

DRAFT FOR REVIEW**Town of Franklin**

TOWN OF FRANKLIN
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Planning Board

**June 18, 2018
Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Members absent: None. Also present: Michael Maglio, Town Engineer; Bryan Taberner, Director, Department of Planning and Community Development; Amy Love, Planner.

7:00 PM **Commencement/General Business**

Chairman Padula announced the meeting would be video and audio recorded for the public's information.

A. Endorsement: 14 Ruggles Street – Site Plan

Ms. Love stated the Planning Board approved the Special Permit on May 21, 2018. The applicant has added the Certificate of Vote and Conditions of Approval on the plans; they have also included the color rendering with the plans for the building.

Motion to Endorse 14 Ruggles Street – Site Plan. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

B. Discussion: 278-300 West Central Street - Special Permit & Site Plan

Mr. Halligan recused himself.

Chairman Padula stated the public hearing has been closed on both special permits. This is just a discussion if anyone has anything to discuss on the project. If not, this will be scheduled for July 9, 2018 for a vote under General Business.

Mr. Joel D'Errico, Owner/Applicant, was present at the meeting.

Mr. David stated he is very concerned about the traffic and safety. Everyone knows that it goes from two to one lane. Last Thursday evening at 9:00 PM, he was cut off from the right-hand lane. He knows it is not the developer's problem, but he does not think it is a great idea to add more vehicles.

Chairman Padula confirmed no one had a problem with July 9, 2018, and asked Ms. Love to schedule it for a vote for both special permits.

Mr. Halligan re-entered the meeting.

7:05 PM

PUBLIC HEARING – Initial

Zoning Bylaw Amendments

18-802 Edward, Raymond and Beaver Streets

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18-803 Fisher, Hayward and McCarthy
 18-804 Washington, Arlington and James
 18-805 Commercial I Parking Requirements

Documents presented to the Planning Board:

1. *Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-802 with Received by Town Clerk date May 25, 2018*
2. *Memorandum dated April 23, 2018 from Bryan Taberner, AICP, Director, to Jeffrey Nutting, Town Administrator, RE: Zoning Bylaw Amendment 18-802*
3. *Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-803 with Received by Town Clerk date May 25, 2018*
4. *Memorandum dated April 23, 2018 from Bryan Taberner, AICP, Director, to Jeffrey Nutting, Town Administrator, RE: Zoning Bylaw Amendment 18-803*
5. *Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-804 with Received by Town Clerk date May 25, 2018*
6. *Memorandum dated April 23, 2018 from Bryan Taberner, AICP, Director, to Jeffrey Nutting, Town Administrator, RE: Zoning Bylaw Amendment 18-804*
7. *Franklin Planning Board Public Hearing Notice for Zoning Bylaw Amendment 18-805 with Received by Town Clerk date May 25, 2018*
8. *Memorandum dated April 23, 2018 from Bryan Taberner, AICP, Director, to Jeffrey Nutting, Town Administrator, RE: Zoning Bylaw Amendment 18-805*

Mr. Halligan recused himself because of land ownership in all these areas.

Motion to Waive the Reading for Zoning Bylaw Amendment 18-802, Edward, Raymond and Beaver Streets. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Waive the Reading for Zoning Bylaw Amendment 18-803, Fisher, Hayward and McCarthy. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Waive the Reading for Zoning Bylaw Amendment 18-804, Washington, Arlington and James. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Waive the Reading for Zoning Bylaw Amendment 18-805, Commercial I Parking Requirements. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Bryan Taberner, regarding Zoning Bylaw Amendment 18-802, Edward, Raymond and Beaver Streets, stated there are two general reasons for the proposed change: 1.) the town is trying to clean up where there are two or more zoning districts on one parcel and move the zoning line to have one district per parcel, and 2.) that section of town is mostly zoned CII, but it is mostly condominiums and a mix of residential uses; the proposal is to go with a Residential use instead of the Commercial II zone. He noted that two of the parcels are owned by the town. The Sculpture Park is currently CII; we are proposing to make it RII. There are about two dozen parcels that are CII and we are proposing to make them RIV; basically, extending the single-family IV zone that is adjacent. Two of the parcels on Beaver Street are RII or single-family IV and we are proposing to make them single-family II; this is the cemetery and the Catholic Church.

Mr. Jeffrey Nutting, Town Administrator, stated the change from CII to Residential will not affect any current landowner. There is a business there, but they would be pre-existing, non-conforming; she came before us and we explained that to her. The minimum lot size in CII is 40,000 sq. ft. and there is only one lot in that area; so, it does not affect anybody. We really do not want economic development on a dead-end road, so we thought to change it to Residential since it is 99 percent Residential already.

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Chairman Padula asked when are we going to correct the problem with a Commercial entity on a Residential property, the storage of cars?

Mr. Nutting stated he would have to ask the Building Commissioner.

Motion to Recommend Zoning Bylaw Amendment 18-802, Edward, Raymond and Beaver Streets. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Taberner, regarding Zoning Bylaw Amendment 18-803, Fisher, Hayward and McCarthy, stated the substantial amount of properties in that area are a split lot where part is Industrial and part is single-family IV. The zoning bylaw would make them either single-family IV or Industrial, so there would be not splits. Some of them are town-owned properties, one being the DPW which we are going with the Industrial zone. There are other town-owned parcels that are all wet; we are proposing single-family IV for those. It is mostly zoning district cleanup.

Mr. Williams, 8 McCarthy Street, asked if any of the parcels becoming Residential will ever be developable or sold off by the town.

Mr. Nutting stated the lots off McCarthy are all owned by the Conservation Commission and they cannot be built on as they are all wet; they cannot be developed by law.

A resident stated Fisher Street was all Superfund and asked if that was going to be built.

Mr. Taberner stated all that is being done is changing from a split district of mostly Industrial to all Industrial. He stated if they can build on it now, they can build on it after the zoning change; there is really no difference. This has nothing to do with the redevelopment of that parcel. If they ever clean up that parcel properly, it will be many years.

Motion to Recommend Zoning Bylaw Amendment 18-803, Fisher, Hayward and McCarthy. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Taberner, regarding Zoning Bylaw Amendment 18-804, Washington, Arlington and James, stated this is one of many that will be coming forward in the near future. All the parcels here are within two zoning districts; we are changing the district lines so they are only in one. They are going to be Residential III or Residential IV.

Mr. Rondeau asked if this would open up more two and three-families there.

Mr. Taberner stated No.

Motion to Recommend Zoning Bylaw Amendment 18-804, Washington, Arlington and James. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Taberner, regarding Zoning Bylaw Amendment 18-805, Commercial I Parking Requirements, stated the town is currently looking at dimensional regulations, parking requirements, and a variety of things related to the CI zoning district. This is for required parking in the CI district. Currently, there are no parking requirements regardless of what type of development is proposed in CI. We are proposing to do something similar to what is in the Downtown Commercial Zoning District right now. The number of parking spaces is minimal at 1.5 parking spaces per housing unit within the CI zone. We are proposing 1 parking space per 500 sq. ft. of gross floor area of non-residential development within the CI zone. Also, we are proposing to make this the same change for the Downtown Commercial District. He noted the

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parking space requirement based on 500 sq. ft. for a Commercial development is roughly 50 percent of all other zoning districts; it is not as restrictive as most of the zones in town.

Chairman Padula recommended to continue this item to July 9, 2018, until we make a decision on height requirements in town.

Motion to Continue Zoning Bylaw Amendment 18-805, Commercial I Parking Requirements, to July 9, 2018. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:10 PM **PUBLIC HEARING** – *Initial*
 5 Forge Parkway
 Special Permit & Site Plan Modification

Documents presented to the Planning Board:

1. *Memorandum dated June 12, 2018 from DPCD to Franklin Planning Board*
2. *Letter dated May 24, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Memorandum dated May 29, 2018 from G. B. George Russell, Conservation Agent, to Franklin Planning Board*
4. *Memorandum dated June 6, 2018 from Franklin Board of Health to Franklin Planning Board*
5. *Memorandum dated June 8, 2018 from Ruth Silman, Nixon Peabody, to Franklin Planning Board*
6. *Application by New England Treatment Access, LLC for Special Permit and Site Plan Approval for Non-Medical Marijuana Cultivation, Product Manufacturing and Research Facility within Marijuana Use Overlay District Pursuant to Section 185-49 of the Franklin Zoning Bylaws Dated May 24, 2018, with Received by Planning date May 24, 2018*
7. *Application for Approval of a Site Plan and Special Permit(s) with applicant listed as New England Treatment Access, with Received by Planning date May 24, 2018*
8. *Certificate of Ownership with Received by Planning date May 24, 2018*
9. *Abutters List Report dated March 2, 2018*
10. *Franklin Planning Board Public Hearing Notice with Received by Town Clerk date May 25, 2018*
11. *Site Plan Modification 5 Forge Parkway in Franklin, MA, Plan Sheets, Prepared by Guerriere & Halnon, Inc., dated October 21, 2016, with Revision date January 25, 2017, with Received by Planning date May 24, 2018*

Motion to Waive the Reading. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Ruth Silman, attorney with Nixon Peabody, representing New England Treatment Access, LLC, and Ms. Amanda Rositano with NETA, addressed the Planning Board. Ms. Silman stated they are seeking a special permit and site plan approval for non-medical marijuana cultivation product manufacturing and research facility within the marijuana overlay district. She stated NETA has an existing medical marijuana use at 5 Forge Parkway. The proposal is to take a portion of that area and convert it to adult use. This is now authorized pursuant to state legislation and the revised zoning bylaw of the Town of Franklin provided the state Cannabis Control Commission issues a license. NETA has applied to the state commission seeking the state license; this would be contingent upon that approval. Currently, the facility is approximately 75,000 sq. ft. NETA uses approximately 43,000 sq. ft. for medical marijuana cultivation. They propose to decrease that to approximately 14,000 sq. ft. and include about 29,000 sq. ft. for non-medical marijuana cultivation. There will be no change to the building, parking lot, or any of the facilities

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at the site, just a re-shuffling of space usage within the building. She stated the requisite documents have been submitted to the Planning Board.

Chairman Padula stated he did not think she would need to go through the special permit criteria tonight.

Ms. Love stated letters were received from the Board of Health, Conservation Commission, and Town Engineer. The applicant is mainly here for the special permit from the Planning Board to change the use of the marijuana cultivation. She stated she had no further comments.

Mr. Jeffrey Nutting, Town Administrator, stated he is here in support of this application. They are just changing the designation of the marijuana from medical to recreational. There are no added jobs, no added parking, no added buildings. They provide over 160 jobs to the town. We are in negotiations on an agreement with them, and this is an important economic development issue for the town; we ask for the Planning Board's approval.

Ms. Love stated the first site plan for cultivation was approved in 2014 and the modification was approved February 2017.

Chairman Padula confirmed they are coming in for a modification and there were no direct retail sales to the public. He stated he took a ride there and is very disappointed; he did not realize what was going on there. They have had issues with the odor coming from the facility. They came in for a modification and the Planning Board allowed that. They say they have 175 employees; when they came in, they told the Planning Board on the approval that 166 parking spaces would be enough. There are at least 25-30 cars parked on the grass. The area up there is awful. He realizes there is construction going on in the back. What are the two big blue units in the front of the building—are they purification units? They are not on any of the site plans approved. Why are they there? Are they temporary?

Ms. Rositano stated she did not know about the blue units but could get an answer very quickly. She confirmed there were about 160-175 employees

Chairman Padula stated he is not going to take any action on this special permit until he gets this parking situation straightened out. Originally, there were supposed to be 244 spaces, but the Planning Board lowered it because the applicant said 166 would be enough and now it is not enough; you employ more people than you have parking spaces. He stated when you first applied for the initial application, you said you would have 10 to 20 employees; that is not the case. He stated he knows this is good for the town as they are supplying jobs, but he wants the site straightened out; it is not fair to everyone else around the area. He said let's finish the project by July and get the parking complete, and then come back for the site plan modification and new special permit.

Ms. Silman stated maybe cars were parked on the grass because of the temporary construction condition. She stated there are some time constraints that we are sensitive to in respect to the state licensing. She stated there will be no additional employees or number of plants being grown, just a redistribution of area. She does not see how the change in the use itself will alter any of the parking situation.

Ms. Rositano explained the only change is how they are going to allocate the area for the uses. There will not be one additional plant being planted for this change. It is about designating the inventory for one use or the other.

Chairman Padula stated the Planning Board's concerns are the odor and the parking including the safety going in and out of the facility.

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Mr. Nutting stated that to the best of his knowledge the odor issue has been resolved by the new scrubbers.

Mr. David said he has received complaints in the past week. It seems like when it is rainy and cloudy the odor is worse.

Planning Board members agreed the odor is still there.

Mr. Nutting stated this change of designation does not solve this one way or the other.

Chairman Padula stated he realizes that, but he can ask them to comply with their first application.

Mr. Nutting stated to hold up this project that is critical to the town's well-being just puts us in a bad position financially. They have until July to conform to the site plan. Why should they have to wait another month to get this approved when they have not even run out of time yet?

Chairman Padula stated to Mr. Nutting that if he hears this special permit, he wants enforcement on the parking and the smell issue.

Mr. Nutting stated Chairman Padula can get that from him after the project is completed according to the time line set for July 2018; he will send Gus Brown, Building Commissioner, up there.

Mr. Halligan stated he does not think anyone on the Planning Board is against the change of use; they are concerned about the site plan. To speed the process up, to help the town as well as the applicant, could not this be voted on tonight, let them do what they have to do, but the town does not issue that permit until this is resolved. The town holds the permit until everything is complete.

Chairman Padula stated he is not going to vote on a special permit the same night it comes in; he will close the public hearing, take all the information, but not vote on it tonight. He will vote on it July 9, 2018. He is concerned if the site complies right now.

Ms. Silman stated the landlord is in control of the construction project and provided the dates of expected completion. It is believed we are on target to meet the date. She explained the state's licensing process. It is a competitive process; there are many facilities trying to get the adult use licenses. She needs to make their application as complete as possible.

Chairman Padula stated they have come to the Planning Board at the eleventh hour; they have come on June 18, 2018 to get an approval before July 1, 2018.

Mr. Halligan asked how does it financially affect the town if they remain medical and not have adult use?

Mr. Nutting stated he and Mr. Jamie Hellen have had ongoing conversations and a tentative agreement to have a financial agreement with them pending approval that will bring in several hundred thousand dollars to the town. He stated that is why he is here.

Planning Board members asked what the source of the additional revenue is, and if they get more money for adult use than medical use.

Mr. Halligan stated he would be open to voting for the special permit for the change of the use, but he likes the idea of enforcement.

Mr. Nutting stated after July they will do enforcement.

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Mr. Jim Daddario, representing the ownership of 5 Forge Parkway, explained the current construction which is different than this change of use. The construction is temporary and should be completed at the timeline given. Regarding the odor issue, there is still equipment to be installed and adjusted.

Mr. Halligan stated he thought due to the time constraints it was best to vote for the use change. They are here for the use change internally; there is an ongoing construction that they have until July to finish. He thinks it is in the best interest to vote for it due to the revenue the town could potentially lose. He has confidence in Mr. Nutting to enforce anything that is not done in July.

Ms. Silman said there are 20-30 medical cultivators operating at this time; she does not know how many of these will want to change to adult use. She stated production will not be increased at the site and no additional traffic. She read aloud their special permit findings; it is Exhibit 5 in the application. She noted the odor issues are being addressed.

Chairman Padula stated he would like to see in the near future a site plan modification for parking as they have less parking than employees.

Mr. Rondeau stated he did not want them to come back later wanting to sell; he would like to see some sort of condition about this.

Chairman Padula stated in doing retail sales they would have to come back before the Planning Board. He noted he is not happy with this, he is not happy they came in at the eleventh hour, and he is not happy with the conditions of the place at this time.

Motion to Close the public hearing for 5 Forge Parkway, Special Permit & Site Plan Modification. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).

Chairman Padula read aloud the following Special Permit Criteria Findings for which the applicant had provided the information in response to the seven (7) standard special permit findings.

(1) ROLL CALL VOTE to approve the Special Permit to allow cultivation and product manufacturing of non-medical marijuana in the Marijuana use overlay district.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

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- e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

- f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Padula-YES; Halligan-YES; Rondeau-YES; David-YES; Carroll-YES. Vote: 5-0 (5-Yes; 0-No)

7:15 PM **PUBLIC HEARING** – *Continued*
 122 Grove Street
 Site Plan Modification

Documents presented to the Planning Board:

1. *Memorandum dated June 14, 2018 from DPCD to Franklin Planning Board*
2. *Letter dated June 12, 2018 from Michael Maglio, Town Engineer, to Franklin Planning Board*
3. *Proposed Site Plan Modification in Franklin, MA, 122 Grove Street, Plan Sheets, Prepared by Quinn Engineering, Inc., dated May 10, 2018, with Revision date June 8, 2018 with Received by Planning date June 8, 2018*
4. *Color Rendering of Amego School, Educational Center for Autism, Franklin, MA, prepared by William J. Masiello Architect, Inc., with no date*
5. *Letter dated June 8, 2018 from Carl Hultgren, Quinn Engineering, Inc., to Franklin Planning Board*
6. *Memorandum dated June 5, 2018 from Christopher Robinson, Seaman Engineering Corporation, to Bill Masiello and Dave Martin, Masiello Architects*
7. *Memorandum dated June 11, 2018 from G. B. McCarraher, Fire Chief, to DPCD*
8. *Memorandum dated May 15, 2018 from G. B. George Russell, Conservation Agent, to Franklin Planning Board*
9. *Form P, Application for Approval of a Site Plan with applicant listed as Amego, Inc., with Received by Planning date May 14, 2018*
10. *Certificate of Ownership with Received by Planning date May 14, 2018*
11. *Letter dated May 10, 2018 from Carl Hultgren, Quinn Engineering, Inc., to Franklin Planning Board*
12. *Deed for 122 Grove Street, Franklin, MA, with Norfolk Registry of Deeds date February 1, 2018, and Received by Planning date May 14, 2018*
13. *Abutters List Request Form dated May 3, 2018, with Received by Planning date May 14, 2018*
14. *Abutters List Report dated May 4, 2018*

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15. Franklin Planning Board Public Hearing Notice with Received by Town Clerk date May 15, 2018

Mr. Kevin Quinn, Quinn Engineering, Inc., on behalf of Amego, Inc., stated when they were last before the Planning Board, they were asked to resubmit plans; they did so on June 11, 2018. He believes they have addressed all issues. He explained the proposed gate so truck traffic cannot go into the school area.

Mr. Maglio stated he reviewed the revised materials and the applicant addressed all his comments. He confirmed the building is sprinkled.

Ms. Love stated all the issues were addressed. She noted the curb on the inner part of the island remains cape cod berm. She recommended if the Planning Board approves this tonight, include the condition if the tenants change use, it would require the applicant to come back for a limited site plan.

Chairman Padula stated the curbing needs to be reinforced concrete or granite curb. The change must be in the plans before endorsement.

Mr. Nutting stated he appreciated the Planning Board's support on this. It is good for the community and might also help our public schools with keeping folks in town that might have to go someplace else. It is a win-win for the town.

Motion to Close the public hearing for 122 Grove Street, Site Plan Modification. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve 122 Grove Street, Site Plan Modification, with special Order of Conditions that if there is any change to the use of the existing tenants, the applicant is required to file a Limited Site Plan for the use with the Planning Board, and the curbing will be changed prior to endorsement. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – Continued
 45 Forge Parkway - YMCA
 Site Plan Modification

Documents presented to the Planning Board:

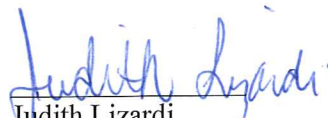
- 1. Letter dated June 13, 2018 from Amanda Cavaliere, Guerriere & Halnon, Inc., to Franklin Planning Board*

Chairman Padula stated the applicant requested continuance to July 9, 2018.

Motion to Continue the public hearing for 45 Forge Parkway – YMCA, Site Plan Modification, to July 9, 2018, at 7:15 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn. Carroll. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:09 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary