

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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PLANNING BOARD

October 17, 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 (via Zoom); Jay Mello, associate member. Members absent: None. Also present: Amy Love, Town Planner; Michael Maglio, Town Engineer; Mark Cerel, Town Attorney.

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. Limited Site Plan: 100 Panther Way

Ms. Love reviewed that the site is located in the Commercial II Zoning District. The applicant provided information for an additional tenant for the building. She stated that per the Special Permit and Site Plan Certificate of Vote, dated July 6, 2020, Special Condition #1 stated that a Limited Site Plan is to be filed when a tenant, other than the bus owners, occupies the building. She stated that the applicant provided information on the tenant and parking available at the site. She stated that the applicant requested waiving the Limited Site Plan fee of \$500. BETA and DPW were not asked to review since there is no changes to the stormwater management.

Mr. Maglio stated that there have been no changes to the site or Site Plan; this has to do with the tenant.

Mr. Brad Chaffee, applicant, stated that nothing has changed as far as the Site Plan; this is for the tenant for the building. He noted that the parking chart on the Limited Site Plan was updated to reflect the reduction in proposed office space which brought the overall parking spaces down by eight spaces.

Motion to Waive the \$500 fee for the Limited Site Plan: 100 Panther Way, and approve the Limited Site Plan. Wierling. Second: Rondeau. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

B. Discussion: 121 Grove Street – Friendly 40B

Chair Rondeau stated that this item would be taken last at tonight's meeting.

7:05 PM **PUBLIC HEARING** – *Initial*
215 Prospect Street
Definitive Subdivision Plan
Documents presented to the Planning Board are on file.

Motion to Waive the Reading. Wierling. No Second Made. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

Mr. Jamie Hellen, Town Administrator, explained that this is a very unique request and proposal. He noted the PowerPoint presentation that was given at the previous two public hearings at the Community Preservation Committee and the Town Council. He stated that the CPC voted and recommended it be moved to the Town Council. He stated that the Town Council will be voting on this on Wednesday. He stated that this allows the Town to acquire 113 acres for the purposes of open space and agricultural preservation while also giving the Schmidt family 2.16 acres on which they are allowed to build one single-family home. He described the location of the acreage. He stated that the parcel price for the Town is \$3.8 million. He reviewed that the current structures on the property would most likely be torn down; however, the barn may be preserved.

Ms. Amanda Cavaliere of Guerriere & Halnon Inc. noted the requested waivers for the roadway, as the roadway will not be constructed. The existing driveway is the location of the proposed roadway which will remain.

Mr. Maglio stated that they are very familiar with the plan; he stated that he had no comments.

Mr. Cerel stated that they ran the title as they were negotiating and determined that there was no definitive plan on record that showed the property and the description in the deed was not detailed. He stated that the definitive subdivision plan would show everything. Ms. Wierling stated that this is a good opportunity for the Town. Chair Rondeau stated that this is a good piece of property for the Town.

Motion to Close the public hearing for 215 Prospect Street, Definitive Subdivision Plan. Wierling. Second: Rondeau. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

Motion to Approve the following waivers for 215 Prospect Street, Definitive Subdivision Plan:

Chapter 300 Subdivision of Land § as follows:

§300-10 (C)(1) – Reduce pavement width from 26 feet to 12 feet.

§300-10 (E)(4) – Reduce dead end street length from 400 foot minimum to 215 feet;

§300-10 (F) – Request to waive the requirement to construct the roadway;

§300-10 (H)(1) – Eliminate curbing;

§300-11 – Waiver request for Stormwater Management in its entirety

§300-12 (C)(2)(b) – Eliminate street light at end of cul-de-sac;

§300-13 (A)(1) – Eliminate sidewalks;

§300-13 (E)(1), (2)(a)(b) and (c); – eliminate plantings along a private road.

Chapter 153 Stormwater Management – in its entirety

Reason for Waiver – Proposed plan will not disturb more than one acre of land.

Wierling. No Second Made. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

Motion to Approve the subdivision plan of land for Schmidt’s Farm at 215 Prospect Street.

Wierling. No Second Made. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

7:10 PM

PUBLIC HEARING – *Continued*

700 Union Street

Site Plan Application

Documents presented to the Planning Board are on file.

Mr. Joshua Kline, Engineer of Stonefield Engineering, addressed the Planning Board for the proposal to construct a 13,525 sq. ft. daycare with 50 parking spaces. He stated that they were before the Planning Board a few meetings ago. He stated that they updated their plans from the information asked for at the last meeting. He stated that the goal is to address the items from the last meeting and discuss traffic, parking, site circulation, and safety. He reviewed the location of the proposed project. He stated that there are Primrose Schools in Mansfield and Natick. He stated that this is not a school; it is a daycare. He discussed that there is not a surge effect where people have to get to school at a certain time. He stated that a daycare is drop off and pick up when it is convenient for them. He stated that they looked at the parking area and made it one-way circulation, they added bollards, and provided three-foot striped area between spaces. He stated that they moved the speed bumps and added snow storage around the site. He stated that they resubmitted their traffic report and BETA had no comments. He stated that they provided traffic counts from the Mansfield Primrose School operation. He discussed the traffic counts in the morning from 6:30 AM to 9:30 AM, at midday, and at afternoon. He stated that their study aligned with industry data. He explained and discussed the differences between the room capacity which is the maximum number of children that can fit in a room per state law, license capacity, enrollment, and the actual operation which is how many children are going in there day to day. He stated that at a fully matured site they anticipate 95 to 130 children and there would be carpooling and parttime. He stated that the number of children dictates the number of required staff. He reviewed the graph of the existing daily parking utilization. He stated that they want to make sure that their parking demand is adequate. He stated that through their analysis it shows they have more than adequate parking. He stated that there is plenty of capacity for the number of drop off and pick up spaces on site. He stated that the findings of the report are that the Primrose School is not going to have an adverse or significant impact on what is out there today on the road. He noted that there will be a few more vehicles on the road.

Ms. Love reviewed some comments from the August 8, 2022, Planning Board meeting. She explained that the Planning Board was concerned about the 12 percent grade and asked the Fire Department to review; the Fire Department submitted a letter that they do not have any issues. The Planning Board requested the applicant provide an area for snow storage; one area has been provided. The Planning Board requested fencing around the basin in the rear. The Planning Board requested they provide reinforced concrete detail; the applicant added it to the plans. The applicant should show the abutting structures on the site plan. The applicant has gone to the Design Review Commission and received a recommendation. She stated that an ANR plan will need to be filed to combine the lots prior to construction, and a traffic impact assessment has been submitted by the applicant. She stated that BETA has completed their traffic review, and there are no outstanding items.

Mr. Maglio stated that the plan called for HDPE pipe rather than reinforced concrete as required, the stormwater report did not have the peak rate of stormwater runoff, and the concrete curb needed to be addressed.

A BETA representative stated that everything they had commented on has been taken care of by the applicant. Another BETA representative stated that regarding comment SW18, the above ground infiltration basin needs to have a little more storage volume.

Planning Board members asked questions and made comments. Mr. David asked if the Mansfield facility was at full capacity. Mr. Kline stated that the Mansfield facility had a maximum of about 190 children, is currently licensed for 130, has about 95-100 enrolled, and on that day 87 children attended. Mr. David stated that from the aerial photos, the parking lot seemed slim. Mr. Mello asked about the age range. Mr. Kline stated that the age range is 6 weeks of age to 12 years. Ms. Williams commended the applicant for making the parking changes. She asked that on the plan north, are the parking spots safe, and is there enough clearance to turn right to go back up the hill. She stated that she thinks the safety issues have been addressed. Ms. Wierling stated that she wants to make sure the outstanding drainage and stormwater comments are addressed. Chair Rondeau asked that when they get their license from the state, what is their level.

Mr. Matt Taylor, Site Acquisition Director for Primrose Schools, stated that this facility will be licensed about the same as for Mansfield. He discussed that Mansfield was only licensed for 130 and noted that currently staffing is a significant issue. Chair Rondeau suggested the applicant get together with Mr. Maglio and BETA to go through the list of outstanding items. He stated that this will be continued to the next Planning Board meeting. Mr. Kline agreed.

Ms. Love stated that the applicant requested two waivers; one is for the HDPE pipe and the second waiver is for light spillage beyond the property line. Chair Rondeau stated that the RCP pipe was part of the rules and regulations. He stated that the light spillage was for safety so that waiver would be fine.

Motion to Continue the public hearing for 700 Union Street, Site Plan Application, to November 7, 2022. Rondeau. No Second Made. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

Motion for a five-minute recess. David. Second: Rondeau. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

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

Ms. Love stated that she received an email from the applicant requesting to be continued to the November 21, 2022, meeting.

Motion to Continue the public hearing for 704 Washington Street, Site Plan Application, to November 7, 2022. Rondeau. No Second Made. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

B. Discussion: 121 Grove Street – Friendly 40B

Mr. Richard Cornetta, attorney, Mr. Robb Hewitt of Fairfield Residential, Ms. Janice Hurst of Fairfield Residential, Mr. Brian McCarthy of RJ O’Connell & Associates, and Mr. John Shipe of Shipe Consulting Group addressed the Commission for a proposed Friendly 40B application that has not yet gone before the ZBA. Mr. Cornetta stated that Fairfield Residential is a national real estate development firm. He stated that they are the group that completed the project on Dean Avenue known as Station 117. He noted that Franklin’s subsidized housing is over 10 percent; they are seeking the Town’s input on this project. He stated that the proposal is before the Conservation Commission and

they will appear before the Conservation Commission one more time. He stated that after the Planning Board, they will go before the Town Council; if successful they will request from the Department of Housing and Community Development (DHCD) for a project eligibility letter. At that point, they would then appear before the Zoning Board of Appeals and seek a comprehensive permit under M.G.L. Ch. 40B.

Mr. Shipe narrated a PowerPoint presentation. He stated that they have been doing local projects since 2000. Recently, they completed the Dean Avenue project, known as Station 117. He stated that it provides diverse housing options. He reviewed other projects in Massachusetts currently under construction. He reviewed the proposed project and stated that it is a new residential opportunity of one-, two-, and three-bedroom apartments with a clubhouse, lounge and study area, swimming pool, fitness and outside amenities. He stated that land planning and permitting is through the Friendly 40B comprehensive permit procedures. He stated that they are seeking insight from the Department of Planning and Community Development, the Technical Review Committee, the Town Administrator, the Planning Board, the Conservation Commission, and ultimately, the Town Council. He reviewed the comprehensive permit process. He stated that the Town of Franklin and Fairfield Residential jointly submit an application to the State for Site Eligibility, the first step in the comprehensive permit process. He stated that they would then go through the Zoning Board of Appeals application process. He said that working through this process would take six to twelve months. He reviewed the provided map and explained the location in relation to other properties, highways, trains/transit, shops, and services in Franklin. He stated that the existing property is undeveloped and consists of a mix of open fields, wetlands, and wooded areas. He stated that they are trying to create diverse housing options. He stated that 83 of the units would be subsidized housing. He stated that the parcel is 32 acres and in proximity to the state park. He stated that just south of this is the SNETT. He stated that they would like to connect the trail to the state park that they would be abutting. He explained that the proposal is for 330 units with the average unit size of about 1,000 sq. ft. He stated that they propose 528 parking spaces at 1.75 ratio. He reviewed that there would be a mix of four- and five-story building. He reviewed a concept plan that showed the wetland areas. He showed a concept rendering of the project. He reviewed the zoning table and the list of nine zoning waivers. He explained that they would be requesting waivers for the local conservation bylaw. He stated that the Fire Department provided a letter that they are fine with the building height. He discussed public benefits and impacts including roadway improvements, other infrastructure improvements, general public access to trails and open space, and paths connecting to the state park. He stated that with regard to traffic, they have not identified any major obstacles during the initial review. He stated that a detailed traffic impact analysis is to be prepared. He stated that other public benefits include diverse housing options, low impact to any infrastructure, environmentally friendly, and the entire project contributes to the net increase in housing alternatives and counts towards the Subsidized Housing Inventory (SHI). He stated that based on studies, they estimate 43 additional school-age children. He stated that the tax revenue is estimated at \$800,000 per year. He reviewed the abutters which includes, but is not limited to, the electrical substation, New England Power, and the state park. He reviewed the special permit criteria. He stated that diverse and affordable housing is the driver. He showed a few pictures from the Dean Avenue project. He stated that diverse housing options is job one. He stated that this housing will meet the long-term goals of the Town. He stated that they did not identify any major obstacles with regard to infrastructure.

Ms. Love gave an overview of how the Friendly 40B process was developed. Currently, Franklin Heights was approved and the second phase will be moving forward with 40-50 units. She stated that 237 Pleasant Street has a 40B through the state with 60 units with 100 percent affordable units. She stated that the Town decided to put together a process where a Friendly 40B can come in and show what they can offer to the Town. She stated that the applicants were before the Conservation

Commission and will return to the Conservation Commission again. She reviewed some of the waivers. She noted that the Dean Avenue project had all three-story buildings. She questioned how much of the open space on the site is not wet and how will the general public access the trails. She stated that her department is for affordable housing in the town; they have to make sure the benefits and everything is there for the Town and residents.

Mr. Maglio stated that he has seen the concept plans, but he did not do any kind of engineering review as they are just the concept plans at this point. He noted that the sewer system on Grove Street will need to be evaluated as part of the process.

Planning Board members asked questions and made comments. Mr. David asked about the 43 school-age children. Mr. Shipe stated that number is based on the entire complex. Mr. David asked if at some point the entire complex could become affordable. Mr. Shipe stated that they have designated 83 units to be affordable for people earning 80 percent of the median income. Mr. David asked about water use for the town; 330 units will consume a lot of water. Mr. Maglio stated that there are conservation plans in place regarding water and getting water to the site. Ms. Wierling reviewed her questions and concerns which included that 330 units is large especially with the number of wetlands on the site. She noted the many waivers being requested and asked what would the building development look like without the waivers. Mr. Shipe stated that would require a detailed study. He noted that it is an industrial zone. She asked if they really needed to have the building right up against the street. Chair Rondeau clarified that what Ms. Wierling is asking is what they could put in this zone without the waivers. Mr. Shipe stated that if you are going to disturb land and create impervious, then five stories make a more efficient building than four stories. He stated that five stories and 330 units is the sweet spot. Ms. Wierling asked how much it costs for an average student in Franklin and how much it costs for police and fire to respond for emergency services; would that offset the revenue? Mr. Shipe stated that Mr. Mark Fougere, the planner on this project, would know. Ms. Wierling stated that her big concern is waiving the site plan review. Ms. Williams stated that she had some overall concerns. She wanted the Town to consider that this project as proposed would significantly change the experience of the Franklin State Forest. She stated that buildings 5 and 4 are proposed on the lot line. She noted the significant clear cutting that would be required and the height of the buildings being proposed is unlike anything that is in Franklin. She stated that people would be able to see all of this from the forest. She stated that this site slopes up and tall buildings are being proposed making them seem even taller. She stated that she has a hard time with this project being compared to the Dean Avenue project; they are apples and oranges. She stated that she agrees affordable housing is needed in Franklin; however, the scale being proposed on this site with wetlands and habitat, she would hate for that to get lost.

Chair Rondeau stated that the number of units at 330 is rather steep. He asked for the percentage of dry upland on the 32 acres. Mr. Shipe stated that it is about 6 acres of wetland and 25 acres of upland. Chair Rondeau suggested the parking lot in the front and the building in the back. He stated that five stories are very tall. He noted the traffic for the 330 units and suggested the applicant look into that. He stated that it is a concept plan that needs to be worked on. Mr. Shipe said that to move forward in a timely manner, they would hope to be before the Town Council in November. He stated that as design development continues, these are the types of things they can discuss with the ZBA. He stated that he does not think he heard anything deal-killerish. He stated that he thinks 330 units is the right number. Ideally, they would get a letter from this board to the Town Council with a thumbs up. Ms. Wierling said that in its current state, she is not able to do that. Ms. Wierling stated that the Planning Board has the November 7 and November 21, 2022, meetings to put their thoughts together in writing. Mr. Shipe confirmed that the applicant will not be submitting any new plans. Planning Board members agreed that two weeks would be good to review and consider.

Chair and Member Comments

Chair Rondeau stated that he received an email in reference to Bogan Estates and other subdivisions in town about the trees. He stated that he wants to make a recommendation to get all trees, sidewalks, aprons, curbing and everything in prior to CFOs because it seems like everyone is becoming an engineer after they move in; those are our regulations and they are there for a reason. Planning Board members informally agreed. Chair Rondeau asked Ms. Love to address that and said that maybe we can make some changes. Ms. love stated that it would be under the Subdivision Bylaw section 300; she stated that she can put together a draft for the Planning Board to review and then have a public hearing.

Ms. Love stated that there is an ongoing court case with the Franklin Learning LLC vs. Planning Board. She asked if the Planning Board would be available for an executive session at the November 7, 2022, meeting at 6 PM. Planning Board members confirmed they can attend for 6:15 PM.

Motion to Adjourn the Planning Board Meeting. Rondeau. No Second Made. Roll Call Vote: Rondeau-Yes; David-Yes; Wierling-Yes; Power-Yes; Williams-Yes. Vote: 5-0 (5-Yes; 0-No).

Meeting adjourned at 9:07 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

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