

Town of Franklin



Planning Board

**January 11, 2021
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, Associate member Jennifer Williams. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.; Maxine Kinhart, Administrative Staff.

*As stated on the agenda, due to the continued 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. Final Form H: 864 Upper Union Street

Ms. Love reviewed that the applicant submitted a Final Form H and Engineer's Certificate of Completion and a final as-built plan. BETA provided an onsite report with pictures and narrative. BETA indicated the outstanding item is trees still need to be planted. The Planning Board may want consider a partial Form H approval until the trees are planted.

Mr. Crowley confirmed the applicant relocated the dumpster into the gravel equipment area; there is a concrete pad under it. He discussed the rip rap area. Chair Padula confirmed the Planning Board members would like a stipulation in the approval about the trees.

Motion to Approve Final Form H for 864 Upper Union Street, with the stipulation that the trees will need to be planted in the spring by May 1, 2021. Power. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: 340 East Central Street - Site Plan

Ms. Love stated the applicant submitted plans for Endorsement and added the Certificate of Vote to the plans.

Motion to Endorse 340 East Central Street, Site Plan. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-ABSTAIN; David-YES; Rondeau-YES; Power-YES. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain).

C. Endorsement: 186 Grove Street

Ms. Love stated the applicant submitted plans for Endorsement and added the Certificate of Vote to the plans.

Motion to Endorse 186 Grove Street. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

D. Concept Plan: 94 East Central Street

Chair Padula recused himself.

Mr. Richard Cornetta, attorney representing the applicant, stated the applicant was before the Planning Board in approximately November of last year and was not successful in obtaining two special permit requests. There was concern from the Planning Board regarding the existing building at the location. The current rendering shows removal of the building entirely. Before they formally present in front of the Planning Board, they would like some direction from the Planning Board as to whether the removal of the building at 88 East Central Street would be seen as a significant change to the plans that were previously submitted.

Vice Chair Halligan clarified this item is under General Business to provide some feedback to the applicant. He asked if the Planning Board feels removal of the building is a substantial change to allow the applicant to come forward to present this project again, as the applicant can reapply if the Planning Board determines it is a significant change. He stated that in his opinion this is a substantial change.

Mr. David stated it is a substantial change with the house being removed. He stated he agrees with what Mr. Rondeau has been saying since the beginning that the building should be pulled forward utilizing both lots. Vice Chair Halligan stated that if this item were to come forward as a special permit, Ms. Williams would be enacted to vote. Ms. Williams agreed this is a substantial change. She said pulling the building forward would help from a number of perspectives. Mr. Rondeau stated he agrees with the rest of the Planning Board; he was always in favor of taking down the house and pulling the building forward as there will be some more green space and make it more fluid to tie it together. He emphasized the white building has to come down before the other building gets built; this is a substantial change. Mr. Power stated that he agreed this is a substantial change with the house taken down. Moving the building forward would be nice.

Vice Chair Halligan confirmed that the plan that was submitted this evening is not acceptable, but if the house were taken down and the building moved forward on a new plan, that would be considered substantial. Mr. David confirmed another plan would have to be submitted with the building pulled forward. Vice Chair Halligan asked the Planning Board members how far forward they would like the building to come. Ms. Williams said she would not like parking or pavement at the street edge; the building should be pulled as forward as possible and parking and vehicular traffic should be behind the building. Vice Chair Halligan asked about the topography of the site. Mr. Rondeau stated that in taking the white house down, there is ledge on the right side. He suggested to pull the building forward to parking space #3 or #4, and take the top of the ledge down 3 ft. to 4 ft. so it ties the two sites together. Mr. David stated he agreed.

Mr. Cornetta thanked the Planning Board for their input. He discussed the elevations of the site and where the building is currently situated on the plans. He stated he understands what the Planning Board is saying and will take a look at what they are asking. He stated he is hearing from the Planning Board that removal of the structure at 88 East Central Street is paramount and to reconfigure the building on the site; the Planning Board would see this is a material and substantial change from the previous filing.

Chair Padula re-entered the meeting.

7:05 PM

PUBLIC HEARING – Initial

Eastern Woods – 725 Summer Street

Preliminary Subdivision

Documents presented to the Planning Board are on file.

Motion to Waive the reading. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love reviewed that the applicant submitted a preliminary plan for a Conventional Subdivision. The preliminary plans do not show the water and sewer details. The applicant has not requested any waivers. The applicant should show the sidewalks on the plan and provide a list of waivers, if requesting any. The applicant did not provide information on the proposed drainage system and should show any structures within 300 ft. on the plans.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., on behalf of the applicant, stated this is one subdivision with two separate cul de sacs. Chair Padula stated this is two different subdivisions.

Mr. Maglio reviewed his letter to the Planning Board dated January 6, 2021, which was provided in the Planning Board's meeting packet. His comments included, but were not limited to, that there is no town water available at this location. Town sewer exists in the adjacent subdivision; however, approval of a Sewer Map amendment by the Town Council would be required in order to connect. The plan does not indicate how water and sewer will be provided for the proposed homes. The proposed extension of Fall Lane would result in a 600-ft. long cul de sac; however, the existing Summer Heights subdivision only has one point of access which is off Summer Street and does not meet current requirements regarding maximum length of dead end streets. Extending Fall Lane would worsen this situation. The preliminary plan does not indicate pavement widths, edge treatments, or sidewalks.

Chair Padula stated he believes the first developer lost the development, and it was finished by another contractor. In the rules in 1995, they requested provisions to be made for any subdivision to attach to the roadways so people could tie in on it. Since then, in 1998, they came up with a bylaw that they did not want this to happen anymore. He reviewed where the intersection is being measured to obtain the 600 ft. He said when the extension filing was done, they were supposed to put in a cul de sac, but they did not. A preliminary plan is supposed to show the drainage and detention basins. He stated that from the approved plan in the past, the sidewalk is on the wrong side of the road. Ms. Love stated the abutters within 300 ft. were notified for this public hearing.

Chair Padula stated the road coming off Summer Street to enter and exit the subdivision is dangerous. Mr. Maglio stated the sight distance would be based on the road speeds. Chair Padula recommended a traffic consultant be hired for this. Mr. Halligan stated he has concern about the sight distance; he is not concerned about the Fall Lane road. Chair Padula stated he does not agree with the Fire Department's recommendation to tie the two; Mr. Halligan agreed. Mr. Rondeau stated the sight distance on the corner is tough to see and discussed the water coming off the hill. He asked if there is any thought to just having one entry off Fall Lane for safety. Ms. Cavaliere stated sight distance is something they will be looking at in the definitive stage. Discussion commenced on Fall Lane and that the original plan was not endorsed by the Planning Board. Ms. Love stated she may have seen an endorsement and will review the entire file. Chair Padula reviewed that as the law has changed, the Planning Board is not in the habit of recommending to tap into another subdivision. Mr. David agreed with the concern about the sight distance.

Chair Padula confirmed the applicant has completed all requirements for a preliminary plan. Mr. Steve Mesrobian, on behalf of Camp Haiastan, stated this abuts their land. He asked how abutters can see the plans. Ms. Love provided the location of the plans on the Town's website. Chair Padula reviewed the Planning Board's time requirement to vote; the applicant would then return with a Definitive Plan showing more plan details.

Mr. Michael Canesi, 1 Woodchester Road, stated concern about the ledge in the subdivision. He stated that a lot of blasting would be required and he asked what are the blasting requirements. He stated concern about erosion and drainage as he lives at the bottom of the hill of the proposed subdivision. Chair Padula explained

the regulations for drainage and blasting. Mr. Maglio stated all blasting permits go through the Fire Department. Mr. David Beauchesne, abutter on Summer Heights, stated they are technically above the proposed subdivision and expressed concern about the ledge and topography in the area. Chair Padula stated that by law, all drainage should stay on site.

Chair Padula stated the applicant has covered the bases with the Preliminary Plan and the Planning Board has reviewed some of the concerns. Ms. Cavaliere stated they are proposing private water and private sewer. Chair Padula stated he would need an original plan for Summer Heights. Discussion commenced on the elevation change on the cul de sac.

Motion to Close the public hearing for Eastern Woods, 725 Summer Street, Preliminary Subdivision. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve Eastern Woods, 725 Summer Street, Preliminary Subdivision Plan. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Continued*
515 West Central Street
 Site Plan

Documents presented to the Planning Board are on file.

Ms. Love reviewed her letter to the Planning Board dated January 6, 2021. The applicant is proposing to construct a two-story 5,250 sq. ft. daycare facility to include parking spaces with drainage and landscaping. She stated she does not know if the applicant has filed with the Conservation Commission. The applicant has not requested any waivers. Regarding comments from the Planning Board's November 11, 2020, meeting, the Planning Board asked how many students will be attending the daycare. The applicant provided the number of students along with drop off schedule. The Planning Board expressed concern with the traffic flow throughout the site. The applicant provided traffic flow in one direction throughout the site. The Planning Board asked how much percent of the upland lot is impervious. The applicant has shown the impervious is 51 percent. The Planning Board indicated that they wanted the cul-de-sac constructed and paved. The applicant has shown that there is a transformer in the middle of the cul de sac and is not able to construct the cul de sac. She reviewed that the dumpster is located next to the abutting residential property; DPCD recommends the dumpster is moved to the other side of the property, away from residential units. However, the applicant has provided an explanation for the dumpster location. She stated that the Fire Department requested a 20 ft. access drive around the building which the applicant has provided. Regarding snow storage, she stated that it appears the only access to the snow storage is through the Wendy's parking area; the applicant has moved the snow storage. She stated that the applicant is required apply with the Design Review Commission; they are scheduled for the January 12, 2021, meeting.

Mr. Maglio reviewed his letter to the Planning Board dated January 6, 2021, provided in the Planning Board's meeting packet. He stated that the sewer manholes should be utilized on site where there are changes in pipe direction rather than cleanouts and 8 in. pipe should be used between manholes. Stormwater runoff for the proposed project is intended to be connected to the existing drainage system which was previously designed and constructed to accommodate this development. The applicant has indicated the existing system will be inspected and cleaned prior to construction. He recommended that this should be noted as a condition of approval. He noted that some of the proposed curbing is called out as vertical granite curb, such as along the access road around the building, and some as vertical concrete curb. He requested that the applicant clarify if vertical granite curb is intended to be used on site.

Mr. Crowley reviewed his letter to the Planning Board dated January 6, 2021, as provided in the Planning Board's meeting packet. He stated the majority of his comments have been addressed; he reviewed the outstanding items. He stated a waiver would be required for each section of HDPE pipe proposed.

Chair Padula stated that a concern from the Planning Board's last meeting was that the cul de sac be completed on the exterior of the roadway that goes in. He stated that he asked for the approved plan for Wendy's. He stated there is nothing in that plan that this other building, which was earmarked to be a hardware store or office, would exit through Wendy's parking lot. He discussed that on the diagram, the fire truck going around the building at the back corner overlaps the 20 ft. roadway. He asked why it is not 24 ft. wide for the fire truck. He questioned the parking for 22 employees and 8 for drop off for children. Arguably, that may be okay for parents dropping children off, but it is not okay for picking children up; cars will be queuing on the roadway to pick up the children. He asked who was going to be on the second floor of the building. Ms. Williams stated that she is concerned about the quantity of parking spaces and the layout of the spaces; this seems like a serious safety issue. Mr. David stated he brought it up during the last meeting that the cul de sac has to go in for public safety; the transformer can get moved. The traffic flow will have to be reworked with the cul de sac.

Chair Padula stated that when the roadway was voted in, it was rather contentious. It was contemplated to have the applicant install lights. This is just going to exacerbate the whole problem. Currently, people are allowed to take a left out of there. This is going to be a disaster coming out to the roadway at pick up time. Mr. David stated agreement with Mr. Rondeau regarding the need for the cul de sac. Mr. Power expressed agreement with the previous comments. Mr. Halligan stated that he did research on this. The Wendy's, the daycare, and the muffler shop are three separately deeded sites. The right-of-way private road is also separately owned by a private entity. Procedurally, he does not see how they are involved in the application where they are utilizing part of someone else's land for their Site Plan; they do not own the private way. Maybe these people are not even aware this is going on. There are four entities here, four different deeded parcels. They are trying to include it as part of their Site Plan when they do not own it. He stated he is in favor of a cul de sac, as well. Chair Padula stated there are a few loose ends, and the applicant is trying to get too much of a building on a small lot; the site is really congested for a daycare. Discussion commenced on the ownership of the private way and the three separately deeded lots.

Mr. Edward Cannon, attorney on behalf of the applicant, and Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Cannon stated that the roadway is a private roadway with a private covenant similar to condominiums so everyone shares equally in maintenance. If the Planning Board would like to have the roadway trust signed into the application, it can be done. He stated there is an access easement with the Wendy's site. He stated that he looked into the Planning Board's request for the cul de sac. He provided history of the roadway. He stated that the Planning Board waived pavement of the cul de sac in 2013 when it was approved. In 2016 when the Midas approval was given, the transformer pad being in the middle of the cul de sac was approved. He stated that the end of the cul de sac abuts wetland areas.

Chair Padula stated that cul de sacs are required at the end of roadways for turnaround. Mr. Halligan stated the pavement of the cul de sac was waived at the time as the construction was not going up that far. However, waiving a cul de sac protected the Planning Board if a purpose such as this with high traffic were to be brought forth. Mr. Cannon reviewed the 2013 decision of waiving the pavement of the cul de sac under the subdivision approval. Mr. Halligan stated the intent was to waive it at the time as there was not further development on the third lot. Mr. Cannon further explained his position on the intent not to pave the cul de sac. He thinks there would be plenty of room on the Midas site if trucks had to turn around. Discussion commenced on the previous and current plans regarding the pavement and the cul de sac.

Ms. Cavaliere reviewed that the width of the access around the building has been increased, and the traffic flow pattern was adjusted to reduce queuing. She stated that there is no exiting through Wendy's; that is for

trash pick up only. She explained the modified proposed traffic pattern. She explained that they had an informal discussion with Presidential Arms a few weeks ago and Presidential Arms said they were glad to not be able to see the dumpster where it is currently located. She stated there was a concern about the construction of the retaining wall in the back area; it goes up to 18 ft. They have shifted it a little further off the property line; it will be designed by a structural engineer. She discussed the fire truck turning plan; she stated they are within the 20 ft. wide access recommended by the fire department. Chair Padula stated regulations require 24 ft. Ms. Cavaliere stated they would need a waiver for this. She reviewed the required parking spaces.

Mr. Cannon stated the applicant has a similar size facility; the data from that facility will be provided to the Planning Board. Discussion commenced regarding the parking spaces and the cul de sac. Chair Padula reviewed the proposed vertical to slope granite and the transition pieces. He noted precast concrete curb will be installed. He confirmed the retaining wall will be stamped by a structural engineer. Ms. Cavaliere reviewed the design of the traffic flow. She stated that the only exist going through the Wendy's is trash disposal; client queuing will be around the back on the access road. There is no two-way traffic. Mr. David questioned that as there is no sidewalk, people existing their vehicle to try to run in and get their child will be running in the road. Ms. Cavaliere stated the applicant has very specific procedures for drop off and pick up. This daycare is mainly for infants and toddlers. It is not school-age children running in the parking lot. It is different from a YMCA as far as clientele. She noted that they still need to go through Conservation Commission as there are wetland resource areas.

Chair Padula reviewed that as there will be infants and toddlers, it will be time consuming during pickup to go into the building and pick up a child while in the queuing line. Mr. Halligan reviewed the potential staff and drop off at peak hours based on the information provided by the applicant. There will be possibly 49 vehicles parked in the back and on the private drive to pick up children all day long; the parking does not work. As well, it obstructs the fire lane if a fire truck needed to go around the back of the building. Chair Padula noted the possibly of all these vehicles trying to take a left out of the site. Ms. Williams reviewed possible pick up and drop off scenarios from a safety perspective; she stated this is a tight site. Mr. Rondeau discussed the access road. He would like to see a gate at the Wendy's to delineate that vehicles cannot go through Wendy's to get to this site. Chair Padula stated there is no ability to bypass anybody who is in the line as it is only 20 ft. wide; it is a tight site for a daycare. He discussed the dumpster location; it is on the property line. He explained that there are some awful odors that come out of a dumpster and odors rise. Mr. Halligan questioned that as food will be served, should there be two dumpsters with one for food. Mr. Manoj Gandhi stated they serve biscuits, Cheerios, and snack items; they do not cook food.

Motion to Continue the public hearing for 515 West Central Street, Site Plan, to January 25, 2021, at 7:10 PM. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:54 PM.

Respectfully submitted,

Judith Lizardi, Recording Secretary

******Planning Board approved at the January 25, 2021 meeting.***