

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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## PLANNING BOARD

### October 3, 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; 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. Field Change: Bogan Estates**

Ms. Love stated that the applicant was at the last Planning Board meeting and requested the trees that were originally on the plans be exempt from planting now that the lots have been sold and are private property. She stated that the Planning Board had recommended that some of the trees be planted and speak with DPW if trees can be planted elsewhere within the town. She stated that the applicant provided an email with what he is working on.

Mr. Mike Bogan, 10 Bogan's Way, addressed the Planning Board. He stated that he spoke with the two residents at the front coming into the location; they said it was fine if Mr. Bogan planted some trees there. He stated that he prefers not to spend the money to plant trees further down as it is a dead end and the residents do not want the trees. He stated that he could plant about half which is about four or five on each side. Mr. David stated that he liked the idea of planting trees at the front entrance. He asked how far apart would they be planted. Mr. Bogan stated that they would be planted where the stakes are located. Mr. David confirmed a sign would be installed indicating dead end.

Chair Rondeau asked Mr. Bogan if he would be okay with donating the balance of the tree funds to the tree warden. Mr. Bogan said he would if he had to, but he would rather not as he already donated \$10,000 to the Town when he was initially subdividing it, and he is putting in the granite curbing.

Ms. Wierling stated that she understands he would rather not put in the trees, but it is part of the subdivision regulations and it was approved that way. She stated that so, if you are not going to put in the remainder of the trees, it will require a modification to your subdivision approval which requires you to come back to the Planning Board for that. She stated that if the residents are just going to take the trees down, then the money should be put into a fund. Chair Rondeau said that he does not want to set a precedent. He stated that if Mr. Bogan puts in 10 or 12 trees, the balance should go to the DPW tree fund and we call it a day. Mr. Maglio stated that he spoke to the DPW director who is also the tree warden about this and we have done this in the past where the applicant makes the contribution to a tree fund. Ms. Wierling said that it would satisfy the requirement for the trees. Chair Rondeau stated

that a note should be put on the final as-built plan that the balance of the trees was put in the DPW tree fund.

***Motion to Allow the applicant to plant 12 trees at the entrance on the left and right of the subdivision Bogan Estates, and the remainder of the trees previously approved in the subdivision the funds to be donated to the street tree account for DPW planting, for Field Change for Bogan Estates. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

**B. Discussion: 585 King Street**

Ms. Love stated that the applicant submitted a request that two of the special conditions of approval be modified. She noted that this is just a discussion item on the agenda; the applicant would need to file a formal Special Permit and Site Plan Modification to allow any changes to his special permit.

Mr. Josh Berman with Marcus Partners stated that there are two conditions that they would like to discuss. The first item he discussed regarded the special condition that any offsite improvement plans shall be reviewed, approved, and permitted by DPW as well as MassDOT prior to issuance of a building permit. He reviewed his request for modification and stated that the MassDOT permit takes a long time to get through. He stated that the second item is the special condition regarding the hours of operation will be 5 AM to 11 PM. He stated that from a leasing perspective, this is very restricting. He asked that the condition be removed, and they would require that no trucks leaving would take a right-hand turn after 10 PM.

Ms. Williams asked if there would be truck traffic and movement all night. Mr. Berman discussed the typical operation of the building. Mr. David reviewed that he thought after 11 PM there would be no truck traffic coming or going; sorting and working within the building is fine. He stated that he thinks it should be 9 PM to no longer take a right-hand turn out of the building. He proposed many signs to strictly enforce the no right-hand turn times. Chair Rondeau confirmed no right-hand turn by trucks after 9 PM; he stated that signage will be needed. Ms. Williams noted that 5 AM is very early; she asked if there should be restrictions on that as well. Mr. David stated that they cannot have the trucks take a right and go through the neighborhoods; 9 PM should be the latest. Ms. Wierling stated that she hopes the Planning Board is reasonable with this applicant regarding allowing for leasing the building to make it operational as the applicant has done a lot. She stated that 10 PM is not unreasonable; she asked how it can be enforced regarding trucks taking a right-hand turn. Chair Rondeau confirmed that there will be three shifts, and stated that it is important that the trucks follow the rules of no right-hand turns as indicated.

Ms. Love asked for clarification that the Planning Board was not setting the hours of operation and was putting in the no right-hand turn after 10 PM. Chair Rondeau confirmed that was what he was recommending. He stated that he agreed that he does not want MassDOT to hold this up for any reason. Mr. Maglio stated that it makes sense to have the offsite improvements completed before the Certificate of Occupancy. Chair Rondeau stated that he would call this a minor modification which does not require a public hearing

***Motion that this is a minor modification which does not require a public hearing for 585 King Street. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

***Motion to remove Special Condition #5 hours of operation 5 AM to 11 PM, and signage will be added trucks are prohibited from making a right-hand turn after 9 PM, and revision to Special Condition #1 to read occupancy permit instead of building permit, for 585 King Street. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

**C. Meeting Minutes: August 22 & September 12, 2022**

***Motion to Approve the Meeting Minutes for August 22, 2022. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Approve the Meeting Minutes for September 12, 2022. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

7:05 PM            **PUBLIC HEARING** – *Continued*  
***175 East Central Street – Franklin Ford***  
Special Permit & Site Plan  
*Documents presented to the Planning Board are on file.*

Attorney Edward Cannon on behalf of Franklin Ford, Mr. Rick Goodreau of United Consultants, and Mr. Bob Breen, general manager of Franklin Ford, addressed the Planning Board. Mr. Goodreau reviewed the final plan revisions. He stated that they had a peer review letter from BETA and comments from Mr. Maglio and Ms. Love. He stated that all the BETA review questions have been addressed. He highlighted some of the changes involving the site grading and drainage. He stated that they discussed the site lighting, and they will back shield the lights and reduce the light spillage onto the sidewalks.

Mr. James stated that the applicant has pretty much addressed everything. He reviewed the lighting changes and the spillage onto Chestnut Street. He stated that all the stormwater improvements have been made.

Ms. Love stated that at the last Planning Board meeting the biggest concern was the light spillage that Mr. Goodreau addressed. She stated that the applicant requested three waivers. Mr. Maglio stated that all his previous comments have been addressed; he stated that he has no outstanding issues. Chair Rondeau confirmed that the last set of drawings incorporates all changes that have been made. Mr. Goodreau stated yes this is the final set.

Ms. Williams stated that it does not look like any vegetation is proposed on Chestnut Street. Chair Rondeau stated that there is some, but they could not carry it all the way through because of the current sidewalk. Mr. Goodreau reviewed that the Planting Plan is showing some low vegetation proposed where the parking lot expansion is taking place. Ms. Wierling asked what time they would be turning off the lights. Mr. Breen stated one hour after they close, and they close at 8 PM. He stated that some lights on the building would remain. Chair Rondeau stated that if there is any issue with the lighting, they can come back for a discussion.

***Motion to Close the public hearing for 175 East Central Street – Franklin Ford, Special Permit & Site Plan. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Approve the following waivers for 175 East Central Street – Franklin Ford, Special Permit & Site Plan: 1. To allow less than 42” of cover over the RCP drain pipe proposed class V RCP, 2. To the use of HDPE pipe for the roof drain manifolds and pond 1, and 3. To allow minimal light spillage onto Chestnut Street right of way. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

*Motion for Special Permit Conditions that all lights that will remain on will be wall pack lights with pole lights shutting off one hour after closing time, at 9 PM, for 175 East Central Street – Franklin Ford, Special Permit & Site Plan. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).*

**ROLE CALL VOTE:**

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

**(1) Special Permit: To allow under 185 Attachment 3, Part II.2.6.a – Motor Vehicle Service, Repair in the Commercial II Zoning District:**

Ms. Wierling read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.  
**David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)**
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.  
**David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-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.  
**David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-YES. Vote: 5-0 (5-Yes; 0-No)**
- d) Neighborhood character and social structure will not be negatively impacted.  
**David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-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.  
**David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-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.  
**David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-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.  
**David-YES; Wierling-YES; Power-YES; Williams-YES; Rondeau-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.

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

Ms. Love stated that she previously presented to the Planning Board a Friendly 40B application process. She stated that the first application was received for 121 Grove Street; she stated that she will add this to the next Planning Board meeting under General Business for the Planning Board members to have a discussion and review and hopefully an outcome would result in a letter to the Zoning Board

of Appeals and Town Council with any recommendations or changes. The applicant will be present for any questions the Planning Board may have.

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

***Meeting adjourned at 7:36 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

***\*\*Planning Board Approved Minutes at November 21, 2022 meeting***