

## Town of Franklin



## Planning Board

**August 23, 2021  
Meeting Minutes**

Chair Anthony Padula called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Joseph Halligan, William David, Gregory Rondeau, Rick Power, associate member Jennifer Williams. Members absent: None. Also present: Amy Love, Planner; Michael Maglio, Town Engineer; Matthew Crowley, BETA Group, Inc.

**7:00 PM    Commencement/General Business**

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

The meeting began with no audio; however, when audio returned, Chair Padula provided a recap of the few minutes for which there was no audio.

**A. Special Permit Modification: 1256 West Central Street**

Chair Padula stated that criteria for this marijuana facility was for it to be by appointment only for the first four weeks to determine how traffic could be handled. If there were not any traffic problems, the Planning Board would lift the by appointment only criteria of the Special Permit. He stated that traffic concerns were discussed during the start of this meeting for which there was no audio. He stated that the police chief gave a recommendation; however, he questioned that recommendation as the facility has not really opened, yet.

Mr. Halligan stated that they were in a catch-22 situation regarding appointments and assessing traffic. Ms. Williams mentioned that the applicant claimed they were going to have a traffic person attending to the parking lot; she asked if that was part of the approval or just an offering by the applicant. Mr. David stated that the decision for the Special Permit was made two years ago when there were only 40 cannabis stores; now there are 150 stores. However, this is the first in Franklin. He asked that if the Planning Board does not require the 30 days of by appointment only and it becomes very busy, is there an overflow parking lot? He thinks it should be tried as by appointment only. Chair Padula stated this criterion is written in a least two other approvals. Mr. Rondeau stated that the 30 days by appointment only should stay in place as it was part of the criteria to be used to evaluate. Chair Padula reiterated that this is a Special Permit condition; he reviewed the process for a Special Permit modification. Mr. Halligan reiterated his suggestion that for weekdays it should be by appointment only but not for the weekends for the first 30 days, so then the Planning Board can make a rational decision on what works. He asked who is going to monitor the traffic.

Mr. Patrick Sullivan, attorney representing the applicant Chirag Patel, stated that the applicant wanted to provide comments from a business perspective. Mr. Patel discussed the appointment only system. He referenced the Brockton dispensary. He stated that he thinks the Franklin location with 96 parking spaces

does not need the appointment only system. He noted his discussion with Police Chief Thomas Lynch. He reviewed their hours of operation. He advocated for the ability of the customer to come in as they have a waiting queue inside the building. He stated that he wanted to have this conversation to review this request with the Planning Board to see what they thought. In response to Chair Padula's question about if there was overflow parking, Mr. Patel reviewed the current tenants in the building in regard to parking spaces.

Chair Padula noted that changing the Special Permit criteria requires a public hearing; this is not a field change. By the time the public hearing is ready, it will be 30 days. Discussion commenced regarding the need for a public hearing. Ms. Love reviewed the Special Permit. Chair Padula stated that Ms. Love can speak with Town Attorney Mark Cerel to determine if the Planning Board can modify a Special Permit without a public hearing. Ms. Love stated that she spoke with Mr. Cerel; it is a Planning Board determination whether they would want to consider this under General Business or with a public hearing. Chair Padula stated that the Planning Board has never modified a Special Permit under General Business. Ms. Love reviewed the fees and process for a public hearing.

Mr. Rondeau stated that after 30 days, he would like to hear back from the Police Department to see how it is all working. Chair Padula suggested letting the applicant apply for a modification; if the Planning Board wants to, they can waive the fee. Mr. Sullivan confirmed that the Planning Board wants the applicant to file for a public hearing, and the Planning Board would waive the fee. Chair Padula stated yes. Ms. Love confirmed that the Planning Board requested the applicant return 30 days after opening, not 30 days from today. Chair Padula noted the majority of the Planning Board agreed to having the applicant return to the Planning Board 30 days after opening regarding their request.

#### **B. Pre-Final Draft: Housing Production Plan**

Ms. Love reviewed that this item was before the Planning Board two weeks ago with the first pre-final draft of the Housing Production Plan. No changes have been made in the last few weeks. If the Planning Board provides the go ahead, the next step is to move the item to a public hearing. After that, the Town Council would have a public hearing before the plan gets submitted to the State with both boards' acceptance of the plan. She reviewed that DPCD has presented the Housing Production Plan to the Planning Board on the following dates: May 24, 2021, June 21, 2021, and August 9, 2021. Based on feedback, there has not been a significant number of changes.

Ms. Williams stated that she is in support of this. She noted that the biggest increase in population is for 65 and older. She noted that the Town may be under 10 percent housing affordability by 2030. Chair Padula stated that this should be tabled until after the election. He stated that he thinks this should have been a public vote. Mr. Rondeau stated that housing for the elderly and veterans, etc. is needed; he noted that there are three or four developments on the table right now that provide affordable housing. He stated that what is on the books right now needs to be managed. He stated that he thinks that the State requires this document to be produce if a town is not at their 10 percent; Franklin is well over 10 percent. He would also like this item tabled until after the election. Chair Padula reiterated that this should be taken after the election. He noted that it is a very long document. He discussed some of the findings in the document and noted that he did not like the type of wording for changing zoning and increasing density in buildings; he did like the wording for buildings for the elderly, special needs, and taking care of residents of Franklin. He asked how many towns are at their 10 percent. He discussed how many affordable housing approvals there are currently in Franklin.

Director of Planning and Community Development Bryan Taberner stated that there are existing approved 40Bs; he explained that any approved 40B was approved before the Town was at 10 percent or it was a friendly 40B that the Town approved. When the census information comes back, if the Town is at 10 percent, the Town does not have to worry about any 40Bs. He explained a 40B is not on the inventory

until it is actually built. He stated that this plan is about what the Town needs. The plan provides some concepts to consider to increase the affordability of housing in Franklin. He stated that housing has never been less affordable than it is today. Housing costs are going up; however, income is not keeping up with the cost of housing. There is the need for housing to be looked at. This plan is suggested mitigation and suggested strategies; it does not mean that the Town has to do anything. He stated that it is a good place to start to discuss. For instance, if you do not want multi-family housing in Town, talk about it. Nothing is set in stone with this plan. He stated that if the Planning Board were to adopt it, they are adopting the concepts. There will be public hearings on just about every issue implemented on a document like this. He discussed that the idea of this being voted on by the public sounds great; however, the State has a procedure for plan approval. It does not require a whole-town vote. Just like there does not need to be a whole-town vote on a Master Plan; there is a public process that is gone through. It is up to the Planning Board on whether or not they want to support this document. He can provide any information that the Planning Board may want. He thinks they should be discussing strategies and goals as outlined in the document. He does not know that it will do the Town any good to wait on this document until after the election. However, it is the Planning Board's decision if they would like to continue this item again.

Mr. Halligan stated that the Town has done a great job of keeping Franklin over 10 percent. The document has value to the Town, but maybe it would have had more value 20 or 30 years ago. How much land is currently remaining in Franklin for development that would help drive up these numbers? Mr. Taberner discussed land availability. Part of the project is looking at all the zoning districts near the downtown as well as adjacent districts up to the Residential IV. He stated that they are trying to identifying what is best for the Town in those areas. He noted inclusionary zoning or any kind of zoning change would require substantial debate in a public process; nothing gets forced through. He discussed that there are not many Town-owned properties that can support affordable units. He discussed the number of possible housing units in Town in the future and the need to have 10 percent of those be affordable. He reviewed inclusionary zoning in the document and said that it is a recommended and incentivized approach.

Mr. Halligan stated that we have a great Town; however, the land cost is very expensive as is the cost of labor and materials. How is this going to work with the cost of land in today's environment? Mr. Taberner stated that when they started working on this document a few years ago, it was different. Land costs have gone up greatly. He discussed possible reduced parking in the downtown. He stated that these are the types of issues that are considered a regulatory incentive. He discussed that the Municipal Affordable Housing Trust has provided money to some developments. He noted that Franklin has a good location and school system and that people want to move here; we need to look at ways to make it a little easier for a person who grew up here to stay here and buy a home. Mr. Halligan asked if the Town would not be better off trying to attract more commercial/industrial to try to offset the tax base for the existing residents in Town rather than trying to attract new residents. Mr. Taberner stated that there is very little zoned industrial land and a lot of it is wetland and protected. He stated Forge Park only has one empty lot; Franklin Industrial Park just developed their last vacant lot.

Ms. Williams discussed that pages 40-41 of the document outline the goals and summarize the general hope for what the plan would achieve; the strategies that are action items that would make the goals happen can all be debated. The 10 percent is only a small part of the goals. She stated that looking at the graphics, the younger demographic is decreasing and housing affordability has decreased drastically. Unless that changes, we are changing the fabric of the community and not attracting new homebuyers and young families. She stated that all these goals are positive for the Town and through discussion these goals can be implemented; she thinks the goals are great and that focus should be on pages 40-41.

Ms. Beth Wierling, 164 Main Street, stated that she looked up the subsidized housing inventory numbers for surrounding towns: Bellingham at 12.6 percent, Wrentham at 11.3 percent, Medway at 11.5 percent,

and Norfolk at 6.05 percent. She stated that she submitted a letter in support of the Housing Production Plan which she read aloud. She discussed a personal housing situation regarding affordable housing; Franklin needs more affordable housing. She stated that she is not sure what difference it makes to wait until after the election regarding this plan.

Mr. Power stated that he is in support of the plan; he would rather be proactive and listen to feedback from residents in support of the plan. The elderly, veterans, and young people who grew up here and want to stay here cannot afford to live here. He stated that we need to look at the needs of the community; we do not need to wait on this. Mr. Halligan noted that developers cannot afford to buy the land; even if this passes, it starts with the land costs. He stated that we would have to cut the tax base, cut the water bills in half, and cut the cost of the land. He said that we cannot vote just because it feels good; we have to vote based on the realities. He stated that he is not against it, but the costs have to be studied. He stated that he has asked what is considered affordable, but no one will give him that answer. Mr. Rondeau stated that in the last year everything has been artificially inflated, and it will correct itself. Mr. Halligan reiterated that the Town already has affordable developments on the books; why are they not being built?

Ms. Love stated that this is a Housing Production Plan to help maintain and stay over the 10 percent; we do not know what the census will reveal and if the Town will drop below the current 11.9 percent. This is a five-to-ten-year plan; this to start talking about goals and strategies. She stated that if this gets pushed out until after November, she does not see what the changes will be. She explained that the Planning Board would vote to push this to a public hearing. Mr. Halligan said that he would be in favor of pushing it to a public hearing.

Chair Padula asked Mr. Taberner for clarification about adding inclusionary zoning and affordable housing to subdivisions. He stated that he believes under subdivision control law, affordable housing cannot be forced upon it. Mr. Taberner stated that the Town could pass bylaws to require there be a certain number of affordable units in certain circumstances; however, the Town really has that in the open space bylaw. He stated that we cannot force a builder that is not in a subdivision that has been passed in that format to give affordable units. Chair Padula stated that if it is a conventional subdivision, the developer cannot be forced to put in affordable units.

***Motion to Move the Pre-Final Draft: Housing Production Plan to a public hearing. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

### **C. Partial Form H: 105 Constitution Boulevard**

***Mr. Rondeau recused himself.***

Ms. Love reviewed that on February 11, 2019, the Planning Board approved an application for a Special Permit and Site Plan for 105 Constitution Boulevard. The purpose of the Special Permit and Site Plan was to construct a Marijuana Cultivation facility with parking spaces and drainage for the site. The applicant is requesting acceptance of a Partial Form H. The applicant has not provided an as-built plan for review. BETA has performed an onsite observation and provided an extensive report. The applicant had numerous field changes throughout the construction of the project; the field changes should be reflected on any as-built plans submitted. She noted that at the last Planning Board meeting the applicant brought forth a field change in landscaping and revised fenced area; the Planning Board did not make a decision on this field change.

Mr. Maglio stated he had no comments.

Mr. Crowley reviewed his Site Observation Report dated August 18, 2021, which was provided in the meeting packet. He stated that since the time of the site report, the contractor has performed some

additional work on the site. He noted some updates of that work including but not limited to: most of the construction equipment and debris has been removed from the site and is in the staging area, the sidewalk at the front of the building has been modified to provide an accessible ramp but associated striping is needed, and the structure in the retention basin has been modified as per the approved plans. He noted the largest outstanding item is that 330 ft. of curb along the driveway entrance must be installed. He reviewed other outstanding items including, but not limited to, that the sidewalk between the upper and lower parking areas was installed at a width of 38 in. where 48 in. was proposed. He noted that rip rap was installed in some of the landscaping areas in lieu of loam and seed. He noted that once the site is stabilized, the concrete fence will need to be removed. He stated that the stairs that access the roof are not currently enclosed. He noted that one additional parking space was provided in the upper lot to make up for one space that was eliminated in the lower lot.

Chair Padula asked questions and made comments including about the accessible space where the curb cut is, if the applicant hydroseeded on top of the silt, the green space was changed to rip rap, why is it not a 5 ft. sidewalk and it is pitching the wrong way. Mr. Crowley discussed the ramp location and noted it has to be striped. He stated that the applicant did muck-out the pond and provided video inspections. He stated that the approved sidewalk was 4 ft. width. He said that the contractor stated an additional pour will be done to extend the sidewalk width to the approved 4 ft.; the pour will have to go around the light columns. Chair Padula confirmed the columns will be in the sidewalk.

Mr. Mark Santora, project engineer, reviewed the design intent to tip to road to collect water to the swale and discharge to a drop inlet in the shoulder. Currently, the water is all being collected in the swale and meets stormwater management. Chair Padula explained that the approved plan called for curbing. Mr. Santora respectfully disagreed; he stated that curbing was never intended to go there. This is the original design of the plan. All of the water gets treated. He stated that they would like to keep it as it is. Chair Padula stated that this is usually when an applicant would come in for a modification. Mr. Santora stated that this is the original plan intent; he noted he drew the plan. He noted that everything was updated to granite. Chair Padula asked if Mr. Santora had a waiver for no curbing in his plan. Mr. Santora stated no; he explained the proposed curbing and drainage throughout the site for collection of water and treatment. He stated that as the design engineer the swale was designed to collect the water. Chair Padula stated that swales are not usually approved by the Planning Board; it is not in the Town's bylaws. He does not know how without a waiver this even got considered. He stated that there are multiple issues with this site. He confirmed the applicant is looking for a temporary Form H. He reviewed some of the outstanding public safety issues. He stated that the curbing issue is up to the Planning Board. He stated that he was going to look at the original plan to see how it was approved.

Mr. Crowley discussed the grade of the road and swale. He stated that it was a shallow swale and some of the stone seemed to be above the grade of the roadway. He stated that he would need to look at the as-built plans. Chair Padula stated that even if the Planning Board approved a rip rap swale and pitching the road to one side, they would have approved curbing for the opposite side. Mr. Santora stated that there are many areas in the site that do not have curbing and that was how it was approved. Chair Padula stated that he does not have the approved plan in front of him to review. There seems to be a number of unfinished issues on this site. He stated that on a temporary Form H, if something from a public safety perspective is not finished, the Planning Board does not allow it or sign the temporary.

Ms. Williams stated that another important public safety issue is that there is no security to the stairs on the roof. Mr. Santora said that a temporary fence will be installed on Wednesday; a permanent fence is scheduled for later installation. He reviewed his conversation with the Deputy Fire Chief. Ms. Love stated that she has not yet heard from the Deputy Fire Chief on this issue. Mr. Halligan asked about a picture on page 13 of the provided Site Observation Report and noted it did not seem like there was any concrete in

the curb. Mr. Santora reviewed where the concrete is located. Mr. Halligan discussed the 38 in. sidewalk and said that a mistake was made. He asked if the applicant needs to fill in a 12 in. piece of sidewalk.

Chair Padula stated that the entire sidewalk should be ripped out as it is pitching the wrong way by 2 in. He stated that a landscaping plan was required for this project. Mr. Santora stated that it did not state whether it was mulch or stone on the plan; he discussed rip rap performed well during heavy rains. He noted that a 3:1 slope is usually rip rap. It protects the surface and will never erode. Mr. David noted that when he did a site visit no one could use the sidewalk because there were vehicles over it. Mr. Santora asked if the Planning Board would like curb bumpers or a widened sidewalk. Ms. Williams discussed the requirements of the sidewalk. Chair Padula stated that the bylaw is 5 ft; he is not sure how this got missed. He explained the subdivision and zoning regulations; both mention the sidewalk width, materials, and pitch. He said that the pitch is always out to the street or parking lot; a sidewalk can never pitch toward the grassy area. Mr. Santora stated that it does pitch to a catch basin; it does not puddle or create any problem for the public.

***Motion to Deny the Partial Form H: 105 Constitution Boulevard. David. Second: Halligan. Vote: 4-0-1***

***Mr. Rondeau re-entered the meeting.***

**D. 81-P ANR: 725 Summer Street**

Ms. Love reviewed that the applicant submitted a Form A application for an 81-P Plan Review to create two buildable lots shown with adequate frontage and lot area on Summer Street. The Planning Board previously approved a similar ANR plan in June 2021. The current plan shows where the lot line has changed. The lots shown on the plan conform to zoning.

Chair Padula confirmed this meets the Planning Board's criteria.

***Motion to Approve 81-P ANR: 725 Summer Street. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**E. Meeting Minutes: July 12 & July 26, 2021**

***Motion to Approve the Meeting Minutes for July 12, 2021. Power. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Approve the Meeting Minutes for July 26, 2021. David. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – Continued  
                  ***40 Alpine Row***  
                  Site Plan  
                  *Documents presented to the Planning Board are on file.*  
                  **To be continued.**

Chair Padula read aloud the request from the applicant to continue the public hearing.

***Motion to Continue 40 Alpine Row, Site Plan, to September 27, 2021. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM      **PUBLIC HEARING** – Continued  
                  ***5 Fisher Street***  
                  Site Plan

*Documents presented to the Planning Board are on file.*  
**To be continued.**

Chair Padula read aloud the request from the applicant to continue the public hearing.

***Motion to Continue 5 Fisher Street, Site Plan, to September 27, 2021. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM      **PUBLIC HEARING** – *Continued*  
***Bylaw Amendment 21-874***  
Parking Downtown Commercial and CI Zoning Districts  
*Documents presented to the Planning Board are on file.*

Ms. Love reviewed the letter from the Department of Planning and Community Development to the Planning Board dated August 18, 2021, regarding proposed changes for parking in Downtown Commercial and Commercial I. Current parking regulations for the DC and CI zoning districts are as follows: 1.5 parking spaces per housing unit; 1 parking space per 500 sq. ft. of gross floor area of non-residential development. The proposed changes are: .5 parking spaces per housing unit; 1 parking space per 500 sq. ft. of gross floor area of non-residential development. She noted that comments from the August 9, 2021, Planning Board meeting include: 1. The Planning Board asked if they can increase the amount of parking for a Special Permit. Attorney Cerel has said that the Planning Board cannot increase parking. The Planning Board may waive parking to decrease the amount of parking spaces, but not require over the bylaw. 2. The Planning Board asked if they can change the proposed number of parking spaces. The Planning Board can recommend to Town Council a change in the proposed parking spaces per housing unit. 3. A letter was submitted to the Planning Board from resident Joel D'Errico which is included in the meeting packet. 4. The Planning Board should decide if they will recommend or not recommend the zoning amendment to the Town Council.

Ms. Jane Callaway-Tripp, 607 Maple Street, read a prepared statement indicating her reasons why this is not needed. She stated that the downtown has already been revitalized twice. She stated that this is not addressing why the downtown is drowning but just wasting taxpayer money. She stated that she understands the thought process to reduce the parking space requirement; however, where is the foot traffic? The downtown is being geared to business people and college students, and this is partly the issue. The downtown should be geared to the 30,000 plus residents who reside in this town; not focusing on bringing in more people to the town. The problem is lack of parking in the downtown area and that the business there are not family oriented. She reviewed how the downtown used to have family-oriented businesses. She stated that there is not enough parking to support the businesses we have already. The new proposed parking will open the floodgates to developers and reduce the available parking for families. It is unrealistic to think that people moving into new residential units downtown will not have/need a car. What about clothes and food shopping and visiting friends and families; a car will be needed. Why is no one asking the residents of Franklin what they would like in the downtown area. She stated that she has asked people on social media and the responses she received indicate that what the Town is trying to do with this parking is not what the people want. She requested the Planning Board vote no on this item. She noted that a Special Permit can be requested on an individual basis for any developer that would like to reduce parking to .5 spaces.

Mr. Rondeau stated that he would like to keep the current requirement at 1.5 parking spaces. He noted that the Planning Board can always reduce the parking through Special Permit. Mr. David agreed with Mr. Rondeau. Chair Padula explained that he was clear at the last meeting that it should be left at 1.5 parking spaces. He recalled the timing and reasons it was dropped down to 1.5 parking spaces for development. He noted that there are currently many small businesses in the downtown. He noted most of

downtown property is privately owned. The parking should be left as it is; if it is brought down to .5 spaces, the Planning Board can never make an applicant go up in the parking space requirement.

Ms. Williams stated that the spacing per unit seems arbitrary without definitions of what the units are and the number of bedrooms. She suggested a more definitive number of spaces based on the type of unit. She noted that the Planning Board can decrease the number of spaces on an individual basis. Mr. Halligan stated that at first, he was in favor of the .5 spaces to get some excitement in Town. At that time, he had thought that under a Special Permit the Planning Board would be allowed to increase the parking, if needed, based on the number of bedrooms. However, he learned from Town Attorney Mark Cerel that this is not the case; parking requirements could only be decreased and never go up. He stated that through a Special Permit a developer can already get .5 parking spaces. Therefore, he has changed his thoughts based on this information; he agrees with other Planning Board members to keep it at 1.5 parking spaces.

***Motion to Close the public hearing for Bylaw Amendment 21-874 Parking Downtown Commercial and CI Zoning Districts. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Recommend keeping the bylaw amendment at 1.5 parking spaces in downtown for the Downtown Commercial and CI Zoning Districts. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn the Planning Board Meeting. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:30 PM.***

Respectfully submitted,

Judith Lizardi,  
Recording Secretary

***\*\*\*Approved at the October 4, 2021 Planning Board Meeting***