

Town of Franklin



Planning Board

May 4, 2020 Meeting Minutes

Chair Anthony Padula called the above-captioned **Remote Access Virtual Zoom 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; Bryan Taberner, Director Planning and Community Development; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

*As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, the Planning Board will conduct a **Remote Access Virtual Zoom Meeting**. The Massachusetts State of Emergency and the associated state legislation allows towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link also provided on the agenda.*

7:00 PM Commencement/General Business

Chair Padula read aloud the provided Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda.

A. Lot Release & Bond: Mine Brook Estates

Mr. Crowley stated he conducted a site observation for the installation of the roadway binder course and completion of the infiltration basin. He provided an updated report and a listing the items needing to be completed for a total of \$267,887. He noted dribble berm was installed on the edge of the roadway and the applicant was told that dribble berm was unsuccessful at another project.

Chair Padula confirmed dribble berm did not work at another development location. He said the cul de sac did not have any berm. He does not believe dribble berm will last in terms of performance or directing the water for the duration of the lots being built. He asked for the distance between catch basins. Mr. Crowley stated he believed it was less than 300 ft., but he would have to confirm that. He discussed the interpretation of the bylaw. Chair Padula asked the developer what they were going to do with the broken asphalt in the pile at the end of the cul de sac. Ms. Love said no one was present at the meeting representing the developer. Mr. Crowley said the developer would have to remove the asphalt pile from the project.

Chair Padula stated this is non-functioning drainage, and he does not think it will function as designed. He does not think the dribble berm is acceptable. He asked if the developer could provide be some kind of temporary berm that would last until the development is finished such as Cape Cod berm. He stated the Planning Board has made other builders do this. He would like to see this rectified before the lots are released. Mr. Halligan said temporary Cape Cod berm would be acceptable as long as it worked during construction. Mr. David agreed.

Mr. Maglio discussed the bylaw requiring 300 ft. from catch basin to catch basin and explained that the highpoint is taken into consideration; he explained what he thought was the intent of the bylaw. Discussion commenced about the bylaw language. Chair Padula said the Planning Board is not required to check every detail on a plan as the applicant must follow all bylaws. Planning Board members discussed the location and placement of the catch basins and agreed they would like the drainage in operating condition. Chair Padula requested that the distance between catch basins be reviewed. He said this item should be put on the next meeting agenda on March 11, 2020.

7:05 PM **PUBLIC HEARING** – *Continued*
300 East Central Street
 Site Plan – Change in Use
Documents presented to the Planning Board are on file.

Motion to Continue the public hearing for 300 East Central Street, Site Plan – Change in Use, to May 11, 2020. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No; 1-Abstained). (Mr. Halligan abstained.)

7:05 PM **PUBLIC HEARING** – *Continued*
12 Forge Parkway
 Site Plan Modification
Documents presented to the Planning Board are on file.

Mr. Gene Sullivan, engineer, addressed the Planning Board. He stated the proposal is for an approximately 236,000 sq. ft. industrial building in the Industrial zoning district; it borders a Residential district on one side. The proposal is to expand/create parking, loading, and turn-around areas to make it more flexible for tenants in the rear of the building. The proposal includes adding 54,000 sq. ft. of impervious surface to allow for outdoor trailer storage and maneuverability. He discussed the current stormwater drainage. It was discovered the drainage was not functioning properly due to a blockage; it has been remedied. He discussed the new infiltration basins. He stated BETA's comments have been addressed. They have added screening.

Mr. Maglio reviewed his comments as outlined in his letter to the Planning Board dated March 16, 2020. Mr. Sullivan stated the berm shown on the plans was shown as concrete to match that which was existing. On the revised plans, there is a definite layout of how the areas will be used. Ms. Love reviewed her letter to the Planning Board dated April 29, 2020, including that the Planning Board should determine if a traffic study is required. She stated a photometric plan and snow storage plan are required.

Chair Padula stated reinforced concrete or granite curbing is required as 54,000 sq. ft. is a large addition to the area. He stated 266 parking spots are required, but only 83 are proposed. He confirmed the applicant submitted upgrades to BETA's comments. He asked why a Cultec system was not proposed and confirmed HDPE pipe is not allowed. Mr. Crowley reviewed some of BETA's concerns as listed in his letter to the Planning Board dated March 25, 2020. Mr. Maglio agreed with Chair Padula and stated that he does not know if there is a benefit to a traffic study as there is not going to be a significant change in use. Mr. Sullivan stated the tenant is FEMA and they will be using the warehouse space and parking for their fleet. He will obtain their proposed hours of use and typical traffic. Planning Board members agreed that a traffic study was not needed. Mr. Halligan requested that a stipulation be added that if there is a change in tenant, the applicant must return for a Limited Site Plan.

Planning Board members discussed the abutting residential condos and townhouses, elevations of the condos versus the parking lot, potential headlight glare, hours of operation, and fencing needs. Ms. Love recommended the engineer show the condos on the plan as well as the distance from the proposed parking area to the condos. Mr. Sullivan stated he could add the closest buildings and elevations to the plans. He

stated he was comfortable with resubmitting the plans quickly based on the Planning Board's requests and Mr. Crowley's comments.

Mr. J. Gordon, Forge Park abutter, discussed the possibility of flooding as there is already flooding into the townhouses and asked about the infiltration basin. He asked if the parking could be located closer to the applicant's property than the abutter's property with the infiltration basin located closer to the abutters. He stated concern about trucks coming into the parking lot and being so close to the residences. Mr. Sullivan stated he would provide the location of the abutters on the revised plans and will note the elevations. He discussed that they would make certain the water would not go toward the property line. He stated the infiltration basin is required to drain completely within 72 hours.

Motion to Continue the public hearing for 300 East Central Street, Site Plan – Change in Use, to May 18, 2020 at Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:05PM **PUBLIC HEARING** – *Continued*
 158 Grove Street
 Special Permit & Site Plan Modification
 Documents presented to the Planning Board are on file.

Mr. Edward Cannon, attorney on behalf of the applicant, 67 Degrees Franklin Brewing Company; Ms. Amanda Cavaliere of Guerriere & Halnon, Inc.; and owners Mr. Olivier Edouard and Ms. Laury Lucien addressed the Planning Board. Mr. Cannon stated the applicants are requesting to expand the leased area an additional 1,440 sq. ft., and increase the tasting area to 1,110 sq. ft. complying with the allowance of a maximum occupancy of 39 people per the Board of Health, and they would like permission to open on Tuesdays from 4:30 PM to 10:00 PM. They also request the ability to have live entertainment.

Ms. Love noted her memo to the Planning Board dated April 29, 2020. She stated the applicant submitted a revised site plan. The requested changes include increased square footage, adding live entertainment, and changing the hours. Mr. Maglio said there is no exterior work; therefore, there are no comments by his department.

Ms. Cavaliere reviewed the parking spaces. She said 24 spaces were approved on the last submittal for all the businesses; there are 14 in the front, 7 in the back, and 3 additional spaces behind Mar Electrical for a total of 24 spaces. She noted that parking is a concern. Seating has been approved by the Board of Health for 39 people in the building. The parking is based on square footage, not seats. Additional parking spaces will be available from Mar Electrical during their off-hours.

Chair Padula stated concern about the parking as the applicant is approved for 39 seats in the tasting room. As well, there must be room for employee parking. Adding entertainment exacerbates the parking situation. Mr. Rondeau stated the applicant is requesting to add 1,400 sq. ft. and live entertainment without additional parking. He stated people cannot park on Grove Street. It is up to the Planning Board to make sure it is safe for anyone to go on the site. Ms. Cavaliere stated the applicant is very aware of the limited parking and they put cones on Grove Street to prohibit parking there.

Mr. Halligan said if the applicant can only have 39 people in the tasting room, he thinks expanding the brewery area/warehouse and production would be fine. He does not think the business has proven itself yet to show that they need the extra tasting room space. Discussion commenced about the use of the square footage proposed for the warehouse, brewing process area, and tasting room. Mr. Power said he visited the location and does not have an issue with opening the tasting room space a little from an aesthetic standpoint. Mr. Halligan explained why the temporary walls were put up; the tasting room was built much larger than the 25 percent allowed.

Ms. Cavaliere reviewed the proposed type of entertainment with no more than five people at a time.

Planning Board members expressed concern about the number of vehicles from the customers, employees, and entertainers. Mr. Cannon stated the applicant realizes they will have to manage the patrons and the ability to park safely on the site. Mr. Halligan said he might be open to entertainment from one person, but not from a four to five-person band. Mr. Cannon said the applicant would probably be happy with an allowance for a one-person band.

Chair Padula said this is a Special Permit; the Planning Board can allow the applicant to add on to the area he already has, not expand the parking, and give a one-piece band allowance. However, the Planning Board does not want people to park on Grove Street illegally, have a car get hit, and have someone get hurt. As well, this would be setting a precedent by giving a waiver on required parking.

Mr. Cannon said the owner would be happy with the suggested conditions; there is no need for a continuance. Chair Padula said the usual method is the Planning Board closes the public hearing and votes on a Special Permit at the next Planning Board meeting.

Ms. Love noted that the applicant requested to extend the hours to open on Tuesdays. Chair Padula said he is not concerned with adding hours on a weekday. He noted that as this is a Special Permit the hours of operation or limited days for entertainment can be conditioned.

Mr. Rondeau said the left side of the site looks like it could be conducive to more parking. Mr. Halligan agreed the parking could be extended without affecting the occupancy.

Motion to Close the public hearing for 158 Grove Street, Special Permit & Site Plan Modification. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05PM **PUBLIC HEARING** – Continued
Panther Way
 Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Motion to Continue the public hearing for Panther Way, Special Permit & Site Plan, to May 18, 2020. Rondeau. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
94 East Central Street – Multi-Family
 Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Motion to Continue the public hearing for 94 East Central Street – Multi-Family, Special Permit & Site Plan, to May 11, 2020. Rondeau. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued
176-210 Grove Street
 Site Plan
Documents presented to the Planning Board are on file.

Mr. Cannon, attorney on behalf of Marcus Partners, developer of the project; Mr. Levi Reilly, Director of Development of Marcus Partners; Mr. David Kelly of Kelly Engineering Group; and Mr. Giles Ham of

VAI, traffic engineering, addressed the Planning Board. Mr. Cannon stated there are currently two large warehouses; the request is to construct a third warehouse between the two existing warehouses. They are requesting to reduce the required number of parking spaces and that the number of parking spaces over 300 ft. from the entrance door will count toward the fulfillment of the requirement.

Mr. Kelly discussed the existing conditions with two buildings currently existing on the property. He reviewed the current parking spaces, loading docks, curb cuts, and grades/elevations on the site. The property is located in the Industrial Zoning District and Water Resource Overlay District. They are proposing that all existing lot lines will be removed for a new lot of approximately 35.6 acres. It will be a new state-of-the-art warehouse and distribution facility. He explained the proposed operation of the new driveways and the truck movement entering and exiting the site. He stated the plan is to minimize earth work needed on the site. He discussed that they full comply with the zoning requirements except for parking. There will be 415 spaces on the entire campus with 487 required. He reviewed some reasons why the parking waiver should be granted. He noted a parking study was done by VAI. He discussed the location of parking spaces from the entrance door to the furthest parking spot. He reviewed the landscaping plan and plantings, lighting and photometric plan, grading, stormwater management, and utilities. He said they have filed with Conservation Commission. Peer review was received from BETA and they responded to those comments.

Mr. Reilly noted the package the Planning Board received from Marcus Partners, a Boston-based real estate investment firm. He thanked the Planning Board for moving this project forward.

Mr. Ham discussed the traffic study. He reviewed his slideshow presentation, discussed the trip generation summary, and explained the recommendations including signage and pavement markings. He stated this is a small generator of traffic and the design as proposed is safe.

Ms. Love stated BETA is currently reviewing the traffic study. The first Conservation Commission hearing is scheduled for May 28, 2020. She noted that any signage and dumpsters on the property should be shown on the plans.

Chair Padula reviewed a concern from the fire department as outlined in their letter dated March 10, 2020, regarding a corner of the proposed building will be over a main water supply for fire suppression; he recommended the applicant address said letter.

Mr. Maglio reviewed his comment letter to the Planning Board dated March 20, 2020.

Chair Padula asked about traffic on Washington Street. He stated Cape Cod berm is not allowed. He stated HDPE pipe is not allowed; it must be reinforced concrete. The offsite runoff for the drainage must be addressed. The applicant must provide hours of operation and uses of the building. He asked how will vehicle parking next to the residences be addressed with screening.

Mr. Cannon stated there are currently two parcels; they are working to merge them into one parcel. Chair Padula questioned why some of the paperwork indicates Site Plan Modification, which this is not. Planning Board members asked how the traffic study was conducted. Mr. Halligan requested new tenants return for a Limited Site Plan. Mr. Ham reviewed how the traffic study was conducted.

Mr. Scott Waite, direct abutter at 198 Grove Street, stated Grove Street is falling apart and probably cannot take any more trucks. He does not believe a new warehouse will support this road. He is also concerned about the lighting; the current stadium lighting is very bright already. He does not want to see a 40 ft. building as it is too high; there is already a 30 ft. building there. He asked about the proposed driveways. He stated there is a great deal of dirt and loam on the property as it was a nursery.

Chair Padula said there should not be any light spillage on abutting properties. The applicant must address this. Mr. Maglio stated they are aware there is work to be done on Grove Street, but there is no funding for any road improvements at this time.

Chair Padula stated the entrances and exits should be addressed, and he does not believe they should all be used for truck traffic. Mr. Reilly discussed their intent in laying out the industrial building. He reviewed the proposed car parking and truck entering and exiting plan, and the proposed screening. Mr. Kelly stated they were concerned about the parking on the north side of the building. The building is about 20 ft. lower than Grove Street. The parking area is below the existing grade. There is a retaining wall there so there will not be any lights from vehicles. He noted that there is no light spillage as shown on the lighting plan.

Chair Padula stated as this is a complete Site Plan, he would like the current light spillage addressed. He asked for the hours of operation as this does about residential properties. Planning Board members asked questions about the height of the building in relation to the neighbors. Traffic and the condition of Grove Street were discussed. Mr. Kelly confirmed snow storage will be added to the plans if it is currently not shown.

Mr. Crowley reviewed some of his comments including the interior lot line as shown on the plan should be clarified, parking calculations should be revised, Cape Cod berm is not allowed, light spillage must be addressed, and a hydrologist's review is usually required in a Water Resource District. Chair Padula asked if there was a Vortex system to catch contaminants.

Motion to Continue the public hearing for 176-210 Grove Street, Site Plan, to June 8, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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

Motion to Continue the public hearing for 160 Grove Street, Special Permit & Site Plan, to May 18, 2020. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:03 PM.

Respectfully submitted,

Judith Lizardi, AL
Recording Secretary

******Approved at the June 1, 2020 Planning Board Meeting***