

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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## PLANNING BOARD

### February 27, 2023 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, 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. Endorsement: 160 Grove Street - Limited Site Plan Modification**

Ms. Love stated that the applicant had been before the Planning Board for some site changes. The applicant provided the amended Limited Site Plan, architectural plans, response letter to BETA along with elevation response and memo from BETA.

Mr. Maglio had no comments.

Chair Rondeau asked if this was the site that was going to get a well. Mr. Maglio stated that the applicant has connection to the town water main for domestic and fire protection; they are before the Town Council for a sewer extension.

***Motion to Endorse the Limited Site Plan Modification for 160 Grove Street. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

#### **B. Meeting Minutes: January 9 & January 23, 2023**

***Motion to Approve the Meeting Minutes for January 23, 2023. Rondeau. Second: Power. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Approve the Meeting Minutes for January 9, 2023. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

#### **C. Appointments: Master Plan Committee (2) & Davis-Thayer (1)**

***Motion to Recommend to Appoint Ms. Williams and Mr. Power to the Master Plan Committee. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Recommend to Appoint Chair Rondeau to the Davis-Thayer Committee. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:05 PM

**PUBLIC HEARING** – *Initial*

***Prospect Hill Estates***

Definitive Subdivision Plan

*Documents presented to the Planning Board are on file.*

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

Ms. Love reviewed that this was originally before the Planning Board and it was denied; it then went to Land Court. She reviewed that Land Court remanded the subdivision back to the Planning Board with specific conditions which are included in her memo dated February 13, 2023. She stated that the applicant is requesting a waiver from Section 300-10.B(4)(b). She stated that the applicant included a second waiver that the applicant would like to be included in this decision from Section 300-10B(4)(d) that states road right-of-way including cul de sacs will be set back at least 20 ft. from Town lines. She discussed that the two waivers and agreeing to the subdivision need to be voted on.

Chair Rondeau asked if the roadway that will be built in Franklin will meet the Town's bylaws and standards. Mr. Maglio stated that based on the agreement, it will be a private roadway; the DPW will permit construction of that. The roadway will remain private and there will be no maintenance to be done by Franklin in the future. He stated that drainage is reviewed as part of the permitting process of the DPW. He stated that the DPW would inspect it for the work within the Prospect Street right-of-way, but not when it is on private property. He stated that the DPW will be looking at the drainage structures to make sure nothing is coming back onto Prospect Street.

Mr. Michael Legenza, Lake Street (via Zoom), stated that he attended the meeting the last time when this subject came up and there was denial for access to use the road into Bellingham. He stated that there were a lot of questions relative to how that area would be maintained in terms of plowing, police, and fire. He discussed that it seemed to get so complicated that it did not make sense to go that route. He stated that additionally, if you walk back into that area, which is Bellingham property, there are significant wetlands back there where the pond area is. He stated that we abut that area and there is a lot of flooding there; we have concerns as to what might happen putting those 11 units in there. He stated that it is his sense that the builder is not thinking about the neighborhood. He stated that he hopes the Planning Board is taking all this into consideration.

Ms. Love reviewed what was discussed with the attorneys. She stated that the roadway will always remain private and be maintained by homeowners and the Town of Franklin will never have any responsibility to maintain it. She stated that the developer will execute a private road covenant with the Town and establish a homeowner's association, both documents to be recorded. She stated that for the portion that is in Franklin, there are no wetlands; the conservation will have to be addressed in Bellingham.

Mr. Legenza stated that five years down the road when the people move into these homes, and they get tired of paying the homeowner's fees, how do we contend with this situation. He stated that there are a lot of moving parts to this that have frustrated the neighbors over the years. Chair Rondeau stated that there are public hearings on this in Bellingham, and Mr. Legenza may want to voice his opinion at those meetings. Mr. Legenza questioned that at the last Planning Board public hearing the request was denied, but it seems like that has been overturned. Chair Rondeau confirmed that it was overturned by the courts. Ms. Wierling stated that it is in the hands of the Bellingham Planning Board and Conservation Commission; she is not sure where they are in the process. Mr. Legenza stated that he understands the courts made a decision, and we have to abide by that.

***Motion to Close the public hearing for Prospect Hill Estates Definitive Subdivision Plan. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

Chair Rondeau stated that the Planning Board will vote on this at the March 13, 2023, meeting.

7:10 PM        **PUBLIC HEARING** – *Initial*  
***Zoning Amendment 23-891***  
Lincoln Street Map Amendment  
*Documents presented to the Planning Board are on file.*

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

Ms. Love reviewed that they have been doing cleanups to the zoning map for a few years. She explained that several parcels end up having more than one zone from when the zoning map was created. She stated that a memo explaining this item and a map showing the proposed zoning map changes are included in the Planning Board's meeting packet. Planning Board members asked questions. Ms. Love stated that property owners have been notified that this is taking place. She confirmed that this included about 30 properties. She stated that they are not making any parcels non-conforming. She explained that when they have been going through this process for zoning map amendments, they try to be consistent with the lot size and what would fit in with the area, and they try to be more lenient when assigning the zone. She stated that the majority are going to single-family III. She stated that they are trying to make it more compatible. She stated that some of the residents have come in to talk about their zoning and what is going to be changed.

***Motion for a Recommendation to Town Council for the proposed zoning map changes for Amendment 23-891 for Lincoln Street Map Amendment. Wierling. Second: Williams. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain).*** (Chair Rondeau abstained.)

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

Ms. Love reviewed that this site has been before the Planning Board for some time. DPW is all set with this and Mr. Crowley is available via Zoom. She reviewed that the applicant is proposing to demolish an existing house and construct two new group homes. The applicant is not required to file with the Conservation Commission. The applicant is exempt from zoning under the Dover Amendment which would allow one residential structure on a lot in RRI. She noted that comments from the January 23, 2023, Planning Board meeting include that the Planning Board requested less tree clearing along the back of the property which the applicant has provided, and the Planning Board requested the abutting structures be shown on the plan. She stated that it was not added to the plan; however, a map of our GIS showing abutting structures has been provided.

Mr. Maglio stated that all of his previous comments have been addressed; he has no further comments.

Mr. James stated that all his comments have been addressed. He stated that the basins have been modified as requested. He stated that the only thing they have left is perhaps a condition that they give the Planning Board a final layout of the grading.

Mr. Edward Cannon, attorney on behalf of Amego, Inc.; Mr. Andy Armington on behalf of Amego; Mr. John Randall, President of Amego, Inc. (via Zoom); and Mr. Adam Hunt of Level Design Group (via

Zoom) addressed the Planning Board. Mr. Cannon stated that most of changes were plan changes. Mr. Hunt stated that there was nothing new to add. Chair Rondeau stated that one of the abutters is present and his concerns were tree clearing, infiltration basin, etc., and that has been corrected.

Mr. Mark Seifert, 7 Jefferson Road, stated that he appreciates all of BETA's work. He stated that he appreciated that the second bioretention basin is now more of a kidney shape meaning there is very little chance of runoff affecting his property. He stated that he has spoken to Mr. Randall many times. He stated that he and other neighbors wanted to continue the vegetative buffer between the properties and it seems that most of the plans allow that. He stated that he is wondering if during the process of construction there is degradation to our mutual properties, will there be replanting or some sort of mitigation after-the-fact that he can count on.

Mr. Maglio stated that as far as anything during construction such as erosion or if anything does get degradation, the main thing for him is it gets stabilized. He stated that he does not think there is any specific requirement for the applicant to replant trees; it might be more of an agreement between the property owners.

***Motion to Close the public hearing for 704 Washington Street, Site Plan Application. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

Chair Rondeau stated that he wanted to make a motion to vote on this. He stated that he thinks the applicant was requesting one waiver for a little bit of light spillage. Mr. James confirmed there was a waiver for a little bit of light spillage on the street. Chair Rondeau stated that he believed that if it was too much, it was going to get addressed later on. He stated that he thinks we just grant the waiver because the students there as well as Washington Street, I think can't use not enough lights sometimes because people drive awful fast on that road.

***Motion to Waive light spillage as shown on the plan and if there are any complaints the applicant will address it, for 704 Washington Street, Site Plan Application. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

***Motion for Condition of Approval for 704 Washington Street, Site Plan Application, the final layout plan should be provided to the Planning Board prior to the start of construction. Wierling. Second: David. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Approve 704 Washington Street, Site Plan Application. Wierling. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:20 PM      **PUBLIC HEARING** – *Continued*  
                 ***515 West Central Street***  
                 Site Plan Application  
                 *Documents presented to the Planning Board are on file.*

Ms. Love stated that the Planning Board has reviewed this several times. She stated that at the last meeting they discussed having the applicant come back with more concrete information. The two attorneys have worked together to come up with a special conditions plan and there is also a traffic management plan design that goes with this.

Mr. Edward Cannon, attorney for the applicant Franklin Learning RE Inc., stated that pretty well sums it up. He stated that he worked with the Planning Board's counsel to come up with a set of final conditions that are before the Planning Board now. He stated that he thinks the Planning Board's concern was what

happens when they get to 100 percent. He stated that they basically mirrored the earlier language so when it gets to 100 percent the applicant will notify the Planning Board and it will start the clock ticking and then the same process.

Town's counsel, Attorney Brian Winner, stated that is an accurate statement. He stated that they reviewed the special conditions one more time mechanically to make sure it flowed the way they wanted it to flow and he thinks they got to that point.

Ms. Wierling stated that she thinks there is a typo in the traffic management plan as it indicates 11 spaces and in the special conditions plan it spells out 12 spaces. Mr. Cannon asked Amanda or Josh to check this for whichever one is correct and he will rely on them for the answer. Chair Rondeau asked that whichever one it is, please make sure it is consistent. Mr. Cannon stated that he would make sure it matches.

Ms. Williams stated that she wanted to confirm that the hours are noted in the document and that normal operation is between 8 AM and 6 PM. She stated that she wanted to confirm that should those hours change for any reason whatsoever, that the traffic volumes during peak hours are adjusted accordingly and the Planning Board is notified of any operational hour changes. Mr. Cannon stated that they would have to come back to the Planning Board to modify that.

Mr. Power stated that he wanted to clarify the waste removal process and noted that they had talked about putting a gate there. He asked if anyone talk to Wendy's about cutting through their parking lot. Mr. Cannon stated that was a question that was raised last time. He stated that with the subdivision design, that is a right-of-way through there. Mr. David asked about the dumpster. He requested confirmation that the truck will enter through the Wendy's parking lot to pick up the dumpster, or is it going to come on the daycare property and then do it. He stated that he wants to see the road in the back stay as emergency access only. Mr. Cannon stated that there are two plans. He stated that the traffic management plan does state per the traffic consultant's recommendation that it is emergency access only, but per the plan for trash disposal all along it is to access around the building, get the trash, and then go right out through the Wendy's. Mr. David stated that he did not remember that the trash truck was going through the emergency access all along as they are impervious pavers; the Planning Board does not allow trash trucks to go over impervious pavers, only emergency vehicles. He stated that if it is going to exit through Wendy's, would not the Wendy's need a Limited Site Plan Modification because you are changing the use. Mr. Cannon stated no, not at all. He stated that from the early stages of this concept, it was settled on the trash disposal around the building to pick it up and keep going through the Wendy's. He stated that in terms of the access through the Wendy's site, that part of the approved subdivision, that is an access easement that is already in place. Mr. David asked if there is any way we can prove this as he does not recall that at all. Ms. Love confirmed the access through Wendy's is on the original subdivision plan that was approved in 2013 that showed an access to this property through Wendy's.

Chair Rondeau commented about the dumpster location. He asked if it is something we can evaluate during the traffic study if need be. He asked if it feasible for the trash truck to exit back out through the daycare center. Mr. Cannon stated that it is something that can be considered as an option. Mr. David stated that the picking up of the dumpster as this abuts the condos cannot not be done before 7 AM. He stated that at one time he thinks there was an issue with trash pickup prior to 7 AM at the Wendy's. Ms. Love stated that Wendy's does have a special condition when they were permitted that the dumpster pick up was to be between 7 AM and 11 AM or mid-afternoon. Mr. David stated that he would like to see the same thing happen as it would not be fair to the abutters to have this place have trash pick up prior to 7 AM. Mr. Cannon stated that is no problem. Ms. Williams stated that if they were going to set that as a condition, it would have to be extremely specific to address the concern of the safety of the children in the parking lot. Chair Rondeau that stated this should be evaluated during the traffic study. Ms. Love asked how often the trash gets picked up at the daycare. Mr. Cannon stated that he did not know but could get

the answer. Mr. Josh Kline, traffic engineer (via Zoom), stated that it is typically one to two times per week. Ms. Love asked if it was possible to do trash pickup on the weekends when there are no children at the daycare center. Mr. Cannon stated that his concern would be the remote control gate which was going to be operated by the staff to make sure it closes. He stated that he is sure his client would be very accommodating. Ms. Williams stated that they could try to have it outside of the pick up and drop off hours. Chair Rondeau stated that this should be part of the traffic study to make sure it works.

***Motion to Accept the document of the decision between the Town and the applicant and with the additional notation for the traffic and dumpster to be evaluated as part of the traffic assessment, for 515 West Central Street, Site Plan Application. 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 7:51 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

***--Planning Board approved minutes at April 24, 2023 Meeting***