

Town of Franklin



Planning Board

**October 18, 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 (via Zoom). 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.

A. Final Form H: 186 Grove Street – Parking Lot Expansion

Ms. Love stated that the applicant submitted a Final Form H, Engineer's Certificate of Completion, and a final as-built plan. BETA provided an onsite report with pictures verifying the site work is complete. She noted that on the original submission of the Form H the date indicating approval by the Planning Board was incorrect; she has a corrected copy for the record.

Mr. Crowley discussed that a round grate (EJ, made in USA) has been installed on the new leaching basin. The contractor provided a cut sheet to confirm it meets HS-20 loading per the approved plans. He stated that the other notes on his report were minor. He noted that concrete was put in between the spaces in the curb installation.

Motion to Accept Final Form H: 186 Grove Street – Parking Lot Expansion. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Final Form H: 105 Constitution Boulevard

Mr. Rondeau recused himself.

Ms. Love reviewed that the purpose of the Special Permit and Site Plan is to construct a marijuana cultivation facility with parking spaces and drainage for the site. The applicant is requesting acceptance of the Final Form H. BETA has performed an onsite observation and listed several outstanding items and comments. She noted that the as-built plan should be re-submitted with the items listed that are missing.

Mr. Crowley noted some of his minor concerns including the following: there was a little erosion in one of the outfalls in the retention basin, there are a few areas where the grass coverage is fair, and information is requested from the applicant if the construction container still onsite is going to be moved. He stated his major concerns include that there is a significant gap under the installed security fence and there were no locking mechanisms on the gate.

Chair Padula noted that the temporary enclosure around the dumpster is falling down and there are areas without grass. The applicant stated that the temporary enclosure was removed when the final enclosure was installed. The applicant noted that pictures were sent with his application on the 15th. The applicant stated that they would be installing a small panel at the bottom of the security fence to remove the gap. The applicant stated they would be overseeding the areas without grass. These concerns should be addressed by next week. Mr. Mark Santora, project engineer, reviewed the planned overseeding.

Mr. Halligan noted that the Final Form H may be premature prior to the applicant cleaning up the remaining items. Chair Padula suggested that this item should be held for one week until Mr. Maglio confirms the security fence is in place and the as-built has been done. Overseeding can be done before or after the winter. Mr. Maglio stated that when he is made aware the items are complete, he can then witness the completion with Mr. Crowley and send an email to the Town Planner.

Motion to Approve Final Form H for 105 Constitution Boulevard with the conditions as indicated that the security fence is in place and the As-Built has been completed. Halligan. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Rondeau re-entered the meeting.

C. Concept Plan: 94 East Central Street

Mr. Brad Chaffee, applicant, addressed the Planning Board. He stated that the Planning Board knows of the project. About eight to nine months ago he was before the Planning Board with a substantial change to the project. Over the last six months they have taken the time to talk to many people regarding the blank space. After getting everyone's input, they developed the Concept Plan that is before the Planning Board tonight. He discussed that it is a major green space. He would like comments from the Planning Board.

Ms. Williams stated that conceptually she thinks it is a great idea. She asked if there is a tenant in mind for the ice cream shop or is it just a thought that some kind of food service would be there. Mr. Chaffee stated that the tenant is still to be determined. Ms. Williams requested that any pathways are as accessible as possible and the seating area has full accessibility. She asked if this type of seasonal shop would need additional seasonal parking. Ms. Love stated that the parking would be based on the square footage of the shop. Mr. David questioned the height of the buildings; it is also a four-story building, but it is on a different elevation. It looks like they are level, but he does not see how that can happen. He would like a bigger access around the building especially for the fire department. He stated that would mean bringing the building more forward. He confirmed the ice cream shop will be a pop-up shop. He thinks an ice cream shop should go into the commercial space. He does not think the small size of the building in the middle of green space is good; putting the small building there does not balance. Mr. David stated that he and Mr. Rondeau have suggested all along that the building should be brought substantially forward, not just the 6 ft. that is shown. Putting the small building there does not balance. Mr. Chaffee stated that many people do not want to buy condos that are on the street; they want to be set back. Mr. Rondeau stated that he agreed with Mr. David. He noted that there are neighbors behind the building, as well. It is a big building for a small site. He would like to see some other drawings and the building pulled forward. He stated that four stories on top of the hill is a lot. Mr. Chaffee suggested he might try to bring it to three-stories. Mr. Power stated that he is ok with four stories and the orientation of the building. He would like to see the building pulled forward a little. He stated that the small building for the ice cream shop is not necessary; it does not fit. He confirmed that the house that is currently there will be taken down.

Vice Chair Halligan recapped the conversation and provided his thoughts. He asked the applicant to show some renderings for three stories. He noted the house coming down before any construction. He said the ice cream shop rendering looks great, but he wants to vote on something that is going to work. The ice

cream shop would require a grease trap and there are no bathroom facilities. He asked if this could be incorporated into the main building. He asked if the applicant would consider deeding the green space to the Town. Mr. Chaffee noted that he heard tonight the height of the building was a concern; he will return with new renderings.

D. Meeting Minutes: September 13 & September 27, 2021

Motion to Approve the Meeting Minutes for September 13, 2021. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for September 27, 2021. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Initial*
 15 Freedom Way
 Site Plan Modification
 Documents presented to the Planning Board are on file.

Motion to Waive the reading. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love reviewed that the applicant filed a Site Plan Modification to add 82 parking spaces. The applicant included a stormwater management report along with Site Plans. The applicant is not required to file with the Conservation Commission. She stated that DPCD has received the following letters for review: Town Engineer Mike Maglio's letter dated October 13, 2021; BETA Group peer reviewer Matt Crowley's letter dated October 6, 2021; Deputy Fire Chief Joe Barbieri's letter dated September 15, 2021; and Conservation Agent Jen Delmore's letter dated September 15, 2021. Ms. Love stated that the applicant is providing a total of 216 parking spaces while 275 are required. The applicant currently has three handicap parking spaces; the required number based on 216 parking spaces is seven spaces. She stated that DPCD recommends adding four additional handicap spaces by the front door. She noted that the applicant has not provided a landscaping plan, and the applicant needs to submit a photometric plan with sufficient illuminance to be in compliance. She explained that the applicant has not provided a traffic study; the Planning Board will need to determine if a traffic study is required for this specific project.

Mr. Maglio reviewed his letter to the Planning Board dated October 12, 2021. He noted that while the proposed storm water design does not increase overall flow rates or volumes off the site, there is an increase in runoff volume to the closed drainage system that runs off site and eventually discharges to the industrial park's drainage system. He recommended that the designer should ensure that the downstream drainage detention ponds can handle the increased volume. He stated that with Franklin's new stormwater regulations, the applicant should address how this meets those regulations regarding impervious area. He stated that snow storage was shown on the plan.

Mr. Crowley highlighted some of his comments which included his request for information regarding any proposed changes in tenants, the proposed parking spaces must be revised to be 19 ft. long, the project proposes monolithic bituminous curbing along the perimeter of the proposed parking area but existing curbing throughout the site is identified as bituminous berm, and shade trees must be provided.

Chair Padula stated that there will be no bituminous curbing. He asked if any of the parking spaces were more than 300 ft. from the main entrance. Mr. Bill Buckley of Bay Colony Group stated that some were. Chair Padula stated that a waiver would be needed. He asked about spacing on the catch basins. Planning Board members asked questions and made comments. Mr. Buckley confirmed the employee entrance would be more than 300 ft. away from some of the parking spaces. He stated that the closest residential is at least 500 ft. He stated this will be a single tenant; they need to ramp up during the holiday season. The

number of tenants and the use will not change. Mr. Halligan confirmed there will not be an increase in trucks. He stated that if there was a change of use, the applicant would need to return to the Planning Board.

A representative of Barrett Distribution reviewed the business and operations. He stated that they are the occupant in the building. He stated that they currently operate two shifts and there will be no change in hours. In response to Mr. Rondeau's question, he explained the recent real estate transaction. He said that they plan to be in the building for the long term. Mr. Buckley stated that they do not plan to put in a retaining wall along the parking spaces. Ms. Williams questioned the current and proposed parking spaces regarding visibility for entering and existing the expanded parking area. Mr. Buckley showed and discussed the location of the three spaces to be eliminated and the four handicap spaces to be added.

Motion to Continue the public hearing for 15 Freedom Way, Site Plan Modification, to November 1, 2021. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Continued*
40 Alpine Row
Site Plan
Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Ms. Love noted comments from the September 27, 2021, Planning Board meeting. There was an issue with encroachment onto private property. The applicant is to work with DPW to resolve this. DPCD recommends that the Planning Board not approve the plans until the site is surveyed by a professional land surveyor and plans are provided. She stated that the applicant will need to work with the MBTA; the Planning Board may require to see an agreement with MBTA. The Planning Board requested the pavement be 2 ½" per §300-F(4) of the Subdivision Rules and Regulations. She noted that the applicant provided response comments to BETA's letter; however, they have not provided any written response to DPW's letter. She noted that the Planning Board requested the applicant submit details for the retaining wall. She stated that there is a list of recommended conditions from BETA as outlined in her letter to the Planning Board dated October 12, 2021, which was provided in the meeting packet.

Mr. Daniel Campbell of Level Design Group, on behalf of the applicant, addressed the Planning Board. He stated that substantial modifications have been made since they were last before the Planning Board. He stated that a response from Mr. Crowley to the applicant's responses was received last Thursday. Mr. Campbell stated that he responded to some of those minor comments this morning. He noted the drain manhole that was installed which increases the infiltration of the basin. The final wall design to be submitted prior to the start of construction to confirm the parking space lengths will not be impacted. He noted a changed label on a pipe. He stated that he had not yet seen the comments from DPW.

Mr. Maglio reviewed his comments from his letter to the Planning Board dated October 13, 2021. As previously noted, based on the applicant's plans, the roadway in front of the proposed building appears to encroach onto private property. He will coordinate with the applicant on the layout of the proposed curb in this area; however, it is recommended that this issue be resolved prior to any approval by the Planning Board. A plan showing the existing encroachment will be needed and the existing right of way staked out by a Professional Land Surveyor. He explained that the sight distance at the eastern driveway is shown at 73 ft. looking to the right. This does not meet section 185-21.C.7.c which requires that exiting vehicles comply with the intersection sight distance. He explained that for a local road speed limit of 30 mph, the required sight distance for exiting vehicles looking to the right is 335 ft. He reviewed that it was previously noted that any missing easements for Town drainage and/or sewer lines that run across the site

should be resolved as part of the approval process. He recommended that if the project is approved, the Planning Board should consider adding a special condition requiring that the easements be in place prior to occupancy. He stated that the detail for the wheelchair ramp does not appear to meet ADA/AAB requirements.

Mr. Crowley reviewed the following recommended conditions. BETA recommends a condition that requires guardrail to be installed at all parking stalls adjacent to the railroad right-of-way or retaining walls. Provide fencing for fall protection where walls exceed 30" in height and/or along the entirety of the railroad right-of-way where none exists today. Final wall design to be provided at the start of construction to confirm parking stall lengths will not be impacted. Final plans to provide a ramp at westerly accessible aisle prior to endorsement. All easements to be in place to the satisfaction of the DPW prior to the start of construction.

Planning Board members asked questions. Mr. Campbell stated that if balconies are installed on the front of the buildings, they will be within building requirements. He stated all curbing has been changed to precast reinforced concrete. Ms. Williams stated that existing on the east side does not seem safe. She discussed that the sidewalk at the front of the building transitions to a landscaped area; a sidewalk continuing all across the front of the building may be good. The proposed concrete patio seems like it can only be accessed from stairs and is not accessible from the outside. Mr. Campbell stated that the play area and associated lighting was removed. The area is now grass. The sidewalk to the front of the building is provided to the end of the commercial space. There is sidewalk along the entirety of the handicap spaces.

Ms. Williams discussed the dimensions of the angled parking spaces; she asked if the requirements are being met for the overall length of the parking spaces. Mr. Crowley stated the bylaw does not indicate from where it should be measured. However, it will be adequate for the site. Mr. Campbell pointed out the dumpster location. He discussed the width of the sidewalks are 4 ft. 6 in. He discussed stopping sight distance and the requirements of the bylaw. Ms. Williams asked about the plantings on the corner and noted that they must be maintained so the sight line is available. Jonathan, a representative of the applicant, indicated the plantings will be 3 ft. tall. Mr. Campbell asked how far onto their property is the existing roadway. He stated that it is not a requirement of the applicant; it is that the Town put their road on the applicant's property. He stated that they are working with the Town to make sure the road is moved appropriately. He stated they have proposed granite curb all along the front of the property appropriately; they are setting their building back appropriately. He stated that what Mr. Maglio is asking is for the applicant to help the Town fix the pavement that the Town put on private property. Chair Padula stated that Mr. Campbell is correct; however, he would like DPW's concerns addressed.

Mr. Maglio stated that the road encroaches onto the applicant's property. The concern is to know exactly where the property line is and the extent of the encroachment. He would like the right-of-way line staked out by a licensed surveyor. If there is an encroachment, they can work with the town attorney. Mr. Campbell stated that as he said before, they are happy to work with the DPW on this issue; however, they do not want to hold up the project because of something that the Town did.

Mr. Craig Ciechanowski, attorney representing the applicant, asked for clarification on what the Town wants to see. Mr. Maglio stated that he would like staking out just the frontage along the land in the area that is shown to be encroaching and the property line. Mr. Campbell stated there is a plan showing the property lines.

Motion to Continue 40 Alpine Row, Site Plan, to November 15, 2021. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:15 PM **PUBLIC HEARING** – *Continued*
 5 Fisher Street
 Site Plan
 Documents presented to the Planning Board are on file.
 To Be Continued

Ms. Love stated that the applicant requested a continuance of the public hearing.

Motion to Continue 5 Fisher Street, Site Plan, to November 15, 2021. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Roll Call: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES.

7:20 PM **PUBLIC HEARING** – *Continued*
 120 Constitution Boulevard
 Site Plan Modification
 Documents presented to the Planning Board are on file.
 To Be Continued

Ms. Love stated that the applicant requested a continuance of the public hearing.

Motion to Continue 120 Constitution Boulevard, Site Plan Modification, to November 15, 2021. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Roll Call: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES.

Motion to Adjourn the Planning Board Meeting. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:29 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary
******Approved at the December 6, 2021 Planning Board meeting***