

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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

### November 20, 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 dialing into the meeting using the provided phone number or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; Beth Wierling, Vice Chair; Jennifer Williams, Clerk; Jay Mello; Christopher Stickney (via Zoom). Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Gary James, BETA Group; Matthew Crowley, BETA Group (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. Elect Officers

*Motion to Elect Beth Wierling as Vice Chair by Rondeau. Second: Williams. Roll Call Vote: Rondeau-YES; Wierling-Did not state vote; Williams-YES; Mello-YES; Stickney-YES. Vote: 4-0-0 (4-Yes; 0-No).*

*Motion to Elect Gregory Rondeau as Chair by Wierling. Second: Williams. Roll Call Vote: Rondeau-YES; Wierling-YES; Williams-YES; Mello-YES; Stickney-YES. Vote: 5-0-0 (5-Yes; 0-No).*

*Motion to Elect Jennifer Williams as Clerk by Rondeau. Second: Mello. Roll Call Vote: Rondeau-YES; Wierling-YES; Williams-YES; Mello-YES; Stickney-YES. Vote: 5-0-0 (5-Yes; 0-No).*

#### B. 2024 Meeting Dates

*Motion to Accept 2024 Planning Board Meeting Dates. Rondeau. Second: Williams. Roll Call Vote: Rondeau-YES; Wierling-YES; Williams-YES; Mello-YES; Stickney-YES. Vote: 5-0-0 (5-Yes; 0-No).*

#### C. 81-P ANR Signature

*Motion to Approve Chair Rondeau as 81-P ANR Signing Authority. Rondeau. Second: Wierling. Roll Call Vote: Rondeau-YES; Wierling-YES; Williams-YES; Mello-YES; Stickney-YES. Vote: 5-0-0 (5-Yes; 0-No).*

#### D. Bond Reduction: Countryside Estates

Ms. Love said reviewed that the current bond is held in a Tripartite Agreement with the Town of Franklin in the amount of \$54,961.00 for September and October Drives. She said the applicant has requested a bond reduction; BETA has provided a cost-to-complete along with a detailed list of items and pictures. The applicant has provided a letter regarding tree plantings. She stated that based on BETA's observation report, the cost-to-complete is \$39,200.00.

Mr. Maglio stated that he had no issues.

Mr. Crowley reviewed the bond reduction. He said the applicant has continued to complete outstanding work items and most recently completed the sidewalk, driveway, and curb along the frontage of Lot 1 and

performed maintenance on the stormwater basins. He said the subdivision is substantially complete. He reviewed a number of punch-list items that should be addressed. He noted that the bond amount included some landscape items that were previously discussed before the Planning Board, most notably the number of trees provided throughout the subdivision and the slope treatment. He said if the Planning Board was satisfied with the number of trees and slope treatment, the bond reduction would be down to about \$4,000.00. He noted that the applicant has not done an as-built and the roadway has not been accepted by the Town.

Chair Rondeau asked for additional information on the trees. Mr. Crowley explained the approved plans called for 56 trees throughout the development. He said he thinks approximately 32 trees were installed. He said they exceed the number for the development which is three trees per lot for a total of 27; however, they do not meet the number shown on the approved plans. Mr. Mello asked if the homeowners were asked if they want the trees.

Mr. Joel D'Errico, applicant, said that Heritage Design who did the subdivision for him in 2004 over stamped the number of trees on the plan, and it got by him. He said that he did not think he would have to go for a subdivision modification as he just adhered to the three trees per lot. Chair Rondeau asked if Mr. Crowley was comfortable with the three trees per lot. Mr. Crowley said it looks good out there, and he has no issue with it.

Mr. D'Errico explained that the northerly side of September Drive is a severe slope. He discussed the deed and infrastructure that he will be giving to the Town. He discussed that he did not grass the area as the Town would not mow it; the land is not owned by anyone. He showed pictures of another subdivision that was mulched due to the slope. Discussion commenced on the slope and woodchips. Chair Rondeau said he was comfortable with that. Mr. Maglio said he had no concerns about erosion.

Mr. D'Errico said he thinks he will be able to wrap this up in the spring. Discussion commenced on the amount of the bond reduction depending on what is left and considering a usual minimum amount.

***Motion to Approve the Bond Reduction for Countryside Estates for a bond total of \$10,000. Rondeau. Second: Wierling. Roll Call Vote: Rondeau-YES; Wierling-YES; Williams-YES; Mello-YES; Stickney-YES. Vote: 5-0-0 (5-Yes; 0-No).***

#### **E. Endorsement: 122-138 East Central Street**

Ms. Love said the Planning Board voted to approve the site plan for 122-138 East Central Street on October 23, 2023. She said the Certificate of Vote has been added to the site plans. She said she has been told the easements have been established.

***Motion to Approve the Endorsement for 122-138 East Central Street. Rondeau. Second: Williams. Roll Call Vote: Rondeau-YES; Wierling-YES; Williams-YES; Mello-YES; Stickney-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:00 PM      **PUBLIC HEARING** – Continued  
                 ***Uncas Avenue***  
                 Special Permit & Site Plan Application  
                 *Documents presented to the Planning Board are on file.*

Mr. Rob Truax of GLM Engineering stated that since the last meeting they submitted a revised plan. He said they rearranged the units to eliminate the common drives. He said they did a drainage study and traffic study which went to review. He said he is just reading the BETA comments. He said he does not have anything else to add this evening.

Ms. Love stated that the Planning Board was concerned about the common driveways; however, the applicant has addressed that. She said that the Planning Board expressed concern that there is no turn around at the end of the street for trash trucks and delivery trucks.

Mr. Maglio stated that he reviewed the drainage and had conversations with Mr. Truax. He said that the original project was a much bigger design than the project that got approved. He said that even with this increase in impervious area going from duplexes to triplexes, they are still under the original design for the drainage system. He said it is big enough to handle any increase on their current proposal.

Mr. Crowley said there were two major concerns from the Planning Board at the initial hearing. He stated that one was the common driveways which have been eliminated. He noted that two of the driveways directly abut each other, so a small separation between them may be considered to define parking rights. He noted the Planning Board expressed some concern about traffic. He said a summary table was provided showing total daily trips and trips both AM and PM during peak hours from what was approved to what is showing now which is converting the duplexes to triplexes. He explained that 121 trips per day was approved, and now it is bumped to 135 trips per day. He said this was a negligible impact to traffic. He noted the stormwater review and that they defer to Mr. Maglio on that.

Ms. Wierling requested time to review the new information. Chair Rondeau asked Mr. Crowley to review the traffic information and the space between the two driveways. He said they would be looking at some sort of cul de sac for turnarounds. Mr. Truax said that there is a cul de sac for the roadway.

Ms. Donna Paradis, 9 Cook Street, said her property abuts the development on the east side. She said that of course there is going to be blasting. She said that the locations of the ledge are on the drawings. She said there are piles of rubble up there from blasting. She said the previous blasting representative said that they would be back for more blasting when the houses were starting. She said the application states that no homes are within sight or accessible from the Uncas Avenue Extension cul de sac. She said when she walks up there, she can see her house and neighbors' homes. She discussed the neighborhood area when they moved in, the change with the 55 and over units, and now triplexes. She reviewed the recently approved units in the area and said each will impact their neighborhood with traffic. She asked how much does one neighborhood have to bear.

Ms. Wierling discussed the traffic analysis and indicated the need for an analysis taking into account all other developments as mentioned by Ms. Paradis around this particular development. Mr. Truax said he thought the intention was that they were only looking from the 18 units to 27 units and how much impact that would have as a growth standpoint. He said he did not think they were obligated to do a full-blown traffic study of the whole area. He said they did one when they approved the subdivision. He noted the original plans were for approval of about 22 units for over-55 in approximately 2008. He reviewed the changes happening since then.

Ms. Wierling said the applicant is asking the Planning Board to approve a modification to do triplexes based on a traffic study from 2014 or 2008. She said a lot has been done in that area since then. Chair Rondeau asked the applicant to consider the new developments in the area. Mr. Crowley said it sounds like the Planning Board is asking for a full traffic study; that is more involved than the information being presented. Chair Rondeau said he would like to see a full one to accommodate all the additional buildings that are being built in the general area. Mr. Truax said they will have a traffic engineer reach out to BETA.

***Motion to Continue Uncas Avenue, Special Permit & Site Plan Application, to December 18, 2023. Rondeau. Second: Wierling. Vote: 3-0-0 (3-Yes; 0-No).***

7:00 PM

**PUBLIC HEARING** – *Continued*

**King Street Rezone**

Zoning Amendment

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

Ms. Love reviewed information from the letter from DPCD to the Planning Board dated November 15, 2023, which was provided in the meeting packet. She said there are two parcels on King Street that are currently in a residential zone; this has been through the Economic Development Committee who discussed rezoning it to the business zone. She said that Town Council recommended it to the Planning Board for a recommendation or no recommendation back to the Town Council. She said one parcel is vacant next to Fire Station #2 on King Street and next to that parcel is a residential house. The total area to rezone is 1.319 acres for the two parcels if they were to combine them. She noted the provided map. She noted there is a business across the street.

Director of Planning and Community Development Bryan Taberner said there have been many people commenting on this change. He said it would be a good opportunity to open it to the public and get their views. He said it is a small area, and there have been issues in the past with people trying to rezone the area; it is business zoned across the street. He said the location for the zoning change has been turned down a few times. He said the issue came up mid-summer or before for the potential to rezone it industrial. He said he would not recommend going to Industrial in that area, and if it is to be changed at all, he recommends Business zone. He noted the Town Administrator presented this to the Economic Development Committee.

Ms. Sally Grant, 660 King Street, said she is an abutter to the proposed. She said she wanted to correct a few things. She said the nursing home is not considered a business zone; it is a special residential. She said across the street is not another business zone; it is three residences. She said where the power lines are near I-495 is where the other business zones are. She said it is very much a residential neighborhood. She said she is not sure who submitted for this rezoning, but that should be transparent; she asked the Planning Board to provide that information. She said it shows Cumberland Farms is the current owner, but she does not think that is true; she noted that Cumberland Farms was the owner previously. She requested the information on who is the entity trying to develop the lot. She said it is a very busy street. She said a business there would create the traffic pattern to increase throughout the day. She asked if there would be a widening of the road. She said that whether it is to be a gas station or something else, there is a lot to consider before rezoning. She said a Special Permit would allow almost anything to go there. She said this would change the property values of the neighborhood.

Mr. Taberner said that he does not know who came forward with this, but he is assuming it is the current owner. Ms. Love said this came from the Economic Development Committee to the Town Council and is referred to the Planning Board from the Town Council.

Ms. Grant questioned that whoever asked for the application, is it not a public record. Ms. Love said she did not know if it is or is not. She said it came from Economic Development in a memo. Ms. Wierling said she thinks the Town recommended it; there was not a specific person that came forward and requested it. She said it is not knowledge that the Planning Board is aware of; that is more of a question for the Town Administrator to answer. Chair Rondeau said this is for the Planning Board to move it forward.

Mr. Greg Dellorco, 701 King Street, said he wanted to reiterate some of the things Ms. Paradis said. He said the traffic is unreasonable as it is, and it is all residential except for the nursing home and the fire station. He urged the Planning Board to think regarding changing this.

Ms. Michaela Duff, 680 King Street, noted Ian Duff and their daughter were at the meeting. Ms. Duff said rezoning is a bad idea and said she would provide an emotional plea to not rezone. She discussed the neighborhood and said it is a very residential area. She said they walk her daughter to school every day. She said she is concerned that what is going to be built next to the fire station would be a drive-through, a gas station, or a bar. She asked the Planning Board to consider who this amendment would benefit.

Mr. Ian Duff, 680 King Street, said that he provided a submission to the Planning Board. He read aloud from a prepared statement. He reviewed the 555 King Street development and said it was understandable; however, this amendment is not appropriate. He discussed the neighborhood and that it is all residential. He discussed the commercial development across from Stop & Shop and how it is different. He discussed that there is no precedent for this amendment in the Town's history. He said a business zone allows by right too many uses. He said he spoke to Mr. Joe Evans, the owner of the undeveloped parcel, when he learned of this. He said Mr. Evans would not share his vision for the parcel. He noted the current traffic in the area. He said he would do all he can to exclude fueling station and service station uses. He said he wants Mr. Evans to succeed in a way that supports public welfare and benefits Franklin. He discussed that he submitted an amendment to DPCD to replace this proposed amendment. He discussed that this is a small parcel, and it looks like spot zoning. He asked the Planning Board to consider this carefully. He asked the Planning Board to decline to recommend this amendment; let an improved amendment come back to them. He thanked the Planning Board for their consideration.

Property owner of 637 King Street said she bought this property in 2022. She said the land is directly across the street from her. She said she bought at the location as it was very residential. She said it is a very busy street. She said having this rezoned to be something like a gas station would greatly impact her. She is concerned about light and sound pollution and other hazards.

Ms. Wierling asked for the distance from the front of the house to the front of the property line across the street. Mr. Mello said about 105 ft. to the center. Ms. Wierling reviewed what is allowed in single-family III by special permit. She said the applicant would have the opportunity to do something commercial related. She said she would not support recommending this.

Chair Rondeau said he was going to recommend moving it forward. He said if anything were to get built, they would have to come back before the Planning Board. Ms. Williams stated that what can be built by right in a business district is very different than what can be built by right or special permit in a single-family III district. She said this would impact the residents on the street. She said she would not support changing the zoning.

Mr. Stickney stated that he would not have a vote as this is a continued hearing, and he was just elected; however, his concern is that taking a left turn out of the lots becomes a cause for concern regarding traffic. He said he would say residential and would not like opening the door for anything greater than what can already be done there.

Mr. Mello said he would out on this one. He discussed a daycare situation could go there.

***Motion to Recommend to Town Council the King Street Rezone, Zoning Amendment. Wierling. Second: Williams. Vote: 1-2 (1-Yes; 2-No).***

Mr. Joe Evans (via Zoom) said he was not recognized to speak; he could not find the raise-hand function on Zoom. He said he wanted to introduce himself. He said he owns the property; he purchased it from Cumberland Farms in September. He said he is a life-long Franklin resident and former Franklin police officer. He said he founded/owns East Coast Driving School in Franklin since 2010. He said he also owns

the former Friendly's site at 28 West Central Street. He said that site is next to the Franklin Fire Department, and it is zoned industrial. He discussed the zoning in the area and the property location. He said he understands there are residents who live on the street. He said let's keep the focus on this particular parcel and how it relates to the surrounding area; it abuts industrial property of the fire station and Dell/EMC. He said he does not have any particular plans for the site. He said he does not want to get ahead of ourselves and talk about what could go there and therefore we are not going to recommend a rezone. He discussed that the Economic Development Committee recommended this rezone and the Town Council unanimously recommended to send it to the Planning Board. He said there is public benefit to have this site rezoned. He said there is demand for tax revenue. He said this is certainly not a residential site.

***Motion to Close the Public Hearing for the King Street Rezone, Zoning Amendment. Wierling. Second: Williams. Vote: 3-0 (3-Yes; 0-No).***

Ms. Wierling restated her previous motion.

***Motion to Recommend to Town Council the King Street Rezone, Zoning Amendment. Wierling. Second: Williams. Vote: 1-2 (1-Yes; 2-No).***

Ms. Williams said that although it is near, on a map, other zoning districts, the access to those sites is not in the exact proximity and the access to this particular site is directly across from and next to residential parcels, and in her opinion, it should remain that way for multiple reasons that she stated previously.

Ms. Love explained that this will go to Town Council, and they will be having public hearings on it. Ms. Wierling noted that Town Council can either take or not take the Planning Board's recommendation.

7:00 PM        **PUBLIC HEARING** – *Continued*  
                  ***10 Kenwood Circle***  
                  Site Plan Modification  
                  *Documents presented to the Planning Board are on file.*  
                  ***TO BE CONTINUED***

Ms. Love stated that the applicant requested a continuance to December 18, 2023.

***Motion to Continue 10 Kenwood Circle, Site Plan Modification, to December 18, 2023. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).***

7:00 PM        **PUBLIC HEARING** – *Continued*  
                  ***Maplegate Solar South***  
                  Site Plan Application  
                  *Documents presented to the Planning Board are on file.*

Mr. Greg DiBona of Bohler Engineering said that he wanted to give an update as they have not been before the Planning Board in some time. He said the project continues to move forward. He said they have been having meetings with Bellingham as well to go through their Planning Board process and Conservation process. He said they will not be before Conservation until December 14. He said it would make sense to be continued to a time in January. He said that we want to make sure we have all the reviews and comments addressed. He noted some minor modifications were made and said all were improvements. Discussion commenced on the continuation date.

***Motion to Continue Maplegate Solar South, Site Plan Application, to January 8, 2024. Rondeau. Second: Wierling. Vote: 3-0 (3-Yes; 0-No).***

7:00 PM        **PUBLIC HEARING** – *Continued*  
                  ***3 Fisher Street***  
                  Site Plan Modification  
                  *Documents presented to the Planning Board are on file.*

Mr. Craig Ciechanowski, representing the applicant; Mr. Casey Killam and Mr. Rick Kaplan, owners; and Mr. Daniel Campbell, engineer of Level Design Group, addressed the Planning Board.

Ms. Love reviewed comments from the previous meeting and noted the applicant provided the requested items. She noted a letter was provided by the Fire Department which indicated they were all set with everything.

Mr. Maglio discussed a previous comment regarding a catch basin in the area of the three parking spaces on the northeast side of building 5. He was questioning how/what that was connected to; he wanted to verify the existing conditions plan and the connection. He said that with the modified design, it results in a reduction in impervious area, but as it is redevelopment, it still needs to meet the Town's stormwater bylaw related to the predevelopment design criteria. He said this needs to be shown.

Mr. James said they had a meeting with the designers. He said that regarding the parking spaces along Fisher Street, there is still a waiver required associated with two spaces and part of it was that originally there were 12 spaces. He suggested the Planning Board take a look at this. He noted the elimination of the retaining wall would reduce overall construction costs. He discussed the three spaces and said there was only a 13 ft. wide access going back to them. He discussed the spaces and said that there is a possibility to eliminate the requirement for a waiver with rearranging the spaces. He discussed the requirements of the bylaw regarding stormwater improvements especially associated with redevelopment and said the applicant must look at this and come up with some form of an infiltration system.

Mr. Campbell showed the plan and reviewed the areas having to do with drainage. He discussed the compliance with phosphorus removal, the drain lines that come into the property, the infiltration system, and the Town's discharge onto the property. He said the drainage area they are talking about is greater than 30 acres and less than 50 acres. Mr. Maglio noted the original proposal. He said he would need to discuss with the DPW director and Town attorney that they are meeting the bylaw in one form or another.

Mr. Campbell reviewed the two areas in question regarding the parking spaces. He explained that the driveway area does not require a waiver. Mr. James commented on the parking spaces and the turning. Mr. Campbell explained that they cannot stay where they are even if he turned them. He explained where the spaces could and could not go. He noted they are trying to control the truck turning. He explained where the entrance is in relation to the handicap spots.

Chair Rondeau told the applicant to work with Mr. James on the rearrangement of the couple of spaces and work on the balance of the drainage with Mr. Maglio. In response to Ms. Wierling, he said he wanted to make sure the drainage is squared away so it would be a continuance. Mr. Campbell explained the only other option for drainage in case the Planning Board wanted to vote on this tonight. Ms. Wierling asked Mr. Maglio his thoughts on closing the hearing tonight with conditions. Mr. Maglio stated his thoughts. Ms. Wierling said her opinion is that the applicant and the engineers can work it out as a condition of approval. Ms. Williams said she agreed. Chair Rondeau said he did not want to leave too much on the table and make sure they are all set and continue it for two weeks.

Attorney Ciechanowski said that they can comply with the comments made. He said he thinks the Planning Board can close the hearing and vote knowing that they can comply. Chair Rondeau said he wants to make sure they are on the same page. He said the parking and drainage are the last two issues. He will close and vote in two weeks. Attorney Ciechanowski reiterated that the Planning Board can close the hearing and be compliant. Chair Rondeau said they will close and vote at the next meeting. Ms. Wierling discussed her opinion about closing tonight. Ms. Love discussed the Planning Board closing tonight.

***Motion to Close 3 Fisher Street, Site Plan Modification. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).***

Chair Rondeau congratulated Mr. Mello for moving from an associated member to a full member of the Planning Board, and he welcomed Mr. Stickney as a new member of the Planning Board.

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Roll Call Vote: Rondeau-YES; Wierling-YES; Williams-YES; Mello-YES; Stickney-YES. Vote: 5-0-0 (5-Yes; 0-No).***

***Meeting adjourned at 8:35 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

***--Planning Board approved minutes at January 8, 2024 meeting***