

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

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Planning Board

October 29, 2018
Meeting Minutes

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner.

7:00 PM Commencement/General Business

Chairman Padula announced the meeting would be video and audio recorded for the public's information.

A. Appointment of Officers

Motion to Elect Anthony Padula for Chairman by Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Elect Joseph Halligan for Vice Chairman by Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Elect John Carroll for Clerk by Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

B. Approval of 81-P Signing Authority

Motion to Approve 81-P Signing Authority. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

C. Acceptance of 2019 Planning Board Meeting Dates

Motion to Accept 2019 Planning Board Meeting Dates. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

D. Endorsement: 471 West Central Street – Use-Dental Office

Ms. Love stated that at the last Planning Board meeting the Planning Board approved the new use with the dental office. They have included the Certificate of Vote on the front page of the plans. They are here for endorsement. Ms. Love reviewed the current building occupants.

Mr. Halligan confirmed all original approvals are in the same existing spots.

Motion to Endorse 471 West Central Street, Use-Dental Office. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

E. Form H: Marine Way – Boudreaux Estates, Private Roadway

Ms. Love stated that BETA has been out there and provided a written report; they addressed a small rain garden/detention area in front of one house. The applicant has been in contact with BETA. The applicant stated he has some seeding to plant there once it dries up. She stated that BETA was satisfied with what the applicant offered to plant there. She stated that this being a private road/driveway, which we typically do not bond, but we did bond this one, I do not think there are any concerns.

Chairman Padula stated his concern is that the applicant was allowed to make this; they ripped down the barn and house and put a three-lot subdivision in there and a private way. For the private way, the applicant was going to put in vertical granite curbing which is on the plan and is what the Planning Board approved. The slant granite curbing does not justify the curb; there is no rounding there.

Mr. Mounir Tayara, applicant, stated he must have missed that; he thought it was slanted.

Chairman Padula stated if it gets fixed, we can sign off.

Mr. Tayara requested a reduction in the bond as it is around \$30,000. He suggested a retention of \$10,000 which would more than cover any repairs.

Mr. Maglio stated that should be enough.

Chairman Padula confirmed it is just the entrance. He asked the Planning Board members if they would like to reduce the bond to \$11,050, giving a return of \$20,000.

Motion to Reduce the Bond to \$11,050 for Marine Way – Boudreaux Estates, Private Roadway. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

F. Partial Form H: 162 Grove Street – Terrapin Holistic Cooperative

Ms. Love stated the two conditions for this site were to put in two handicap parking spots and to put the bollards in front of the garage door openings. The applicants have provided a Site Plan Work Completion list. They have put in the handicap spaces. They have not put in the bollards, but they have put in temporary jersey barriers in front of the garage doors. They expect to put the bollards in by December 15, 2018. They are here for a Partial Form H.

Chairman Padula stated the jersey barriers can be moved.

Applicant stated she spoke with Building Commissioner Gus Brown and asked him if they could please put jersey barriers in front of each of the three warehouse doors, and he said that was fine.

Chairman Padula stated the Building Commissioner does not have the authority to make modifications on site.

Mr. Halligan explained how three bollards could be installed in about four hours; it is not a big job.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., stated the reason for the request of the Partial Form H is so the applicants can get in to start setting up and have a small section to start a small grow area.

Applicant stated they would like to go in and clean. They are not doing any big construction projects. There would be no reason any truck would have to go in and out of those doors.

Applicant stated they could not get a company to install the bollards prior to the deadline of this meeting which is why they installed the jersey barriers.

Applicant stated they are just seeking their occupancy; they want to be able to go in there and grow plants.

Planning Board members discussed the request for occupancy.

Mr. Halligan stated he would be willing to give it with an amendment that no occupancy would be issued for greenhouses or anything in the event the bollards get forgotten about down the line.

Applicant stated the bollards would not be forgotten about.

Motion to Approve the Partial Form H for 162 Grove Street – Terrapin Holistic Cooperative with amendment that no building permits be issued for the exterior greenhouses until the bollards are put in place. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

G. Meeting Minutes: October 15, 2018

Motion to Approve the October 15, 2018, Meeting Minutes. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING – Initial**
 4 Liberty Way
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Memorandum dated October 24, 2018 from DPCD to Franklin Planning Board*
2. *Letter dated October 15, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated October 10, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
4. *Memorandum dated October 12, 2018 from G. B McCarraher, Fire Chief, to DPCD*
5. *Special Permit Application and Waivers document prepared by Mark M. Santora P.E., Inc., Civil & Environmental Engineering,*
6. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as 19th Fairway Development Inc. with Received by Planning date October 10, 2018*
7. *Site Plan for Commercial Building, 4 Liberty Way in Franklin, MA, prepared by Mark M. Santora, PE Inc., dated September 25, 2018, with Received by Planning date October 10, 2018*
8. *Certificate of Ownership with Received by Planning date October 10, 2018*
9. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 10, 2018*

Motion to Waive the Reading. Carroll. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Ankeur Runcta --- Amy, I could not confirm the spelling of either of these names of Quality Product Solutions (QPS), a multi-state operator of cannabis facilities, stated they have partnered with 19th Fairway Development who will be the developers of this site. They are local from the Milford area. He stated that Mr. Bob Phillips, QPS Head of Facilities, has designed some of the top cannabis facilities around the country and Mr. Mark Santora, is the project engineer. He stated that they have a 36,000 sq. ft. facility in Portland, Oregon, that they operate for recreational cannabis and they are currently in the process of building one in Michigan; the hope is to build one here in Franklin, as well. He reviewed his background and provided information on the team members. He stated they are looking to use a similar design approach and similar equipment to what they have done in their other facilities. They have applied for special use permits in some of the other states. They have some familiarity with this process.

Mr. Santora provided a review of the proposed project plans. He stated it is the last undeveloped lot in the industrial subdivision. They propose a 900 ft. private way to access the facility. They have 50 parking spots. They are proposing a 36,000 sq. ft. commercial building; he can provide detailed plans of the layout. There is adequate flow around the building for fire access. He explained the proposed drainage and swale. He stated they are proposing vertical granite curbing and reinforced concrete piping. He reviewed the infiltration and proposed detention pond. He pointed out the screened dumpster area and an underground propane tank.

Ms. Love stated the applicant is here for a Special Permit for their use of cultivation and processing of marijuana. A letter was received from the fire department that they were satisfied with access to all four sides of the building. There is not any conservation jurisdiction at this time. The applicant has requested a waiver on the parking spaces whereas 63 are required and they are providing 50. She stated the applicant should provide a sidewalk and crosswalk for the parking spaces outside of the parking lot, they should provide a lighting plan, and they have not provided landscaping within 10 ft. of the street line. She stated the applicant has not provided data quantifying on-site generation of noise and odors.

Mr. Maglio stated he had several comments on the project with a few things related to the drainage. He would like to see test pit logs and the drainage report does not address total volume of runoff that does increase. One of the biggest concerns is the discharge from the detention basin as it is directed toward the adjacent property and Mine Brook. He discussed the proposed 20 ft. wide roadway with a swale along one side.

Chairman Padula confirmed there are no catch basins or drainage in the 900 ft. roadway and it has no curbing except at the radius. He asked about the dumpster area in the back.

Mr. Santora discussed the access road that widens to allow for a truck.

Chairman Padula said he would like to see that scaled with a truck. He asked about the sidewalk in the parking lot for pedestrians. He asked what they are doing for ventilation for the smell. He noted they are backed up to a residential area. He stated that Franklin is having problems with an existing facility at this time. He asked the proximity to homes for the current facility locations in Oregon, Michigan, and Denver.

Mr. Runcta stated the facility in Portland abuts residential. The facility in Michigan is about .25 miles from residential. He stated they have not done the detailed engineering of this facility.

Mr. Phillips discussed the odor control plan using carbon filtration. He stated they are not at the point in design to provide numbers; but, based on manufacturer's data, they will capture the odor. He stated that because of varying air flows in different climates and what we are designing to, we have not moved forward to that piece of the design yet.

Chairman Padula requested the applicant provide contact information for their present facilities to the Planning Board's secretary so it can be verified that there is no overspill of odor coming out of those facilities. He stated the Planning Board would not be amenable to waiving any parking as a current facility has their required parking and it is not even close to what they need.

Mr. Halligan stated he is concerned about the odor and asked how close the facility would be to the residential area.

Mr. Santora stated it was approximately 1,000 ft.

Chairman Padula asked what was in the surrounding buildings and if all abutters had been notified.

Ms. Love stated there was no residential within 300 ft.

Mr. Halligan asked for a wind study to be done to make sure the wind and odor is not constantly flowing toward the residents. He is looking for a guarantee that they do not have to smell it on a daily basis.

Chairman Padula reviewed the problems with odor and parking with the current facility in Franklin.

Mr. Santora reviewed the area on the plan for proposed future parking; he stated if need be, they could achieve the 63 spaces and the snow storage. He explained why he designed the road with a swale alongside.

He stated he read the Town of Franklin's Best Management Guidelines and it encouraged a water quality swale instead of catch basins.

Chairman Padula stated the Planning Board does not like that. The Planning Board likes the old-fashioned reinforced concrete catch basins that go into the ground. He stated that in New England, when a water quality swale gets filled up with ice and snow, it becomes useless when it starts thawing. He does not agree with it in New England.

Mr. Halligan reiterated his concern about the smell. He noted he has read that facilities such as this can down-value an area because of the smell; there is litigation on this in other states at this time.

Mr. Santora stated they will provide information about their other facilities regarding odor mitigation and demonstrate there are no odor problems.

Mr. Runcata stated the odor mitigation is challenging. He asked what the target is and how is it measured. Is there a formal way to measure odor in the air?

Mr. Phillips stated odor is objective.

Ms. Love stated in some abutting towns, they have put conditions in their approval for monitoring the odor.

Chairman Padula stated even zoning has conditions on noise and smell; it is just generalized. It gives the Planning Board a wide spectrum. If this is going to put a negative scent in the air or air quality for residents or the other people in the industrial park, don't do it.

Mr. Santora, in response to Mr. Halligan's question, stated that detailed building permit application drawings were not designed because they usually get Planning Board approval before the architectural and engineering drawings are done. But, with this Planning Board's concern about odor, they can certainly design that portion of it during this process.

Mr. Halligan stated he would want to see that brought forward prior to approval of a Special Permit. He wants solid information from an odor engineer that can be relied on to give details.

Chairman Padula stated in any approval he would want an amendment that says no air or seepage of marijuana smell will be coming out of the facility.

Mr. Runcata stated he does not plan to have retail, only growing.

Chairman Padula, Planning Board members, and Mr. Maglio asked questions and had discussions with Mr. Santora regarding loading docks, snow storage, drainage, water flow, infiltration and the pond area, and drainage within the buildings.

Ms. Love stated that BETA is in the process of reviewing the stormwater management, drainage, etc.; the fees were just received last week. She expects BETA will have their report in a week or two.

Mr. Halligan noted this is a large facility and asked how the product leaves the facility.

Mr. Phillips stated it is really hand-carry going out the door.

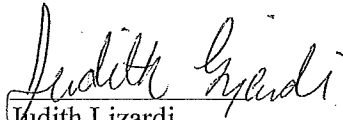
Chairman Padula stated he believes the state has a requirement of signage.

Mr. Richard Cornetta, attorney representing the Franklin Industrial Park Trust Association, addressed the Planning Board. He stated the Association was established in early 2000, and basically manages the protective covenants of the park. They have met with Scott Savage and discussed the plan; the Park has no objection to the proposals presented this evening. He stated that, however, he submitted a letter to the Planning Board suggesting that no retail take place at the site; this is something of great interest to the Association. He does not believe this is objectionable to the applicant. He noted he heard the Planning Board's concerns regarding smell and he will relay that back to the Association.

Motion to Continue the public hearing for 4 Liberty Way, Special Permit & Site Plan, to December 3, 2018, at 7:05 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:09 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary