

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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PLANNING BOARD

April 25, 2022 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; Rick Power; Jennifer Williams. Members absent: Jay Mello, associate member. Also present: Amy Love, Planner; Michael Maglio, Town Engineer; Gary James, BETA Group, Inc.

7:00 PM Commencement/General Business

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

A. Street Acceptances: Joseph Circle, Lawrence Drive & Susan's Way

Ms. Love reviewed that the Town put together as-built plans to accept the roadways listed. The vote to accept the roadways is a recommendation to Town Council to accept the roadways. Mr. Maglio stated that every time the Town accepts a roadway, it goes into the mileage for Chapter 90 funds. The roads were built in the 1990s and were never finalized.

Motion to Move Street Acceptances, Joseph Circle, Lawrence Drive & Susan's Way, to Town Council. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Bond Release: Gracewood Estates (Lawrence Drive and Susan's Way).

Mr. Maglio reviewed that this is the bond that was left over from the 1990s, but it was never fully closed out. There was approximately \$1,500 left in the account; that will be put towards the costs, and he will have the plans drawn up.

Motion to Move Bond Release, Gracewood Estates (Lawrence Drive and Susan's Way), to Town Council. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).

C. Minor Site Plan Change: 648 Old West Central Street – Fence

Ms. Love reviewed that the owners of 648 Old West Central Street are requesting a minor modification to replace the white vinyl fence with chain link fence. The chain link fence will also include plastic vanity strips to block the light from the cars. The Planning Board issued a Certificate of Vote on August 4, 2014, in which there was a Special Condition that required a 6 ft. vinyl fence. The DPCD feels this is a minor modification and can be discussed under General Business. She stated that DPCD recommended to the applicant that they contact the direct abutter and let them know of the requested change; she stated that she has not received any information regarding contact with the abutter. She stated that DPCD recommends the vanity strips be dark green to blend in with the arborvitaes. Ms. Wierling suggested waiting to hear from the abutter and wanted to have the applicant attend the meeting to explain some things. Chair Rondeau suggested the applicant may be willing to put in some arborvitaes as well. He requested this item be

continued to the next meeting. Ms. Love stated that as it is General Business, a vote to continue is not needed. She stated that she will get in touch with the owner and reschedule this item.

D. Decision: 120 Constitution Boulevard

Ms. Love stated that the Planning Board closed the public hearing on April 11, 2022. She reviewed the following waivers and conditions to be voted on for the Site Plan Modification. Waiver: to allow 50 parking spaces where 75 parking spaces are required. Special Conditions: 1. Prior to endorsement of the plans, the applicant shall provide a signed illicit discharge compliance statement to maintain compliance with the stormwater standards. 2. The as-built connection from CB-8 to the 36 in. culvert in the easement along the west edge of the site shall be located and confirmed prior to issuance of the Certificate of Compliance. 3. The as-built pipe arrangement and the connections to, from, and around the existing drain manhole on the north side of the building shall be confirmed and shown on the final as-built plan prior to issuance of the Form H. 4. The floor drain outlets shall be located and confirmed with the Town Engineer. If it is determined that they are connected to the stormwater system, the design engineer shall present the Town of Franklin Engineering Department a revised design necessary to connect this piping with the sanitary sewer collection system prior to issuance of the Form H. 5. As-built connections from the roof drains and all area drains on site to the stormwater collection system shall be investigated and shown on the as-built plan prior to issuance of the Form H.

Motion to Approve the Waiver request to allow 50 parking spaces where 75 parking spaces are required. Wierling. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve with Special Conditions #1-5 as listed in a memo from the Department of Planning and Community Development to the Franklin Planning Board dated April 19, 2022. Wierling. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).

E. Decision: 72-94 East Central Street

Chair Rondeau wanted to confirm that there will be no temporary Certificate of Occupancy or final Certificate of Occupancy until the white house comes down. Ms. Love stated that it was in the second bullet of Special Conditions. Chair Rondeau asked Ms. Love to change the wording to “of the final residential unit occupancy permit.”

Motion to Approve the following Waivers: To allow less than 42” of cover over the RCP drain pipe, proposed class V RCP, and to allow the use of HPDE pipe from catch basin 92 to the underground pond, from the underground pond to drain manhole 93, the roof leader collection system and from roof leader connection to DMH 95. Wierling. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the following Special Conditions: Prior to endorsement, the applicant will provide a recommendation from the Design Review Commission, and the applicant and Planning Board both agree the house located at 88 East Central Street will be demolished prior to the final residential occupancy permit being issued. Wierling. No Second Made. No Vote Taken.

ROLE CALL VOTE:

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

(1) Special Permits: To allow Multi-Family in the Commercial I Zoning District, under 185 Attachment 7, 6.1.

Ms. Wierling read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

d) Neighborhood character and social structure will not be negatively impacted.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Rondeau-YES; David-YES; Wierling-YES; Power-YES; Williams-YES. Vote: 5-0 (5-Yes; 0-No)

Motion to Approve the Site Plan and Special Permit as stated for 72-94 East Central Street. Wierling. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).

F. Limited Site Plan Modification: 15 Freedom Way

Mr. Mark Sotir of Barrett Industries representative of the tenant at 15 Freedom Way, stated that they were before the Planning Board last year for approval of additional parking to accommodate the expansion of the business. He reviewed the current request for the curbing material to be cape cod berm as the Certificate of Vote required the curbing material to be granite or reinforced concrete. He stated that it is a financial hardship for the granite curbing.

Ms. Love reviewed that on November 1, 2021, the Planning Board approved a Site Plan Modification to add 82 parking spaces, drainage and landscaping at 120 Constitution Boulevard. The Certificate of Vote required the curbing material to be granite or reinforced concrete. She stated that the applicant has submitted a plan requesting curbing material to be cape cod berm. As the applicant is requesting a material change, BETA and DPW were not asked to review the plans.

Mr. Maglio reviewed that the roadways in the Industrial Park were redone. On Freedom Way there are a lot of tractor trailers parked along the side of the road and the sloped granite was in bad shape. The cost to redo that would have delayed the project. So, it was decided to have the highway department pull the granite edging out. When they repaved it, monolithic cape cod berm was installed on both sides. He stated that at

the end of the cul de sac there is no through traffic; this is on a private site. He stated that he does not have any issues with this. Mr. James stated that BETA did not really review this.

Motion to Approve the Limited Site Plan Modification for 15 Freedom Way, for monolithic berm in the rear of the parking lot in place of the granite/vertical berm. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).

G. Final Form H: Glen Meadows Office Building

Mr. Darren Grady stated that they are before the Planning Board for a Final Form H. He stated the contractor added stone as requested. He believes the site is fully hydroseeded.

Ms. Love reviewed that the Planning Board approved a Partial Form H on March 14, 2022. She stated that BETA has been out to the site. Mr. James indicated that everything is complete except the grass needs to grow; the hydroseed is down.

Chair Rondeau asked if outdoor gas grills were going to be installed. Mr. Grady stated that he was there on Saturday and there are no gas grills there right now. He has not had any discussions with the client in regard to the gas grills.

Motion to Approve the Final Form H for Glen Meadows Office Building. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).

H. Partial Form H: Benjamin Franklin Charter School

The applicant stated that this is the second phase of the school which is the gym. The building itself is complete, and they are waiting for their civil engineer to perform an as-built drawing; they would like to obtain a temporary Certificate of Occupancy in the meantime.

Ms. Love reviewed that the Planning Board approved a Site Plan for Benjamin Franklin Charter School on July 11, 2016, to construct the school. A Partial Form H was issued on August 19, 2019, to occupy the building. The school still had plans to construct the gymnasium. This Partial Form H is to occupy the gymnasium. BETA has provided an onsite report with a description of the existing conditions. The applicant will have to return to the Planning Board for a Final Form H.

Mr. Maglio stated that he has no comments. Mr. James stated that Mr. Matthew Crowley of BETA did the report which contains a laundry list of items. Mr. James stated that he was fine with a Partial Form H and believes the applicant can clean up the remaining items.

Ms. Williams questioned the accessibility of the sidewalks/walkway to the gymnasium. She would like it confirmed that it does meet the requirements. She asked what the slope of the walkway is. The applicant stated that he believes that area was over 5 percent maximum. He stated that will be addressed and he will confirm that area when the as-built is performed by Samiotes Consultants. He stated that as far as the accessible parking spaces on that side of the building, there is a separate ramp onto the sidewalk. Ms. Williams questioned that on the Form H submitted there seems to be only two outstanding items listed; however, BETA's provided list is much longer. She wants to make sure all the items end up on the list if the Planning Board is going to issue a Partial Form H. Chair Rondeau suggested including BETA's list into the partial approval.

Motion to Approve the Partial Form H for Benjamin Franklin Charter School and to incorporate BETA's list into the temporary Form H as well. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – Initial

158 Grove Street

Special Permit & Limited Site Plan Modification

Documents presented to the Planning Board are on file.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. on behalf of Franklin Brewing addressed the Planning Board. She stated that they are requesting a Limited Site Plan approval to continue their outdoor seating and to amend the Special Permit for the hours of operation to extend their hours from Tuesday through Sunday 12 PM to 10 PM. She reviewed the current 14 ft. x 66 ft. outdoor seating area being used on their temporary outdoor dining permit. She stated that they were informed by the Building Commissioner that they needed to file as their temporary permit was up in the middle of April. She stated that the area will be secure and accessed only from the tap room.

Ms. Love reviewed that the applicant filed for a Modification for change in hours, expand square footage of tasting room, and add permanent outdoor seating. She stated that the applicant should include the following with the outdoor seating plan: what is the material of barriers and location of each barrier, how many tables and chairs will be added to the outdoor seating, and will there be any trees or shrubs added around the barrier. The applicant may want to consider signage for outdoor seating and consider adding additional parking spaces to the north side of the building. She reviewed the requested extended hours of operation.

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

Mr. Maglio agreed that the plan should depict what type of barriers will be used to protect the area from vehicular traffic. He stated that the vehicular travel lane will be less than 16 ft. wide at the far end of the seating area. He recommended that consideration should be given to eliminating the first parallel parking space that overlaps the outdoor seating area.

Ms. Cavaliere stated that this is temporary seating just for this season; they are not doing the permanent seating at this point.

Ms. Wierling stated that the outdoor seating was extended until April 2023. Ms. Cavaliere stated that it must have been extended after they filed. Ms. Love stated that the applicant did not actually need this application for temporary seating. She recommended that since the applicant already paid to file, Ms. Cavaliere should request permanent seating as that is what they actually applied for. Or, the applicant can withdraw the seating request and just request the extended hours. Mr. Olivier Edouard, owner, (via Zoom) stated that he would like to request permanent seating as the application has already been submitted. In response to questions, Mr. Edouard discussed the setup of the concrete barriers; they are tightly close together. The barriers are about 4 ft. high and 3 ft. to 4 ft. in thickness. Ms. Cavaliere confirmed the applicant has requested the Special Permit fee of \$750 be waived for the expansion of the hours. Planning Board members informally agreed to waive the fee.

Chair Rondeau confirmed that the applicant will not be increasing the number of patrons and the allowed occupancy. Ms. Cavaliere stated yes that they are aware of that. Mr. Edouard reviewed the means of egress. Ms. Williams asked if the applicant was considering adding parking spaces to the north side of the site. Mr. Edouard stated that adding more parking is not something he is inclined to do at this time. Chair Rondeau confirmed that the applicant will return with the additional information for the outdoor seating plan including materials, barriers, and letter from the Fire Department regarding turning radius.

Motion to Continue 158 Grove Street, Special Permit & Limited Site Plan Modification, to May 9, 2022. Rondeau. Second: Williams. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Continued

585 King Street
Special Permit & 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 to May 9, 2022.

Motion to Continue 585 King Street, Special Permit & Site Plan, to May 9, 2022. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
Upper Union Street
Site Plan
Documents presented to the Planning Board are on file.
TO BE CONTINUED

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

Motion to Continue Upper Union Street, Site Plan, to May 23, 2022. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).

7:25 PM **PUBLIC HEARING** – *Continued*
Taj Estates – 230 East Central Street
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

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. Ms. Cavaliere stated that since they were last before the Planning Board, they have made some changes. She stated that they started with 41 one-bedroom units and a 74 ft. x 198 ft. building. They are now at 69 ft. x 192 ft. for a reduction of 1,300 sq. ft. of the building footprint. They are now proposing 31 one-bedroom units and 2 two-bedroom units. She stated that parking and safety were revisited. They initially requested a waiver but are now complying with the 1.5 spaces requirement and a waiver for 7 compact spaces out of the total. They also added additional screening to the property to accommodate the abutting residents and minimize visibility. She reviewed the originally proposed grading and noted the applicant is working with the abutting properties and making accommodations regarding Hill Avenue; they are proposing a retaining wall along the property line. She discussed the elevations and the height of the retaining wall. The retaining wall at some points would be 10 ft. All work is proposed within the constraints of the property. They meet the parking requirements for the proposed use. She stated the utilization of the commercial space will be for a leasing office; any further changes for use would require them to return to the Planning Board.

Ms. Love stated that Ms. Cavaliere touched on the parking. She stated that the applicant proposed not to do the grading on Hill Avenue, but there is still no information on who owns Hill Avenue. She recommended getting the retaining wall at least 10 ft. off of Hill Avenue to make sure Hill Avenue is not disturbed unless they are able to determine the ownership. She reviewed that at the rear of the building there are 2 parking spaces within 10 ft. of the right-of-way. The applicant will require a waiver for these parking spaces. Since the applicant has not provided the owner of the right-of-way, the Planning Board should consider whether this waiver can be granted. She stated this was sent to the Fire Department; however, she has not yet heard back regarding the proposed changes.

Mr. Maglio stated that his comments regarded the proposed retaining wall. The revised plans have eliminated any proposed work within the Hill Avenue right-of-way and have instead proposed a retaining wall along the property line. The plans note that the wall will be designed by others and that constructability completely within the limits of the property will be determined by the contractor. He noted that the proposed wall will be over 10 ft. tall at its highest point and there is only 1.8 ft. between the face of the wall and the property line behind it. He indicated concern that it would be possible to construct a concrete retaining wall, any type of footing, and associated wall drainage within this 1.8 ft. width without encroaching onto the adjacent property. He noted that the proposed wall will create a 9 ft. wide alley between the building and retaining wall.

Mr. James stated that he has the same issues regarding the constructability of the wall and they may lose 3 parking spaces which would bring the applicant into non-conformance with the zoning requirements.

Ms. Cavaliere stated that regarding the law, before the wall is being constructed, she would ask the Planning Board to add into their decision if approved, that they do need a building permit for the wall which would require a stamped set of drawings from a structural engineer showing that it is able to be built. She stated that they could provide a letter of constructability by a certified engineer to the Planning Board at the next meeting.

Ms. Williams stated that she has real concerns about the feasibility of building the wall and the parking spots. She stated that she would need to see more details of how the retaining wall will be built and how that relates to the building being built. Planning Board members, Mr. Cornetta, and Ms. Cavaliere discussed the abandoned right-of-way, the ownership, and the proposed retaining wall. Ms. Wierling discussed that at this time, she is not seeing a benefit for this building; she asked what the applicant can do to make it good for the community.

Mr. Cornetta requested that the Planning Board give them an opportunity to prove that they can build the proposed wall. He stated that it seems that they are making a conclusion based on something that has been hypothesized. They are willing to have a structural engineer look at the wall and come back to the Planning Board to demonstrate that it can be constructed before the Planning Board determines that the project is too large. He suggested that the facts may not be being looked at when things are being said such as the project is maxed out. He discussed the uniqueness of the project is that there are 31 units that are one-bedroom. He noted the comment made by Ms. Wierling that 21 or 22 units may fit better here. He stated when they look at units, what does that mean. He discussed that he thinks the more relevant issue is occupants; the number of parking spaces are directly impacted by the number of potential occupants in the project rather than the number of units. He reviewed the changes that have been made to the project and discussed requirements that they have met for the project. He asked for an opportunity to prove that they can build the wall.

Chair Rondeau recommended that the applicant go back to the drawing board regarding the retaining wall. He noted this will determine if any of the parking spaces will be lost. The project must also be run by the Fire Department.

Mr. Mark Rovani, on behalf of his mother Ms. Lorraine Rovani, direct abutter at 240 East Central Street, stated that the building that Mr. Cornetta just brought up (on Summer Street) is not the most savory building in Franklin; it does not have a reputation of being a nice place. It may have changed now; however, he knows how it was. He stated that Mr. Joseph Halligan banged on his mother's door to talk to her, and it seems he basically offered money for Mr. Rovani/his mother to go away. Mr. Rovani wondered how Mr. Halligan is connected to this project. Mr. Cornetta stated that he does not think it is relevant regarding Mr. Halligan's connection to the project. Mr. Cornetta stated that he does believe it was informed from the last meeting that these folks have been in here several times and he believes there was an outreach to them as there was to other people in the neighborhood to try to determine some solutions with regard to

mitigating some of the concerns that they raised like putting a fence along the property line and there was some money discussed for the screening to put trees on their side of the property as they have been raising concerns about the balconies looking into the day care center. He does not think there was anything that came of that. Mr. Rovani stated that there was nothing reasonable offered. He discussed concern about the person knocking on his mother's door. He would like to know how Mr. Halligan is connected to the project or is he just some random guy and he needs to call the police. Mr. Cornetta stated that he thinks they could have a representative from the applicant contact Mr. Rovani. Mr. Rovani stated that he was comfortable talking about it right now.

Chair Rondeau stated that negotiations between parties are outside of this board between neighbors and whatnot. Mr. Rovani clarified that therefore, some random guy came up and offered me money to be quiet, but he is not in any way connected to this. Mr. Cornetta stated that he thinks that is a conclusion. Mr. Rovani stated what he wants is a nice neighborhood. Mr. Power clarified that by right, the applicant has the right to build a commercial structure on the site. He asked about the number of units that could be built. He stated that if it were him, he would talk to someone who was a representative of the applicant to see what would make the residents who have to live with this make it a little less of a pain to deal with. He would talk to them and try to get the most out of it that he could to make it reasonable. Discussion commenced between Planning Board members and Mr. Rovani. Mr. Power noted that something is going to go there so it is probably better to be involved and have a say in it.

Mr. Cornetta stated that he would pass along the information. Ms. Wierling stated that it is a common theme throughout the meetings. The abutters have been asking who it is that they can talk to from the applicant's side of things. It sounds as though Mr. Halligan, if he is showing up, perhaps he should be identified as a party that is someone they can talk to and discuss this project with. It is not up to the abutter to try to search Mr. Halligan down to find out who he is; it is up to the applicant. Mr. Cornetta stated that he hears what they are saying.

Motion to Continue Taj Estates, 230 East Central Street, Special Permit & Site Plan, to May 23, 2022. Rondeau. Second: Wierling. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Love stated that the next Franklin for All public forum is May 16, 2022, at The Black Box. The doors will open at 6 PM; it will begin at 6:30 PM. They hope to have some recommendations from MAPC on the zoning for downtown. The meeting will also be available on Zoom. She stated that the next Planning Board meeting on May 9, 2022, will be held on the third floor in the Training Room; the Town needed the Council Chambers. The meeting will be available in person and via Zoom.

Ms. Williams asked for a review of certain bylaws or have a discussion about potentially making changes to some bylaws on an upcoming agenda to potentially bring to Town Council. Ms. Love reviewed the process for making bylaw changes.

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

Meeting adjourned at 8:34 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

******Planning Board voted on June 6, 2022 to approve the Meeting Minutes***