

Town of Franklin



Planning Board

**October 19, 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: Associate member Jennifer Williams. Also present: Michael Maglio, Town Engineer; Amy Love, Town Planner; Matthew Crowley, BETA Group, Inc.; Maxine Kinhart, Administrative Staff.

*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 Zoom platform call-in phone number and the Zoom link which were also provided on the meeting agenda.

A. Decision: 162 Grove Street

Ms. Love noted her letter to the Planning Board dated October 15, 2020. She reviewed that the Planning Board closed the public hearing, Conservation Commission approved, and Design Review Commission recommended. Three waiver requests and four conditions were discussed at the last Planning Board meeting.

Chair Padula referenced the Town Council meeting addressing funds for the traffic light at the intersection of Washington Street and Grove Street.

Waiver Requests:

Motion to Allow less than 42" of cover over the RCP drain pipe, proposed class V RCP. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to allow the use of HDPE pipe for manifolds and pond 11. Existing roof piping is 8' PVC. Rondeau. Second: Halligan. Vote: 5-0-0 (5-Yes; 0-No).

Motion To allow minimal light spillage onto the abutting properties. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Special Conditions:

Chair Padula read aloud the following four special conditions and stated they will be included in the decision and put on the front page of the endorsed plans.

- 1. The proposed facility will operate as a Reserve Ahead-only dispensary, which would require customers and patients to place an order in advance and select a scheduled pick up time to retrieve the product. Applicant may request this be reviewed after 30 days of opening.***

- 2. The Transportation Demand Management Plan, submitted by the applicant, shall be included with the Certificate of Vote.*
- 3. Town Council will authorize funding in the form of a traffic control light at the intersection of Washington and Grove Streets.*
- 4. Design Review color recommendations shall be included in the endorsed set of plans.*

ROLL CALL VOTE:

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

Special Permits: To allow Non-medical marijuana facility under 185 Attachment 3, Part II Section 2.23 and to allow Medical Marijuana under 185-49(4)(b)(iii).

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-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; Halligan-YES; Rondeau-YES; David-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; Power-YES; Halligan-YES; Rondeau-YES; David-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; Power-YES; Halligan-YES; Rondeau-YES; David-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-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)

Chair Padula stated the standard conditions of approval #1-13 will be part of the approval.

Motion to Approve 162 Grove Street, Special Permit & Site Plan. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: Panther Way – Site Plan

Ms. Love stated that the Planning Board approved the Site Plan and Special Permits on June 29, 2020, for Panther Way and West Central Street. She stated that the applicant has added the Certificate of Vote to the Site Plans, and DPCD recommends the Planning Board endorse the Site Plan. Mr. Rondeau questioned the limited landscaping. Mr. Crowley reviewed the landscaping plan.

Motion to Endorse Panther Way, Site Plan. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

C. 81-P ANR: 310 Chestnut Street

Ms. Love reviewed in detail her letter to the Planning Board dated October 13, 2020, noting the applicant has submitted a Form A application for 81-P Plan Review. The purpose of the plan is to divide an existing parcel with a house lot and create a buildable lot. The location is within the Single Family III Zoning District, and the proposed lot shown conforms to lot requirements associated with this zoning district. She stated that the application depicts the land known on Assessors Map 267 Lot 93; however, the plans are labeled as Map 76 Lot 52 which is incorrect and must be corrected prior to endorsement.

Motion to Approve 81-P ANR: 310 Chestnut Street. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. Limited Site Plan: 100 Financial Way – Parking Configuration

Mr. Doug Hartnett, representing Berkley Partners and the applicant, addressed the Planning Board. He reviewed the history of the project and the provided plans. He discussed the waivers being sought: to allow reduced required parking spaces for lot 5A from 722 spaces to 342 spaces, and to allow parking spaces greater than 300' from the building for Lots 5A & 5B. He explained that the applicant is requesting to create separate lots for real estate purposes.

Chair Padula stated the applicant is just drawing a line on the plan and has provided no screening for the two lots. He asked if the lighting and drainage for the parking lots will be shared by the two buildings/property owners. Mr. Crowley stated he has not reviewed this submission. Ms. Love stated she usually does not have BETA look at Limited Site Plans. Chair Padula stated that a Site Plan was approved for the whole site and now it is being split up for separate ownership. He stated that when it was approved, it was determined that when there were different/new tenants the applicant would return to review the parking. He asked how the drainage will work, who will maintain the parking lot surface, and how does snow storage work. A line cannot just be drawn in the middle of a Site Plan and determined that it will be separate ownership; however, it can be leased to separate owners. He will speak with Town Counsel regarding how this conforms and how it should be handled; it is not a simple Site Plan Modification.

Mr. Hartnett stated that a zoning conformance plan was done, and they reviewed the zoning regarding landscape buffers between the lots and saw no requirements in the regulations. Chair Padula asked if this application should come after the selling of the property and it is split and then the deed restrictions and reciprocal agreements be brought to the Planning Board. Mr. Hartnett stated that the lot needs to be subdivided before land can be conveyed. Discussion commenced regarding splitting the lots. Chair Padula reiterated he would need to speak with Town Counsel. Mr. Halligan stated he has experience in projects like this; one Site Plan controls the complete site. Discussion commenced whether a Site Plan can be subdivided; it was agreed that Town Counsel will need to be consulted. Chair Padula stated this item would be added to

the November 2, 2020, agenda. Ms. Love recommended the applicant provide additional details such as setbacks and wetlands, and then it can be determined if BETA should review.

E. 81-P ANR: 100 Financial Way

This item will be continued to the November 2, 2020, agenda.

F. Final Form H: Lakeview Terrace

Ms. Love reviewed in detail her letter to the Planning Board dated October 15, 2020, noting comments to the Planning Board's concerns expressed at their September 28, 2020, meeting. She stated the applicant has addressed many of the issues. She stated the Final Form H was submitted, but she has not received the engineer's stamped plan which she recommended be provided.

Chair Padula reviewed the listed concerns from the prior meeting and Ms. Love's comments. Mr. Crowley reviewed his Site Observation Report dated October 8, 2020, and noted some of the items completed as outlined in his report. He stated that regarding the clogged infiltration basin, upon his site visit both basins were fully functional. He noted no new erosion on the slope. Mr. Rondeau asked if the cul de sac would be fixed. Chair Padula stated it is a private roadway. Mr. Anthony Marinella stated it was done according to the plan.

Motion to Sign the Final Form H for Lakeview Terrace. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Continued*
70, 72 & 94 East Central St – Multi-Family
Special Permit & Site Plan Modification
Documents presented to the Planning Board are on file.

Chair Padula recused himself.

Mr. Richard Cornetta, attorney representing the applicant; Mr. Brad Chaffee, owner/applicant; and Mr. Rick Goodreau of United Consultants, Inc. addressed the Planning Board. Mr. Cornetta stated that Mr. Goodreau will review the most recent changes to the plan and Mr. Chaffee will discuss some construction sequencing ideas.

Mr. Goodreau reviewed the latest revisions to the plans reflecting comments received from both BETA and the Planning Board at the last public hearing. He stated that most of BETA's comments have been addressed. He reviewed his response letter dated October 6, 2020, regarding the Planning Board's previous concerns. With respect to the fire gate, a proposed gate was added in the identified area. He addressed AC noise level concerns and stated fencing would be provided to mitigate noise levels, and arborvitaes would be added as screening. Regarding the ANR plan, it would be prepared prior to endorsement of the plans. He discussed the dumpster concern, AC units for the 88 East Central Street building, and identified parking spaces 24 and 25 as visitor parking spaces with proposed signage to demarcate those spaces.

Mr. Crowley reviewed his Site Plan Peer Review Update letter dated October, 14, 2020, and pointed out a few outstanding concerns as outlined in the letter.

Vice Chair Halligan stated he asked for the ANR plans to see the property lines. Mr. Goodreau discussed plan sheet 3 of 9 showing the property lines. Discussion commenced regarding the proposed lot lines as shown. Vice Chair Halligan noted this situation is almost identical to the previous applicant who presented to the Planning Board at this meeting. Mr. Cornetta stated he agreed with Vice Chair Halligan's interpretation of the ANR process. He stated they will provide the ANR plan that will show the lots and areas that are going to be conveyed. The Planning Board's decision will be to determine if the lots have legal access and

frontage. It is the applicant's responsibility to make sure the lots meet zoning requirements. They are confident the lots being created will conform to zoning requirements.

Mr. Goodreau stated that in the comments received from BETA, there seemed to be some confusion regarding the setbacks, so a more in-depth breakdown of the setbacks for the parcels was provided. Mr. Crowley noted the pipe under the parking lot was changed to RCP. Mr. Maglio stated they are all set with the plan as proposed. Mr. Rondeau asked if the building was increased in size, noted that he did not see any landscaping where the parking spaces are, requested more information on the proposed commercial building, stated that the addition to the white house is not conducive to the neighbor, and requested to see new renderings. Mr. David requested landscaping near the parking spaces and agreed that the addition to the existing house does not look like it belongs. He asked if the existing house is historical. Mr. Cornetta stated that the house is not a registered historical house; however, it is a property that is historically significant to the Town. Mr. Chaffee stated that he attended a meeting with the Historical Commission; the rendering presented to the Planning Board met with the Historical Commission's approval. He explained the intent of the current design. Mr. Rondeau stated he does not want this project phased. Mr. Power agreed with other Planning Board members and stated he does not like the proposed addition as it looks out of place.

Mr. Chaffee reviewed the proposed construction sequencing plan. He stated the phasing would take approximately 1 ½ years in total. Vice Chair Halligan stated the Planning Board members have expressed concern about the phasing. He asked if the applicant would be willing to hold occupancy permits on some units in the rear building so the Planning Board can be assured that the front building will get done. Mr. Cornetta stated that the Special Permit they are applying for would cover both of the lots even though they are under separate ownership. Vice Chair Halligan stated that the middle parcel is the showpiece of the entrance to this parcel. He noted in a prior project with Mr. Chaffee units were held for occupancy until it was all completed, and it worked well. Mr. Chaffee stated he would think about this. Planning Board members agreed with Vice Chair Halligan's idea of withholding occupancy permits until the middle building is in progress. For clarification, Vice Chair Halligan stated that two residential units could be built, but no occupancy permits issued until work is being performed on the front middle parcel; he noted the applicant will have 12 other occupancy permits as there are 14 proposed units. He stated the Planning Board must check with Town Counsel to make sure this is legal to do. He discussed that he has not seen a commercial parcel approved on a Site Plan that does not have a dumpster and dumpster pad on the plan. He confirmed the Site Plan that the Planning Board is being asked to approve encompasses all three lots. He asked if a grease trap should be installed in the parking lot now. Mr. Chaffee stated that by leaving it as a binder course, he can determine if a tenant would need a grease trap, and it would be easy to cut it in prior to the top coat. Vice Chair Halligan requested a Limited Site Plan for new or change of tenants. Mr. Chaffee stated he spoke with the abutter, Liz, and stated her concerns were addressed. He showed renderings of the rear view. Vice Chair Halligan asked if all the concerns addressed by the Planning Board that need to be attended to could be finished by the next meeting. Discussion commenced on the Planning Board's requested changes to the proposed addition to the middle house.

Motion to Continue the public hearing for 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification, to November 2, 2020. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Chair Padula re-entered the meeting.

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

Ms. Love stated that most of the comments from the last public hearing have been addressed; however, the concern regarding if a customer misses the entrance and ends up at Planet Fitness and how the vehicle would

turn around has not been addressed. She reviewed the one Waiver Request: to allow for HDPE storm drain pipe in lieu of class V RCP. She noted the four suggested special conditions as outlined on her letter dated October 15, 2020.

Mr. David Kelley of Meridian Associates addressed the requested waiver. Chair Padula noted concern about there not being a turnaround. Ms. Carla Moynihan, attorney for the applicant PharmCann, stated this issue was raised with Planet Fitness, and they said it was not a concern. She stated there would be adequate signage identifying where their property is and identifying the entrance. Chair Padula addressed his concern to the Town Engineer. Mr. Maglio stated he thinks the roadway will be able to take the traffic in its current condition. It will need maintenance over time. He stated the leveling off area seems to be working now; sight distance seems to be adequate.

Chair Padula asked if the Fire Department has commented. Ms. Love noted the Fire Department's comments and stated they have been addressed. Chair Padula stated this is not going to be a light volume facility. He noted concern about queuing going in and out. Mr. Halligan noted Mr. Maglio's letter expressing a concern regarding the stormwater model. Mr. Maglio explained his concern. Ms. Moynihan stated the comment can be addressed, and it can be a condition of approval. Mr. Kelley stated one more row of chambers was added addressing his Mr. Maglio's stormwater concern; the plans and calculations have been updated and are ready to be submitted. Ms. Moynihan stated they received an Order of Conditions from the Conservation Commission. Mr. Crowley noted and reviewed a few administrative concerns. Chair Padula stated that this is a Special Permit and construction vehicles cannot block the private way during construction. Ms. Love requested the suggested special conditions outlined in her letter of October 15, 2020, be reviewed prior to closing the public hearing.

Motion to Close the public hearing for 164 Grove Street, Special Permit & Site Plan. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9.00 PM.

Judith Lizardi, Recording Secretary

******Accepted at the December 7, 2020 Planning Board meeting***