

Town of Franklin

TOWN OF FRANKLIN
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Planning Board

September 9, 2019

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: Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

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: Fairfield at Dean Avenue (Endorsement)

Mr. Halligan recused himself.

Mr. John Shipe of Shipe Consulting on behalf of Fairfield Residential and Mr. Brian McCarthy, civil engineer of RJ O'Connell & Associates, Inc., addressed the Planning Board. Mr. Shipe reviewed the project for the construction of multi-family residential on Dean Avenue adjacent to the railroad. He stated the project is moving along fine. Most of the buildings have roofs and the siding and utilities are being installed. Weekly reports have been filed with the Conservation Commission. The clubhouse foundation and the noise wall along the railroad have been constructed. He stated that town staff suggested the applicant update the Planning Board on the minor changes made to the site through final design development which are enumerated in the letter from Brian McCarthy to the Planning Board dated August 9, 2019. He reviewed the items listed in said letter.

Chairman Padula confirmed the changes made are reflected on the new set of plans that has been submitted which the applicant is requesting be endorsed tonight. He read aloud the letter from Michael Maglio, Town Engineer, to the Planning Board dated September 5, 2019.

Ms. Love stated the applicant presented these minor field changes at the August 19, 2019 Planning Board meeting. The Planning Board requested the applicant submit a full set of revised plans to be endorsed for the record.

Motion to Endorse the new plans for Fairfield at Dean Avenue. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

B. Partial Form H: O'Brien Estates

Mr. Matthew Crowley, BETA Group, stated a site visit was conducted to provide an update on the construction status. He stated the Planning Board in a letter dated February 12, 2019 outlined four criteria for giving occupancy to the first lot. He reviewed the criteria and said BETA confirmed the four items were completed.

Chairman Padula confirmed there is no curb all the way down and no top course of pavement.

Mr. Crowley stated the topcoat is to be installed before the occupancy of the second lot. The approved plans do not call for curbing expect at the intersection.

Motion to Sign the Partial Form H for O'Brien Estates. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

C. Limited Site Plan: 70 East Central Street – Commercial
Chairman Padula recused himself. Mr. Carroll recused himself.

Mr. Brad Chaffee, owner/applicant, addressed the Planning Board. He stated that as part of the Special Permit he was required to come back for a Limited Site Plan when they had a tenant for the front building which has been finished and occupied. The tenant is an insurance company; they signed a lease for the front building. They will occupy about 1,900 sq. ft. which is about half of the bottom floor. He provided an overview of the parking.

Vice Chairman Halligan asked about the two garages in the back.

Mr. Chaffee reviewed the approved plans and explained the location on the original plan.

Vice Chairman Halligan stated he had no concerns with the insurance company. However, he would like to make a condition of approval. He stated that to the right of the building there is an approximately 8 ft. section of gravel. When it rains, the gravel washes out down the sidewalk and street. He requested some riprap to wrap the corner.

Mr. Chaffee stated that would be done.

Ms. Love confirmed it is a requirement for the applicant to come to the Planning Board for a Limited Site Plan.

Motion to Approve the Limited Site Plan for 70 East Central Street-Commercial for insurance company taking 1,900 sq. ft. of the front building. Rondeau. Second: David. Vote: 3-0-0 (3-Yes; 0-No).

Mr. Chaffee provided an update for the building. He stated there are four units that are owner occupied. They are completing the remaining units in the front building.

Motion to Release two more units in the front building for 70 East Central Street-Commercial. Rondeau. Second: David. Vote: 3-0-0 (3-Yes; 0-No).

Chairman Padula re-entered the meeting. Mr. Carroll re-entered the meeting.

D. Meeting Minutes: July 22, 2019 & August 5, 2019

Motion to Approve the Meeting Minutes for July 22, 2019. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for August 5, 2019. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM

PUBLIC HEARING – Initial

239-011 & 013 - Solar

Site Plan (Off Maple Street, Bellingham)

Documents presented to the Planning Board are on file.

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

Mr. Zach Farkas, Project Developer of Borrego Solar, and Mr. David Albrecht, Civil Engineer of Borrego Solar, addressed the Planning Board. Mr. Farkas provided an overview of the project. They are proposing a solar and energy storage facility. About 40 percent of the project is located in Bellingham and about 60 percent is located in Franklin. It is approximately a 4 MW AC system located on approximately 18 acres. They had a technical review

meeting with Franklin. The Conservation Commission issued a negative determination for the development on the Franklin side of the parcel. They are also in meetings with appropriate Bellingham town departments. He provided photographs and discussed the site location. He stated it is surrounded by the Maple Gate Country Club. He discussed the proposed access road off Maple Street in Bellingham. He summarized the project benefits which include a revenue stream for the local land owner, a revenue stream for both towns through pilot agreements in lieu of taxes, solar projects are renewable energy which have environmental benefits, the site itself requires very little earth disturbance after the trees are cleared, 8 million kWh of green energy will be produced every year, and approximately half of the power is sold to local residents at a discount.

Planning Board members asked questions about the site and the proposed project.

Mr. Farkas stated he plans to speak with the Town Administrator about the pilot agreement and payments to the town prior to the next meeting with the Planning Board. He discussed the current state of the land on the Franklin side. He noted it would be a base lease agreement to produce power for 20 years with five-year extensions. There is a decommissioning bond with both towns which would be enough to remove the entire system. He stated there is nothing in the proposal to replicate the property and replant trees.

Mr. Albrecht reviewed the provided plans and discussed the existing conditions and topography, the proposed project layout including fencing, proposed access off Maple Street including fire access, the installation of the racking, and the stormwater and drainage proposals. He noted all the conduits will be underground with no above ground utility poles in Franklin. There will be a small transformer above ground with a motion-activated light. Nothing in the equipment area should be taller than the racking which is about 9 ft. tall. They meet all the required setbacks in the Industrial zoning district.

Mr. Crowley stated he would check to determine if the asphalt tailings currently on the site are treated as hazardous material.

Mr. Albrecht stated there would be enough vegetation to not see this from Route 495. He stated there is no fire suppression needed for this solar array. They have agreed with Bellingham to install a new fire hydrant at the entrance.

Chairman Padula stated due to rain, mud holes are created under the panels. The Planning Board has been requesting drainage mitigation from solar applicants.

Mr. Albrecht discussed the proposed stormwater and drainage plans for the runoff. He stated some test pits were done. They are not aware of any contaminants. They can provide the Phase I study to the Planning Board.

Motion to Continue the public hearing for 239-011 & 013 – Solar, Site Plan (Off Maple Street, Bellingham) to October 7, 2019 at 7:05 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM

PUBLIC HEARING – Continued

1256 West Central Street

Special Permit & Site Plan Modification

Documents presented to the Planning Board are on file.

Mr. Patrick Sullivan, Attorney for the applicant; Mr. Chirag Patel, Principal, GTE Franklin, LLC; and Mr. Rick Goodreau, Engineer, United Consultants, Inc., addressed the Planning Board. Mr. Sullivan reviewed the waiver request for Cape Cod berm. He noted a previous applicant with a similar use had a public hearing before the Planning Board and their waiver request to keep Cape Cod berm throughout the site was granted with the reasoning that it was already on the site and they were going to keep it consistent. They are requesting a waiver for the same reasons. He stated the auto repair shop on the site is a permitted use granted by a variance from the ZBA. He stated the Conservation Commission closed their hearing and an Order of Conditions is expected this week.

Mr. Patel thanked all those who have helped with this application. He stated the company projects sales of \$5 million this year to generate the Town of Franklin approximately \$2.25 million in the first five years. The company's location will have greater parking spaces than required. The dispensary will have a minimum of six check-out stations. The anticipated customer visit is five minutes. He noted they are agreeing to open with an appointment-only system with 40 customers per hour. He noted the traffic concerns and stated they will be more than capable of handling it as there will be approximately 200 other dispensaries open in Massachusetts by the time they open. He highlighted some of the key features of their business plan. He stated they have a preliminary odor control plan.

Planning Board members asked questions.

Mr. Sullivan stated the NETA production facility site in Forge Park was allowed Cape Cod berm. He discussed the variance granted by the ZBA for the auto body use.

Mr. Patel stated they have already applied to the state for a provisional license. He reviewed the approximate timeline after the provisional license which includes the architectural design, build-out time, final license in which the state does an inspection, and the commence to operate license. He anticipates three to six months from the provisional license to be open.

Mr. Halligan stated he does not want to see an open-ended license not being used creating a delay period where the current owner could potentially flip this. He suggested a provision be put on an approval of the Special Permit for one year. The applicant would then return to the Planning Board if necessary and provide an update at which time the Planning Board could provide an extension.

Mr. Patel and Mr. Sullivan discussed such a condition.

Mr. Goodreau reviewed the parking changes as shown on the plans including overflow parking and stormwater system changes to accommodate the additional impervious. No waiver for stormwater is needed.

Mr. Crowley reviewed the most recent submission from the applicant addressing both site circulation and stormwater issues. He discussed BETA's few remaining comments.

Planning Board members discussed the proposed stormwater system and rain garden and asked questions about the traffic numbers and proposed loading area.

Citizens' Comments: ► Ms. Jennifer Levine, President and Founder of SAFE Coalition, expressed concerns about the dispensary. She reminded the Planning Board of their duties to ensure the public safety, welfare, and interests of the residents of Franklin. She expressed disappointed with GTE Franklin in their lack of communication and transparency. She said they have provided no communication with the SAFE Coalition. She expressed concerns about traffic, student athletes, and adolescents living in the nearby apartments. She stated a community impact meeting must be well advertised. ► Chairman Padula stated a traffic study was done. ► Mr. Sullivan stated GTE Franklin is committed to the community and they have hosted a community outreach meeting. They have worked with town departments including the police department. ► Mr. Patel stated there are state application requirements for outreach meetings and they had one. They did not see the need to have another meeting as only a few people attended. They have been working with the community and would be happy to speak with the SAFE Coalition. ► Mr. Jamie Hellen, Town Administrator, acknowledged the good work of the SAFE Coalition. He stated the voters voted multiple times on this issue. One of the highlights of this in state law is an impact fee which equates to \$300,000 per year. The plan for most of these funds is to be diverted to the school system. His job is to bring in the revenue and allocate it where it is needed. Traffic is a concern, but most frequently the concern he has heard is the diversion to minors and educating the children. He sees this as an opportunity for the Town of Franklin to raise \$1.5 million over five years to use including to fund a cutting-edge health program in the middle schools to tackle the issues of vaping, opioids, and other drugs. He discussed the

location of the marijuana overlay district. ► Ms. Pam Levy, 14 Bent Street, expressed concerns that in the past some children started with marijuana and went on to harder drugs; it could happen to today's youth. She does not believe Franklin should start bringing in marijuana. ► Ms. Joan Cannon, 174 Pleasant Street, expressed concerns about marijuana messing up young people's brains. ► Ms. Jeanne Monahan, 10 Anthony Street, expressed that a retail marijuana shop is not in Franklin's best interest. ► Resident stated he felt marijuana was a gateway drug.

Mr. Hellen stated Franklin was just above 50 percent in the marijuana vote. He stated the current vaping stores in town contribute \$0 to the town to deal with the crisis. He stated the Board of Health recently capped the number of tobacco permits, which includes vaping products, to 32.

Mr. Patel explained the tools, systems, and security measures to try to prevent diversion to children. They plan to work closely with the community. He stated consumers must be 21 years of age or older to enter the store. He discussed the interior space and their odor control preliminary plan. They will have the specifications on the plan before they apply for the building permit. He discussed the parking plan and traffic. He noted an onsite security officer will be monitoring the area as there is no onsite consumption. He reviewed the appointment-only schedule. He said if the state gets back to them, they could be operational next fall or the beginning of 2021. He discussed Mr. Halligan's inquiry about possible home deliveries and said that would be a separate license.

Mr. Sullivan commented on the September 4, 2019 letter from Amy Love, Town Planner, to the Franklin Planning Board regarding the listed special conditions, specifically the licensing aspect.

Mr. Hellen stated the licensing is from the state.

Chairman Padula clarified the Planning Board has nothing to do with the licensing.

Mr. Halligan stated if it gets approval, he wants to see it built and the money go to education.

Chairman Padula clarified that Recommended Special Condition #2 should indicate that the during the first-six months of opening clients are to arrive by appointment only; if the applicants want to change that condition after six months, they must return to the Planning Board for a modification.

Mr. Sullivan stated they understand that.

Ms. Love stated DPCD's concerns have been addressed. She suggested the Planning Board review the four requested waivers.

Mr. Rondeau requested the traffic information.

Ms. Love stated the Conservation Commission closed the public hearing and voted; the applicant is waiting for written conditions.

Motion to Continue the public hearing for 1256 West Central Street, Special Permit & Site Plan Modification, to September 23, 2019 at 7:30 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion for a five-minute recess. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – Continued
40 Alpine Row
Special Permit & Site Plan Modification
Documents presented to the Planning Board are on file.

Chairman Padula stated the applicant requested a continuance to September 23, 2019.

Motion to Continue the public hearing for 40 Alpine Row, Special Permit & Site Plan Modification, to September 23, 2019 at 7:25 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – *Continued*
 Maple Hill – Maple Street
 Preliminary Subdivision
 Documents presented to the Planning Board are on file.

Mr. William Buckley of Bay Colony Group, Inc., representing the applicant, Carroll Construction Corp., and Mr. Mark Carroll, president of Carroll Construction Corp, addressed the Planning Board. Mr. Buckley stated they were last before the Planning Board on August 19, 2019. They were asked to prepare a plan that would not require a waiver. He reviewed the revised plan showing the initial road to be 600 ft. They added an emergency access from Bridle Path with a breakaway gate. They are still about 50 percent open space with 58 lots. He stated they are requesting a decision from the Planning Board on the preliminary conventional plan and on an open-space project; they have presented two open space concepts.

Motion to Close the public hearing on the open space plan for Maple Hill – Maple Street, Preliminary Subdivision. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Deny the open space plan for Maple Hill – Maple Street, Preliminary Subdivision. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula confirmed the applicant received memos from the town engineer and the fire chief. He read aloud the letter from J. S. Barbieri, Deputy Fire Chief, dated August 28, 2019. He read aloud the letter from Michael Maglio, Town Engineer, dated August 27, 2019. He reiterated that he had asked for the means of egress on Maple Street; however, the developer added the open space concept plan and did not lower the number of units. He stated the Planning Board is leaning toward a conventional plan which connects in two or three places to spread the traffic out.

Citizens' Comments: ► Resident stated the original plan was to connect to Hancock and then it was changed to Bridle Path. She expressed concern about the safety issue of the curves on Bridle Path. ► Chairman Padula explained it was the sewer that was going to be tied into Hancock. ► Mr. Stephen Dunbar, 30 Madison Avenue, stated the Planning Board was inconsiderate to vote before listening to the audience members. He expressed concern about the comments that the gravel road would not be adequate for the emergency access and the maintenance issue. He discussed the plan the Planning Board rejected. He expressed concern about a collector street and he provided the Planning Board with information and specifics on the roads and sight distances which he would like addressed during the traffic study. He thought Mr. Buckley's plan was good as it tried to meet everyone's needs. ► Resident asked the Planning Board to consider what the residents want. He expressed concerns this will become a cut-through road. He stated no one likes the conventional plan. He stated many people bought homes on dead-end streets because they feel safer. ► Laura Dombroski, 20 Kimberlee Avenue, expressed concerns about traffic, safety issues, and reducing density. ► Chairman Padula stated this is in the preliminary stages. The Planning Board must listen to the town's advisory staff. The Planning Board must follow the subdivision regulations and public safety. The applicant can return at anytime with another preliminary plan. ► Ms. Rebecca Giacobbe, 65 Bridle Path, expressed concern about the road being used as a cut through. She stated the developer has a right to cross the wetlands once; they are asking for the developer to pursue crossing the wetlands twice. ► Mr. Halligan explained the Planning Board takes advice from all department in order to make a decision. ► Mr. Lincoln Purdy, 54 Bridle Path, asked what the fire chief thinks about the safety of connecting two streets and making them a collector road. He expressed concern that a plan with two roads connecting to Maple Street has not been thoroughly attempted by the developer. ► Ms. Lisa Brady, 36 Kimberlee Avenue, asked about a two-way boulevard concept onto Maple Street, expressed her traffic concerns, and encouraged everyone to go to Kimberlee Avenue and try making a left onto Maple Street; it is dangerous. ► Mr. Buckley discussed a two-way road concept onto Maple Street. ► Ms. Ellen Dagesse, 16 Kimberlee Avenue, expressed concerns that these are established neighborhoods and they will have to endure years of trucks going

through them. ► Mr. Halligan stated if the developer complies with all the rules and regulations, the Planning Board cannot deny the permit; he has the right to build it. The Town Council approved the zoning for this. ► Mr. Buckley explained for a by-right wetland crossing it has to be shown that there is no alternative. ► Resident expressed concern about traffic safety on Maple Street. ► Mr. Bruce Stivaletta, 10 Surrey Way, asked about the wetlands in the area that would need to be crossed. ► Mr. Joe Williams, 84 Hancock Road, asked about the need for three entrances. ► Chairman Padula stated he would like to spread out the traffic for safety. ► Ms. Myriam Siraco, 76 Hancock Road, expressed concern about two large curves in Hancock Road and the dangers of exiting Hancock Road onto Partridge Street. ► Resident stated that not all residents of Hancock Road received notice of this project. ► Chairman Padula stated the law is notice is sent to residents within 300 ft. of the property line.

Planning Board members informally agreed they wanted the applicant to return with a conventional plan with a minimum of three accesses and there would need to be a traffic study.

Chairman Padula explained the process for a definitive plan.

Mr. Buckley stated there is nothing more to discuss. They have tried to address all the issues. He understands the Planning Board is looking for three access points and a traffic study. He requested a decision be made on the preliminary plan tonight.

Mr. Halligan stated he is not ready to vote on this tonight.

Ms. Love stated there is a time requirement.

Mr. Buckley stated he would give the Planning Board an extension.

Motion to Continue the public hearing for Maple Hill - Maple Street, Preliminary Subdivision, to September 23, 2019, at 7:45 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion for a five-minute recess. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:30 PM **PUBLIC HEARING** – *Continued*
 Margaret's Cove
 Subdivision Modification
 Documents presented to the Planning Board are on file.

Chairman Padula recused himself.

Mr. Richard Whittington, Whitman Homes, and Ms. Amanda Cavaliere, engineer of Guerriere & Halnon, Inc., addressed the Planning Board. Ms. Cavaliere stated this is a previously approved subdivision from the 1980s. Whitman Homes is proposing six lots as opposed to nine lots on the originally approved plans. They have met with Conservation Commission. Based on comments from BETA and WSI, they have submitted revised plans. They are here to discuss the remaining comments from BETAs recent peer review as indicated in BETAs letter to the Franklin Planning Board dated September 5, 2019. She stated there will be several waivers added to the final set of plans including for the environmental analysis, stormwater management components, requiring sidewalks on both sides of the street, and concrete sidewalks to be constructed.

Vice Chairman Halligan reviewed the letter of July 19, 2019 from the Deputy Fire Chief requesting a fire hydrant be placed on the dead end. He discussed the drainage being on a separate lot.

Ms. Love stated if the drainage lot is on private property, it is much harder for the town to maintain it.

Mr. Whittington stated he would grant the town an easement. He discussed that the reason drainage it not on a separate lot regards the frontage on other lots.

Planning Board members discussed the possibility of moving the detention lot.

Ms. Cavaliere showed the original approved plan showing nine lots and confirmed they are reducing to six lots.

Vice Chairman Halligan requested the easement be drawn up and submitted to counsel for review.

Mr. Whittington stated that was not a problem.

Mr. Rondeau asked if a fence could be installed at the detention basin for safety purposes.

Mr. Whittington stated they could add a 5 ft. chain link fence on the west side of the detention basin.

Planning Board members discussed the road being the same width as the existing 28 ft. roads in the neighborhood and having one sidewalk.

Ms. Cavaliere stated they are showing a 26 ft. road which is current regulations. She stated as long as the stormwater is okay, they can increase the road to 28 ft. She noted it will increase the impervious. She will be updating the waiver list by the next meeting. She stated Conservation indicated they would approve pending minor clerical revisions on the plans.

Motion to Continue the public hearing for Margaret's Cove, Subdivision Modification, to October 7, 2019, at 7:10 PM. Carroll. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Member Comments

Mr. Carroll asked Ms. Love if someone could move the property for rent sign on Washington Street back about three feet as it is in the way for people to see when taking a left-hand turn out of the road from the school.

Motion to Adjourn. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 10:45 PM.

Respectfully submitted,


Judith Lizardi,
Recording Secretary