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Town of Franklin



Planning Board

**December 3, 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. Limited Site Plan Modification: Franklin Country Club

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Tom Ketchum and Mr. Michael Luccini, both representing the Franklin Country Club, addressed the Planning Board. Ms. Cavaliere stated they are here to discuss Limited Site Plan Modification for a proposed rinse area and site improvements by the maintenance building. The applicant is proposing to remove a current 1,500-gallon underground storage tank and a 1,300-gallon above ground storage tank which are currently used onsite for fueling golf course equipment. Some of the other work includes cut and cap the existing trench line and remove and dispose of an associated dry well. They are proposing to install a 2,000-gallon dual compartment above ground fuel storage tank for gasoline and diesel; this is less than what is currently onsite. Being in a water resource district, they feel this is an improvement to protect the drinking water supply. They have a meeting with Conservation on December 6, 2018.

Ms. Love stated this requires a Notice of Intent with the Conservation Commission which the applicant has filed. The plan details show cape cod berm. No proposed landscaping was provided with the plans. This proposal will require a ZBA variance.

Chairman Padula requested the cape cod berm be changed to granite. He stated he thought there was supposed to be a pit around the new tanks in case there was a leak.

Ms. Cavaliere stated yes. She explained the setup of the new tanks; it is a tank within a tank. She noted they are proposing to put a positive limiting barrier around it, similar to what is seen at a gas station. She confirmed there will be a pad going all the way around this. She stated they were looking for clarification from the Planning Board regarding the interpretation of the regulations. They wanted to bring it to the Planning Board's attention that this was a replacement tank. They currently have 2,800 gallons of fuel onsite; this would be 2,000 gallon above ground tank designed within State regulations. It makes the system and setup better.

Chairman Padula stated as this is for a public facility, it needs to go before ZBA.

Ms. Love agreed

Mr. Halligan asked if the proposed drywell would be pumped out and where the golf carts would be washed down.

Ms. Cavaliere explained the rinse area plan and stated there will be an eliminator in the drywell. She noted that they will be washing down the mowers.

Mr. Ketchum stated they were hooked up to Franklin sewer. He reviewed the rinsing activity and where it is draining.

Chairman Padula confirmed the applicant would be telling the Conservation Commission about this. He noted they are not just cutting grass; they are using fertilizers, insecticides, and other stuff that will be washed down into the ground. He believes it is up to Conservation to take a good look at this.

Mr. Halligan hopes this gets approved by the ZBA as there will be less fuel and it will be better to have the fuel above ground in a newer upgraded system. He would be in favor of not having a variance; but, he thinks they will be in and out of the ZBA quickly.

Ms. Love stated it is written in the bylaw up to 550 gallons in a water resource area.

Ms. Cavaliere stated currently the regulations do not say up to 550, they just say 550 gallons; there is not really a cap on it. She reviewed Mass DEP regulations for drinking water. She stated they have not received any comments from the Fire Department. She confirmed they were planning to break ground on this in the spring.

Mr. Rondeau confirmed there would be bollards all around the tank.

Chairman Padula stated that if the law requires the applicant go to ZBA, then the Planning Board should push for that. As it is in a water resource district, no matter if it is being made better or worse, it leaves the decision to ZBA. He noted there are residential homes close to this.

Mr. Ketchum noted that they did go through Tech Review.

Ms. Love stated the applicant received comments today from the Fire Department that they were satisfied with the plans. She stated this item would be under General Business when they come back to the Planning Board; it was tentatively scheduled for January 28, 2019.

B. Limited Site Plan Modification: 100 Financial Way - Warehouse

Mr. Doug Hartnett, Principal, HighPoint Engineering, and Brian Poitras of CRE Management addressed the Planning Board. Mr. Hartnett stated that the applicant was formerly known as Franklin Property Owner, LLC. He provided a history of the project. He stated that about three years ago they obtained an original approval from the Planning Board for the project, a 300,000 sq. ft. warehouse building developed adjacent to the existing 180,500 sq. ft. office building known as the old Putnam building, and a 56,000 sq. ft. warehouse. The Planning Board granted a waiver of parking because of the underutilized nature of the existing warehouse and office building from 1106 spaces to 752 spaces. The project is now ongoing. Earthwork has been done; they started the foundations. It became apparent due to market interest in the site, that a standalone subdivided lot would be more preferable. Through further negotiations with the potential buyer, they have expressed interest in dedicated exclusive use parking for the new warehouse. He stated they are requesting an amendment to the waivers. He showed on the color plan the existing and new buildings. He discussed the approved parking and the exclusive use parking the potential buyer is looking for. They are asking the Planning Board to amend the decision. Nothing has changed on the Site Plan regarding the improvements that were originally approved by the Planning Board; it is strictly the designation of the parking as it relates to each building. He stated that first, they are seeking to allow for the designated exclusive use of 304 parking spaces for the 300,000 sq. ft. warehouse building. That would

require an exclusive use of parking of 261 spaces that would be located on Lot 5. Second, grant a modification of the parking waiver and apply that to the remaining parking on Lot 5 so that the parking demand for Lot 5 under the current square footage is 778 spaces and the existing spaces that are there today are 448. They are seeking the Planning Board's approval to grant the parking waiver on that parcel only. Third, as a result of the exclusive use parking on Lot 5, for the benefit of Lot 4A, they looked at the 300 ft. radius as outlined in the bylaw from the entries to the building. This parking is being dedicated to Lot 4A, but there are 82 spaces that fall outside of it. They seek approval to recognize that due to the size and configuration of the building, and that parking is being asked to be exclusively held by Lot 4A, the Planning Board make a finding that the parking outside of the 300 ft. zone be allowed. Last, when looking at entrances for existing the warehouse and office building, a better part of the parking falls outside of the 300 ft. He does not know if the parking for the building preceded the 300 ft. requirement. They are asking the Planning Board to find that the original approval of the parking field is being outside of the 300 ft.

Mr. Halligan asked what the use of the new building was.

Mr. Hartnett stated they do not know exactly what it will be; it is going to be warehouse as far as they know as of today.

Mr. Halligan questioned why the warehouse would need so many parking spots. He reminded the applicant that they would have to come back for the use that was going in there as part of the waiver. He does not have an issue with over 300 ft. for a warehouse as it would be only employees walking to the job. If it was retail or a restaurant where the customer had to walk 300 ft., that is a different story.

Mr. Hartnett stated that from a land sale, it is important to have parking comply with zoning for a buyer so there are no issues with title.

Chairman Padula confirmed that there are supposed to be 1,106 spaces for this site; he reviewed the details of the original waiver.

Mr. Hartnett again reviewed the parking, the dedicated spaces and the easement.

Mr. Halligan stated he would like to add a stipulation that any change of use for Lot 5 or change in tenancy would require a Limited Site Plan to come back to the Planning Board.

Mr. Rondeau asked how they would break up the lots, would it be fenced off?

Mr. Hartnett stated the building is under high security and it is a controlled entrance.

Mr. Poitras stated they would put up signage.

Motion to Approve the waiver for parking greater than 300 ft. from the building entrance, Limited Site Plan Modification, 100 Financial Way - Warehouse. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the waiver to reduce the parking on Lot 5 from 778 spaces to 448 spaces, which is a reduction of 330 spaces, Limited Site Plan Modification, 100 Financial Way - Warehouse. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the waiver to allow Lot 4A to use 261 exclusive spaces on Lot 5 by parking easement, plus 43 exclusive spaces on Lot 4A (304 total spaces for Lot 4A), Limited Site Plan Modification, 100 Financial Way - Warehouse. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love read the recommendation from the Town Attorney to be included in the decision.

Chairman Padula stated that would be done before endorsement.

Mr. Hartnett stated it would be done prior to occupancy; he does not think it would be put into place until they were ready to close on the property.

Chairman Padula stated they are granting the Limited Site Plan Modification to the applicant. The document is up to the applicant when they have a buyer.

Motion to Approve the Limited Site Plan Modification, 100 Financial Way - Warehouse. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

C. Bond Reduction: Countryside Estates – Bond Reduction

Ms. Love stated there is currently a tripartite agreement for September and October Drives for \$223,925. The applicant has requested a reduction due to some installed curbing. BETA has been out there and performed a review. BETA's recommendation is a reduction of \$30,705 which leaves the remaining bond at \$193,220.

Chairman Padula stated he would like to put this on the next meeting on December 17, 2018. He was there today and the slant granite looks like it had been run over. It is not the required 45 to 60 degrees upright. As well, the first house on October Drive, the sidewalk is supposed to be continuous across the driveway, same height continuous with the concrete apron—it is not. He stated he wants it repaired. Obviously, BETA is not reading the book or something. In addition, on Countryside Lane, isn't there supposed to be a sidewalk where the cul de sac is? He wants the granite curbing fixed.

Mr. Maglio said he would have to look at the plans regarding the sidewalk on Countryside Lane.

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

Documents presented to the Planning Board:

1. *Memorandum dated November 28, 2018 from DPCD to Franklin Planning Board*
2. *Letter dated November 8, 2018 from Matthew Crowley, BETA Group, Inc., to Franklin Planning Board*
3. *Memorandum dated November 8, 2018 from Franklin Board of Health, to Franklin Planning Board*
4. *Letter dated November 21, 2018 from Manifold Design and Development, Inc. to Franklin Planning Board*

Mr. Ankur Runcta, applicant, Mr. Bob Phillips, design consultant, and Mr. Chris Hornick, mechanical engineer on the project, addressed the Planning Board. Mr. Runcta stated that when they were previously before the Planning Board, there were questions regarding odor and noise generation at the site. They submitted a package to Ms. Love including a letter and some exhibits that provided an overview of what they are proposing to use for both odor and noise.

Mr. Hornick confirmed they are planning to use the exact system provided in the packet to the Planning Board. He stated they investigated different filters and manufacturers. They determined the industrial carbon canister filter by Camfil is best. He reviewed the odor generation and mitigation plan and what Camfil recommends in the cannabis industry. He explained how the mechanical system and odor filtration would function.

Mr. Halligan stated he thought it was a great project; he supports it. However, as a Planning Board member, he is here to protect the surrounding environment for both residential and business. He stated that he read all of the packet. He asked if the applicant would allow the Town to hire someone, at the applicant's expense, similar to every other project, to review this and come back and say that what the applicant is proposing is correct. Or, maybe, they may find something that needs to be slightly tweaked to make it a better project. He related this to when traffic engineers are hired to review a project with a traffic study. The Town would find someone in filtration that could create a report on this. He noted another facility in Franklin where people can smell it although that applicant had also said there would be no odor.

Mr. Runcta stated they would be open to that. He said they did a comprehensive search and he believes this is the best filtration system that has data to support it. He said this is a costly system.

Mr. Scott Savage, a member of the development company purchasing the land, stated he requests the Planning Board to conduct the study in a timely manner. They had hoped to resolve this issue by the next meeting.

Ms. Love said she did not know if BETA had someone on staff. If they do not, they would have to put something out to bid to find someone.

Chairman Padula said they do have regulations on odor control. If the Planning Board votes to, they can hire an expert on odor control. They have the right to hire an independent company that could take care of that. This is the major concern and it is abutting a residential area.

Mr. Power confirmed the applicant had other facilities with odor mitigation.

Mr. Runcta state yes, but the other facilities have much less extensive odor mitigation. He discussed the odor generating compounds during cannabis cultivation. He believes this system is the best option, but he would be happy to have the study done. He noted that odor is subjective. As well, there are some new systems regarding odor mitigation, but there is no data on them. The system they are proposing has data supporting that it works.

Mr. Rondeau asked about the length of the road going in, the curbing, how the carbon canisters are disposed of, and are they considered hazardous.

Mr. Hornick explained the canisters are removable and refillable and last about two years; he did not know exactly how the contents are disposed of. They could look into it.

Mr. Mark Santora, project engineer, stated he has looked into the questions of the roadway and curbing and made revisions; they are now waiting for BETA's report to see if there are any further comments.

Chairman Padula asked Mr. Maglio to look into the parking lots abutting this, and cars that were under water during the spring/summer rain. They will be sharing the same drainage system; why were they under water. He would like BETA to look into that.

Mr. Maglio stated he would look into it.

Chairman Padula confirmed it is the feeling of the Planning Board to hire an independent professional.

Ms. Love stated she would look into it. As this is a Special Permit there were conditions that she outlined and recommended. The Planning Board can condition the odor which has not been done in the past in order to monitor the odor. She said she will send the applicant her letter.

Motion to Continue the public hearing for 4 Liberty Way, Special Permit & Site Plan, to December 17, 2018, at 7:15 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
 79 Grove Street
 Special Permit & Site Plan

Documents presented to the Planning Board:

1. *Memorandum dated November 28, 2018 from DPCD to Franklin Planning Board*
2. *Letter dated October 29, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated November 15, 2018 from DPCD to Franklin Planning Board*
4. *Email dated October 10, 2018 from Bill Gagne, Franklin Resident, to Amy Love, Town Planner*
5. *Letter dated August 31, 2004 from Bruce Hunchard, Chairman, Zoning Board of Appeals, to Franklin Planning Board*
6. *Certificate of Vote Letter dated December 3, 2004 from Anthony Padula, Chairman, Franklin Planning Board, to Deborah Pellegrini, Town Clerk*
7. *Memorandum dated November 2, 2018 from G. B McCarraher, Fire Chief, to DPCD*
8. *Memorandum dated October 23, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
9. *Memorandum dated November 8, 2018 from Franklin Board of Health to Franklin Planning Board*
10. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 22, 2018*
11. *Letter dated October 4, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board*
12. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as Patrick Weidman with Received by Planning date October 19, 2018*
13. *F-4184-1, Special Permit Application, Parking, Loading and Driveway Requirements for Grove Street Towing & Tire – 79 Grove Street, dated October 4, 2018, with Received by Planning date October 19, 2018*
14. *Certificate of Ownership with Received by Planning date October 19, 2018*
15. *Abutters List Request Form dated September 26, 2018 with Received by Planning date October 19, 2018*
16. *Abutters List Report dated September 27, 2018*
17. *Site Plan Modification and Special Permit, Grove Street Towing and Tire, Franklin MA, prepared by Guerriere & Halnon, Inc., dated October 4, 2018, with Received by Planning date October 19, 2018*

Ms. Love stated that at the last Planning Board meeting they did close the public hearing for the Special Permit for the driveways being less than 150 ft. between each other. The comment that was made prior to endorsement of the plan was that the applicant does include signage on the plans for “exit only” and “no public access” for the new proposed driveway.

Chairman Padula asked if that is already on the plans.

Ms. Love stated she has not received any revised plans since the last meeting.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Patrick Weidman, property owner, addressed the Planning Board. Ms. Cavaliere confirmed the Planning Board wanted “exit only” and “no public access” signs noted on the plans before endorsement.

Motion to Close the public hearing for 79 Grove Street, Special Permit & Site Plan, Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula stated the Special Permit is for §185-21C.7.b Parking, Loading and driveway Requirements. The Zoning By-Law requires 150 ft. between driveways, unless a Special Permit is issued by the Planning Board. The applicant is also seeking to add 566 sq. ft. of pavement with vertical granite curbing at the corners. He confirmed the granite curbing would go all the way back to the fence.

Ms. Cavaliere stated yes.

Chairman Padula stated that would be on the new plan. He read aloud the following.

Special Permit reducing the requirements of §185-21C(7)(a).

(1) ROLL CALL VOTE

- a) Proposed project addresses or is consistent with neighbor or Town need.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-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.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-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.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-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.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-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.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-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.

Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)

Chairman Padula stated that all the Suggested Standard Conditions of Approval will be attached as will the Special Conditions.

Chairman Padula read aloud the Special Conditions.

1. Prior to endorsement, at the new access drive, the applicant will add the following signage to the plans:
 - “exit only”
 - “no public access”
2. Granite will continue to the fence before this is endorsed.

Motion to Approve Site Plan Modification. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – Continued
Prospect Farms – Prospect Street
Preliminary Subdivision

Documents presented to the Planning Board:

1. *Letter dated November 26, 2018 from Stephen O’Connell, Andrews Survey & Engineering, Inc., to Franklin Planning Board*
2. *Letter dated November 14, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated November 14, 2018 from DPCD to Franklin Planning Board*
4. *Memorandum dated October 30, 2018 from George Russell, Conservation Agent, to Franklin Planning Board*
5. *Memorandum dated November 2, 2018 from G. B McCarraher, Fire Chief, to DPCD*
6. *Memorandum dated November 8, 2018 from Franklin Board of Health to Franklin Planning Board*
7. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date October 31, 2018*

To Be Continued.

Chair and Member Comments

Mr. David stated that Hawthorn Suites had three or four large storage trailers in the parking lot. What are they for?

Ms. Love said she did not know; she would look into it.

Chairman Padula stated that at some of the gas stations and markets, the one-way, exit only, entrance only, and other signs are not faced at 45 degrees so people can see them. And, at many places the signs are gone; it is just a free for all. He asked Ms. Love if we can get this straightened out; send a request to the owners.

Mr. Halligan asked Mr. Maglio about the traffic signal in Downtown; the one near the Rome restaurant is the fastest light as only a few cars get through.

Mr. Maglio noted the State had come out and adjusted some timing on this light after the completion of the project as there were some issues with it. He will take a look into it.

Mr. Rondeau asked Ms. Love how many more sites are eligible for use as growing marijuana facilities.

Ms. Love stated she is aware of two vacant sites that may be a good possibility. She is not sure if there are other vacant sites zoned for marijuana.

Chairman Padula stated if you move a place like this into the middle of an Industrial Park and cause odor, then everyone starts moving out to get away from the odor. That is going to be the problem that they are going to have to deal with. He does not want to lose the people they have right now in the Industrial Park.

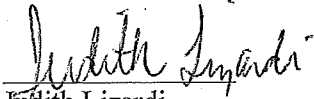
Ms. Love stated the specific guidelines for odor are more subjective than say for traffic or drainage. She stated she will look into finding an odor specialist. She suggested that as this is a Special Permit the Planning Board look into special conditions for monitoring this.

Planning Board members discussed possible retail of marijuana.

Ms. Love stated it is not permitted in that Industrial Park.

Motion to Adjourn. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:14 PM.

Respectfully submitted,



Judith Lizardi

Recording Secretary

