

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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PLANNING BOARD

January 24, 2022 Meeting Minutes

Chair Gregory Rondeau 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: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Jennifer Williams; Rick Power; Jay Mello, associate member. Members absent: None. Also present: Amy Love, Planner; Michael Maglio, Town Engineer; Gary James, BETA Group, Inc.

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

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

7:05 PM **PUBLIC HEARING** – *Initial*
1256 West Central Street
Special Permit Modification & Site Plan
Documents presented to the Planning Board are on file.

Motion to Waive the reading. Wierling. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love reviewed that the site is located at 1256 West Central Street in the Industrial Zoning District and Marijuana Overlay District. The site is currently a retail Marijuana use under the Planning Board Special Permit. The applicant is requesting to modify their Special Permit to allow walk-in customers. She noted that the Special Permit condition reads: The clients are to arrive by appointment only. At any time in the future, the applicant may file a modification for non-appointment clients. She stated that DPCD has not requested any engineering review as the applicant is requesting a change in conditions; no site changes are proposed. The applicant is requesting that the application fee of \$750 be waived. Ms. Love confirmed that the applicant for 162 Grove Street, Special Permit Modification, who was before the Planning Board at the January 10, 2022 meeting, paid the \$750 application fee. Planning Board members informally agreed they had no issue with waiving the fee.

Mr. Patrick Sullivan, attorney on behalf of the applicant (via Zoom), stated that Ms. Love provided a good overview of the requested modification. Mr. Chirag Patel, applicant, stated that they had originally anticipated 40 customers per hour. Currently, they are seeing an average of 160 to 170 customers per day. He stated that the removal of by appointment only would add fluidity to their operation.

Motion to Close the public hearing for 1256 West Central Street, Special Permit Modification & Site Plan. Rondeau. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Waive the application fee of \$750 for 1256 West Central Street, Special Permit Modification & Site Plan. Wierling. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Amend 1256 West Central Street, Special Permit Modification & Site Plan, to remove the requirement and to allow walk-in customers. Wierling. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

ROLE CALL VOTE:

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

(1) Special Permits: To amend the Special Permit and allow the following: a. Walk-in customers

Ms. Wierling read aloud the following.

a) Proposed project addresses or is consistent with neighbor or Town need.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-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.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

d) Neighborhood character and social structure will not be negatively impacted.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-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.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-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.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-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.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-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.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

7:10 PM

PUBLIC HEARING – Continued

Taj Estates – 230 East Central Street

Special Permit & Site Plan

Documents presented to the Planning Board are on file.

Mr. Richard Cornetta, attorney on behalf of the applicant Taj Estates of Franklin II LLC, and Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Cornetta noted that the principals of Taj Estates of Franklin II LLC were present at the meeting. He reviewed that they were before the Planning Board last month to discuss the proposal for redevelopment of the site. They were

seeking a special permit for multifamily residential use as well as the associated site plan approval. He stated that during the last meeting there were comments from Planning Board members about the size and scale of the project and the associated parking. Therefore, they revised the site plan. He pointed out that the number of bedrooms per unit will remain at one bedroom, the building scale has been reduced in size, parking and screening has been modified, and they have provided parking more in line with the standards for one-bedroom units. He provided color renderings to Planning Board members. He stated that although they are seeking a special permit for use, they are requesting about eight units below what is allowed on the site per zoning. He noted that the applicant has presented before the Historical Commission; a letter will be forthcoming.

Ms. Cavaliere reviewed the revised site plan. She stated that the most significant change is the reduction in building size. Originally, it was proposed at approximately 14,000 sq. ft.; that has been reduced by approximately 2,000 sq. ft. As well, the number of units has been reduced from 41 to 35 one-bedroom units. She reviewed the updated parking. She stated that they are proposing 36 parking spaces for the units, two office spaces, three visitor spaces, and three handicap spaces. She stated that the total number of spaces required is 55; they are proposing 44. She stated that all work has been removed from the sewer easement. She reviewed the revised landscaping plan. She stated that with positive feedback from the Planning Board, they will move forward to address comments from BETA and the Town as well as provide other documents.

Ms. Williams stated that she agreed Franklin needs one-bedroom units; however, she thinks that the number of parking spaces to units is insufficient even if it were 1.2 spaces per unit. With 44 spaces there is not enough parking. Mr. Power stated that it is a big assumption to think that everyone in there will have a car; he thinks 1.2 spaces per unit would be adequate. He noted that the Housing Production Plan was passed; this is the first step to going in that direction. He stated that we would be sending the wrong message if we do not give it a good look. Ms. Wierling stated that she does not disagree that it should be given a good look; however, the density may be a little too dense. It is wedged between some single-family homes, and there is a lot of impervious. She recommended looking at a few less units. She noted the location of the dumpster as it abuts residential. Ms. Cavaliere stated that the density was based on the zoning bylaws of one unit per 1,000. Ms. Wierling asked if DPW's comments can be addressed within the current configuration. Ms. Cavaliere stated that would be looked at. Ms. Wierling asked for clarification on the plans if it is going to be office space or commercial space as this is meaningful in regard to parking spaces. Ms. Williams asked if the 35 parking spaces will be assigned to each unit. She asked how will the visitor parking situation be monitored and controlled with only three visitor parking spaces for all the units and with only three spots for people coming to the office or commercial space. She noted that oftentimes there is more than one person living in a one-bedroom unit. She agreed with Mr. Power that there is flexibility, but they need to be realistic in getting to the right ratio of parking that will not affect neighbors or have people struggling to find parking. Mr. David asked if the building could be pushed back to the rear of the site 10 ft. to 15 ft. for more parking spots on the right side of the building. Ms. Cavaliere stated they will look at that. Mr. Mello asked if they have explored ownership of the paper road. Mr. Cornetta stated that it is not a Town public way or accepted road; they are looking into it. Chair Rondeau noted comments made on parking, building size, easement, proximity to street with height of three stories, pushing the building back, and nearby residences. Mr. Cornetta confirmed that the building is three stories and complies with the height restriction.

Mr. Maglio stated that he reviewed the revised plan. He stated that the few comments he had were addressed. He noted that everything has been moved from the rear sewer easement. He stated that the applicant still has to complete the stormwater design for the next submission. Mr. James, BETA Group, stated that the plan was not given to him for review at this time.

Ms. Love reviewed her letter to the Planning Board dated January 18, 2022. She stated that a traffic study was received from the applicant but not in time to be included in the meeting packet. She asked when the Planning Board would like BETA to review the traffic study. She stated that the applicant is proposing work in the right of way on Hill Avenue; the applicant should provide legal information that this work is permissible. She stated that the applicant should provide the location of the abutting houses on the Site Plan. She stated that the applicant is required to file with the Design Review Commission.

Ms. Cavaliere requested feedback from the Planning Board. Chair Rondeau suggested that the applicant reduce the number of units and adjust the parking. Mr. Cornetta requested an indication of the number of units. He noted that the economics are being stressed and cannot go much lower. He stated that they felt this was a reasonable number of units. He stated that this is a commercial corridor; they are not infringing on any zoning requirements. He stated that they can make a compelling case that the number of parking spaces they are proposing will work for this project. He noted that the owner will control the number of vehicles on the site.

Mr. Mark Rovani, representing his mother at 240 East Central Street, who is a direct abutter to the east, stated that the location is not .5 miles from town/train station, the proposed prices are not considered affordable for a one bedroom, and although the site is commercial the entire neighborhood behind it is not commercial.

Mr. Mark Letourneau, 29 Hill Avenue, abutter to the south, stated concerns about moving the building further back, using Hill Avenue for cars to go through, and the number of units; he noted agreement with comments made by Mr. Rovani.

Mr. Cobi Frongillo commended many of the comments already made from the design standpoint. He stated that regarding parking, he really hopes we do not demand any larger parking ratio. He stated that it is the owner's responsibility to find people who are willing to accept that. He stated that making parking costs money and that gets passed on in the form of rent. He stated that overburdening people for the sake of demanding parking seems unrealistic; the Town is moving in this direction. He asked the Planning Board to not demand more parking.

Mr. Robert Dellorco, 7 Wilson Road, stated that with one-bedroom units, you should figure two people in each unit. He stated that there will be a lot more than 35 cars at this project; then, what are you going to do? It will be a nightmare down on Rt. 140.

Chair Rondeau stated that there are still concerns about parking, number of units, and traffic. He suggested that Mr. Cornetta speak to his client. He noted that it is a good project as one-bedroom units are needed. He noted agreement with Mr. Dellorco's comment that there probably will be two people in each unit. He stated that the Planning Board wants to make it a safe site and make it work. Mr. Cornetta stated that they will think about these comments and will be back before the Planning Board.

Motion to Continue Taj Estates, 230 East Central Street, Special Permit & Site Plan, to February 7, 2022. Wierling. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – Continued
 Washington Street
 Site Plan Modification
 Documents presented to the Planning Board are on file.

Mr. Rick Goodreau of United Consultants, Inc.; Mr. Peter Genta, Manager, Franklin Flex Space, LLC; and Mr. Bill Hummel addressed the Planning Board. Mr. Goodreau stated that revisions to the plans were made based on comments received at the last Planning Board meeting. He stated that with regard to earth removal, the ZBA closed their public hearing. The Conservation Commission closed their public hearing and voted to issue an Order of Conditions for the project. He reviewed an updated rendering of the building. He stated that there will be pedestrian access doors and overhead door access into the warehouse portion of the building. Using the rendering, he reviewed some of the changes made to the project. He reviewed the proposed location of the three buildings and the five nearby residential houses. He discussed the remainder strip that was left when the houses were developed; the development strip is on a plan from 1913. He stated that there are no records of that property being conveyed to any of the abutting properties. They have looked at the Assessor's records and there is no record of ownership of that parcel. He stated that they have proposed a 4 ft. tall chain link fence to provide for the separation of the abutting properties and a dense evergreen shrub of 143 arborvitae to provide for a visual screen. The requirements are that at the time of planting, the trees would be 3 ft. in height. He reviewed the placement of the fence and the trees and noted that with the spacing, they would have to plant the trees up against the fence. He noted that if the trees are planted away from the property line, they will be lower due to the slope. He stated that no signage has been proposed at this time; the applicant will go to the Design Review Board as necessary when signage is proposed. He stated that he spoke with the town engineer and reviewed BETA's comments; both have concerns with the slope. He stated that there were three comments regarding zoning. He stated that he spoke with the town planner and building commissioner today; he believes the zoning issues have been resolved. He stated they have some light spillage that will go onto the power company's property. He stated that at the first public hearing the Planning Board requested that adequate parking was provided; they have parking in excess of what is needed. He stated they propose to evaluate this as the project is being developed; if there is an opportunity to minimize parking, they would come back to the Planning Board to discuss. He stated that the applicant would like the most flexibility and therefore have the additional parking at this time. He stated that the applicant has proposed to remove the underground propane tanks from the site. He reviewed the watershed plan. He stated that he submitted a letter from the project's geotechnical engineer who looks at the underlying soils. He explained that the Geoweb system is a surface stabilization system. He noted that there is a 40-mph speed limit in one direction to the site and a 30-mph speed limit in the other direction; he has updated the plans to reflect this.

Mr. Mike Everhart of Everett J. Prescott, Inc. (via Zoom) discussed the Geoweb system. He stated that this system is used for steeper slopes in order to vegetate the slope. He reviewed the system. He stated that it is an erosion control measure and allows vegetation to get established. There is no maintenance of the system. Mr. Goodreau handed out pictures of the Geoweb system.

Mr. Paul Harrington, 241 Washington Street, stated that the slope which is at a 45-degree angle is a big concern. He stated that the overall scope of the project seems larger in scope than the parcel it will be developed on. He stated that it is a heavily wooded area with natural habitats and trails; it is upsetting to see a piece of the community overdeveloped. He questioned how the width in the lot parameter was exempt from the bylaw.

Ms. Karen Miller, 246 Washington Street, noted concern about the slope. She noted that a traffic study had not been done. She stated that there is a lot of traffic there; people speed on the road and visibility is not good. She stated that the entrance to the development is on a right of way on property that the applicant does not own. She noted concern regarding work that may need to be done under the high-tension wires. She asked if the Planning Board could require that each tenant return for a Limited Site Plan so the Planning Board can approve the tenant to ensure the safety of the wetlands and the neighborhood in a water resource area.

Mr. Robert Dellorco, 7 Wilson Road, stated that he had concerns about this project and the other project on King Street. He stated that there will be so much traffic in the long term that the Town will have to install lights at King Street and Union Street which will cost the Town a lot of money.

Mr. Mello asked about traffic. He cautioned the Planning Board limiting development along a road like this when there are adequate things from an engineering standpoint to be done such as the design of the roadway, and police have to enforce it. Mr. Goodreau reviewed the driveway within the 50 ft. right of way; he stated that they are currently working with the power company.

Ms. Williams asked about the parking depending on the tenants and the use. She asked if it can be limited to 125 spaces rather than the 144 spaces proposed to keep the impervious surface down to a minimum. Mr. Goodreau stated that could be done; however, they propose to see who the tenants are then re-evaluate. They do not want to box themselves in; they do not know the number of spaces needed at this time until the tenants are confirmed. He stated that an average would be five spaces per unit.

Ms. Wierling asked for a lighting plan as a lighting waiver was requested. She requested more detail on the greenbelt. Mr. Goodreau read aloud BETA's comment regarding the lighting waiver. He read aloud and discussed the bylaw regarding the greenbelt. He reviewed the proposed arborvitaes and where they would be located near the fence. He reviewed that this is proposed as sequenced construction. Mr. Hummel stated that it is proposed to take six to eight months for each building.

Chair Rondeau asked if there was a way to create a level landing at the top of the hill to put the trees in. Mr. Goodreau discussed the slope location. He stated that it was about 900 ft. for slope stabilization. He confirmed they were granted a permit for 16,000 cubic yards earth removal from the ZBA. He discussed the sequencing of the infrastructure. He stated that he would be amenable to bringing a letter to the building commissioner, who is in charge of zoning, for each new tenant to make sure they are in use compliance as they are in a water resource district.

Ms. Karen Miller clarified the site distance when taking a right or left out of the entrance. Mr. David asked about the proposed signage. Mr. Genta reviewed the proposed signage.

Mr. Maglio suggested that the work by the applicant's geotechnical engineer for design be completed before any approval is given by the Planning Board. He suggested the property line at the top of the slope be staked out every 100 ft. so they are not encroaching on private property. Mr. Goodreau stated that was acceptable. Mr. David asked about addressing the speed limit and if it could be reduced. Ms. Love stated that is not related to the site plan. She stated that the Planning Board could write a letter of recommendation to the Police Department. Chair Rondeau asked Ms. Love to draft a letter. Ms. Williams requested that parking be revisited as each phase of the project is completed based on the anticipated tenants. Mr. Goodreau stated that when they return for a partial Form H, that would be a good time to talk about tenants and parking. Ms. Love stated that she would write the list of conditions discussed by the Planning Board for the next meeting. Mr. Goodreau discussed the 15 ft. greenbelt area and what would be planted. He confirmed that there are no rooftop units.

Motion to Continue Washington Street, Site Plan Modification, to February 7, 2022. Wierling. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM

PUBLIC HEARING – Continued

120 Constitution Boulevard

Site Plan Modification

Documents presented to the Planning Board are on file.

Ms. Love stated that the applicant requested a continuance of the public hearing to February 7, 2022.

***Motion to Continue 120 Constitution Boulevard, Site Plan Modification, to February 7, 2022.
Wierling. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).***

Motion to Adjourn the Planning Board Meeting. Wierling. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).

Meeting adjourned at 9:11 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary