

## Town of Franklin

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## Planning Board

September 23, 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: Michael Maglio, Town Engineer; 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. Discussion: 100 Financial Way – Warehouse Drainage Changes**

Mr. Douglas Hartnett, Highpoint Engineering, requested approval of a drainage system substitution of the previously approved corrugated metal pipe system and stone storage system with a StormTrap ST2 Modular Concrete Chamber System. He stated the proposed substitution maintains the stormwater mitigation commitments originally approved by the Planning Board. The information was submitted to both BETA Group and town staff.

Mr. Crowley stated BETA reviewed the proposed revision. Essentially, the applicant is only changing the storage mechanism. The proposed system retains more water than the previous design and there is no increase in volume or peak flow rate of stormwater from what was approved. He stated a number of these have been installed in Massachusetts.

Mr. Maglio stated he reviewed and discussed the proposed system with Mr. Crowley. It is an existing product and has been used in other locations. The water quality manholes will still be in place on the plans.

Planning Board members informally agreed on this as a field change.

**B. Final Form H: 116 Alpine Place**

Ms. Love stated the original request was for a Final Form H. After BETA's review, the applicant requested a Partial Form H. The information for the Partial Form H has been provided in the Planning Board members' packets.

Mr. Crowley stated a site walk was performed on September 17, 2019 to compare the constructed site to the approved plans. The site was constructed in general conformance with the exception of four items as described in his September 17, 2019 Observation Report to the Planning Board.

Chairman Padula asked about a tree with orange ribbon in the back of the site.

Applicant, who did not identify himself, stated the tree with orange ribbon will remain; the dead trees will be removed next week.

Mr. Rondeau asked if there was supposed to be a small culvert behind the units for water runoff.

Chairman Padula stated there is an overflow in the back near the depression for the shrubs.

***Motion to Approve the Partial Form H for 116 Alpine Place. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**C. Partial Form H: 303 East Central Street – Franklin Shoppers Center**

Mr. Michael Doherty, Attorney of Doherty, Dugan, Cannon, Raymond and Weil, P.C.; Ms. Amanda Cavaliere, Guerriere & Halnon, Inc.; and Ms. Robyn Kiernan, Phase Zero Design, addressed the Planning Board. Mr. Doherty stated members of the Alevizos family, owners of the Horace Mann Shopping Plaza, are in attendance.

Ms. Love stated BETA performed a site visit and provided a report on the remaining work. The applicant has been working on the exterior and additional work has been done since BETA's site visit. She noted the dumpsters should be placed in the constructed enclosures.

Mr. Doherty confirmed the dumpsters are for use by the tenants. They will be moved into placed. Other larger dumpsters are for construction debris.

Chairman Padula stated the curbing along the side has a reveal starting at 7 in. and receding to about 1 in.; it is very inconsistent. The reveal is not to code.

Ms. Kiernan stated she would be onsite later this week for a site observation and will take note of the curbing and asphalt.

Mr. Doherty confirmed the reveal and asphalt would be looked at.

***Motion to Approve the Partial Form H for 303 East Central Street – Franklin Shoppers Center. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

**D. Meeting Minutes: August 19, 2019**

***Motion to Approve the Meeting Minutes for August 19, 2019. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – *Initial*  
                 *Spring Street*  
                 Scenic Road Permit  
                 *Documents presented to the Planning Board are on file.*

***Motion to Waive the reading. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

Chairman Padula stated the applicant requested a continuance of the public hearing to October 7, 2019.

***Motion to Continue the public hearing for Spring Street, Scenic Road Permit, to October 7, 2019 at 7:20 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM      **PUBLIC HEARING** – *Continued*  
                 *West Central Street/Panther Way*  
                 Special Permit & Site Plan  
                 *Documents presented to the Planning Board are on file.*

Chairman Padula confirmed the applicant spoke with Ms. Love and requested a continuance of the public hearing to October 21, 2019.

***Motion to Continue the public hearing for West Central Street/Panther Way, Special Permit & Site Plan, to October 21, 2019 at 7:05 PM. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:20 PM      **PUBLIC HEARING** – *Continued*  
                 ***21 Corbin Street***  
                 Special Permit & Site Plan  
                 *Documents presented to the Planning Board are on file.*

Ms. Love stated the applicant was before the Zoning Board of Appeals requesting a frontage variance. The ZBA did not make a decision and the public hearing was continued to November 7, 2019. The applicant requested to continue the Planning Board public hearing until after that date.

***Motion to Continue the public hearing for 21 Corbin Street, Special Permit & Site Plan, to November 18, 2019 at 7:05 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Recess until 7:25 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:25 PM      **PUBLIC HEARING** – *Continued*  
                 ***40 Alpine Row***  
                 Special Permit & Site Plan Modification  
                 *Documents presented to the Planning Board are on file.*

***Mr. Halligan recused himself.***

Mr. Nicholas Erickson, As-Built Brewing; Mr. Kenneth Mello, Attorney; and Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., addressed the Planning Board.

Mr. Maglio stated the revised materials have been reviewed and all his previous comments have been addressed.

Mr. Crowley stated they reviewed the submission and their comments have primarily been addressed. He stated there is no curbing other than car stops proposed along the front of the site where the Planning Board typically requires vertical curb. He noted that since the site had previous contamination, any handling of soil or ground water should be managed in accordance with the Massachusetts Contingency Plan.

Ms. Love stated all their issues have been addressed. The applicants have provided snow storage on the plans and a live music proposal. She noted the Planning Board may want to consider live music entertainment be inside the building, not outside, as a condition.

Applicant, who did not identify himself, in response to Chairman Padula's question, stated with a proposed occupancy of 99 or fewer for restaurant use, the building did not need sprinklers.

Chairman Padula stated they needed curbing not just car stops on the front.

Mr. Erickson stated they proposed curb stops to let runoff flow naturally over the vegetative buffer between the parking lot and the roadway which is consistent with modern stormwater design standards.

Chairman Padula stated all site plans require curbing, not concrete stops for cars in the middle of parking lots.

Mr. Erickson reviewed the proposed plantings and said it was more aesthetically pleasing than a white vinyl fence.

Chairman Padula stated this public hearing is advertised as a modification to a Site Plan; however, this never had a Site Plan. The plan before him is labelled as a Site Plan. So, when it is signed, it will become the Site Plan. As such, all drainage is to be contained onsite. He asked what drainage is contained onsite for the parking lot.

Ms. Cavaliere said they are doing a Site Plan because the site never had an official approved Site Plan. However, as it is a pre-existing site, for the stormwater, it has redevelopment status for drainage. She stated there is already a stormwater management system on the site with drainage and catch basins and the applicants are improving it to the best extent practical in accordance with stormwater management requirements.

Chairman Padula asked if all drainage from the parking lot would be contained onsite. He expects the same standards from everyone. As this is a Site Plan, he would like to see some drainage.

Mr. Maglio explained the existing site drainage and the proposed drainage. He noted they are looking at this as a redevelopment site for the drainage. He stated the applicants are improving the current drainage system.

Mr. Crowley agreed that overall the applicants will have a minor improvement to the existing conditions.

Ms. Cavaliere stated a drainage analysis was submitted. She confirmed roof drains were not tied into the drainage system.

Mr. Rondeau asked if the building in the back would be leased or vacant.

Mr. Mello stated As-Built Brewing has no involvement in that building.

Mr. Erickson stated they are proposing signage along that building indicating no brewery parking. He noted they are leasing the other two buildings: one for storage and one for the brewery. He believes the building would remain vacant.

Chairman Padula asked that the curbing change be made before the public hearing is closed.

Mr. Mello stated that Chairman Padula was asking the applicants to do something that was unnecessary. It would be about a \$60,000 investment. There would be no benefit to the town to do this. He stated that As-Built Brewing was improving the site without doing this. He asked the Planning Board to reconsider their request.

Chairman Padula stated this is a Site Plan for the site. This town has rules and regulations that everyone who has a Site Plan follows. The applicants do not have to put granite; they can put reinforced concrete.

Mr. Powers noted he was torn on his decision as the applicants have put a lot of money into a depressed area in town and will bring a function that the town can use. Most people have supported it. However, he realizes there are rules and regulations. He thinks the Planning Board should give them some reconsideration.

Chairman Padula stated the applicants have been given consideration as they are being allowed some offsite drainage which is never allowed in any of the Planning Board's approvals. The Site Plan must follow the rules and regulations of the town. He is not asking them to change the drainage, he is asking them to put curbing. Curbing is not for aesthetics; it is for public safety.

Mr. Erickson stated the curbing would do nothing to improve the drainage on the site.

Chairman Padula reiterated the Planning Board would like to see curbing: reinforced concrete or granite.

Ms. Cavaliere stated the plans would be changed to reinforced concrete.

**Citizens' Comments:** ► Mr. Greg Safford, 204 Peck Street, stated he would like to see this property used for something more than it is being used for now; he would like to see this project happen. ► Mr. James Balcius, 35 Meadowlark Lane, stated he is a fan of craft brewing. The applicants' product is wonderful. He would prefer to spend his money on a craft brewing product located in the Town of Franklin. ► Mr. Thomas Lyons, 136 Dean Avenue, stated this would add to things to do in downtown within walking distance from Dean Avenue and the new apartments. ► Ms. Ursula McCarthy, 56 East Street, stated the town needs a destination like this. She thinks it will bring a lot of money to the town. ► Mr. Robert Wierling, 164 Main Street, stated he appreciates the opportunity to be able to walk to places downtown. Such a place will bring in additional commerce and is a good opportunity for the town. ► Mr. Scott Eagerman, 19 Meadowlark Lane, stated this would be a great opportunity for a place to go for Franklin residents. ► Mr. Brian Grimes, 59 Milliken Avenue, stated he would like to see the brewery come to Franklin; it is a huge draw for people to go to these places. ► Mr. Brady Bankston, Popularis Construction, a contractor working with As-Built Brewing, asked Chairman Padula to reconsider the issue with the curbing. He stated that as long as the drainage is being improved, it meets the town's standards. He stated this is a great opportunity for Franklin.

Chairman Padula stated that because it has an As-built Plan, it does not mean it has a Site Plan, presently. Although drainage is being improved onsite for what the applicants are leasing, it does not mean drainage can go offsite according to the bylaws. He is not against the project or the entertainment as long as it does not go outside. On the Site Plan, if he lets one go, he has to let everyone go, and he cannot do that. He cannot change the bylaws.

Mr. Crowley read from the town bylaw §185-29 regarding curbing.

Chairman Padula confirmed the Planning Board members were in agreement with the entertainment proposal.

Mr. Mello stated the parking is not within 10 ft. of the roadway.

Chairman Padula and the applicants discussed the curbing and if the parking was within 10 ft. of the roadway.

Mr. Mello stated the curbing was punitive and the curbing request was exceeding the bylaw. He requested Chairman Padula endorse the plan and put the curbing in as a condition of approval.

Chairman Padula stated he wanted to see the curbing on the plan before the Planning Board signs it.

***Motion to Close the public hearing for 40 Alpine Row, Special Permit & Site Plan Modification. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion for the applicants to return and the vote would occur under General Business, Item A, on October 7, 2019. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Mr. Halligan re-entered the meeting.***

7:30 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 stated they have completed BETA's comments. The Conservation Commission closed the public hearing and voted; the Order of Conditions has been provided to the Planning Board. He requested that upon issuance of the provisional license, the applicant would receive his occupancy permit within 18 months.

Ms. Love reviewed several recommended special conditions as listed in her memorandum to the Planning Board dated September 18, 2019.

Chairman Padula stated concern with the curbing on the Site Plan. He discussed the cape cod berm currently at the site. He noted the applicants will be removing and replacing some of it and adding to it. They will have approximately 1,300 ft. of curbing. He recommended reinforced concrete, not cape cod berm, for that amount.

Planning Board members discussed the additional new curbing.

Mr. Sullivan discussed a previous applicant in the same industry who was granted a waiver for cape cod berm as it was already existing on the site. He asked how many additional feet of curb could be added before cape cod berm would not be allowed.

Chairman Padula stated this can be legally asked for because it is a Special Permit.

Mr. Halligan stated in the present case, the amount of curbing is three times the original amount. He wants this applicant to be treated fairly and the same way as others. This hearing can be continued to do additional investigation on this.

Mr. Sullivan stated that in the interest of moving forward, the applicant does not want the hearing to be continued.

**Citizens' Comments:** ► Ms. Jeanne Monahan, 10 Anthony Street, expressed that a retail marijuana shop is not in Franklin's best interest. She asked that the permit be denied.

Mr. Halligan stated he is okay with the two years, but if the applicant comes in for a continuance, the money obligations to the town would take effect on the anniversary of the two years whether they build or not. He does not want them to return in two years and request another two-year extension.

Mr. Chirag explained the timeline. He requested the time begin from the approval of the provisional license, not from the approval of the Planning Board as there is no consistency with the state's approval for the provisional license.

Mr. Sullivan stated they are still working on the host community agreement with the town, and he does not want there to be any inconsistencies with that agreement and the Planning Board.

Ms. Love reviewed her conversation with the town attorney and asked if the applicant was planning to do any site work prior to the provisional license.

Mr. Chirag stated that without the license, there is no need for expansion of the parking lot.

Mr. Sullivan stated this is a new state commission and a new industry with variables out of the applicant's control.

Chairman Padula read the requested four waivers:

***Motion to allow less than 42" of cover over the RCP drain pipe proposed class V RCP. Rondeau. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to allow the use of HPDE pipe for drainage pond 1 including the connection of DMH 1 and a portion of the drain line connection of X-CB10 to the infiltration pond and drainage pond 2 outlet. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

To allow the proposed curbing to be cape cod berm to match the existing curbing. Chairman Padula said he did not recommend this. Mr. Halligan confirmed the applicant agreed to do the remaining curbing in concrete.

*Motion to allow the existing site lighting to extend past the property line. Chairman Padula confirmed this would be into the unoccupied wetlands. Vote: 5-0-0 (5-Yes; 0-No).*

*Motion to Close the public hearing for 1256 West Central Street, Special Permit & Site Plan Modification. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).*

**ROLL CALL VOTE:**

**This determination shall be in addition to the following specific findings:**

**Special Permit VOTES for USE: §185 Attachment 3 Section 2.23 – Non-Medical Marijuana Facility.**

**(1) Special Permit:** To allow retail marijuana in the Marijuana use overlay district.

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.  
**Padula-NO; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.  
**Padula-NO; Halligan-YES; David-YES; Rondeau-YES; Carroll-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.  
**Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)**
- d) Neighborhood character and social structure will not be negatively impacted.  
**Padula-NO; Halligan-YES; David-YES; Rondeau-YES; Carroll-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.  
**Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Carroll-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; David-YES; Rondeau-YES; Carroll-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; David-YES; Rondeau-YES; Carroll-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-NO; Halligan-YES; David-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)**

**Chairman Padula stated that also included, as listed in the memorandum from Department of Planning and Community Development to Franklin Planning Board dated September 18, 2019, are the Recommended Special Conditions #1-4, and the Plan will show reinforced concrete curbing for new and replacement curbing throughout the site.**

7:45 PM

**PUBLIC HEARING – Closed**

***Maple Hill – Maple Street***

***Preliminary Subdivision***

**Decision on Conventional Plan – no public comment**

***Documents presented to the Planning Board are on file.***

***Motion to Approve the Conventional Plan for Maple Hill – Maple Street, Preliminary Subdivision. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:39 PM.***

Respectfully submitted,



Judith Lizardi,  
Recording Secretary