

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907
www.franklinma.gov

PLANNING BOARD

September 12, 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; Rick Power. Members absent: Jennifer Williams; Jay Mello, associate member. Also present: Amy Love, Town Planner; Michael Maglio, Town Engineer; Gary James, BETA Group, Inc. (via Zoom).

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.

Ms. Love stated that the next Planning Board meeting was scheduled for September 26, 2022. Due to scheduling concerns, she requested the September 26, 2022, meeting be cancelled and moved to October 3, 2022.

No Motion/No Second Made to Reschedule the September 26, 2022, Planning Board meeting to October 3, 2022. Vote: 4-0 (4-Yes; 0-No).

A. Decision: 585 King Street

Ms. Love reviewed that the Planning Board closed the public hearing on August 8, 2022; the applicant is proposing to construct a warehouse/storage facility. She stated that storage facilities require a Special Permit in the Business Zoning District. She stated that she provided some recommended conditions prior to endorsement and some special conditions of approval.

Chair Rondeau stated that he thanked the applicant, engineers, and everybody for all the changes they made that the Planning Board requested as they were pretty substantial changes.

Motion to Approve the following Recommended Conditions prior to endorsement:

- 1. The elevations of the top and bottom of the proposed retaining wall between the parking area and the truck access on the southeast side of the building should be noted similar to the other proposed walls on the site.***
- 2. The retaining wall along the I-495 layout may require a protective fence along a portion of its length due to the 11-ft. height.***
- 3. The plans call for HDPE piping for drainage; however, the Planning Board requires reinforced concrete pipe for drainage.***
- 4. Any drainage pipe within the Town right-of-way should also be reinforced concrete pipe.***
- 5. The row of arborvitae being proposed should be placed outside the limits of the proposed subsurface sewage disposal system to ensure that they will be maintained when the system is replaced.***

Rondeau. No Second Made. Vote: 4-0 (4-Yes; 0-No).

No Motion/No Second Made to Approve the Special Conditions of Approval:

- 1. Any offsite improvement plans shall be reviewed, approved, and permitted by DPW as well as MassDOT prior to issuance of a building permit.*
- 2. The Applicant is required to apply with the Design Review Commission for any signage for the site.*
- 3. A sign is to be added to the plans stating "No right turn on Red" leaving the site.*
- 4. This decision is subject to MEPA approval.*
- 5. Hours of operation are 5 AM to 11 PM.*

Vote: 4-0 (4-Yes; 0-No).

ROLE CALL VOTE:

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

(1) Special Permits: To allow a storage facility in the Business Zoning District, under 185 Attachment 4, 3.10 (a).

Ms. Wierling read aloud the following.

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

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

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

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

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

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-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.

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-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.

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-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.

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-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.

David-YES; Wierling-YES; Power-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

B. Covenant: Eastern Woods

Ms. Love reviewed that the Planning Board endorsed a subdivision plan on November 1, 2021, for four house lots known as Eastern Woods. The applicant was required to provide a covenant which is provided in the Planning Board's meeting packet. She stated that the town attorney reviewed the covenant and determined it is acceptable. Therefore, the Planning Board needs to vote to accept the covenant and endorse.

Motion to Accept the covenant for Eastern Woods. Wierling. Second: Power. Vote: 4-0 (4-Yes; 0-No).

C. Tri-Partite Agreement: Uncas Avenue

Ms. Love reviewed that the Planning Board approved on November 19, 2007, a Definitive Subdivision plan entitled "Uncas Ave Extension." A modification to the approval was endorsed on March 10, 2014. She stated that all utilities were installed at the site, but no units were built. Overtime, the infrastructure eroded. She stated that BETA provided a site observation report and an estimated cost to complete/repair the existing conditions of \$335,102. She stated that the applicant has provided a tri-partite agreement with the Town. The tri-partite agreement must be signed by the Planning Board. Mr. Maglio stated that BETA put together the process that is appropriate.

Motion to Accept the Tri-Partite Agreement for Uncas Avenue. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

D. Field Change: Bogan Estates

Ms. Love reviewed stated that the office received a letter from Bogan Estates requesting that the trees that were approved on the subdivision and are required under the subdivision control laws be removed and not be installed. She stated that technically, it is a waiver for a subdivision plan. Chair Rondeau stated that he went there and it is pretty sparse; he would like to see the trees planted as it meets the rules and regulations. Ms. Love confirmed it is 32 trees. Chair Rondeau stated that he does not want to waiver from the rules and regulations. Mr. David confirmed the location of the trees. Mr. Maglio confirmed they would be 2 in. to 3 in. caliper trees. Ms. Wierling confirmed that the road would become a town road eventually. Mr. Power asked what is the purpose of lining the road with 32 trees. Mr. Maglio stated that it is in the rules and regulations and it is just for street-scape. He stated that they are to be planted on private property as opposed to the right of way. When the Town accepts the roadway, the Town will not be responsible for the trees as they will be on private property. Mr. Power asked how can the Town force someone to put a tree on their private property. Mr. Maglio stated that it is part of the rules and regulations. He stated that he believes that once the project is closed out, the private property owners are free to do with the trees as they wish.

Ms. Wierling asked that if they already know the homeowners may remove the trees, would it be better to have the developer put the money for the trees in a street-tree fund or put the trees somewhere else so the town would get use of the trees. She noted four of the homeowners have already signed a document indicating they do not want the trees on their property. Mr. Maglio stated that this seems like a reasonable approach having the developers contribute to a fund or have the trees planted somewhere else in town. Mr. David suggested that in the future, the trees be planted prior to homeowners moving in so it does not come to this. Ms. Love stated that if the Planning Board is amenable to the owner

providing a proposal in the form of trees or monetary amount for trees elsewhere in town, at the next meeting the Planning Board can move forward and allow them not to plant trees.

Mr. Mike Bogan, 10 Bogan's Way, stated that he is not opposed to what the Planning Board is suggesting. He noted requirements that were put in place regarding the road and curbing when he first applied for subdivision approval.

Motion to Continue Field Change: Bogan Estates. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

E. 81-P ANR: Spring Street

Ms. Love stated that this ANR plan was received in November. The Planning Board voted to approve the plan. The plan was endorsed; however, the plan was not filed with the Registry of Deeds. So, the owners have come back and submitted the same plan for signature by the Planning Board so they can get it filed at the Registry of Deeds. She stated that the applicant paid the \$350 fee in November; the Planning Board can decide if the fee should be waived this time.

Motion to Waive the fee for the 81-P ANR for Spring Street. Wierling. Second: Power. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the 81-P ANR for Spring Street. Wierling. No Second Made. Vote: 4-0 (4-Yes; 0-No).

F. Meeting Minutes: August 8 & August 16, 2022

Motion to Approve the Meeting Minutes for August 8, 2022. Rondeau. Second: Wierling. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the Meeting Minutes for August 16, 2022. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Continued
700 Union Street
Site Plan Application
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Chair Rondeau stated that this will be a continued public hearing.

Motion to Continue the public hearing for 700 Union Street, Site Plan Application, to October 17, 2022. Rondeau. Second: Wierling. Vote: 4-0 (4-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
704 Washington Street
Site Plan Application
Documents presented to the Planning Board are on file.
TO BE CONTINUED

Chair Rondeau stated that this will be a continued public hearing.

Motion to Continue the public hearing for 704 Washington Street, Site Plan Application, to October 17, 2022. Rondeau. No Second Made. Vote: 4-0 (4-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
175 East Central Street – Franklin Ford
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Attorney Edward Cannon on behalf of Franklin Ford, Mr. Rick Goodreau of United Consultants, and Mr. Bob Breen, general manager of Franklin Ford, addressed the Planning Board. Mr. Cannon stated that since they were last before the Planning Board they listened to the concerns of the Planning Board, town engineer, BETA, and the direct abutter Mr. Kevin Keith of 33 Chestnut Street. He stated that he is aware that the Planning Board received a letter from Mr. Keith's attorney. He stated that they listened and revised the plan. He stated that they have been in touch with Mr. Keith's attorney to address his concerns. He stated that he assured Mr. Keith that the proposed drain pipe will not affect the drain pipe that is on Mr. Keith's property. He stated that there is about a 3 ft. berm between the properties; Franklin Ford has agreed to install a 6 ft. stockade fence along the property. He noted that the lighting plan has been changed and there is zero light spillage on the neighboring property. Mr. Cannon stated that Mr. Keith asked that no garage doors face his property; Mr. Cannon stated that is the case. Mr. Cannon stated that Mr. Keith's attorney responded that they are satisfied with the changes. Mr. Cannon stated that they have received an Order of Conditions from the Conservation Commission.

Mr. Goodreau highlighted other changes to the plans. He stated that they have provided revised plans to BETA, the town engineer, and planning for review. He reviewed some of the changes made that were requested. He stated that one item of concern was the location of snow storage; he pointed out the new area proposed for snow storage. He stated that some parking spaces were requested to be removed and vehicle storage spaces identified. He stated that with the removal of the spaces for snow storage, they have 100 parking spaces; the requirement is 51 spaces. He noted the relocated headwall from the wetland area as requested by BETA. He stated that the area has been regraded. He stated that the site lighting was revised. He discussed the fencing and noted there will be zero light spillage on the two abutting properties; however, there is some light spillage onto the Chestnut Street right of way. He stated that he spoke with BETA and DPW about this; he would like to get confirmation from the Planning Board that they are comfortable with that. He stated that they were requested to modify the stormwater calculations from a 6.8 in. hundred-year storm event to a 7 in. storm event which they have done. He stated that they have made a slight modification to the pond based on the infiltration requirements. He discussed the stormwater pollution prevention plan and required permit. He stated that the Design Review Commission approved the project; the Commission requested additional plantings along Chestnut Street which the applicant has provided. He noted that the planting schedule has been updated.

Ms. Love stated that the applicant requested three waivers. She noted that the Planning Board expressed concern with the light spillage. She stated that a revised plan has been submitted. She stated that the Planning Board should consider if the lighting is excessive for the site. She questioned that both driveway accesses are labeled "emergency vehicle access." She stated that there should be one main access off East Central Street shown on the plans. Mr. Goodreau stated that was done to satisfy the fire department. Discussion commenced regarding signage for this.

Mr. Maglio stated that all his previous comments have been addressed. Mr. James stated that Mr. Goodreau addressed all BETA's concerns and comments. He noted that all the stormwater issues have been addressed. He stated that he has no further comments.

Mr. David asked about the snow storage. Mr. Goodreau stated that snow storage has been added to the final plans; he stated that there are 192 total spaces. Chair Rondeau asked about the plantings. He asked for more plantings between lights 73 and 82 to make it look nice across the front. Discussion commenced regarding the lighting including location. Mr. Breen stated that one hour after closing the main lights will be shut off, at 9 PM. He stated that there will only be a few lights on the buildings. Mr. James reviewed his thoughts on the lights out at 9 PM. He stated that the lights will be bright and will light up Chestnut Street. He stated that he will leave it to the discretion of the Planning Board. Ms. Wierling questioned the need for such bright light intensity prior to being shut off at 9 PM. Chair Rondeau asked about controlling the lights. Mr. Goodreau stated that he would need to talk to the lighting consultant. Ms. Wierling discussed that after it is built if it is too bright, would the applicant be amenable to toning it down with shielding. Mr. Goodreau stated that they would be amenable to that. Mr. Breen stated that he thinks the new lighting will be much better than the current National Grid lighting which is much higher up. He stated that National Grid will be removing those lights when the new lighting is in. Chair Rondeau stated that it sounds like the applicant has addressed all the issues. He stated that he wants to make sure the Planning Board has all the updated drawings.

Motion to Continue the public hearing for 175 East Central Street – Franklin Ford, Special Permit & Site Plan, to October 3, 2022. Rondeau. No Second Made. Vote: 4-0 (4-Yes; 0-No).

Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

Meeting adjourned at 7:52 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

******Planning Board approved on October 3, 2022***

Missed Meeting Certification

I, Jennifer Williams, member of the Franklin Planning Board, do hereby certify that I have examined all evidence, including a video recording thereto, of the Planning Board meeting held on (date) 9/12/22 for the following project:

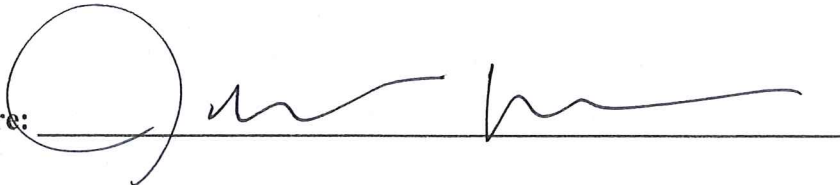
Project name: 175 East Central Street - ~~Frank~~

Applicant: Franklin Ford

Application type: Special Permit & Site Plan

This certification is pursuant to G.L. Chapter 39, Section 23D accepted by the Town Council by Resolution 09-40 dated June 10, 2009.

Signature: _____

A handwritten signature in black ink, appearing to be 'Jennifer Williams', written over a horizontal line.