

Town of Franklin



Planning Board

September 27, 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, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Joseph Halligan, William David (via Zoom), Gregory Rondeau, Rick Power, associate member Jennifer Williams. Members absent: None. Also present: Amy Love, Planner; Michael Maglio, Town Engineer; Matthew Crowley, BETA Group, Inc.

7:00 PM **Commencement/General Business**

Chair Padula read aloud the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was video recorded.

7:05 PM **PUBLIC HEARING** – *Continued*

40 Alpine Row
 Site Plan

Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Attorney Craig Ciechanowski, representing the applicant; Mr. Brendan Carr, applicant; and Mr. Daniel Campbell, project engineer of Level Design Group, addressed the Planning Board. Attorney Ciechanowski stated that the changes to the plans would be reviewed. Mr. Campbell reviewed the modifications to the plan set and responses to comments to BETA. He noted that BETA responded with a few additional comments that will be addressed this week. Regarding the layout of the site, he stated that the parking spaces at the front of the building were modified, the curb radii was modified for fire truck access, and the parking spaces at the back of the building were angled. He reviewed the modified drainage at the rear of the building. He stated that BETA commented on the infiltration system in accordance with the Town's stormwater bylaw; the applicant will increase the infiltration capacity by increasing the number of chambers in the system. He stated that outstanding comments include construction of walls on the site.

Ms. Love reviewed her letter to the Planning Board dated September 16, 2021. In regard to comments from the July 26, 2021, Planning Board meeting, she stated that the applicant provided an Environmental Site Assessment. She noted that there was concern for a higher fence around the basketball court. The applicant removed the basketball court and added green space. She stated that the applicant has not provided the fire truck turning analysis. The fire department requested a 20 ft. width around the property; the applicant provided a 20 ft. width. She stated that the Design Review Commission recommendation has been provided. She noted that a revised landscaping plan has been submitted.

Mr. Maglio reviewed his letter to the Planning Board dated September 21, 2021. Based on the applicant's plans, the roadway in front of the proposed building appears to encroach onto private property. He stated that he will coordinate with the applicant on the layout of the proposed curb in this area. He discussed that a 5 ft. concrete sidewalk is proposed between the two commercial use buildings, but not along the front of the parking garage. He noted that the Town does not have a sidewalk along this side of the street. He stated that the curb radius at the eastern driveway extends into the adjacent property's frontage and should be shifted so that all work is within the frontage of the proposed site. Mr. Campbell stated that modifications will be made regarding the encroachment. Mr. Maglio stated that the sight distance at the eastern driveway does not appear to be sufficient at 73 ft.; it should be looked at to see if it can be increased. He stated that the proposed drainage piping is called out as plastic pipe (HDPE); reinforced concrete is required. He noted that the Town is working with the MBTA on another project; during discussions with the MBTA this property came up. He stated that it might be worth the applicant's effort to reach out to the MBTA because it might be required to have a license where the work is so close to the right of way. He noted that on the site drainage there may be some sheet flow to the right of way to the intersection; it should be reviewed to determine how much sheet flow is coming off the site.

Chair Padula stated that the bylaw requires a 6 ft. sidewalk. He discussed that the overflow drainage is going into the Town drainage. He asked if the Town has or should obtain an easement. Mr. Maglio reviewed that any missing easements for Town drainage and/or sewer lines that run across the site should be resolved as part of the approval process. Mr. Campbell agreed that easements should be provided as a condition of approval prior to a certificate of occupancy for the building. Chair Padula noted the pavement detail based on subdivision control. Mr. Campbell stated that from a pavement standpoint, it is a private parking lot. Chair Padula stated that for a Site Plan, the Site Plan regulations must be followed; it must be 2 ½ in. base and 1 ½ in. topcoat. Mr. Campbell stated that he would have to review this.

Mr. Crowley stated that the designer, Mr. Maglio, and Chair Padula have touched on the majority of his comments. He pointed out some additional items from his Site Plan Peer Review Letter dated September 23, 2021, which was provided in the Planning Board's meeting packet. Mr. Campbell stated they would be checking the topography on the site regarding drainage.

Mr. Rondeau asked about snow storage and the existing building. Mr. Campbell stated that snow storage would be in the islands around the lot; it is labelled on the plans. He explained that they would be doing some minor modifications to the exterior of the existing building; he confirmed that there will be sufficient parking spaces. Mr. David confirmed the basketball court was being eliminated. Mr. Campbell explained that the original proposed fence has now been removed and the area grassed. Mr. David asked for the height of the wall. Mr. Campbell stated it will vary in height; it will have a 4 ft. tall chain link fence on top of the wall. Mr. David stated that he would like to see a higher fence as he is concerned about kids. Mr. Campbell explained the wall/fence heights. He explained that there is some 6 ft. tall chain link fence on the MBTA property; that must remain as they cannot take it off the MBTA property. Chair Padula stated that this was two lots and asked if it was ever taken care of. Mr. Campbell stated it is now one owner. Mr. Campbell requested continuance to the next meeting as he is hoping to get the comments addressed in one week.

Motion to Continue 40 Alpine Row, Site Plan, to October 18, 2021. Rondeau. Second: Power. Vote: 4-0-0 (4-Yes; 0-No). Roll call vote: Padula-Yes; Rondeau-Yes; Power-Yes; David-Yes.

Ms. Williams entered the meeting.

Mr. Halligan re-entered the meeting.

7:10 PM

PUBLIC HEARING – *Continued****5 Fisher Street*****Site Plan***Documents presented to the Planning Board are on file.*

Mr. Daniel Campbell of Level Design Group, LLC, on behalf of the applicant, discussed modifications including accessible pathways and the landscaping plan. He stated that they have requested two waivers: parking spaces closer than 10 ft. to the property line and the total parking count of which they are shy approximately 13 spaces. He stated that they have retained McMahon Associates to do a parking study associated with uses inside the building; they hope to have the study done by next week. He discussed the accessible entrances based on the proposed accessible pathways which will be provided in their response comments to BETA. He explained that they have added cleaning units to the existing drainage. He noted the infiltration system located in the rear.

Ms. Love reviewed her letter to the Planning Board dated September 22, 2021, which was provided in the Planning Board's meeting packet. She stated that the applicant received recommendation from the Design Review Commission. She recommended that if approved, a condition be added that the uses will file for a Special Permit once they are known. She stated that the Planning Board expressed concern with the Cape Cod berm in the parking area; this is still outstanding. She stated that the applicant has shown direction arrows on the plan. She noted that at the last meeting the Planning Board asked that the grease trap be shown on the Site Plan.

Mr. Maglio reviewed his letter to the Planning Board dated September 22, 2021, which was provided in the Planning Board's meeting packet. He reviewed some of the items including that the applicant should label the building numbers on the plan, show the location and sizing calculations for the grease trap on the plan, and show the test pit locations on the plan and provide test pit logs. He stated that the Stormwater Report addresses how the design complies with the Massachusetts Stormwater Standards, but the applicant should indicate whether the design meets Franklin's criteria for new and redevelopment projects. Chair Padula and Planning Board members asked questions. Mr. Maglio stated that anything with a commercial kitchen would require a grease trap.

Mr. Crowley stated that many of his comments were already covered. He noted that the applicant is proposing the use of extruded concrete curb on the site where reinforced concrete or granite is required. For the Planning Board's consideration, he noted that the area west of the existing building is pavement; it currently sheet flows off the site directly into the drainage ditch. The applicant is proposing to add striped parking spaces and reconstruct the pavement in that area. He stated that the Planning Board should opine if they want to have curbing along the entire pavement boundary rather than just adjacent to the parking spaces in that area. Chair Padula stated that he would not like to see sheet flow off the property; it should be mitigated on the property. Mr. Campbell stated that it does not sheet flow off the property; it sheet flows into the existing drainage ditch on the property. Discussion commenced regarding the sheet flow. The applicant discussed the curbing as indicated by Mr. Crowley.

Mr. Maglio discussed the Town's criteria for stormwater design for redevelopment projects; a percentage of TSS and/or phosphorus removal is required. Chair Padula further discussed that this infiltrates across the street; there is a well there. Therefore, this should be treated before it gets into the drinking water/well; this should be done during redevelopment time. Mr. Campbell explained the proposed system and how the water is being treated. He stated that it complies with Franklin's stormwater standards. Chair Padula stated that it does not; a parking lot without catch basins does not comply with Franklin's standards. He stated that the applicant must figure this out before returning to the Planning Board. Planning Board members asked questions and noted the requested waivers. Mr. Campbell discussed the waiver for the parking spaces closer than 10 ft. and a reduction in 13 spaces. Mr. Halligan stated that he

had no issue with the proposed waivers. Mr. Rondeau requested snow storage be put on the plans, asked about the locations of the transformers, and requested a current letter from the fire department be provided. Mr. David stated that he feels the same as other Planning Board members on the waivers. Mr. Crowley questioned that the applicant still has one proposed dumpster. Mr. Campbell reviewed the dumpster locations. Mr. Crowley discussed screening for the adjacent residents near the front of the site in regard to parking. Chair Padula stated that boxwoods or something would be needed to hide the cars. Mr. Campbell stated that they can look at plantings that are not too tall to block the sight view. Mr. Halligan asked for an explanation about the swale in the back. Mr. Campbell reviewed the process for the water currently and proposed.

Motion to Continue 5 Fisher Street, Site Plan, to October 18, 2021. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Roll call vote: Padula-Yes; Halligan-Yes; Rondeau-Yes; Power-Yes; David-Yes.

7:10 PM **PUBLIC HEARING** – *Initial*
Housing Production Plan
 Definitive Subdivision
Documents presented to the Planning Board are on file.

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

Ms. Love reviewed her letter to the Planning Board dated September 22, 2021, which was provided in the Planning Board's meeting packet. She stated that the Housing Production Plan (HPP) process started in May and a public comment period was open. It has been presented to Planning Board, CPC, Housing Authority, and Economic Development. She stated that they are at the final stages of the HPP; it includes all public comments received. The final draft is being presented to the Planning Board tonight. She reviewed 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. The HPP can be found on the Town's website. She stated that the first half of the HPP is factual data providing an overview of the Town of Franklin's housing, population, income, and area data. The HPP then provides goals and strategies to address affordable housing. The State requires the HPP be accepted by the Planning Board and Town Council before the State will accept the plan. She stated that the Department of Planning and Community Development is looking for the Planning Board to vote on acceptance of the plan. The Town Council will be voting on the Housing Production Plan on October 6, 2021.

Mr. Halligan stated that he had a question for Director of Planning and Community Development Bryan Taberner; however, Mr. Taberner was not present at tonight's meeting. Mr. Halligan stated that this is a plan for the future of Franklin. He wanted to confirm that even if the Planning Board and Town Council voted for the HPP, and the State accepted it, it does not mean that the items in the plan can be enacted immediately. He wanted to confirm that each item would have to be addressed through the Planning Board and Town Council in the usual process. Ms. Love confirmed that they would still have to go through, as they always do, any process for zoning changes and other changes needed in the Town to fit the plan. She stated that any zoning amendments would go through the same process as is currently in place. She stated that it may take one to three months for the State to approve the plan.

Chair Padula stated that if this does pass, and the Town decides to change the zoning, the Town Council can still over rule the Planning Board to change zoning as they are the zoning enforcement agent, and earmark five-story buildings for someone who promised to put in affordable housing. He does not want to see five-story buildings in the center of Town with no parking. He expressed concern that this is to assist the Town maintain its 10 percent. But, in the verbiage of the plan, it says they want to increase affordable

housing, not just keep it at 10 percent. Ms. Love stated that as new development in Town is added, the 10 percent starts dropping. So, increasing the affordable is always wanted because the Town is getting non-affordable in Town, as well. Planning Board members discussed the affordable percentage and what percentage is being aimed for, what is the goal. Discussion continued on how long such goals and strategies would take to be implemented. Concern was expressed regarding four- and five-story buildings being allowed. As well, it was questioned if the State take over and the boards would have no say. Chair Padula stated that he believes this is strictly a Town plan as to how they will handle affordable in the future. He noted that the Town still has to have the ability to supply a development with water/sewer. Mr. Halligan stated that he would support this as all the issues would be able to be addressed.

Mr. Maxwell Morrongiello, 127 Central Park Terrace, stated his support for the HPP and read his statement aloud discussing his reasons for supporting the HPP including helping those with disabilities, being a recipient of affordable housing, supporting family values, supporting inclusionary zoning, and respecting elders. He urged the Planning Board to vote yes on the HPP. Ms. Beth Wierling, 164 Main Street, stated that she is glad the Planning Board members changed their tune since the last time she was at the Planning Board meeting in June and members will be supporting the plan. She stated that Franklin has a lot to offer and everyone should be allowed to live here.

Motion to Close the public hearing for the Housing Production Plan, Definitive Subdivision. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No). Roll call vote: Padula-Yes; Halligan-Yes; Rondeau-Yes; Power-Yes; David-Yes.

Motion to Approve the Housing Production Plan, Definitive Subdivision. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Roll call vote: Padula-Yes; Halligan-Yes; Rondeau-Yes; Power-Yes; David-Yes.

7:10 PM **PUBLIC HEARING** – *Initial*
 Coutu Street Extension
 Definitive Subdivision Modification
 Documents presented to the Planning Board are on file.

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

Ms. Love reviewed that the applicant received approval on March 6, 2006, for a two-lot subdivision, one buildable lot and one drainage lot. She noted that on page 4 of the Certificate of Vote, it states: no further subdivision will be allowed and the site will remain a two-lot subdivision allowing one buildable lot and one drainage lot. She stated that the applicant is requesting to modify the Certificate of Vote and create one additional buildable lot. The applicant has provided a revised subdivision plan showing the second buildable lot referred to on the plan as Lot 3.

Chair Padula noted that the plan shows two lots besides the applicants own home: Lot 1 is for drainage, Lot 2 is the existing house, and Lot 3 is being provided for a relative. Mr. Maglio stated that he has not reviewed this.

Mr. Rick Goodreau of United Consultants stated that if looking at the plan, the detention pond lot is not part of this application. The application entails the division of former Lot 1 as shown on the 2006 plan; that lot is being divided into Lots 2 and 3 as shown on the plan before the Planning Board. He reviewed the provided frontage and lot width as shown on the plan. He stated that there would be no ability to divide these for any further development. Chair Padula stated that the applicant could have gone for an 81-P. He discussed the cul de sac and asked if the Town would want the cul de sac conveyed to the Town.

Mr. Maglio stated no. He stated that there is a private road covenant from the previous plan. He stated that it is listed as private snow removal; he could look into it further to verify.

Motion to Close the public hearing for Coutu Street Extension, Definitive Subdivision Modification. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Roll call vote: Padula-Yes; Halligan-Yes; Rondeau-Yes; Power-Yes; David-Yes.

Motion to Approve Coutu Street Extension, Definitive Subdivision Modification. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Roll call vote: Padula-Yes; Halligan-Yes; Rondeau-Yes; Power-Yes; David-Yes.

Public Comment

Ms. Jane Callaway-Tripp, 607 Maple Street, stated that she wanted to ask a question to the Planning Board. She stated that she is running for Town Council in November; however, she is still learning all the Planning Board rules. She stated that there was an article in the paper this week about Franklin roads regarding the Complete Streets agenda on Wednesday, September 22, 2021, by the EDC. She is wondering why the EDC is approving this. She stated that it is her understanding that the EDC can suggest things to be done within the Town, but does not have the authority to actually approve this. She asked if this should be coming in front of the Planning Board. If the Planning Board did approve it, it would then go before Town Council for final approval; this is when it would be put on an agenda and residents of the Town could weigh in. She is wondering why this was not brought before the Planning Board and the EDC is determining what will and will not be done. The entire project has not been brought before the residents. She stated that the roads are not that wide already; to reduce the road width to allow bike paths will create a dangerous situation. She discussed that taxpayer dollars could be better spent on fixing streets and creating sidewalks for children to get to school. She is concerned that the Planning Board was left out of the process and EDC overstepped their authority. She asked what the Planning Board's role is in this process and if the Planning Board was left out of the process as were residents.

Mr. Halligan stated that the EDC comes up with ideas that are then presented to the Town Council. Town Council then sends it to the Planning Board for approval and then it goes back to the Town Council for approval.

Mr. Maglio stated that Complete Streets is not a specific project. It is a grant program from MassDOT. In April, the DPW made a presentation to the Town Council about the funding program through the State. They award up to \$400,000 each year to different communities. The Town Council approved the Town policy for the Complete Streets in line with what had to happen with MassDOT. As part of the program, the first phase is to pass the policy and the second phase is to come up with a priority list of projects which the Town hired a consultant to help with. He stated that the EDC did not approve anything; it was just a public meeting to explain the program. It was not for any particular project, just a list of projects the Town would like to prioritize to submit to the State. The next phase is to apply for funding from the State on a case-by-case basis.

Ms. Callaway-Tripp stated that it was not a public outreach meeting as she did not even know about it until she read about it in the papers. She stated that there was not an email notification by the Town regarding this public meeting. The EDC decided to go forward without any residents having the right to choose. She stated that grants from the State are still the tax dollars from the taxpayers being used. She stated that residents should all be allowed to have a say in what is going on in this Town as we live here, and we are not. Residents have not been able to voice on this. She stated that this is not Boston, Cambridge, Needham, or Dedham; if you want to live in a city, then move. She stated that this is just getting pushed through and residents are not getting a chance to voice their opinions.

Chair Padula stated that he would hope that this would come before the Planning Board. He stated that he learned about this also through the Franklin Observer. He discussed that the Planning Board is supposed to be the sole board in charge of all ways, sidewalks, roadways, and any changes are supposed to come before the Planning Board because that is what the Planning Board does, infrastructure. Under subdivision regulations, the Planning Board is in charge of all ways and roadways in Town. It is incorrect that the Town can make changes to streets such as reducing width, eliminating sidewalks, and changing drainage a few years after the Planning Board has approved the subdivision plan. Any modifications made to the subdivision should go back to the Planning Board. Ms. Callaway-Tripp stated that this is not okay; it is time to go back to the way it used to be in running the Town and its boards correctly.

Mr. Power noted that members elected to Planning Board, Town Council, School Committee, etc., are representatives for the residents. He stated that people are getting a chance to be represented. Ms. Callaway-Tripp stated that in the past residents attended meetings. Now, she hears that people have stopped attending meetings because no one is listening and the people are not being heard. She stated that the Planning Board, Town Council, and School Committee are never going to make everyone in Town happy. However, the problem is that the majority of the Town is not happy 100 percent of the time. Accountability is gone and the board/committee members are not listening. She stated that people would start coming back if they would be listened to.

Motion to Adjourn the Planning Board Meeting. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Roll call vote: Padula-Yes; Halligan-Yes; Rondeau-Yes; Power-Yes; David-Yes.

Meeting adjourned at 8:35 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

******Approved at the October 18, 2021 Planning Board meeting.***