

Town of Franklin

355 East Central Street
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PLANNING BOARD

December 18, 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. Members absent: None. Also present: Amy Love, Planner; Matthew Crowley, BETA Group.

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. Decision: Balsam Estates Preliminary Subdivision

Ms. Love confirmed that the applicant would like to withdraw without prejudice. She stated the Planning Board must vote to accept the withdrawal.

Motion to Accept the Withdrawal of Balsam Estates Preliminary Subdivision. Rondeau. Second: Wierling. Vote: 3-0 (3-Yes; 0-No).

B. Field Change: 515 West Central Street

Ms. Love reviewed that the applicant requested the following field changes: to allow for the installation of permeable pavement in place of the previously proposed Stormcrete pervious pavers north of the building, and slight changes to the retaining wall for which plans are provided. She stated that BETA has provided a report. She stated that the applicant must go before the Conservation Commission as well.

Mr. Crowley noted that previously BETA did a high-level review of the retaining wall. Since then, the engineer of record issued a response indicating those issues have been addressed. He stated that he does not have any additional review of the wall to perform. He reviewed his comments on the pervious pavers for access around the backside of the building for waste collection and fire access which were outlined in his memo to the Planning Board dated December 13, 2023, provided in the meeting packet. He noted that the most critical item for construction is the retaining wall. He stated that the Conservation Commission heard this item last week and approved the retaining wall.

Mr. Mike Hassett of Guerriere & Halnon, Inc. and Mr. Ben Stone of The Stukel Group addressed the Planning Board. Mr. Hassett showed the plans and reviewed the replacement of the pervious pavers. He discussed the full wall design.

Planning Board members asked questions. In response to questions, Mr. Crowley explained that this will now be a porous pavement-type surface. Chair Rondeau asked the applicant to have the Conservation Commission document with a letter the change of asphalts and make sure it is followed though. He asked for test reports and inspections for the back fill and back of wall. He questioned that the applicant has more than the allowed 8 ft. design maximum for the wall. Mr. Hassett stated that it is a tiered wall and

explained the tiered wall system and height. He said he did not do the wall design. He said that no individual section of the wall is more than 8 ft. Chair Rondeau asked him to double check. He said there should be a fence on top of the wall. He said he wants to make sure it is on the drawing as well. Mr. Hassett said yes. Mr. Stukel said it would be a 6 ft. vinyl.

Mr. Stickney asked if there would be any markings on the pavement such as do not enter to indicate for emergency access only. Mr. Hassett said he believes so. Mr. Stone reviewed the access.

Ms. Love recommended putting together a list of the items the Planning Board discussed and coming back when it is all together to present before the Planning Board under General Business. Mr. Hassett requested the Planning Board authorize the work on the wall, so there will not be a work stoppage. He said they will continue to address BETA's comments. Mr. Crowley agreed. Mr. Hassett confirmed the wall has been approved by Conservation Commission.

Motion to Allow the applicant to move forward with the wall portion of their field change, but come back to the Planning Board with further details, for Field Change for 515 West Central Street. Wierling. Second: Williams. Vote: 3-0 (3-Yes; 0-No).

C. Partial Form H: 115 Constitution Boulevard

Mr. Chris McCarthy of Highpoint Engineering stated that there is some work to be completed in the spring, but the client would like to get moving on the Partial Form H.

Ms. Love reviewed that the Planning Board approved a Site Plan for 115 Constitution Boulevard on July 25, 2022. The applicant submitted a Partial Form H for the additional parking, landscaping, and site improvements. BETA reviewed the as-built plans and submitted a comment letter. She stated that the applicant is here for a Partial Form H to get a temporary occupancy permit for the building. She said BETA went to the site and provided a report.

Mr. Crowley reviewed items addressed and items that need to be addressed as outlined in his letter to the Planning Board dated December 12, 2023, which was provided in the meeting packet.

Chair Rondeau asked about the schedule of completion for the re-stripping of the existing parking lot to be done in the spring, but is indicated on the plans as September 15, 2024. Mr. McCarthy explained this area is adjacent to the temporary trailers, and the applicant did not want to stripe until all work was done. Chair Rondeau said he would like the striping to get done sooner rather than later. Mr. McCarthy confirmed the bollards were delayed, but they are going to do it tomorrow.

Motion to Approve the Partial Form H for 115 Constitution Boulevard. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).

D. Partial Form H: 332 East Central Street

Ms. Love reviewed that the Planning Board approved a Site Plan for 340 East Central Street on October 5, 2020, that included two residential buildings and commercial/retail space. The applicant submitted a Partial Form H for the residential building at 332 East Central Street, also referred to as "Building B." BETA reviewed the as-built plans and submitted a comment letter. She reviewed that the applicant will provide a verbal update based on BETA's observation report on improvements that have been made.

Mr. Crowley stated that they reviewed the site several times and have provided a list of items which includes both typical safety items on a Form H as well as outstanding items. He said this list was provided to the applicant last week. He stated that he understands that since then the applicant has addressed quite a few of the items. He stated that he has since provided an updated comment letter which he reviewed. He

noted one critical item was that they had not striped the crosswalk from the buildings over to the retail area; they have striped them now, so you have a full accessible route. He discussed items remaining to be addressed. He noted that the pictures provided in the report have not been updated with any of the new work.

Ms. Wierling noted the completion list of the outstanding items and that all that is left is the as-built review for the Form H final, but it seems to her that there are still some outstanding issues that are listed with BETA, so she thinks that should be updated. She said that it is saying that all the work left is a Form H which is inaccurate based on the list from BETA. She said she does not want to approve something that does have outstanding items. She asked Mr. Crowley if in his opinion are there any life safety issues right now that stand out as not being completed yet, or have they been updated. Mr. Crowley said nothing apparent, and it seems like a safe site.

Chair Rondeau said this is for only Building B. Mr. Joe Halligan said they would have had 99 percent of this done had it not rained today. He said he would like to get permission from the Planning Board regarding behind the dumpster is a 20 ft. to 25 ft. length double or triple dumpster pad totally enclosed with vinyl fence and a foot and a half behind that we have a chain link with the black slats and you literally have this much behind you to force a couple of shrubs behind you, but there is all rip rap behind there, and it is nice now, and it would not work to put shrubs back there. Chair Rondeau said he is fine with that as long as there is rip rap behind it. Mr. Halligan said that other than that, everything else will be taken care of, and this is just a partial, so when we come back for a final, Guerriere & Halnon has 99 percent of the as-built finished and we project to be back here in 30 to 60 days to finalize the whole site with everything done.

Chair Rondeau said the white trim has a purplish tone to it. Mr. Halligan said he did not know.

Motion to Approve the Partial Form H for Building B at 332 East Central Street, with the conditions of Mr. Crowley's most updated BETA report of December 12, 2023, showing the differences, just being added to the outstanding items. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).

E. Limited Site Plan: 238 Cottage Street

Ms. Love reviewed that the site is located at 238 Cottage Street located in the Industrial zoning district and was originally known as 34 Saxon Street and also known as Downtown Sports. She reviewed that the proposed project includes adding a fenced-in area for a playground. A review letter has been received from DPW, and BETA was not asked to review the plan. She reviewed that the Planning Board previously approved allowing a daycare to be located at the site. The approval contained a condition if any change in use to the outside area, then they are required to file with the Planning Board. She noted a comment from Town Engineer Michael Maglio in his letter to the Planning Board dated December 11, 2023, which said it is noted on the plan that the trees and existing curb are to be removed; it was not clear which curb and if any of the paved area would be also removed.

Mr. Mike Hassett of Guerriere & Halnon, Inc. said they were before the Planning Board for permission to construct an outside play area along Cottage Street. He reviewed the plans and showed the location. He noted that the existing pavement would be removed for the play area.

Ms. Williams observed that this is a high circulation area and discussed that there is no sidewalk on that side of Cottage Street; so, they are forcing patrons to go out on Cottage Street to get to the front door of the building. Mr. Hassett said they would not need to do that as they could walk through the parking area. Ms. Williams said no one is going to walk on the back side of the building. She said she does not think it will be safe to eliminate the pedestrian pathway from the parking on the right side of the site or the east side of the site to get to the front door.

Mr. Richard Frongillo said he was familiar with the space. He said the hours for the preschool are when there is no other activity going on, so your biggest concern about other traffic going on there is relevant at different times of the day, but not at the time that this would be used, so the intent of this project is that we would have good gates along that existing asphalt paved walkway, and that those would be allowed in off hours off preschool hours to continue the same flow that we have today. Ms. Williams asked about snow removal and the gates. Mr. Frongillo said they have to have safe passage from the parking lot as we do today. Ms. Williams asked for clarification of when the daycare hours end versus when indoor activities for the other areas for sports, etc., start, especially in the winter months like now after school, as there is overlap of the activities. Mr. Frongillo said there is no overlap as preschool ends at 3:30 PM and all programs start after that.

Mr. Mello asked if they are going to add any parking or vehicle protection along the parking side as right now it is only a 4 ft. vinyl fence and that cannot stop anything. Mr. Hassett said the protection from the Cottage Street side is a concrete curb. Mr. Mello said at least on the parking lot side they should have some sort of protection like bollards or something substantial. Chair Rondeau noted a winery will be opening up soon. Mr. Frongillo said they will be drinking, but not at preschool hours. Chair Rondeau said he still wants bollards on the right side. He asked for the distance from the edge of the fence to the edge of the road, and he asked about the drop off area. Mr. Frongillo explained the drop off area. Mr. Hassett said the distance would be about 10 ft. to 15 ft. Ms. Williams reviewed how the children from the preschool would enter the play area. She asked if it could be flipped so that the play area is directly accessed from the daycare area. Mr. Hassett said it was mostly a matter of preference.

Mr. Frongillo discussed the doors being used during the preschool hours. Chair Rondeau asked that when the daycare is not open, the two gates are going to be open all of the time for people to cut through. Mr. Frongillo said yes. Chair Rondeau said chances are that somebody is going to shut the gates and somebody is going to walk out into the street and get clipped. Ms. Wierling asked that when the preschool is in session and the kids are in the playground area, do the gates have to lock or can they remain unlocked. Mr. Frongillo said they can remain unlocked.

Ms. Wierling asked for confirmation that there were no overlap hours. Mr. Frongillo said in the busiest times of year the program start time is 4 PM. Ms. Wierling confirmed there is one-half hour between the two. She asked what happens during school vacation weeks for programs. Mr. Frongillo said they only have programs during school vacations when preschool is not active. He said the issues she is digging into about times between, we deal with that every day all day with people coming and going for different programs. Ms. Wierling said she was a little concerned about the gates. Mr. Frongillo said the play space is not used all day. Ms. Williams asked about a continuous sidewalk. Chair Rondeau said he was thinking the same thing. He said he would like to see a sidewalk to the outside of the fence.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. (via Zoom) shared her screen and reviewed and showed the proposed play area and discussed the location, surrounding area, and Town-owned property area. She reviewed the number of children approved under the Limited Site Plan in 2022 for the change in use.

Mr. Stickney asked about closing off the area that accesses the street and if it would pose a problem if emergency access is no longer accessible from the street. Ms. Williams said panic hardware would have to be required on the actual gates of the fence. Chair Rondeau stated that to Mr. Stickney's point, how does the fire department get in. He said he has reservations about cutting that sidewalk off. He said you do not want to block that whole corner off with just fencing. He said he would like to see the sidewalk continue even if it swung out. Ms. Love confirmed that anything the applicant did not own, they would have to go through the Town.

Mr. Frongillo said yes we could do that, but this is our private property here and again it is in our best interest to deal with all of those issues of safety and we deal with kids so you know we are trying to do this because we are a small business trying to make it and what you are suggesting is to say beyond the scope is at least the start. He said no one can be more concerned about the safety of our kids than I am. He said I get what you are saying that there is a chance that someone could run off the road, and we should put something at the edge of the thing and I accept that, but in terms of running our business, we cannot do it if people have to climb a fence, and we have to deal with that, so I do not want to put up extra hoops, we know what has to be dealt with and it is egress, so it is outward and people have access through the front door.

Ms. Wierling said she does not disagree that people have access; however, it was presented to the Planning Board as a Limited Site Plan showing an emergency exit that is now being enclosed. She said she would like something from the safety folks saying they have no issues the proposal would solve that issue. Chair Rondeau said he would like at least a 3 ft. sidewalk to give people a means to walk by. Mr. Frongillo said in order to be approved, for 20 students, you need 75 sq. ft. per child, which is why 1,500 is a magic number. Chair Rondeau said this is public safety.

Ms. Cavaliere said she was looking at Google Earth and there are no sidewalks on that side of the road; it is just in front of his property. Chair Rondeau reiterated his concern. Discussion commenced regarding the sidewalk, fence, access, egress, and site safety concerns. Chair Rondeau said he wants to hear from the building commissioner and fire department. Ms. Wierling read from the plan that the programs begin at 3:30 PM which is the ending time for the preschool and not allowing for a 15 minutes gap, so there will be overlap. Mr. Frongillo said the reality is that they cannot do it. Ms. Wierling reiterated that is what is shown on the plan. She said the plan should be what the reality really is; if it is different, the plan should be updated.

Motion to Continue the Limited Site Plan for 238 Cottage Street, to get feedback from the building commissioner and fire department in reference to means of egress to the building as well as access parallel to the street. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).

Ms. Love said when the applicant is ready to submit a new plan, they can be added to the agenda.

Ms. Love said there are four public hearings on the agenda with three being continued. She asked that the Planning Board continue those three and then get to the item being heard.

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

Motion to Continue Uncas Avenue, Special Permit & Site Plan Application, to January 8, 2024. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).

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

Motion to Continue 10 Kenwood Circle, Site Plan Modification, to January 8, 2024. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
 15 Liberty Way
 Site Plan Application
 Documents presented to the Planning Board are on file.

Motion to Continue 15 Liberty Way, Site Plan Application, to January 22, 2024. Rondeau. Second: Williams. Vote: 3-0 (3-Yes; 0-No).

Ms. Love pointed out that as this is a new item, all five Planning Board members are involved in the voting.

7:00 PM **PUBLIC HEARING** – *Initial*
 86 Populatic Street
 Special Permit & Site Plan Application
 Documents presented to the Planning Board are on file.

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

Ms. Love reviewed that the site is located at 86 Populatic Street in the Rural Residential zoning district. The applicant has filed a Special Permit for short-term rentals for her residential home. A Special Permit is required under Section 185 Attachment 3, 2.21 - Bed and Breakfast. The building commissioner has required that a Special Permit is needed to use the house for rental. She said that the owner reached out looking for a permit. She reviewed the documents provided in the meeting packet.

Mr. Mello said he thinks they are lacking information. He said this home is already on Airbnb. He said the home is about 5 ft. from the abutting home. He said for that reason and that it is a single-family home in a single-family home district with many other single-family homes and he does not think it fits the character of that neighborhood at all. He noted there are other places to stay in Franklin, and there are hotels. He said he does not think they need to be turning every single-family neighborhood in Franklin into a rental district. He said he is opposed to this.

Mr. Stickney said he agreed with many of Mr. Mello's sentiments. He said he has concerns with proximity to the other homes in the neighborhood. He noted parking and noise are concerns. He said that overall, he has some reservations regarding the application. Ms. Williams said her reservations are strictly how close this house is to the abutting neighbors and some of the answers about fencing and a deck providing noise separation. She expressed concern about the frequency of this use considering how close it is to the neighbors. She said she does not think this site is conducive to constant influx and outflux of guests.

Ms. Wierling said everyone covered everything. She said she would like to tag along with Mr. Mello regarding the very lack of answers to the Special Permit findings. She said she would like to have that bolstered a little bit to have some legitimate answers. She asked if the Town limits how long someone can stay in an Airbnb, or is it never ending. She said a bed and breakfast is very different than an Airbnb situation, so she is curious how and in the future is this really a Planning Board issue, or is it a variance situation. She noted the building commissioner sent it along so it is interpretation, but for the future, can we think about addressing Airbnbs and short-term rentals.

Ms. Love said currently the Town does not have any regulations in place for short-term rentals, Airbnbs, or any of that. She said the reason this is in front of the Planning Board is because the owner requested a permit, and the only way to get a permit was to qualify under a bed and breakfast; a bed and breakfast is a rental place. Ms. Wierling questioned whether the Planning Board was the right place for this item. Mr. Mello reiterated that there are places in Franklin where you can get a short-term rental such as hotels.

Chair Rondeau noted the neighbor that is 5 ft. away. He said he does not think this is the right place. He suggested the Planning Board vote no. Ms. Wierling suggested continuing this item to get additional information before voting no on something such as contacting Town Attorney Mark Cerel. Mr. Stickney explained that bed and breakfasts are different operations.

Chair Rondeau said he wanted to make a motion to continue this item based on comments if this is the appropriate board to make the decision. Ms. Love noted this is a Special Permit and without specifics. She noted the Planning Board was concerned about the lack of information on the application and they do not think it fits with the character of the neighborhood.

Ms. Wierling explained the question the Planning Board is asking is can Attorney Cerel weigh in on whether an Airbnb is a short-term rental or bed and breakfast. She asked for clarification if the Planning Board should be moving forward with this as a bed and breakfast. Chair Rondeau said that as Mr. Stickney explained, a bed and breakfast has someone there to manage it. Ms. Williams read aloud the definition of a bed and breakfast. Mr. Stickney said there is only one bedroom in this home, so it does not qualify. Ms. Love said Attorney Cerel will look at the definition. Ms. Williams said they may want to get some information in the bylaws about this. Ms. Wierling requested the applicant attend the next meeting in case there are any questions.

Motion to Continue 86 Populatic Street, Special Permit & Site Plan Application, to January 8, 2024. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).

Chair Rondeau wished everyone a happy and safe holiday. Mr. Stickney said good work to the Town departments with the trees and roads today.

Ms. Love stated that she does not have any updates for the Planning Board associate member position; she will follow up on that. She reminded all that the Master Plan survey is closing on January 3, 2024. She said there is a chance to win a gift card for participation in the survey.

Mr. Mello said that he drove by Taj 2 and the retaining wall is failing. Chair Rondeau stated agreement and said the engineers from BETA should look at it. Ms. Love said retaining walls are done through the zoning commissioner, not through BETA. Chair Rondeau said he thinks the retaining wall needs to be addressed sooner rather than later, and he wants BETA to review the whole structural engineering end of it.

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

Meeting adjourned at 8:23 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

--Planning Board approved minutes at January 22, 2024 meeting