

Town of Franklin

355 East Central Street
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PLANNING BOARD

August 16, 2022 Meeting Minutes

Chair Gregory Rondeau called the above-captioned Special Planning Board 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; Rick Power; Jennifer Williams; Also present: Amy Love, Town Planner; Mark Cerel, Town Attorney.

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.

A. Decision: 230 East Central Street

Chair Rondeau turned over the meeting to Town Attorney Cerel to provide a briefing on the reason to call a Special Planning Board Meeting. Town Attorney Cerel explained that he was informed of the Planning Board closing the public hearing for 230 East Central Street and taking a vote on the special permit criteria, which had resulted in 3 votes in favor, and 2 opposed. Historically, under the special permit provision of the general laws under zoning, that vote would have resulted in the project failing to be approved by the Planning Board, as at least 4 votes in favor were required for the project to pass. However, during the Covid-19 pandemic, the Massachusetts State Legislature was addressing a need for multifamily housing, and passed legislation in December 2020 that went into effect July 2021 and changed the quantum of voting. In the case of certain proposed multifamily projects—including ones which 1) are within 0.5 miles of a rail station or public transportation, and 2) are mixed use and located within a commercial district—a project which meets one or both requirements and also meets the 10% minimum required affordable housing component can be passed with simple majority vote.

This project arguably meets one or both of those requirements. There needed to have been an appeal to the courts, who likely would have determined that the vote was positive and the Planning Board upheld it as only needing a simple majority to pass. In that situation, the Planning Board would be faced with having to approve the project with no conditions whatsoever.

Town Attorney Cerel continued by saying that, having conferred with the Planning Board Chair and Clerk, Town of Franklin Staff, and the Attorney for the project applicant, he recommended scheduling this meeting. Here, Town Attorney Cerel would recommend the Planning Board leave the vote intact but declare it to be passed instead of defeated, and from that point determine what conditions, if any, the Planning Board would want to impose on the project.

Ms. Williams asked Town Attorney Cerel to describe for the public what defines affordable housing units, which he answered is the State standard of having 80% of the housing units be affordable to households which make 80% of the median housing income of the Boston area.

Ms. Wierling addressed the audience and said she was not in favor of this project and is sorry the project is going through.

The members of the Planning Board clarified that the conditions they are imposing on this project are not specific to it but are applied on all projects that are approved and agreed upon by all members.

The Board read the following standard conditions:

- Soil logs and test pit locations be shown on the revised plans from M.F. Engineering & Design to verify results, for the retaining wall.
- The Appendix is not specifically noted in the O&M plan. The long-term Operation and Maintenance plan should be a stand-alone document. Therefore, Appendix 11 should be directly incorporated into the plan and reference. Along with the sample Inspection for and a plan of the BMPs.
- The manifold invert be raised to Elevation 278.95. This would provide an additional 12” of sediment storage in the separator row and further protect the long-term viability of the system. If any disturbance is shown on Hill Ave, then the Applicant is to submit an alternative plan to the Planning Board that shows no disturbance on Hill Ave.

Motion to accept the standard conditions. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).

Motion to accept a request by the applicant for a waiver for §185-21.C.4 – Requirement: Loading areas and parking areas for 10 or more cars shall provide screening in accordance with § 185-35. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).

Motion to accept the special conditions #1 - 9. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).

1. The Applicant must meet the requirements under MGL Chapter 184, Affordable Housing Guidance, providing a deed restriction on the property for the 10% affordable units, in perpetuity. This must be completed prior to commencement of construction and pre-construction meeting. If this condition is not met, then the Special Permit fails to comply with Chapter 40A, Section 9 and the project would require a Super Majority vote for approval.
2. Bollards will be inset to the fence posts centered to the parking spaces along the east side of the property, in front of the fence on the 230 East Central Street property.
3. A Limited Site Plan is required prior to occupancy of the two Commercial spaces within the building.
4. The Applicant will contribute \$5,000 towards a future “traffic signal study” for the intersection at West Central Street and King Street, funds are to be submitted to the Town prior to the Building permit.
5. Test holes should be conducted directly in the area of the proposed infiltration structure, prior to commencement of construction.
6. Commercial space will not be used as a leasing office.
7. There will be no disturbance to Hill Ave.
8. Prior to issuance of a Building Permit and start of any site work, property lines shall be staked and reviewed by DPW and Building Commissioner.

At Town Attorney Cerel's recommendation, Motion to have all approved conditions be attached to the original decision and be recorded at the Registry of Deeds. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).

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

Meeting adjourned at 7:15 PM.

Respectfully submitted,

Tyler Paslaski,
Administrative Assistant

******Planning Board approved on September 12, 2022***