

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907  
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## PLANNING BOARD

### July 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; Jay Mello, associate member. Members absent: None. Also present: Amy Love, Town Planner; Michael Maglio, Town Engineer; Matthew Crowley, BETA Group, Inc. (via Zoom); Gary James, BETA Group, Inc. (via Zoom).

#### 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. Final Form H: 76 Grove Street**

Ms. Love reviewed that the Planning Board approved the Site Plan on January 23, 2008. The applicant submitted a Final Form H for the Site Plan. She stated that Mr. Maglio reviewed the as-built plans and submitted a comment letter.

Mr. Maglio reviewed that as noted on the as-built plan, the proposed trench drain at the corner of the building was not installed, but rather the pavement was graded to the two catch basins at the entrance on Beaver Street. The two catch basins at this location are set low with a slight hump in the driveway apron and while he has not had the opportunity to witness them in a heavy rain, they appear to be effective. He reviewed that the proposed oil/grit separator was not installed downstream of the trench drain as shown on the plan; however, a water quality manhole was installed downstream of all the site catch basins which is providing water quality treatment for a larger portion of the site. He stated that the proposed plan called out for the removal of 786+/- sq. ft. of pavement from the rear of the site which was to be replaced with 12" to 18" of crushed stone; however, the existing asphalt has not been removed.

Ms. Williams asked about the crushed stone area. Mr. Maglio stated that it occurred before his time; he is not aware of any issues.

***Motion to Approve the Final Form H for 76 Grove Street. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

#### **B. Final Form H: Spring Street Solar**

Ms. Love reviewed that the Planning Board approved a Special Permit and Site Plan for Spring Street Solar on May 20, 2019. The applicant submitted a Final Form H for the Site Plan. BETA reviewed the as-built plans and submitted a comment letter. She stated that DPCD recommends a Partial Form H until all outstanding items listed in BETA's memo are complete.

Mr. Crowley reviewed his Site Observation Report dated July 14, 2022, which was provided in the Planning Board's meeting packet. He discussed the changes that were made including extending some of the access roads. He noted that the as-built plan is not a surveyed plan. He stated that he defers to the Planning Board if they want to see a full survey. He noted that the contractor has indicated that some of the items on the Site Observation Report have been addressed. However, he stated that the utility poles have not been extended down Spring Street yet, and infiltration basin 1 needs some maintenance done to it. He noted that 90 percent of the site is well vegetated including under the array areas.

Chair Rondeau stated that he would like to see an actual as-built done for the property considering its size. He asked about the trees along Spring Street. Mr. Crowley stated that he believes the poles will not be set until 2023. Chair Rondeau recommended a Partial Form H; the applicant should do an as-built, clean out the basins, and clean up some loose ends.

Mr. Nick Santangelo (via Zoom) representing the applicant stated that regarding the as-built, there does not seem to be any specific mechanism in the permit approvals or Town bylaws that require an instrumental as-built survey which is an extreme cost. He asked if there is any way that they can discuss an alternative for that. He discussed an alternative.

Chair Rondeau stated that he would like to see at least the exterior perimeter. Mr. Maglio requested an instrument survey of the detention basins to verify volumes. Chair Rondeau stated that they would approve a Partial for tonight.

***Motion to Approve the Partial Form H for Spring Street Solar. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

#### **C. Final Form H: 206 Grove Street**

Ms. Love reviewed that the Planning Board approved a Site Plan for 176-210 Grove Street on July 13, 2020. The applicant submitted a Final Form H for the Site Plan. She stated that at the Planning Board meeting on June 27, 2022, the Planning Board requested the following items be completed before issuing the Final Form H: add railings to the loading ramp and verify the gas trap was installed. She stated that the applicant has indicated both items are complete.

***Motion to Approve the Final Form H for 206 Grove Street. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

#### **D. Field Change: Washington Street Flex Space**

Ms. Love reviewed that the applicant is requesting a few field changes from the originally endorsed plans. The changes that are being requested are listed in the upper left corner of the submitted plan, as well as in an email sent from engineer Rick Goodreau. She stated that BETA has reviewed the changes and provided a letter. She stated that DPCD refers to the Planning Board for a recommendation if they accept the field change.

Mr. Rick Goodreau of United Consultants, Inc. addressed the Planning Board. He stated that when the applicant purchased the building, they determined the building was going to be 1 ft. 4 in. larger on all four sides. He reviewed what those changes would result in. He reviewed that the summary of the changes was provided to the Planning Board. He stated that there is a small change of about 200 sq. ft. in impervious on the entire site. He stated that the plan was forwarded to Deputy Fire Chief Joseph Barbieri who said he was happy with it. He reviewed the parking changes as a result of the larger building.

Mr. James stated that this is pretty simple. The building is a little bigger. They absorbed some of the travel lane; however, it is still quite wide. Mr. James stated that he had asked the applicant to update the parking calculations; they only required an additional six spaces. He stated that other than that, there is not a significant impact. Mr. Maglio stated that he concurred.

***Motion to Approve the Field Change for Washington Street Flex Space. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

**E. Endorsement: 839 Upper Union Street – Site Plan**

Ms. Love reviewed that the Planning Board voted to approve the Site Plan for 839 Upper Union Street on June 27, 2022. The Certificate of Vote has been added to the Site Plans. She stated that she did not see any issues for it to be endorsed.

***Motion to Endorse 839 Upper Union Street, Site Plan. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – *Initial*  
***115 Constitution Boulevard***  
Site Plan Application  
*Documents presented to the Planning Board are on file.*

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

Mr. Doug Hartnett of Highpoint Engineering; Mr. Mike LePage, Facilities Manager of Plansee, on behalf of the applicant; landscape designer Christopher McCarthy of Highpoint Engineering; and architect Daniel Riggs of Embarc addressed the Planning Board. Mr. Hartnett discussed the Site Plan for construction of an 8,920 sq. ft. building two-story addition to accommodate expansion of the office and administrative functions. He stated there were two waivers with the first being the reduction of parking below the zoning requirement. He stated that after an evaluation of the employee headcount, it was determined that constructing parking to comply with zoning is really not necessary for the anticipated use of the facility. The second waiver regards maintaining the 9 ft. x 18 ft. parking stalls that are at the site today which was built in 1995/96. Historically, the project was designed and approved for the original 60,000 sq. ft. main building for a research and development facility, 50,000 sq. ft. addition, proposed parking, and provisions for expanded parking. Currently, the site is 8 acres. He stated that the proposal is basically in the front of the site. He stated that to incorporate the building addition, it was required to adjust the curb lines of existing parking. This cleaned up the entire edge condition of the entire site. In addition to the landscaping and hardscaping improvements, they will provide eight electric vehicle charging stations. He noted they propose a seating area for employees as well. He stated that a vegetative screen is proposed from the parking to the employee seating. He reviewed the proposed parking and striping. The project results in disturbance of about 35,000 sq. ft.; there is a net reduction in impervious of about 2,092 sq. ft. He reviewed the request for reduction in parking based on employee headcount based on what they anticipate for day shifts, night shifts, visitors, and future hiring. He stated that in addition to parking, there is a small monument sign which will be designed and constructed to the regulations of the sign bylaw. He reviewed the drawing of the proposed addition. He stated that they will be filing with the Design Review Commission.

Mr. Maglio reviewed that the proposed site work for the project is limited to sidewalk and parking modifications at the entrance to the building. Whereas the limits of work are less than an acre of disturbance, the Town's stormwater bylaw is not applicable to these improvements. However, the

applicant is providing a net reduction in impervious area and is calling out to have hoods installed on the existing catch basins on the site which will provide some additional water quality treatment.

Ms. Love stated that the town engineer has reviewed the proposal and the Fire Department has submitted a letter. She stated that BETA was not asked to review the plans as there is no change in stormwater. She stated that the current parking spaces are 9 ft. x 18 ft. and the applicant is proposing to replace existing parking spaces and keep the same size at 9 ft. x 18 ft. The applicant will be reducing the parking spaces from 189 to 151. She stated that the applicant will need to file with the Design Review Commission.

Planning Board members asked questions and made comments. Chair Rondeau asked about the number of employees two years from now in regard to parking. Mr. LePage stated that they anticipate the maximum at 146. Ms. Wierling asked Ms. Love to confirm that the applicant needs to go to Design Review for the formal process; Ms. Wierling agreed that the applicant needs to go to Design Review for signage.

***Motion to Approve 115 Constitution Boulevard, Site Plan Application, parking waiver from 189 to 151 parking spaces. Wierling. No Second. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Approve 115 Constitution Boulevard, Site Plan Application, waiver to reconstruct parking stalls at 9 ft. x 18 ft. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Approve 115 Constitution Boulevard, Site Plan Application, with special condition that the applicant must file with Design Review prior to endorsement. Wierling. Second: Rondeau. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Close the public hearing for 115 Constitution Boulevard, Site Plan Application. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:10 PM        **PUBLIC HEARING** – Continued  
                  ***175 East Central Street – Franklin Ford***  
                  Special Permit & Site Plan  
                  Documents presented to the Planning Board are on file.  
                  **TO BE CONTINUED**

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

***Motion to Continue 175 East Central Street, Franklin Ford, Special Permit & Site Plan, to August 22, 2022. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

7:15 PM        **PUBLIC HEARING** – Continued  
                  ***585 King Street***  
                  Special Permit & Site Plan  
                  Documents presented to the Planning Board are on file.  
                  **TO BE CONTINUED**

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

***Motion to Continue 585 King Street, Special Permit & Site Plan, to August 8, 2022. Rondeau. No Second. Vote: 5-0 (5-Yes; 0-No).***

7:20 PM      **PUBLIC HEARING** – *Continued*  
***Taj Estates – 230 East Central Street***  
Special Permit & Site Plan  
*Documents presented to the Planning Board are on file.*

Ms. Love reviewed comments from the June 6, 2022, Planning Board meeting. She discussed that the Planning Board asked where windows, doors and egress will be located along the alley way. The applicant was to provide a letter from a structural engineer; the letter was provided. The Planning Board was to determine if this satisfied the disturbance question on Hill Avenue. The abutters asked if the applicant could reach out to them to discuss what is right for the neighborhood. The Planning Board asked about affordable units and if there will there be run off from the top of the wall onto Hill Avenue. Ms. Love stated that BETA has listed several comments that may require waivers for screening per §185-21 of the zoning bylaw. She discussed the retaining wall added in place of grading. The retaining wall is on the property line. An existing condition plan should be provided to determine if any trees are in the way of the retaining wall. From appearance, several stumps within Hill Avenue would need to be removed in order to install the retaining wall. She reviewed that BETA has also noted that an existing tree plan should be submitted. It appears the applicant will still disturb both abutters on East and West sides when removing stumps to construct the wall and install the fence. A letter has been submitted from a structural engineer; however, they indicated how the wall will be constructed, but did not say there would be no disturbance on Hill Avenue. As well as the fence that is to be installed, it should be proven that there is no disturbance on the abutting property. She stated that DPCD recommends the retaining wall be moved 10 ft. onto the property to avoid any disturbance on Hill Avenue. She stated that the applicant is proposing 10 percent affordable units. She noted that these units will not be on the Town's Affordable Housing list and will not be monitored by the Town or State. She stated that DPCD received a public comment letter which is included in the meeting packet. She stated that the Building Commissioner submitted a letter. She stated that the parking meets the minimum requirements. The applicant has not provided parking for visitors.

Mr. Maglio stated that he looked through BETA's comment letter and he agrees with their comments.

Mr. James reviewed his Site Plan Peer Review letter dated July 20, 2022, which was included in the Planning Board's meeting packet. He stated that he agreed with Ms. Love's comments. He stated that there are some outstanding issues relative to the stormwater requirements. The biggest issue BETA has is associated with the wall. Mr. James stated that the structural engineer even stated that he is kind of concerned that it is so tight to the property line that he is concerned that there will be no spills coming from the drilling that will fall outside of the property line; it will be a difficult installation.

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 reviewed the project and the changes. She stated that they started with a 41 residential unit building with 900 sq. ft. of commercial space and 46 parking spaces with a special permit and a waiver for parking. Since then, they have heard the Planning Board and residents, and the applicant has been amenable to the majority of issues raised. The proposed project is now 31 one-bedroom units and 2 two-bedroom units, which is a 20 percent reduction from the starting point. She stated that they added a second commercial unit on the bottom floor. They are still requesting a special permit for mixed use; however, they are not requesting a waiver for parking. She stated that they are providing 52 parking spaces, they reduced the

building footprint by 8 percent, the applicant is amenable to adding a 10 percent affordability component, and they are willing to contribute \$5,000 to a traffic signal study. She stated that they provided a traffic comparison of other possible uses that could be in the location. She stated that color renderings and elevation views have been provided which she displayed and reviewed.

Mr. Andrew Arseneault of Vanasse & Associates, Inc. (via Zoom) reviewed the possible uses of the site by right and discussed traffic and number of trips associated with those uses. He explained that the medical office would provide the lowest traffic trips and the residential development proposed was lower than the other by right uses.

Planning Board members asked questions and made comments. Mr. David asked about the hidden bollards in the fence. Ms. Cavaliere explained the location of the proposed bollards to prevent vehicles from going into the daycare facility. Ms. Williams asked about the 10 percent affordable units and how it would be monitored. Mr. Cornetta explained that they would be looking for suggestions from the Planning Board; the applicant could provide something such as a deed restriction. Ms. Wierling discussed the use comparisons regarding traffic. She pointed out that the coffee shop and other uses mentioned were not by right uses and would require a special permit to do them. She asked if there was any discussion about making the size of the building smaller down to 20 to 22 units and why that was not a consideration. Mr. Cornetta stated that when the project was being designed, they took all the comments that were made; he thinks the number of units being proposed is due to financial concerns. Ms. Wierling asked about the proposed leasing office. She asked if they could utilize one of the units as a model unit and leasing office and utilize the two proposed commercial spaces as true commercial spaces; the commercial space should not be used as a leasing office.

Ms. Jennifer Lawrence, 16 East Central Street, abutter on the east side, addressed the wall. She reviewed that it is proposed to be installed 6 in. from the property line. She stated that she has photographs of where the proposed wall is going to be. She discussed the provided photographs, the ledge in her backyard, and how close it is to the foundation. She stated that there is no way that the drilling or blasting is not going to compromise the integrity of the ledge close to her home. She would like to invite the Planning Board members to view her backyard. She stated that this project is not for this site.

Mr. Carlos Ferreira of MF Engineering & Design discussed that they went to the site. He discussed the drilling that would be done as explained to him by the drilling company. He stated that the excavation would be done by hand. He stated that there is minimal impact from the excavation using this method. He stated that it is most commonly used in the city where there is digging against a sidewalk.

Ms. Lawrence stated that she thinks the road was never developed to go through because it is all ledge, and it would require blasting to make a road. She asked what happens when they rip the tree out. She stated that the test pits were done far away from the location; they have no idea what kind of ledge is there.

Mr. Cobi Frongillo, 140 Maple Street, (via Zoom), stated that he cannot speak to the engineering concerns. He stated that he wanted to remind everyone that change is scary. The way that we have developed as a town is that we have built up a backlog of expenses. The only way we can afford to keep the town that we love is allow some growth. He stated that the question becomes where and how that growth becomes. He stated that we want that growth to be near commercial corridors, near the center of town, near the commuter rail, have mixed use, be less car centric, and affordable at different price

points. He stated that he thinks that this project meets a lot of that. He stated frustration about so much parking being requested of the applicant.

Mr. Michael Glennon, 94 Hill Avenue, reviewed his concerns. He stated that during the June 6, 2022, meeting, a resident asked about the traffic impact study. He reviewed the questions that were asked and the responses that were provided by Chair Rondeau at the June 6 meeting. He asked for the follow-up that was to be provide. Mr. Arseneault discussed the questions and explained how they did the traffic study and determined the traffic study area. He stated that he cannot speak to if the study was made available to the public. Chair Rondeau said that the study was part of the package submitted. Mr. Glennon stated that he reviewed the 175-page traffic study document and there was not one mention of Hill Avenue, Lewis Street, Crocker Avenue, Uncas Avenue, or Keough Street. Based on the traffic study there is a disparity on slide 13. He stated that there are 105 cars in the window that are unaccounted for in the traffic study. He showed the Planning Board members his calculations on how the 105 cars within just one hour of the day were not included. He stated that these cars would be going down Lewis, Uncas, and other streets. He stated that there are 22 children under the age of 12 in that neighborhood. To have an extra 105 cars passing through the neighborhood that do not live there in just one single hour is a major safety concern. He stated that there have been numerous incidents of cars speeding down the streets. He stated that the police were involved in a recent incident of a child almost hit by a car. He asked if residents of other neighborhoods in town would like 105 additional cars in one hour driving aggressively through their neighborhoods. He stated that the police have been called seven times for legitimate safety concerns since June 6, 2022. The police came each time but said that there is little they can do and that the Planning Board can drive the change and address the neighborhoods' safety concerns. He stated that he is for development of the town, but not this project which proposes a major safety concern. He discussed and refuted comments made by Mr. Cornetta at the June 6, 2022, meeting. He discussed that this is not a pedestrian friendly project. He discussed the school bus stop at the end of Lewis Street. He stated that the traffic study was conducted at a time that the children were already in school and therefore it did not address the safety concerns of children boarding and deboarding buses. He discussed other concerns in the traffic study. He noted that the other projects on Rt. 140 that are not even completed yet will all contribute to major traffic. He requested that a new traffic study be conducted that includes a safety analysis to be done by a company other than Vanasse & Associates as they have made three versions of the traffic study and still did not account for the 105 cars. He stated that safety should be a prime concern of the Planning Board.

Chair Rondeau asked Mr. Arseneault to explain why Lewis Street is not in their study. Mr. Arseneault stated that he does not know where the 105 is from. He stated they go down and anticipate which intersections they would have a measurable impact at. After they do that, they check it back with the 5 percent threshold. He stated that he cannot expand anymore; it was not within their thresholds to advance the study down there. Ms. Wierling asked for further clarification. Mr. Arseneault explained the method.

Ms. Christine Mucciarone, 87 Hill Avenue, discussed the date of the traffic study and that it did not include the current projects such as Starbucks. Mr. Arseneault explained that they look at projects that are gong to happen when doing a traffic study and what may also come up in the next seven years.

Mr. Mark Mucciarone, 87 Hill Avenue, invited the traffic consultant to come to his home to see the actual cars and count the actual numbers, not use the projected numbers. This is a safety issue. The projections are not realistic. He stated that there has to be an actual study done in the neighborhood.

Mr. Cornetta stated his presentation is complete.

Mr. Mark Rovani, on behalf of his mother at 240 East Central Street, stated that his mother has complained about this since day one as the negative affects it will have on her business. He discussed the proposed bollards and that the 6 ft. high fence will not stop something from coming over it such as a cigarette or a shovel full of snow and it could land on a child. He discussed the traffic report and the traffic comparison. He stated that they need to discuss real life traffic on the road. He asked where are the parking spaces for the people visiting the commercial units. He stated that he does not understand how the little trees against the fence satisfy the code. He asked about snow storage in the parking lot and noted that all the snow storage is behind cars. He noted the 4 ft. chain link fence on top of the retaining wall to stop people from falling over; any child can climb that fence. He stated that as the test pits are going to be allowed to be dug at the beginning of construction, what happens if they do hit ledge, what is the recourse. Chair Rondeau said they would have to come up with a method and stated that the test pits were already done. Mr. Rovani indicated the test pits were not done in the right places. He discussed that his mother's house will be 9 ft. away from a 50 ft. high building. Chair Rondeau said it was 40 ft. to the midline which is the law for that zone.

Resident asked why the Planning Board said the PVC fence with the steel piping was okay when a few meetings ago it was brought up by Planning Board members that PVC fences constantly fail.

***Motion to Close Taj Estates, 230 East Central Street, Special Permit & Site Plan. Rondeau. Second: Power. Vote: 5-0 (5-Yes; 0-No).***

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

***Meeting adjourned at 8:41 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

***\*\*\*Planning Board voted on August 22, 2022 to approve the Meeting Minutes***