

Town of Franklin



Planning Board

**January 6, 2020
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.

A. Partial Form H: 100 Financial Way

Mr. Doug Hartnett, Highpoint Engineering; Mr. Brian Poitras, CRE Management; Mr. Joe Grullon, CRE Management; and Mr. Sullivan, construction superintendent, addressed the Planning Board. Mr. Hartnett stated they were before the Planning Board a few weeks ago to discuss the goals needed to submit a Partial Form H for compliance for the issuance of a temporary Certificate of Occupancy for the building and site improvements that would allow the FPO to conduct the final sale of the property and to allow ongoing tenant improvement work to occur over the course of the winter and spring of 2020. Since that meeting, ongoing work has been proceeding at the site.

Ms. Love stated the applicant was before the Planning Board on November 4, 2019. The Planning Board had asked that more work be completed including safety items; some of those items have been completed. The traffic light is still outstanding.

Chair Padula stated the traffic light was a condition of the Special Permit for the Certificate of Occupancy.

Mr. Maglio stated the traffic light was a requirement for the school and the warehouse before a Certificate of Occupancy is issued. He recommended a temporary Certificate of Occupancy for fit-up work, as long as the traffic signal is installed before any business is underway in the building.

Chair Padula stated there has been some construction on the intersection since the last meeting. He stated the corner was cut, but a 4 ft. high banking was left. A 4 ft. trench was cut and left open with no barrels or taping for the night. The next day concrete was poured in the trench with no forms. The site was left with wet concrete and no barrels or taping. This was a safety hazard. Two or three days later barrels were put around the area.

Mr. Maglio stated that by law an open trench must be monitored. He was not aware of the situation; he will call the contractor tomorrow.

Mr. Crowley stated a site visit was conducted. He stated BETA agreed with the applicant's site list, and he reviewed a few additional items including, but not limited to, the guardrail and erosion controls.

Mr. Halligan requested a letter be submitted by the applicant stating they are in agreement with the Planning Board that there will be no occupancy to run the business, and that this is a temporary occupancy strictly for fit-up, until all items are complete.

Mr. Hartnett confirmed they can provide a letter; he will get it to the Planning Board this week.

Motion to Approve a Partial Form H: 100 Financial Way. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

B. Partial Form H & Bond Reduction: Acorn Hill Subdivision

Ms. Love stated the applicant filed a bond reduction for Acorn Hill Estates-J Victor Lane. The Town is currently holding a bond amount of \$190,176.00. BETA performed a site inspection and provided a list of outstanding items. The recommendation is to release \$92,541.00 reducing the bond amount to \$97,635.00.

Mr. Crowley discussed the cracking around the catch basin. He stated BETA would perform a site inspection after the top course.

Mr. Rondeau asked how the applicant will correct the elevation of the sidewalk to the neighbors' yards.

Applicant, who did not identify himself, stated they are going to grade it and gradually fill it back in.

Mr. Crowley stated he did not account for any grading in the remaining bond.

Chair Padula asked about the height of the sidewalks and the driveway aprons.

Mr. Crowley stated they are continuous.

Motion to Release \$92,541.00 for the Bond Reduction and leave \$97,635.00 for the Bond for Acorn Hill Subdivision. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Initial
40 Alpine Row
Special Permit & Site Plan Modification
Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Mr. Richard Cornetta, Attorney for the applicant; Mr. Erik Trowbridge and Mr. Nick Erickson, Managing Partners of As-Built Brewing, addressed the Planning Board. Mr. Cornetta stated this is a reapplication requesting the Planning Board's reconsideration of a denial of a Special Permit on October 11, 2019, for a brewery with tasting room. He reviewed the provisions of MGL Ch. 40A Section 16 to allow the applicant to resubmit the application to the Planning Board within the two-year timeframe after the date of the denial. He discussed that there have been significant and material changes to the Site Plan submitted from the Site Plan that was denied. He has prepared both the petition and memorandum that is currently before the Planning Board. He noted this public hearing has been re-advertised and abutters notified. He noted that at the past public hearing, there was great concern regarding the site and the 5,000 sq. ft. detached structure on the site, referred to by the Planning Board as the back building. The applicants did not have a leasehold on that building then. However, since that time, the applicants have secured leasehold possession of the building and in doing so they are now able to represent to the Planning Board what the use for that building would be. It has become part of the plan for the premise to become a brewery as an altered means of aging for brewing beer. It is separate from the main building. Hopefully, this will allay the Planning Board's concerns about the unknown uses for that building. He noted that with the original 6,000 sq. ft. building and the increase of 5,000 sq. ft. from this building, the structural footprint of the project has increased 40 percent. He stated this is a substantial increase from the original proposal. He stated that there was also some concern about the parcels that made up this property.

Chair Padula stated that when looking at the deed, there were two 81-P parcels listed and the property line went through the middle of the building.

Mr. Cornetta stated this issue was brought before the Town Assessors. Since then, they have eliminated the line and it is one taxable parcel. He suggested the applicants would accept the conditions on the Special Permit that the Special Permit would go with the Site Plan, and if there were any changes or alterations to it, the applicants would be required to return to the Planning Board for modifications to the Special Permit. He stated that with the two material changes, he hopes the Planning Board will now vote in favor of this proposal. He added that Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. is the project engineer; she is present if there are any questions.

Ms. Love stated that there are not Site Plan changes to the plan; therefore, BETA was not requested to review it. The applicant has paid the legal ad and advertising fees. The applicant paid for the first Site Plan and Special Permit application and is requesting these application fees be waived for the second filing. She stated there are two recommended Special Conditions of Approval: Any change to the site will require re-filing with the Planning Board, and the applicant shall paint the building in accordance with the color rendering as presented to the Planning Board and recommended by the Design Review Commission.

Chair Padula asked if the Planning Board would like to put forth a motion for reconsideration considering the lot lines were taken care of and the entire site, including the previous landscape building, is now included. He asked if the Planning Board members feel this is a substantial change to allow for reconsideration.

Motion for Reconsideration for 40 Alpine Row, Special Permit & Site Plan Modification. Rondeau. Second: Power. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Waive the application fee of \$2,250 for 40 Alpine Row, Special Permit & Site Plan Modification. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Chair Padula read aloud the two Suggested Special Conditions of Approval as written in the memorandum from Department of Planning and Community Development to the Franklin Planning Board dated December 23, 2019. He confirmed the proposed hours of operation are provided on the Site Plan.

Motion to Close the public hearing for 40 Alpine Row, Special Permit & Site Plan Modification. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

ROLL CALL VOTE:

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

Special Permit VOTE: §185 Attachment 4 Use Regulation Schedule Part III 3.13:

- To allow the applicant to operate a brewery with tasting room at 40 Alpine Row.

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Padula-YES; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Padula-YES; Power-YES; Rondeau-YES; David-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; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)

- d) Neighborhood character and social structure will not be negatively impacted.
Padula-YES; Power-YES; Rondeau-YES; David-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; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-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; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-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; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-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; Power-YES; Rondeau-YES; David-YES. Vote: 4-0 (4-Yes; 0-No)

Mr. Halligan re-entered the meeting.

7:10 PM **PUBLIC HEARING** – *Continued*
160 Grove Street – Marijuana Cultivation
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Mr. Adam Braillard, Attorney of Prince Lobel Tye LLP, on behalf of applicant Hennep Cultivation LLC; Mr. Tom Noel of Noel Law; and Mr. Jim Stukel, with The Stukel Group addressed the Planning Board. Mr. Braillard stated this hearing is continued from December 16, 2019. He stated the additional information requested by the Planning Board was provided to the Town Planner on December 30, 2019, including revised plans, security plan, employee counts, and location of employees onsite which resulted in a change to a waiver request. He stated the changes made to the plans include the addition of parking around the proposed building from 71 spaces to 105 spaces. They added a rear entrance to the building and showed snow storage locations. By adding the entrance to the rear of the building, the overall square footage of the building was increased which increased the required number of parking spaces from 159 to 162. By reconfiguring the property, they were able to meet the 162 parking spaces requirement and not need the original requested parking spaces waiver. However, some of the parking spaces in the rear are not within 300 ft. of either the main or rear entrance. So, they requested a waiver of the 300 ft. from the entrance requirement for certain parking spaces. He stated the employee count is provided which shows a total of 100 employees. There would be 65 day-shift employees for processing, grow, and office work; there would be 35 evening employees for processing and grow work. The plans show 105 spaces around the building with 57 additional spaces in the rear parking. He stated that with the parking spaces, employees, and shift schedule, it would be reasonable for the Planning Board to grant the 300 ft. waiver request.

Mr. Maglio stated the revised plans were reviewed; however, the plans are still conceptual with no drainage, stormwater analysis, or utilities shown.

Mr. Braillard stated they are waiting for direction from the Planning Board regarding the parking waiver for the 300 ft. from the entrance before they take the next steps.

Chair Padula stated BETA needs to review mitigation for the odor and noise as it is a 24-hour operation. He stated Mr. Maglio needs to review snow storage and screening around the property. He does not have a concern about the parking.

Mr. Crowley stated BETA has a subconsultant who can review the odor and noise impacts.

Mr. Halligan asked about the 24-hour operation and confirmed the packing, shipping, deliveries, and trucking would be done during the day.

Planning Board members discussed security, shift hours, and projected water usage.

Mr. Brailard stated office hours would generally be 9-5 PM with the processing and manufacturing first shift from 9-5 PM and second shift from 5-11 PM. Applicant stated they use $\frac{3}{4}$ -gal. water per sq. ft. which is about 80,000 gal. per day. They propose to use a private well; Town water will only be used for the office.

Planning Board members informally agreed with the waiver request for parking more than 300 ft. from the entrance.

Motion to Continue the public hearing for 160 Grove Street – Marijuana Cultivation, Special Permit & Site Plan, to January 27, 2020, at 7:15 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
 Highland Village
 Definitive Subdivision
 Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. and Mr. Joel D'Errico, owner/applicant, addressed the Planning Board with revised submission plans. Ms. Cavaliere stated they have addressed all comments from BETA, DPW, and Planning. They are looking for closure at tonight's meeting. She noted they met with the Fire Chief about the hydrant at the entrance. He did not provide a letter, but he did request they provide a hydrant at the intersection of West Central Street and Highland Village. That has been added to the plans.

Ms. Love reviewed that the applicant is requesting three waivers. The existing conditions plan was the fourth waiver; however, the Planning Board asked they provide the plan which they have done. They have provided the details for vertical granite curbing. She noted Lot A states "ANR Plan to be filed prior to Subdivision Approval." The ANR plan has not been filed as of December 31, 2019; it could be a condition of approval.

Chair Padula reviewed the three requested waivers. He stated the applicant must show upright granite curbing on the plans as required in a subdivision plan.

Mr. D'Errico stated this road is private as is the road in the industrial and academic use area at Financial Way, and those applicants were allowed to put in reinforced upright concrete.

Chair Padula stated this is a definitive plan for a residential subdivision; the other location is commercial. When waivers are granted for one sidewalk, it is the Planning Board's practice for the developer to put in upright granite.

Mr. D'Errico stated they will provide the upright granite curbing; he confirmed the sidewalk would be concrete, and the roundings will be upright granite.

Chair Padula confirmed that this could be approved with conditions and reminded the applicant the changes must be made prior to endorsement.

Motion to Close the public hearing for Highland Village, Definitive Subdivision. Rondeau. Second: David, with the conditions of vertical granite curbs, granite roundings, ANR Plan, remove the buildings on the plan, and add the wheelchair ramp. Vote: 4-0-0 (4-Yes; 0-No).

7:20 PM

PUBLIC HEARING – *Continued*

300 East Central Street

Site Plan – Change in Use

Documents presented to the Planning Board are on file.

Mr. Richard Cornetta, Attorney on behalf of the applicant New England Chapel; Mr. Michael Laird, Pastor of New England Chapel; Mr. Giles Ham, Vanasse & Associates, Inc.; and Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Cornetta stated Mr. Ham would discuss the traffic impact analysis, Ms. Cavaliere would address the Site Plan and stormwater comments, and Mr. Laird would speak about the intended use for the premise.

Mr. Ham discussed the traffic analysis that was conducted as outlined in his memorandum to Amanda Cavaliere dated November 22, 2019. He stated traffic counts were done on a Sunday from 9:00-12:00 PM as this is a church. He stated the project would generate about 112 vehicle trips expected during the Sunday morning peak-hour. He stated traffic turning left out of the project would operate at a level-of-service D which is typical along that corridor. He noted there are both entrance and exit drives. He recommended signage and striping. He stated he believes it is a safe project with the changes they have recommended.

Ms. Cavaliere stated New England Chapel has been in Franklin for approximately 23 years. They are seeking to establish 300 East Central Street as their new home. When the property was purchased, it was with the understanding it would be a change-in-use and they must come before the Planning Board. They were unaware there was no Site Plan. Based on comments received from the Planning Board, they have provided the requested information; she reviewed the submission materials. They are aware they are in the Water Resource District, and that there are no stormwater mitigation measures currently at the site. She stated they will not be adding any new untreated discharges and the site is not changing on the exterior. However, they included a long-term pollution prevention plan and an operation and maintenance plan in order to protect the Water Resource District. This will be an improvement to what is being done on the site now, which is nothing. She stated the New England Chapel's lease is up at 40 Kenwood Circle. They need to be able to begin interior construction. Without the Site Plan approval, they are unable to obtain the building permit. They are looking for direction from the Planning Board regarding stormwater.

Chair Padula stated that numerous times the applicant has been before the Planning Board. He noted the site has been unused for six years. Another person had looked at the site and had to have a full Site Plan and engineering. He reiterated that both he and the Building Inspector have asked the applicant numerous times to do a full Site Plan and it has not been done. He also requested a traffic study and complete information on the intended use.

Ms. Cavaliere stated the information provided was more for discussion purposes. They are not trying to shortcut the process. She discussed the recent submittal.

Chair Padula stated the Planning Board asked for a Site Plan, not what is existing.

Ms. Cavaliere stated they are looking for direction from the Planning board. She stated they have provided a Site Plan and the proposed uses in accordance with the Town requirements.

Chair Padula stated two pages is not a Site Plan.

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Mr. Cornetta asked Chair Padula to clarify what he was looking for in a Site Plan.

Chair Padula stated they need stormwater management to today's standards, catch basins, level-off area before reaching the street, and a traffic study, not just the traffic impact analysis.

Mr. Cornetta stated this is an existing site, and they are not touching or disturbing the exterior of the site; it is not a redevelopment of the site. They are near a Water Resource District. He stated they are trying to show what is there, the existing conditions. They are trying to understand the Planning Board's interpretation of the regulations.

Chair Padula reviewed the bylaws that state a Site Plan is required. He suggested the applicant read the zoning book to find out what is required for a Site Plan.

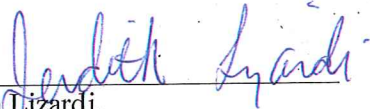
Mr. Cornetta stated he reached out to the Town's attorney and has not yet heard back. He would like to discuss this with him. He stated they are troubled by the Planning Board's interpretation as they are not developing or redeveloping the site.

Chair Padula stated he would continue the public hearing to January 27, 2020. If at that time, the Planning Board does not receive a Site Plan or an answer; he will close the public hearing and take a vote.

Motion to Continue the public hearing for 300 East Central Street, Site Plan, Change in Use, to January 27, 2020 at 7:20 PM. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Adjourn. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 8:26 PM.

Respectfully submitted,



Judith Lizardi,
Recording Secretary

