

## Town of Franklin



## Planning Board

**December 6, 2021  
Meeting Minutes**

Chair Gregory Rondeau 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: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Jennifer Williams; Rick Power; Jay Mello, associate member. Members absent: None. Also present: Amy Love, Planner; Michael Maglio, Town Engineer; Matthew Crowley, BETA Group, Inc.

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

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

**A.   Field Change: Amego – Washington Street**

Mr. Chris Keenan, project engineer of Quinn Engineering on behalf of Amego, addressed the Planning Board. He stated that it came to his attention that the approved plans for the Amego Residences project did not contain a construction detail for the pedestrian footbridge crossing of the drainage swale located in the rear of the project. They have asked to construct an earthen crossing with a culvert to pass stormwater from one side to the other. He provided a construction detail for the Planning Board's review and an excerpt from the Stormwater Report showing the 100-year flow rates and velocities for the swale and a calculation summary for the proposed culvert.

Mr. Maglio stated that he has no issues with the replacement. He requested 12" concrete pipe rather than the proposed 8" PCV pipe as it would be easier to maintain. Mr. Crowley stated agreement. Mr. Keenan stated that they would update the plans to 12" pipe. Mr. David asked if handrails would be needed. Mr. Keenan discussed the height of the proposed footbridge and stated that they could provide some type of handrail. Chair Rondeau suggested a 36" handrail and noted the building commissioner would be contacted regarding the height of the handrail.

***Motion to Approve Field Change: Amego – Washington Street, with the condition that the pipe be changed to 12" and the handrail height be determined by the building commissioner. Wierling. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

**B.   Bond Reduction: Countryside Estates**

Ms. Love reviewed that the current bond is held in a tripartite agreement with the Town of Franklin in the amount of \$193,220.00 for September and October Drives. She stated that the applicant requested a bond reduction. BETA has provided a cost to complete along with a detailed list of items and pictures. The applicant has invited the Planning Board to visit the site when they have time to do so. BETA's report provided the cost to complete is \$54,961. If the Planning Board allows waiving loam and seeding right away from Prospect Street to Lot 9, then the cost to complete is \$40,986. If the Planning Board waives the amount of required shade trees, then the cost to complete is \$32,211. If the Planning Board agrees to both waivers listed above, the cost to complete is \$18,236.

Mr. Maglio stated that his only comment regards the loam and seed along the side of the road. The developer has placed woodchips and some vegetation has grown there; he has no issue with this. He stated that his only recommendation is that it should be brush cut before the Town takes it over.

Mr. Crowley stated that a site visit was conducted and a punch list of remaining items was made as provided in his November 15, 2021, Site Observation Report. He stated that the biggest items to be addressed are maintenance and cleaning of the infiltration basins. He stated that the original plans called for 56 shade trees throughout the development. He noted that some trees were planted by residents. He stated that he counted approximately 30 trees that would qualify as shade trees.

Mr. David stated that it seems like there are enough trees now; to put more at this time may clutter the front yards. He asked if the trees can be planted somewhere else in town, or, maybe on the slope embankment. He agreed the retention ponds should be cleaned. Chair Rondeau suggested leaving the bond request as is at \$54,961 while the Planning Board members go to the site to determine their ideas on the trees and the loam and seed.

Mr. Joel D'Errico, owner, stated that the subdivision plan was designed in 2004 the number of trees on the landscape plan were doubled. He stated there are 30 trees installed by him and the homeowners. They could not plant a tree in a septic area. He stated that he believes he meets the Town's subdivision regulations for trees. He noted that in the 1990s in Highland Estates, there are similar slopes to those in this subdivision, and they are mulched; therefore, he did the same thing. Regarding the basins, he believed cattail plant was sacred. He is not sure if he needs permission from Conservation to take them out. He discussed another subdivision in which the basin is loaded with cattails. Mr. Crowley discussed the maintenance needs of the infiltration basins. Ms. Wierling asked BETA to ask Conservation Commission about this. Ms. Williams stated that if the number of trees is meeting the current regulations, and the homeowners are okay with it, she has no issue.

Chair Rondeau recommended reducing the bond to \$54,961 until some of the other items are resolved.

***Motion to Approve Bond Reduction to \$54,961 for Countryside Estates. Wierling. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

### **C. Lot Release: Cranberry Woods**

Ms. Love reviewed that a subdivision named Cranberry Woods was approved by the Planning Board in August 15, 1990. A covenant was issued on February 3, 1992. The applicant has submitted a Form G Covenant release for Lot 4 of the Definitive Subdivision. The subdivision is complete and all lots are constructed. The Department of Planning and Community Development could not locate any documentation that the lots were released from the covenant. The owner of Lot 4 is currently selling their home and is requesting the lot be released from the covenant. The Form G will need to be signed by all Planning Board members.

***Motion to Approve Lot Release: Cranberry Woods. Power. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).***

### **D. Endorsement: 15 Freedom Way**

Ms. Love stated that the applicant submitted Site Plans for endorsement for 15 Freedom Way, Site Plan Modification, that included adding additional parking spaces. The applicant has added the Certificate of Vote to the front page of the plans.

***Motion to Endorse 15 Freedom Way. Power. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).***

**E. Meeting Minutes: October 4 & October 18, 2021**

***Motion to Approve the Meeting Minutes for October 4, 2021. Power. Second: David. Vote: 4-0-0 (4-Yes; 0-No; Abstain-1).*** (Ms. Wierling abstained.)

***Motion to Approve the Meeting Minutes for October 18, 2021. Power. Second: David. Vote: 4-0-0 (4-Yes; 0-No; Abstain-1).*** (Ms. Wierling abstained.)

7:05 PM        **PUBLIC HEARING** – *Continued*  
                  ***Washington Street***  
                  Site Plan Modification  
                  *Documents presented to the Planning Board are on file.*  
                  **To Be Continued**

Ms. Love stated that she received a request for continuance of the public hearing to the next Planning Board meeting.

***Motion to Continue Washington Street, Site Plan Modification, to December 20, 2021, at 7:10 PM. David. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM        **PUBLIC HEARING** – *Initial*  
                  ***Taj Estates – 230 East Central St***  
                  Special Permit & Site Plan  
                  *Documents presented to the Planning Board are on file.*

***Chair Rondeau opened the public hearing.***

***Motion to Waive the reading. Wierling. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).***

Mr. Richard Cornetta, attorney on behalf of the applicant Taj Estates of Franklin II LLC, and Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Cornetta noted a principal of Taj Estates was in the audience. Mr. Cornetta stated that BETA's comments have not yet been received. He stated the property is about one (1) acre located within the Commercial I zoning district. Currently, the property has a single-family residence on it that is unoccupied. The plans are to remove the structure with the redevelopment of the site. The proposed redevelopment is the construction of a three-story, 14,200 sq. ft. commercial mixed-use residential building containing 41 single-bedroom apartment style residential units with 900 sq. ft. commercial space located on the first-floor front portion of the building. He stated that in order to do this, they need to seek approvals including a Special Permit to allow multi-family housing style in the commercial district. They would also need an associated site plan approval. They have identified no wetlands in the project. He noted a memorandum in support of this project has been submitted. He stated that he believes this project meets the criteria set out in the zoning bylaw. He noted a new law enacted by Governor Baker to promote transit-oriented housing developments. He discussed that he believes this project is situated to support transit-oriented housing.

Ms. Cavaliere reiterated that as this property is located in the Commercial I zoning district, a Special Permit is needed. They are requesting a waiver for one parking space per unit as opposed to 1.5 spaces as required in zoning. They have three visitor spaces in the back. The project will be serviced by Town water and sewer. There is an infiltration system in the parking lot.

Ms. Love reviewed that the following letters have been received from Town departments: letter dated November 18, 2021 from J.S. Barbieri, Deputy Fire Chief; letter dated November 29, 2021 from Mike Maglio, Town Engineer; and letter dated October 19, 2021 from Becca Solomon, Conservation Agent. She stated that BETA is currently reviewing the project. The applicant has requested a waiver for parking from the required 64 parking spaces to 46 parking spaces. She reviewed comments from DPCD including that

there is minimal landscaping on the site as the site is maxed out on the impervious area. DPCD recommends more landscaping be provided since the site abuts residential units. The applicant is required to file with the Design Review Commission. The applicant should provide the location of the abutting houses on the Site Plan. The applicant has not submitted color renderings of the building. She explained that DPCD reviewed the most recent Site Plan and Special Permit applications before the Planning Board that are located within the Downtown Commercial and Commercial I zoning districts and areas around these zones. They have developed the table provided in her letter to the Planning Board dated November 30, 2021, summarizing the related parking requirements. She reviewed that the law regarding transit-oriented housing noted by Mr. Cornetta has not been formally passed; and, those would require affordable units. She noted parking is a concern.

Mr. Maglio reviewed his comment letter to the Planning Board dated November 29, 2021. He noted that consideration should be given to locating the underground infiltration system to the rear of the property. At its current location, when the time comes for maintenance or reconstruction of the system, there will be no vehicular access to the entire site. As well, while the infiltration system has been sized to hold almost the entire equivalent of a 100-year event, there is some discharge that would occur during this event. The system outfall is located immediately adjacent to the property line at the southeast corner of the site and is adjacent to two residential properties. He recommended increasing the size of the system to contain the entire 100-year event to avoid potential impacts to these adjacent properties.

Mr. Crowley stated that BETA anticipates submitting their final review tomorrow. Mr. Gary James of BETA stated that Ms. Love and Mr. Maglio covered the major items. He has the same issues with the infiltration system as noted by Mr. Maglio. He discussed the possible impact on the sewer line and recommended Mr. Maglio comment on that. He stated that they are making a 10 ft. cut near Hill Avenue which is a shallow bedrock area which may require blasting to get in the foundation. He recommended the applicant do test pit data to determine if blasting will be needed. He commented that there are no trees proposed around the parking lot. He agreed with Ms. Love that there is not enough parking.

Planning Board members made comments. In response, Ms. Cavaliere reviewed the provided parking schedule. She stated that she would include the number of spaces required if the waiver were not granted. She reviewed the landscape plan and stated that she will show signage on the plan. She stated renderings would be provided with the next submittal. Ms. Wierling suggested a traffic study be provided as there is a lot going on in that area already, and this is proposed for 41 units. Mr. Crowley stated that BETA could look at that. Ms. Williams noted that this development would be more than .5 miles from the train station. She agreed that there is not enough parking, and this is an extremely dense project. Chair Rondeau asked about the underground retention system and the proximity to the Town easement. He noted his concern about traffic. He agreed it is a fairly dense project. He suggested the applicant look at the parking spaces, screening, lighting, and fire department access around the site.

Mr. Mark Letourneau, 29 Hill Avenue, reviewed the abutting residential properties. He stated concern about clearing out all the land. He noted that in his front yard there is an elevation difference, but in the backyard, it is the same level. He stated that his house is built on ledge. He is concerned about possible blasting. He stated that this project could affect the property values of surrounding residences in a negative way. Chair Rondeau noted that a pre-blast survey would have to be done.

Mr. Mark Rovani, representing his mother at 240 East Central Street, stated that his mother's driveway would be at the backside of the fence, and there is no room to move her driveway. He noted that she has had an in-home daycare at the residence for 40 years. He stated that currently due to the traffic lights at Shaw's/CVS, traffic backups past her house. There are residential homes surrounding this project site all the way around. He stated that he does not think this is the area for the size of the building. Chair Rondeau confirmed a traffic study is going to be required.

***Motion to continue the public hearing for Taj Estates, 230 East Central Street, Special Permit & Site Plan, to January 10, 2022. Wierling. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to recess for five minutes. Power. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM        **PUBLIC HEARING** – *Continued*  
***Olam Estates – 900 Washington Street***  
Definitive Subdivision  
*Documents presented to the Planning Board are on file.*

***Ms. Wierling recused herself.***

Ms. Love confirmed that according to Open Meeting Law, new board members may not vote on items that were opened prior to their becoming board members.

Ms. Love referenced her letter to the Planning Board dated November 30, 2021. She recommended the Planning Board review her provided list of six waivers. She reviewed that the Planning Board requested the applicant provide the location of the building and parking area on Lot 4. She stated that the applicant should show the proposed building for Lot 4 on the plans. Town water shall require a bylaw amendment from the Town Council. Each lot will have individual septic systems. The construction of the roadway and stormwater system will require a permit through the Conservation Commission; the next meeting with Conservation is December 16, 2021. She stated that the Planning Board requested the abutters be notified of the hearing, for a second time; the engineer indicated the notification was sent to all abutters on November 18, 2021.

Mr. Maglio reviewed his comments provided in his letter to the Planning Board dated December 1, 2021. He stated that he received an email from the designer and most of his comments have been addressed or are about to be addressed. He noted the six requested waivers. He reviewed the request to allow a stormwater basin's maximum water elevation within 20 ft. of a property line. He stated that the Planning Board added this setback to the Subdivision Regulations five years ago to protect adjacent properties from ponds constructed right at the property line. He reviewed the request to allow a stormwater basin's toe of the pond berm within 10 ft. of a property line. He stated that the Planning Board also added this setback to the Subdivision Regulations five years ago to protect adjacent properties from ponds constructed right at the property line.

Mr. Crowley reviewed his Peer Review Update letter dated December 1, 2021, which was provided in the Planning Board's meeting packet.

Mr. David Russo from Andrews Survey & Engineering stated that they have addressed all BETA's and DPW's comments. In general, there was some discussion about the width of the roadway; they increased the width to 28 ft. The ponds on the site were redesigned since the last meeting to eliminate the retaining wall. He stated that the length of the road is minimally over the maximum road length of 600 ft.; this is due to making the ponds work properly. He reviewed the pond setbacks. He confirmed that they will be before the Conservation Commission on December 16, 2021.

Chair Rondeau confirmed the infiltration basins still need to be tweaked. Mr. Russo noted waivers are needed. Mr. Maglio stated that guardrail may need to be added. Mr. Russo stated that the abutting property elevation is higher than the pond. He stated that the building/concept is not on this set of plans as it is not before the Planning Board at this time. Chair Rondeau stated that he would like to see a rough sketch on the plans. He stated that there are a few loose ends that the applicant must cleanup.

***Motion to Continue Olam Estates for 900 Washington Street, Definitive Subdivision, to December 20, 2021. Power. Second: David. Vote: 3-0-0 (3-Yes; 0-No).***

7:15 PM

**PUBLIC HEARING** – *Continued****5 Fisher Street*****Site Plan***Documents presented to the Planning Board are on file.****Ms. Wierling and Ms. Williams recused themselves.***

Ms. Love reviewed her memorandum to the Planning Board dated November 30, 2021. She stated that BETA and Mr. Maglio met with the applicant on site and have provided an accepted design for the swale on the side of the building. The Site Plans show precast concrete curbing throughout the site; however, the notes say "Internal curbing shall be bituminous concrete or cape cod berm at the selection of the developer." The applicant should remove this note. She stated that the Planning Board asked about the handicap parking spaces. The applicant has provided a narrative on the location of the handicap parking spaces. The Town's ADA compliance officer will also monitor the handicap parking spaces. She noted that attached to her memo is an email sent to DPCD from an abutter who was not able to speak at the last meeting. She stated that BETA provided a letter with recommendations for conditions of approval.

Mr. Maglio discussed drainage at the rear of the building. He stated that he met onsite with the applicant. He stated they all agree conceptually for what the applicant is proposing for drainage. He noted utility poles all have the minimum amount of distance between the poles and the fence.

Mr. Crowley reviewed his concern regarding stormwater. He stated that the applicant submitted a concept plan for what they were going to do in the back. He noted that there are a few loose ends. He stated that he provided the applicant with a list of 10 conditions of approval as outlined in his letter to the Planning Board dated December 2, 2021; he read the conditions aloud. Ms. Love asked if the Planning Board was okay with the curbing plan outlining the granite and precast concrete curbing areas that she had attached to her memo. Chair Rondeau confirmed that the Planning Board is requesting the granite.

Mr. Casey Killam of K Fisher Street LLC and property owner; Mr. Rick Kaplan, property owner; and their project manager were in attendance. Mr. Killam stated that Mr. Daniel Campbell of Level Design Group was unable to attend tonight's meeting. He noted that Mr. Nick Facendola of Level Design Group can address any concerns. Mr. Killam stated that any administrative items will be resolved quickly. From the ownership perspective, they have worked for the past six months on this and are excited to get started. Mr. David questioned the number of inches of asphalt. Mr. Facendola stated that they intend to have 2.5 in. binder and 1.5 in. of topcoat pavement across the whole site. They can have that minor change adjusted on the plans.

Ms. Elizabeth Wallace, 256 West Central Street, questioned the abutter notification process. She stated that she did not receive notification nor did a resident at 258 West Central Street. She asked if all the abutters were notified of this project. She requested that the Planning Board require renotification of abutters for this project. She stated that she has 24 questions regarding problems and additional questions regarding the process. Ms. Love stated that all the abutters were notified by regular mail; certified mail is not required for a Site Plan. She stated that the project started in July 2021. She stated that it was also advertised in the newspaper for two weeks and posted on the Town's website. She stated that the Planning Board is not required to renotify abutters.

Mr. Kaplan stated that besides notifying abutters via mail, he also gave a presentation to the Downtown Partnership when this project was started. He noted that he has been to every board to introduce himself. He stated that prior to November 16<sup>th</sup> he met with the abutter's mother who lives at the address, and they had a conversation. He provided his business card and suggested the daughter call him with any questions. He stated that he is happy to add additional screening if needed. He stated that he is glad to work with all the neighbors. Ms. Love reviewed how the abutter's list is obtained from the Assessor's Office. Ms. Wallace stated that she emailed Mr. Kaplan on October 2, 2021, and she did not hear back. As well, the Hayward

Park Condo Board has not met with Mr. Kaplan. Mr. Kaplan stated that he would be glad to meet with anyone. Ms. Love stated that all abutters of the Hayward Park Association were notified.

Ms. Wallace reviewed some of her concerns. She asked what would the operating hours be, what is the lighting, what types of trucks are going to make deliveries, what is the speed limit, what are the sound and lighting barriers, what and where is employee parking, what is the dumpster service, and what is the snow removal plan. Mr. Power suggested that Ms. Wallace speak with Mr. Kaplan. Mr. Killam reviewed some of the questions and noted that the information is on the plans; all these items have been worked through with the Planning Board.

Chair Rondeau noted that this could be approved with the conditions of BETA's comments and conditions, Mr. Maglio's comments, general condition comments, the curbing, all information such as lighting and spillage are on the plans, and Ms. Love's comments. He asked Ms. Love to get together everything that everyone is agreeing on.

***Motion to Close the hearing for 5 Fisher Street, Site Plan. Power. Second: David. Vote: 3-0-0 (3-Yes; 0-No).***

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

Chair Rondeau stated that the applicant requested the public hearing be continued.

***Motion to Continue the public hearing for 120 Constitution Boulevard, Site Plan Modification, to December 20, 2021. David. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).***

***Meeting adjourned at 8:51 PM.***

Respectfully submitted,

Judith Lizardi,  
Recording Secretary

***\*\*\*Meeting Minutes approved at the January 10, 2022 Planning Board meeting.***