Community Development for review and formal approval. She stated that she wanted to touch base with the Planning Board for any comments and/or suggestions.

Mr. Halligan asked if there were any comments received yet. Ms. Love stated that she has not seen/reviewed any comments yet. She stated that the EDC and Housing Trust were supportive of it. Mr. Halligan stated that he wants to know how the public feels about it; it is their town. Ms. Love stated that she has two comments: one from the Housing Trust and one from a resident. She noted that the Housing Trust public hearing was posted; no one from the public attended. Chair Padula and Mr. Halligan asked that if there is no input from the community, why are we doing this. Ms. Love stated that the State says that every town and city needs a HPP. She explained that the purpose of the plan is to assist the Town with maintaining its 10 percent affordable units and help to make progress in facilitating the development of diverse housing supply for Franklin's low- and moderate-income residents. It is to set the goals and strategies and encourage affordable housing in the Town which is very important. The plan from 2011 is the last plan, and it is supposed to be updated every five years. Mr. Halligan asked what made this rolling a few months ago. Ms. Love stated that it was picked up a few years ago and then we got busy with other things; then we started it back a few months ago. Mr. Halligan questioned starting something a couple of months ago and trying to implement something this massive so fast. He read aloud a section of the goals. Planning Board members discussed that the Town owns very little land, and some of it is not buildable. Mr. Halligan stated that he would like to study this a little longer rather than push it through so fast. Ms. Love stated that the public comment period has been open since May 15<sup>th</sup>. She did not determine the June 25<sup>th</sup> date; she can see if it can be open a little longer. She stated that they want to get as many comments now to work the final draft.

Ms. Love stated that providing the affordable housing is good for Franklin. Chair Padula stated that he read the whole thing, and it is not good for Franklin. He cannot see the urgency as Franklin is at 10.4 percent affordable right now. He does not see the urgency of having to change zoning; the big emphasis is putting affordables downtown. Increasing elderly housing is great. He does not agree with inclusionary zoning. He does not want to reduce the population of the city to bring it out to the suburbs to make our town the city. That is not why people chose to live here or move here. He stated that this covers so much; there is every scenario covered for affordables. The emphasis is on affordable housing and bringing it to downtown. He asked why is everything we write and every goal we have to bring to and make the downtown thrive. Mr. Halligan stated that he is on the CPC and they just voted to spend \$5 million to eliminate 58 homes because it was going to bring kids and people to Franklin. He asked why are we buying out land to not develop it and then creating development. He does not understand the logic.

Ms. Love stated that there is a guideline by the State for putting together a HPP. This plan does not get into specifics of zoning. It is a big overall plan that the Town has a goal to work towards. She stated that Franklin

is actually at 11.9 percent; however, they do not have the 2020 census yet. The main goal of this HPP is to stay above the 10 percent and the 40Bs and unwanted development. Chair Padula read aloud from page 83, the guidelines, paragraph one. He stated that this would change the Town's zoning to have cluster development and make apartments smaller. He stated that after reading this, he may welcome 40Bs. With the invitation of more and more affordable housing, we will be 20 percent if we implement something like this. And, this will increase our costs as we will have to hire more fire and police and we will become a city.

Ms. Williams stated that we are above the 10 percent. However, from this document it seems like we will have to accommodate an aging population whose income levels are going to decrease. It seems like there is anticipated need to stay above the 10 percent. The need for accessible units will also increase. It seems like based on the demographic data there needs to be a strategy in place to maintain the 10 percent. Chair Padula stated that he said that as far as the elderly, people who have lived here all their lives, we should cater to the elderly, and we should have places for them to go. He asked what happens to the towns that do not have their 10 percent. He stated that if a town does not have sewer and water and infrastructure, you cannot put in 40Bs. Mr. Rondeau stated that if the Town is at 11.9 percent, are there any other properties that have been approved but not developed. Ms. Love stated that there are about 34 to 36 units. She stated that some of the strategies and goals in the plan are to provide senior housing, housing for the disabled, and trying to promote this through the developer. She explained it is not counted until it is built.

Mr. Halligan asked what the number/price is for affordables. Chair Padula stated that in the HPP changing zoning is mentioned; it is also mentioned to incorporate affordable housing in subdivisions. He noted that 40Bs do not fall under the Planning Board. Mr. Halligan stated that he read in the document that 20 percent of the homes in Franklin are being rented. He asked how do we know that they are not being rented at an affordable rate. What is the rate? He stated that there are affordable homes being rented out. Ms. Love stated that if they are registered rental homes, they would be included. Mr. Halligan stated that there are many rentals that are affordable, we just do not know it. Ms. Love reviewed the State's calculation of affordable housing.

Ms. Kinhart stated that what makes it affordable is the Deed Rider. It has to have the Deed Rider going with it that restricts the affordable value of the condo or apartment or house. If it does not have the Deed Rider, it does not count as affordable. Mr. Halligan asked for the definition of affordable. Ms. Love discussed how the State classifies affordable under the SHI. Mr. Halligan asked for a scale of an affordable price. Ms. Kinhart stated there is a formula in every Deed Rider that sets the price of an affordable house. Ms. Love said that the State has to determine if the house is affordable at the price which it is being sold. Ms. Kinhart stated that she can show Mr. Halligan the Deed Rider and where the calculation is located. Mr. Halligan asked what is an affordable home in Franklin. Ms. Love confirmed Mr. Halligan was speaking about affordable units that count toward the Town's affordable housing. Mr. Halligan asked how do we determine affordable units on the SHI. Ms. Kinhart stated that the affordable unit is set by a calculation based on household size and the number of bedrooms. She stated that HUD every year puts out what the household size can earn; it is sent to the entire state. For instance, a one-person household income can earn about \$70,000 per year; a four-person household can earn over \$100,000 a year. Mr. Halligan asked what is an affordable apartment in Franklin; what is the minimum that would have to be paid on a unit? Ms. Kinhart stated that affordable housing is not extremely low-income housing. Most affordable units in the Town are for people at 80 percent of the median income. Mr. Halligan noted that in the document it mentions low-income. Ms. Love stated that different strategies will have to be developed to fill all those shoes. Mr. Halligan stated that you have to give a developer an incentive. Ms. Love stated that would come after this plan was accepted. She stated that with these goals and strategies implemented, we would start working toward different ideas such as that.

Chair Padula asked why this is not put on a ballot; why are the citizens of the Town not voting on this? Ms. Love stated that through the Planning Board and Town Council is the way it is to be accepted. It is not a ballot question. Chair Padula stated that the people in Town should have a say. Ms. Love stated that there is a public comment period. Mr. Halligan stated there is a lot of pieces and a lot of homework to be done; it

should not be rushed through. Ms. Williams stated that it has been advertised, and there has been a public comment period. Mr. Halligan stated that it is always a quiet issue until it is in your backyard. He wants to make sure it is done right. Chair Padula stated that he does not see any of this being built right now due to the cost of building materials. This would be tough for a developer. Mr. Halligan stated that we are at 11.9 percent; what is the forecast for hitting 10 percent. Ms. Love stated that they do not know; they do not have the 2020 census yet. She stated they are optimistic that with the 2020 census they will be over the 10 percent, and that will give them another ten years. She stated that these are goals and strategies to work toward. If this were to be implemented, then the real work begins. It is important to have an updated plan for the Town.

Ms. Love stated that she does not know if the public comment period will be extended past June 25<sup>th</sup>. She stated that the Planning Board will be able to make comments on the final draft. Mr. Halligan asked if the Planning Board does not vote in favor of it, does it still move forward. Ms. Love stated that she would have to ask. Chair Padula asked if something like this passes and is implemented and the Town is at its 10 percent, does the Planning Board have to vote on a project that includes affordable housing if we do not need it. Ms. Love stated no, that would be a zoning change. She stated the HPP does not change zoning. All zoning changes go through EDC and Planning Board. Chair Padula stated that with 40Bs, as long as the Town is at 10 percent, they are safe. They do not have to approve any affordable housing. Ms. Love stated that the only 40B that has not been built was approved when the Town was under 10 percent. She stated that the vote will come when there is a final draft before the Planning Board. She stated that the Planning Board members can submit comments to her if they would like to.

#### **Chair and Member Comments**

Mr. Rondeau asked about the outcome for Panther Way regarding people getting blasted with sand during the wind; he stated that the sand is still blasting residents as they walk by. Ms. Love stated that she would follow up.

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:15 PM.***

Respectfully submitted,

Judith Lizardi,  
Recording Secretary

***\*\*\*Planning Board approved on July 21, 2021***