

Town of Franklin



TOWN OF FRANKLIN
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2019 DEC 17 A 10:03

Planning Board RECEIVED

**November 18, 2019
Meeting Minutes**

Chair Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, William David, Gregory Rondeau, 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

Chair Padula announced the meeting would be video and audio recorded for the public's information. He welcomed Mr. Rick Power to the Planning Board; he noted Mr. Power was previously the alternate member and was elected as a full member.

A1. Appointment of Officers

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

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

Motion to Elect William David for Clerk by Halligan. Second: Padula. Vote: 5-0-0 (5-Yes; 0-No).

A2. Approval of 81-P Signing Authority

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

A3. Acceptance of 2020 Planning Board Meeting Dates

Motion to Accept 2020 Planning Board Meeting Dates. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Bond Reduction – Union Meadows

Ms. Love stated an application was received for a bond reduction. BETA conducted a site inspection and provided a report and an estimate of work still needing to be completed. The recommendation is to reduce the bond from \$174,469.00 to \$27,002.00 releasing a total amount of \$147,467.00.

Mr. Crowley confirmed BETA reviewed the site. In the bond estimate, the remaining items were noted which he reviewed. He stated that he discussed the issues with the Town Engineer and DPW and they did not recommend taking any action at this time.

Motion to Approve the Bond Reduction for Union Meadows leaving a bond amount of \$27,002.00. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Endorsement: 186 Maple Street (Bellingham) – Solar

Ms. Love stated the Planning Board approved the Site Plan on November 4, 2019. The applicant has referenced the Certificate of Vote and Conditions of Approval on the front page of the plans. There was mention at the last meeting of additional plantings that the abutter had requested; this is in the Site Plan, as well. She confirmed there is not an agreement in place with the Town at this time.

Motion to Endorse 186 Maple Street (Bellingham) – Solar. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

D. Endorsement: 186 Grove Street

Ms. Love stated the Planning Board approved the Site Plan on November 4, 2019 with the following special conditions and prior to endorsement they be added to the plans: vertical granite curbing shall be provided on both sides of the driveway entrance on Grove Street, and details for the grading plan shall be provided. Both of these items have been added to the plans.

Motion to Endorse 186 Grove Street. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

E. Endorsement: 750 Union Street

Ms. Love stated the Planning Board approved the Limited Site Plan on November 4, 2019. She stated the applicant was shifting some of the handicapped parking and expanding the handicapped ramp. The Planning Board requested the applicant provide signage for the employee parking and traffic directional on the plans, as well.

Chair Padula asked if the signage is too close to the curb and impedes sight distance.

Mr. Maglio stated he has been in and out of the site and has not noticed any impacts.

Ms. Love stated the applicant would be before Design Review tomorrow night to remove the existing sign and install a pylon sign listing both businesses.

Mr. Halligan stated he thought some parking spots were going to be eliminated to allow buses to turn around. He questioned the proposed removable barrier.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the concern and explained the parking, the bus route, and the removable barrier.

Chair Padula stated he did not recall any previous discussion regarding a removable barrier.

Ms. Cavaliere stated they can leave the area open as a loop, not put in the removable barrier, and black out the parking stripes so there is no parking there. She stated they will have the plans changed tomorrow.

Motion to Endorse 750 Union Street with the changes made as discussed. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

F. Discussion: 70 East Central Street – Fence

Chair Padula stated he will abstain from the discussion.

Mr. Brad Chaffee, owner/applicant, addressed the Planning Board with the requested color renderings of the fence to be installed on the ledge. He is requesting to change the fence from white vinyl to chain link.

Planning Board members discussed the color renderings of the fence.

Mr. Halligan stated that during the Special Permit process a white vinyl fence was approved. He has a problem with the applicant returning for a change with the neighbors not needing to be notified; maybe a neighbor was looking forward to a white fence. He stated that if the Planning Board votes favorably to change the fence to black chain link, he would request a condition requiring the applicant to obtain a letter from the neighbor, as the direct abutter to the property, indicating they are okay with the change.

Mr. Chaffee agreed to obtain a letter.

Motion to Approve the change from a white vinyl to a chain link fence with the condition that it will not get installed until a letter agreeing to the change is received from the neighbor. Power. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

7:05 PM **PUBLIC HEARING – WITHDRAWN**
21 Corbin Street
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Chair Padula stated there has been a request on behalf of the applicant to withdraw.

Motion to Accept the Withdrawal for the Special Permit & Site Plan for 21 Corbin Street. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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

Mr. Brutus Cantoreggi, DPW Director and Tree Warden, stated this is a public hearing for the removal of 52 shade trees located in the Spring Street public right of way. As Spring Street is a scenic road which the Planning Board has some purview over, they are having both this public hearing and the Planning Board's public hearing at the same time.

Chair Padula declared the hearing open.

Ms. Love stated the applicant was before the Planning Board a few weeks ago. The applicant is proposing to remove numerous trees to construct a roadway and gravel path to the site. She does not believe any progress has been made regarding a PILOT Agreement with the Town.

Mr. Richard Cornetta, Attorney for the Applicant, stated negotiations with the Town for the PILOT Agreement have been ongoing.

Chair Padula noted it is unsightly for trees to be taken down on scenic roads with the stumps remaining.

Mr. Cantoreggi stated that for the tree removal work to be done by the applicant, the stumps would have to be removed.

Mr. Rondeau asked if 52 similar caliper trees will be replanted somewhere on the site.

Mr. Cornetta stated this is a unique situation. He stated the proposed trees to be removed are in the road and hinder the right of way. The removal is not for aesthetic reasons. He stated they are proposing 10 trees of 4 in. caliper to be replanted along the perimeter.

Mr. Cantoreggi stated the trees to be removed are on average less than 4 in. caliper. He noted in previous decisions he has made as Tree Warden, he required replacement tree plantings be made in the removal area or another area in Town as deemed appropriate.

Chair Padula stated he believes that when a tree is removed on a scenic road the stump must also be removed and a smaller caliper tree of a similar kind be put in its place so the road remains scenic.

Mr. Cantoreggi stated he agrees. However, he often does not recommend putting in the same type of tree as it may fail again; he tries to create tree diversity.

Mr. Halligan confirmed there are no trees in front of present homes that are proposed to be removed.

Mr. Cantoreggi stated this portion of the public right of way is a gravel road that has been abandoned years ago. He noted this public hearing was advertised and no resident provided him with written documentation.

Motion to Approve the Spring Street, Scenic Road Permit. David. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM

PUBLIC HEARING – *Continued*

West Central Street/Panther Way

Special Permit & Site Plan

Documents presented to the Planning Board are on file.

Mr. Brad Chaffee of Camford Property Group and Applicant; Mr. Michael Doherty, Attorney of Doherty, Dugan, Cannon, Raymond & Weil, P.C.; and Mr. Rick Goodreau, Engineer of United Consultants, addressed the Planning Board. Mr. Doherty stated they are before the Planning Board to seek approval of three Special Permits and for Site Plan review. He stated they last met with the Planning Board on August 19, 2019. Since then, a community outreach meeting was held on September 9, 2019 at the Tri County High School. Approximately 50 abutting residents attended. It was a successful meeting and they answered many questions for the residents. As a result of the meeting, the applicant agreed to add more trees and drainage to the project. He noted that family members of Holmes Bus Service were present at the meeting.

Mr. Goodreau provided an overview of the project and reviewed the changes to the plans. He stated the proposed project consists of three buildings. The 100 ft. x 200 ft. building will have a parking area and the access driveway will come in from Panther Way. There will be a parking area for the school buses and a parking area for the school bus employees. A second building was added to provide for a meeting space and bathroom facilities for the school bus business on the site. He noted the proposed driveway will continue to a third proposed building with another parking area. A turnaround has been provided for building #2 as requested by the Fire Department. He explained the two proposed stormwater systems. He reviewed pointed out the areas that will be cleared, graded, and re-landscaped, and the areas that will remain as natural vegetation. He stated they propose to add 18 white pine trees to provide additional screening for the neighbors. The property will be serviced by both Town water and sewer. The site is approximately 15 acres with the proposed development on approximately 7.3 acres. He stated at the community outreach meeting the stormwater system was indicated as a concern. He reviewed the stormwater analysis which reviews what is currently happening at the site and what will happen to the site after the development. He discussed the proposed stormwater system and the projected rate and volume runoff based on various rainfall events. The stormwater system is designed to capture the water, treat it, and discharge it with no increase in volume. He stated there will be a reduction in stormwater at the Panther Way surface from what is currently there. He reviewed other concerns brought up by the neighbors. He showed on the plans where the buses are currently parked and where they are proposed to be parked as part of this project. He discussed questions regarding the water supply and reviewed the permitting process. He confirmed the two larger buildings would be sprinklered. The smaller building with the meeting room, bathroom facilities, and office for the bus use will not be sprinklered. He stated he has reviewed comments from both BETA and the Town Engineer. He noted the fueling request is for diesel fuel.

Mr. Matthew Crowley confirmed the applicant has addressed the majority of BETA's comments. He noted a few items he would like the applicant to address including, but not limited to, providing an overall operations and training plan for the bus facility and fuel island. He noted the fuel island does not appear to require any permitting at the State level; however, the applicant should provide a letter from the Fire Department stating it meets their safety requirements. The Planning Board should consider the sidewalk requirement and give the applicant some direction and should require approval of each occupancy; currently, the tenants are not known.

Mr. Maglio reviewed his letter dated November 13, 2019 to the Planning Board and discussed his three comments as outlined in his letter.

Ms. Love stated the three requested Special Permits all relate to the bus parking and fueling area. As the tenants for building 1 and 2 are not known, she recommends conditioning this for a Limited Site Plan when the tenants are known.

Citizen Comments: ► Mr. Edmund Allcock, Attorney of Marcus, Errico, Emmer & Brooks, P.C., representing his clients Highwood 1 and Highwood 2 Condominiums, stated they respectfully oppose this. He noted he submitted a letter dated September 20, 2019 to the Planning Board outlining their opposition. He stated the bus parking aspect of the project is not a permitted use under the Town's zoning bylaw. He stated this is not a motor vehicle leasing use; this is bus parking. He noted that in order for a Special Permit to be issued, a variance would have to be granted by the ZBA; no variance has been applied for. He stated for the reasons mentioned and the reasons outlined in his letter, the Special Permit should be denied. He stated that the existing gravel parking lot on Panther Way services 16 to 18 buses and stated this is not a permitted use in this zone. As well, the applicant is proposing to expand the number of buses to 30 or 32 with an additional 25 parking spots for the employees and a bathroom facility which would be expanding a non-conforming use. This is not permitted without some type of variance which has not been applied for. He discussed the two proposed buildings and stated no one knows what they will be utilized for. He stated that another concern is that Panther Way is not a main thoroughway. He discussed the increase in the level of traffic and the impact to the surrounding community. He stated his clients are concerned about the impacts of noise and traffic from this project including the buses. He stated his clients are concerned about 30 buses parked in an elevated situation idling in early morning hours and driving on the internal roadway in early morning hours. He noted there has been no analysis regarding traffic impacts or whether this is an actual permitted use. He discussed the Town's noise ordinance that prohibits the start up or idling of any diesel equipped vehicle having a gross weight in excess of 15,000 lbs. between the hours of 9 PM and 7 AM. He stated that for all the noted reasons, the Special Permit and Site Plan should be denied. ► Ms. Ericha Flateau, 111 Highwood Drive, noted concerns brought up at the community meeting including uses for the buildings, traffic on Panther Way, air pollution, and noise pollution. ► Mr. Christopher McCarthy, 114 Highwood Drive, stated he does not see that the applicant has returned with any concessions as a result of the community meeting. He expressed concerns about a retaining wall, the plantings required, the amount of earthwork removal, possible blasting, the fuel storage tank, sight distance when existing CVS, and the number of buses. He requested the developer flag the limit of work in the field so people can see it. ► Mr. Goodreau stated the fuel storage tank is double-walled and would be on a concrete pad. He stated they could flag the limit of work. ► Cheryl from Highwood asked if the Tree Warden was available for this meeting. She would like more trees planted than they are taking down. She asked about snow storage as she cannot see around the snow when it is there. ► Chair Padula stated the Tree Warden has no jurisdiction on private property. ► Ms. Karen Walsh, 33 Highwood Drive, stated concerns about blasting, exposure of their buildings to bus pollution, unsightliness of the buses, property values, bus traffic, truck traffic for the proposed businesses, and the fueling station. She stated that technically people are not supposed to be using Panther Way to get to Oak Street. ► Karen from Highwood stated she agreed with Ms. Walsh and expressed concern about the refueling of the buses.

Chair Padula asked if all 30 buses will be servicing Franklin. He stated the visual number of buses has doubled; people are used to seeing 16 buses. The provided rendering does not show the buildings on a hill. He noted the building height is allowed by right.

Mr. Doherty stated there are 30 spaces proposed, but that does not mean there will be 30 buses. The fueling is for the Franklin buses. He discussed the good reputation of the Holmes family bus business. The goal is to build a nice development.

Mr. Halligan asked the applicant why he is applying for a Special Permit. He stated that with the way the Special Permit is proposed, all the facilities on site could be for repair use. He noted that if there are 30 buses, there must be 30 drivers who will be sitting in their vehicles with engines running while waiting for the buses to warm up as

the 16 ft. x 20 ft. bathroom facility building is not large enough to accommodate 30 people. He does not agree with a phased project and asked for the project timeline. He noted the proposed building has garage doors which would require floor drains and gas traps on the site. He is not in favor of granting a blanket Special Permit for the entire property at one time.

Mr. Doherty stated it is his understanding that the Special Permit was to make a paved parking lot and add some buildings and the fueling. They had a meeting with members of the Town about how to proceed and the Special Permits were discussed. He stated they would be willing to limit the Special Permits to the parking, fueling and light repairs. He stated the bus drivers arrive at staggered times.

Mr. Goodreau reviewed the proposed phasing of the project. He said he would add the gas traps to the plans.

Mr. David questioned the snow storage and noted there are only 26 parking space for the bus drivers, but there are 30 parking spaces for the buses.

Mr. Doherty stated that as a bus pulls out, a bus driver could park in that space.

Chair Padula stated Mr. Cerel must be at the meeting to advise the Planning Board regarding the noise bylaw.

The Holmes family members, in response to questions, discussed the diesel engine buses and the warming up process.

Mr. Rondeau asked about the proposed drainage on Panther Way and requested a decibel rating level for the idling buses. He stated he would like to see what size buildings could fit in the remaining 7.5 acres.

Mr. Goodreau stated with the proposed drainage system, there is a net reduction of water flow.

Mr. Doherty confirmed they need to go to ZBA for a gravel removal permit.

Chair Padula stated the Planning Board needs to determine if the applicant has to go to ZBA for the use.

Ms. Love stated this was addressed at a previous meeting. A letter has been provided by the Zoning Enforcement Officer specifically related to the parking facility. She does not know what more she can find out. She stated the Special Permit & Site Plan submission has been reviewed by the Town Attorney, but she can request he look at it again.

Mr. Halligan stated that as this is a Special Permit, it can be appealed. He would rather see the applicant work on this to make it agreeable to all parties before the Planning Board makes a decision. He questioned if a traffic study could be done regarding the bus departure and return times. He noted the applicant is doubling the number of buses and traffic at the site.

Chair Padula advised Mr. Doherty to do some homework with the opposing attorney and the Town Attorney before they return.

Ms. Ericha Plateau, 111 Highwood Drive, noted that she and other neighbors have no objection if the bus parking lot is closer to Panther Way as it is now.

Mr. Halligan asked if there was a reason why the buses could not park in the first level and the buildings could go in the higher levels.

Mr. Doherty stated there was a view that would be ugly and they should put the buses in the back, screened by a nice building.

Mr. Chaffee stated that during Tech Review this design was discussed to make the site look nice.

Mr. Doherty stated that with so many abutters, it is hard to make everyone happy.

Motion to Continue the public hearing for West Central Street/Panther Way, Special Permit & Site Plan, to December 16, 2019 at 7:05 PM. Halligan. Second: David. Vote: 4-0-0 (4-Yes; 0-No). (Mr. Power was not permitted to vote on this public hearing.)

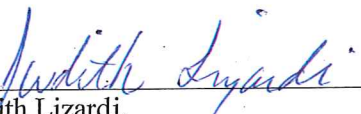
7:15 PM **PUBLIC HEARING** – Continued
300 East Central Street
Site Plan – Change in Use
Documents presented to the Planning Board are on file.

Chair Padula stated the applicant requested a continuance of this public hearing.

Motion to Continue the public hearing for 300 East Central Street, Site Plan, Change in Use, to December 2, 2019 at 7:15 PM. Halligan. Second: David. 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 8:49 PM.

Respectfully submitted,



Judith Lizardi,
Recording Secretary

