

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

PLANNING BOARD

October 16, 2023 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 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; Rick Power; Jennifer Williams; Jay Mello, associate member. Members absent: Beth Wierling, Clerk. Also present: Michael Maglio, Town Engineer; Amy Love, Planner (via Zoom); Matthew Crowley, BETA Group (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.

A. 81-P ANR: Prospect Street

Chair Rondeau stated that this meets all the rules and regulations. He said the Planning Department acknowledges everything is in line. Mr. Maglio said he had no issues with it.

Motion to Approve the 81-P ANR for Prospect Street. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

B. Partial Form H: Washington Flex Space – Building #1

Mr. Crowley stated that they visited the site last week and provided a letter with the outstanding items. He summarized the list. He said the stockpiles, storage containers, and open trenches on the site would impact the use of the site and opening it up to the public. There is a large un-stabilized slope north of the access driveway. He said it is the applicant's intention to seed the slope. He discussed that there are some modifications to the installed guardrail on the site, and it is recommended they coordinate with Mr. Maglio on this item. He said some additional utility poles have been added to the site, and the electrical transformer has been relocated. He said that because of this, the dumpster pad has been shifted. He noted that on the site plan modification an above-ground propane tank is being proposed. He said that if the Planning Board does grant this modification, it be installed on the location depicted on the site plan modification. He said it is partially constructed and encroaching into the backout area for the vehicles parking near there. He discussed items regarding the stormwater system.

Mr. Maglio stated that Mr. Crowley had a comprehensive list in his memo, and he did not have anything else to add.

Planning Board members asked questions. In response to questions, Mr. Crowley stated that the propane tank is probably 3 ft. into the parking area; the construction should be 3ish ft. further back. Chair Rondeau noted concerns including the dumpster relocation with the access especially backing out, no dates are provided for the completion of building #1, make sure the fire department has seen the new propane location, asked if originally it was going to be natural gas, and noted the catch basin at the entrance should be pulled back in. He said this is a substantial list.

Mr. Rick Goodreau of United Consultants, on behalf of the applicant, stated that signs are being installed, and photometrics are slightly different, but they do not anticipate any issues. He said that regarding the catch basin behind the curb line, they spoke to DPW and determined it was not connected to anything which is why the curb line was adjusted.

Mr. Maglio said that he met out there about a year or two ago, but he does not remember how that drain line was resolved. He said he would have to go back and verify what the issue was. Discussion commenced on the catch basin locations, water on Washington Street, and collection of the water. Mr. Goodreau said they could meet with Mr. Maglio and look into that and look into the guardrail connection that Mr. Crowley talked about. He said the applicant will hydroseed the slope within the next two weeks. He said they will also be installing the silt sacks in the catch basins this week. He discussed the guardrail extensions. He discussed the storage trailers and said they are storing materials to be put into the units once occupancy is granted, and then they will be removed from the site. He said the dumpster pad was relocated by the utility company due to the transformer being larger than anticipated. He said the dumpster pad is in a tight location. He said the plan is to reduce the size of the dumpster pad and have a six-yard dumpster for building #1 and have a second dumpster area which was shown between buildings #2 and #3 to utilize for those buildings. He said they have addressed the shut off for the water and the trench has already been backfilled. He said he provided the Planning Department with a request for modification for three items: relocation of the transformer, relocation of the dumpster pad, and proposal to go back to propane. He discussed the alternatives relative to the propane tank location.

Chair Rondeau asked about the dumpster location and the parking. Mr. Goodreau said those parking spaces would be eliminated; they were not included in the original proposal. Chair Rondeau said he wanted BETA to look at the dumpster location, turnaround, and the approach. He said he wanted BETA and the fire department to be comfortable with the propane location. He asked about the parking spaces and said he wants BETA to confirm that there is sufficient parking. The applicant's representative who did not identify himself said they have four extra spots on the site beyond what is required.

Ms. Williams asked about any concerns regarding the propane tank location and if any additional retaining wall is needed due to the climb behind the location of the tank as it looks like a steep hill. Darren of Eastern Propane discussed installation of the propane tank and said they do not see any issue with it; he said it will be annually inspected.

Bill of Franklin Flex Space discussed the reasoning for using propane rather than natural gas service. Mr. Maglio stated that he did not have much experience with the natural gas line requirements; he said he would have to talk to someone from Eversource.

Chair Rondeau reviewed again items for Mr. Goodreau to take care of and said this would be continued.

Bill said they had leases and they do not really have issues other than the propane tank and it is safe and the guidelines are within 10 ft. of a building for a propane tank. Chair Rondeau said they have a lot of other issues ongoing on the site.

Motion to Continue Partial Form H for Washington Flex Space – Building #1, to November 20, 2023. Rondeau. Second: Power. Vote: 4-0 (4-Yes; 0-No).

C. Endorsement: 704 Washington Street

Ms. Love stated that the Planning Board voted to approve the Site Plan for 704 Washington Street on February 27, 2023. She said the Certificate of Vote has been added to the Site Plans on the front page.

Motion to Endorse 704 Washington Street. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:00 PM

PUBLIC HEARING – *Initial*

Uncas Avenue

Special Permit & Site Plan Application

Documents presented to the Planning Board are on file.

Motion to Waive the reading. Power. Second: David. Vote: 4-0 (4-Yes; 0-No).

Ms. Love reviewed that the site is located at Uncas Avenue Extension in the Single-Family IV Zoning District. The subdivision was approved on January 27, 2014, for several lots for duplex housing. The applicant is requesting to construct three-family units on two lots. A Special Permit is required. The applicant has filed a Special Permit for the two lots and each lot will require a Special Permit to allow for a three-family on each lot. She said that DPW was asked to provide comments. BETA was not asked to review this as the street/drainage have already been installed.

Mr. Maglio reviewed that the applicant needs to show there will not be an increase in runoff based on the proposed increase in impervious area and that the drainage design still meets the requirements of the Massachusetts Stormwater Standards and the Town's Stormwater bylaw. He reviewed that it was unclear if the proposed change to triplex units applies to just the two lots shown on the submitted plan or if it applies to all nine lots. Mr. Rob Truax stated that eventually they will do them all, but now they just want to do the first two lots.

Mr. Rob Truax of GLM Engineering Consultants stated that they were the engineers for the original design as well as going forward with the three-family units. He said they represent J. Walsh Corporation. He said Walsh Brothers Construction is the owner of the property and Jay Walsh is the applicant. He said that with the new bylaw, they are going to do the three-unit buildings instead of the two-family. He said the project is built and the utilities are in. He said the drainage system is built and working. He said that with the calculations, there is a slight increase in runoff in stormwater. Mr. Maglio said they still need to show there is no increased runoff. Mr. Truax said they will work with Mr. Maglio on the drainage system. Mr. Maglio said it is good to make sure the design can handle it. Mr. Truax showed and explained the plans.

Mr. Mello asked about the common drive and if there is going to be deed access back and forth between the two properties. Mr. David said his concern is the common drive and that it is dead end and there is no turn around. Chair Rondeau stated concern about the dead end and turnaround for delivery trucks. He asked if a waiver would be needed for the common drive within the subdivision. Ms. Love discussed the allowance of a common driveway for two lots. She said that if you go to three lots, it is a Special Permit.

Chair Rondeau said he wants to make sure the fire department sees this change and is comfortable with it. He asked about a turnaround.

Mr. Truax said it is about 150 ft. He said the trash pickup would be brought to the main road. Discussion commenced on bringing trash to the main road. Mr. David said there is no way for a trash truck to turn around. Chair Rondeau said there are many delivery trucks and you cannot expect them to turn around in a person's driveway. Mr. Truax said they would look into a turnaround. Chair Rondeau noted that they have increased the traffic on that road by one-third from what was originally planned. Mr. Maglio said that he does not think BETA has seen this.

Ms. Love asked if Chair Rondeau wanted BETA to review this. Chair Rondeau said yes as there are so many questions.

Ms. Kathryn Tower, 54 King Street, said she just moved in during 2021. She asked why they were looking at triplexes, are they going to be owner occupied, are they going to be condos, and will they have to blast the site as there is a lot of rock back there. Mr. Truax said they would be condominiums for sale with individual

owners. He said there is rock and there may be some blasting or rock crushing; they do not anticipate a lot of that. Ms. Tower asked how much of the blasting will be noisy and disruptive. Chair Rondeau said that any blasting has to go through the fire department. Ms. Tower asked if there will be any privacy fencing between her property and this. She discussed an easement behind the properties on King Street and that it was supposed to be deeded to the homeowners and it was not done. Mr. Truax said he was not aware of that. He reviewed the plans and the right of ways.

Mr. Rene Paradis, 9 Cook Street, said seismic equipment was set up at his house when they started the project, so there was blasting; therefore, the comment made was not true. Mr. Truax said he was not aware.

Chair Rondeau said this will be continued, and BETA will look into a few things.

Motion to Continue Uncas Avenue, Special Permit & Site Plan Application, to November 20, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Initial*
 King Street Rezone
 Zoning Amendment
 Documents presented to the Planning Board are on file.

Ms. Love said that due to the elections coming up, and this being a rezone for our zoning bylaws, it has been recommended by Town Attorney Mark Cerel that we open and continue this item to November 20, 2023.

Motion to Waive the reading. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Motion to Continue King Street Rezone, Zoning Amendment, to November 20, 2023. Rondeau. Second: David. Vote: 4-0 (4-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
 Kimberlee Avenue
 Preliminary Subdivision
 Documents presented to the Planning Board are on file.

Ms. Love reviewed that at the last meeting the Planning Board reviewed that the applicant had five waiver requests. The Planning Board requested the applicant provide a plan with no waiver requests. She said the applicant provided two plans: one having minimal waivers but still includes two waivers, and the plan with the five waivers. She said it was up to the Planning Board if they want to grant the waivers. She stated that if the Planning Board does not make a decision tonight, they would need to ask the applicant to request an extension to the next meeting.

Mr. Maglio reviewed his two comments as provided in his memo to the Planning Board dated October 10, 2023. He reviewed that the applicant submitted an alternate plan with fewer waivers; however, there is still a waiver request to extend the end of Kimberlee Avenue an additional 400 ft. Kimberlee Avenue is currently 1,430 ft. long which already exceeds the 600 ft. allowable length for a dead-end street. He reviewed that the end of the roadway extension has been modified to show a permanent turnaround easement rather than the previously proposed temporary turnaround easement to accommodate the cul-de-sac. He said he still feels that the cul-de-sac should be completely located within the proposed layout rather than on an easement on what will become a private homeowner's parcel.

Mr. Joel D'Errico, 72 Deer View Way, applicant, and Ms. Amanda Cavaliere of Guerriere & Halnon addressed the Planning Board. Mr. D'Errico said he would like this to be a private subdivision where the Town of Franklin would have no municipal responsibility in perpetuity. He said it would be a homeowner's

association for maintenance and snowplowing. He said the subdivision would yield access to the Maple Hill land and to the north into Lot A. He said the subdivision would have a typical regulated cul-de-sac. He discussed the easement and ownership. He said the layout of both is 56 ft. per regulations, but the pavement width would be 22 ft. because it is a private road.

Ms. Williams asked if they were proposing to clear cut all four lots. Ms. Cavaliere said no. She said this is the general layout of where the houses are being proposed and the driveways; drainage, grading, utilities are all part of a definitive plan should the Planning Board chose to move forward. Mr. D'Errico discussed a tree cutting covenant when he started Highland Estates. He said he wants to save trees.

Mr. Mello said he is not overly concerned with the length of the roadway as there are a number of other roadways in that area that exceed. He said he is not a private road person. He said that homeowner's associations typically do not fare well in the future. He said his preference is to make it a public road.

Chair Rondeau said that he had similar comments and is pondering about the length of the road. He questioned whether it could become a public way. He said he would recommend granite curbing and basically building to Franklin's rules and regulations. He discussed a homeowner's association. Mr. D'Errico said that homeowner's association regulations would be placed in the deed. He said if the Planning Board wants a municipal street, that is fine with him. Ms. Cavaliere noted that this is being permitted as a private subdivision, not a common driveway. Ms. Williams asked about the turnaround. Mr. D'Errico discussed that the easement is not a conveyance, it is just a right to use. He reviewed turnaround easements in other locations in Franklin. Mr. Maglio discussed that if it is public, it should definitely be within the layout if it is going to be a town road.

Mr. Kevin Grady, 10 Madison Avenue, said he was an abutting parcel. He asked how long a dead-end road should be. He said if this waiver is granted, there will be a street over 1,800 ft. long. He said Franklin's rules say 600 ft. He said if this goes through, it will set a precedent on having a dead-end road 1,800 ft. long. He reviewed the research he has done on this issue.

Mr. Kit Brady, 36 Kimberlee Avenue, abutter, said that this identical subdivision was submitted in 2005 as Kimberlee Estates, and it was declined by the Planning Board for the reasons discussed tonight. He said that he has questions about the size of the retention basins which seem to be particularly large which would mean that they would be clear cutting. He said he is worried as an abutter that they will have these big pits that might fill with water and asked how long that would take to drain. He said he thinks another problem is that Mr. D'Errico is offering our neighborhood as parking for the town land by having an easement. He said that his neighborhood and street is not built to have traffic and parking.

Ms. Cavaliere said the size of the basins are preliminary, and the full design has not been conducted yet. She said that within regulations, they need to drain within 72 hours. She said this is conceptual and that a full drainage report and analysis has not been completed yet.

Mr. David asked about the relocation of the existing hydrant as it is not shown on the plan. Ms. Cavaliere discussed the location of the hydrant. Mr. D'Errico said he met with the fire department on this. Chair Rondeau asked for comments from the fire department. Mr. D'Errico said the basins would be landscaped. Chair Rondeau said the hearing would be continued as he would like Ms. Wierling's input on this.

Motion to Continue Kimberlee Avenue, Preliminary Subdivision, to November 6, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
0 Upper Union Street Solar Project
Site Plan Application

Documents presented to the Planning Board are on file.
TO BE CONTINUED

Ms. Love confirmed that the applicant requested a continuance to November 6, 2023.

Motion to Continue the public hearing for 0 Upper Union Street Solar Project, Site Plan Application, to November 6, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
 15 Liberty Way
 Site Plan Application
 Documents presented to the Planning Board are on file.

Ms. Love stated that the applicant was supposed to be present at tonight's meeting. She said they wanted to give an update on their plans; however, they are not here. She recommended continuing the hearing to November 6.

Motion to Continue the public hearing for 15 Liberty Way, Site Plan Application, to November 6, 2023. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

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

Meeting adjourned at 8:04 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

--Planning Board approved minutes at December 4, 2023 meeting

Town of Franklin

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PLANNING BOARD

Missed Meeting Certification

I, Beth Wierling, 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) October 16, 2023
for the following project:

Project name: Uncas Ave

Applicant: Walsh Bro.

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: _____

Town of Franklin

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PLANNING BOARD

Missed Meeting Certification

I, Beth Weertling 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) October 16, 2023
for the following project:

Project name: King St Rezone
Applicant: Town of Franklin
Application type: Zoning Amendment

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: _____