

Town of Franklin



Planning Board

**December 16, 2019
Meeting Minutes**

TOWN OF FRANKLIN
TOWN CLERK
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Chair Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, William David, Gregory Rondeau, Rick Power. Members absent: None. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

7:00 PM Commencement/General Business

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

A. Endorsement: 14 Ruggles Street - Modification

Ms. Love stated the applicant applied for a modification to allow moving the pavement 2 ft. off the property line and reducing the driveway width from 24 ft. to 22 ft., increasing the walkway pavement around the building from 8 ft. to 9 ft., and allowing one residential unit and one office unit on the first floor. This was approved by the Planning Board at the December 2, 2019 meeting; the applicant is requesting endorsement.

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

B. Partial Form H: 31 Hayward Street

Mr. Crowley stated a site inspection was conducted. He reviewed outstanding items that should be addressed including a floodlight installation, striping of handicap accessible parking spaces, and plantings to be installed in the spring. He noted that with the slope of the parking lot, there is an opening in the curb line that they may want to consider placing a short span of guardrail or potentially a car stop to prevent a car from slipping over the edge.

Ms. Love stated the applicant is requesting approval of the Partial Form H. The applicant will return to the Planning Board in the spring after the plantings are installed.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. confirmed the handicap parking spaces will be striped before the spring.

Planning Board members asked questions regarding travel lane arrows.

Mr. Crowley stated there were flow arrows throughout the majority of the site as approved on the plans.

Motion to Approve Partial Form H for 31 Hayward Street. Rondeau. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained).

C. Final Form H: 471 West Central Street

Ms. Love stated the Planning Board at the October 21, 2019 meeting requested three items be completed by the applicant. The items, which included snow storage shown on the plans, confirm the ramp is ADA compliant, and confirm the parking space are 9 ft. width, have been completed.

Motion to Approve Final Form H for 471 West Central Street. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. Discussion Update: 750 Union Street

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. stated she was providing a formal update. The applicant had requested a Partial Form H on December 2, 2019. There were several items needing to be installed before the building inspector could issue the occupancy permit. The items, which included railings, signage, curb roundings, and installed HMEA employee parking signs, have been completed. She stated she believes the occupancy permit has been issued. The Final Form H will be prepared to show all the changes have been made.

Chair Padula confirmed the building inspector checked all the items.

E. Field Change Discussion: 100 Financial Way - Warehouse

Mr. Doug Hartnett, Highpoint Engineering; Mr. Brian Poitras, CRE Management; and Mr. Joe Grullon, CRE Management, addressed the Planning Board. Mr. Hartnett stated they became aware of a situation related to the precast concrete curb. The contractor installed extruded curb. BETA provided the applicant with an email letting them know that extruded curb was not allowed.

Chair Padula stated the regulations call for reinforced concrete curb.

Mr. Hartnett asked if the contractor could leave in place the already installed 1,200 ln. ft., out of 3,000 total ln. ft., and finish the job with the precast because of the winter conditions. He reviewed the installed area on the provided drawing.

Chair Padula stated there is no frost at this time. There should be no problem putting in the correct material. This is required in the bylaws and regulations. He cannot allow this exception for one applicant and not allow it for others.

Mr. Maglio noted the curb in question is all within the site and not within the Town right-of-way or at the signal.

Motion to Require the extruded/cast-in-place concrete curb be removed and replaced with precast concrete as per the approved plans. Rondeau. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Hartnett discussed that with the construction of the intersection paralleling the construction of the site, it is the applicant's intention to file for a Partial Certificate as directed by the Planning Board in October 2019. He stated he wants to alert the Planning Board to a situation. The intersection work has been starting and stopping because of the winter conditions. CRE Management is obligated to get a temporary Certificate of Occupancy to complete the sale of the building for the future tenant which is supposed to happen in mid-January. He explained the sequence of events for the sale to commence. He discussed the problem that if the intersection is not completed, the Certificate of Occupancy could not be issued. He asked if CRE could post a bond for the remaining intersection work so the money will be available to finish the work if it cannot be completed due to winter conditions. Being able to get the temporary Certificate of Occupancy for the sale of the building to the tenant is necessary. He stated there would be no occupancy except for contractors going into the building to do their work. He explained they would be making this request to the Planning Board when they file for the Partial Certificate.

Mr. Poitras explained the requirements for the sale of the building. He noted the tenant would like to start installing interior work as it will take four to five months to complete.

Mr. Halligan asked who told the applicant an Occupancy Permit was needed to do fit-up work.

Mr. Hartnett explained it has to do with the terms of the sale; a temporary Certificate of Occupancy has to be in possession to be able to transfer it to the tenant.

Mr. Halligan confirmed the applicant would be satisfied with a temporary Certificate of Occupancy strictly for vendors and fit-up purposes only.

Chair Padula stated his concern was that the stalled intersection was not made a priority during the summer. He expressed concern about the sidewalks as there is a school. He asked when it will be straightened out. He is concerned about the public safety issues.

Mr. Hartnett stated the goal is the end of January.

Mr. Maglio confirmed it was a condition that the intersection would be up and running before the applicant could receive a Certificate of Occupancy.

Planning Board members informally agreed a temporary Certificate of Occupancy would be considered for vendors and fit-up purposes only.

F. Meeting Minutes Approval: November 4, 2019 & November 18, 2019

Motion to Approve the Meeting Minutes for November 4, 2019. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for November 18, 2019. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM

PUBLIC HEARING – Continued

West Central Street/Panther Way

Special Permit & Site Plan

Documents presented to the Planning Board are on file.

Mr. Michael Doherty, Attorney; Mr. Brad Chaffee, Camford Properties; Mr. Rick Goodreau, United Consultants; Mr. Brian Holmes and Mr. Patrick Holmes addressed the Planning Board. Mr. Doherty stated that at the last meeting the Planning Board requested the applicant speak with the abutters and try to reach a resolution. The applicant offered to mark boundaries and clearances on the site and conduct a walk through the site with the neighbors. He stated the neighbors made clear that they did not like the location of the bus parking. The abutters and applicant have had many negotiations. They are not in agreement yet; however, the applicant has provided a new conceptual plan. They are here tonight to provide an update, review the new conceptual plan that changes the size of the project, and get the Planning Board's input before they move forward.

Mr. Goodreau reviewed the plan changes which included eliminating the second building as well as the small building located in the bus area. He explained the new proposed location for the buses, one building, 25 bus parking spaces and employee parking. He discussed the proposed fueling area.

Planning Board members asked questions and discussed a second means of egress and Fire Department vehicle movement. Members informally agreed this was a better plan.

Mr. Edmund Allcock, Attorney of Marcus, Errico, Emmer & Brooks, P.C., representing his clients Highwood 1 and Highwood 2 Condominium Associations, stated he agrees this plan is much better than what was originally proposed. However, if the applicant were to go forward with this plan and he was to withdraw his clients' objection to what they believe is not a permitted use on this property absent a variance, his concern is that at some point in the future after this has already been built, either the bus parking will be relocated further up on the parcel or it will be expanded. He stated he has a simple solution which is a deed restriction that says if they withdraw their objection, there will be no further expansion of this bus parking and no further relocation. He understands this is a Special Permit, but it has to be an allowed use. It is currently not an allowed use. He presumes they are

here on the original application. He stated they have their conditions as to what will make this easily resolvable. He stated there still is a lot of property there to be developed.

Mr. Doherty stated that for clarification, they are proceeding on their original application. What they propose to do is file major revisions and move forward. He stated that we are trying to make substantial efforts and listen to the concerns of abutters and make modifications. He noted the site is 13.5 acres. They are now proposing to disturb approximately 5 acres.

Chair Padula stated he agrees this is substantially a better product. He stated the applicant needs to satisfy the Planning Board who is working for the people. The town engineer and BETA will look at it. He noted this is strictly a discussion of a conceptual plan.

Mr. Halligan stated that his opinion is that the applicant withdraw the original application and reapply for a Special Permit with a new plan; it would be a cleaner transaction with less confusion.

Mr. Doherty asked if the Planning Board would waive the fees for the second filing since they have already been paid for with the first filing.

Ms. Love stated each Special Permit is \$750. She reviewed the fee schedule. The approximate cost for the application was \$4,000 to \$5,000. As well, approximately 300 abutters were sent certified mail and each letter is \$5.60 for the mailing.

Mr. Halligan stated that it was the Planning Board's suggestion for the applicant to withdraw the first application without prejudice; however, the Planning Board did not design the first plan. He thinks a compromise of splitting the fees would be appropriate rather than totally waiving the fees.

Chair Padula suggested the applicant pay the new mailing fees, but he would request the Planning Board waive the rest. He noted the Planning Board is working for the people and this new plan is for the people's benefit. He told the applicant a letter requesting to withdraw the original application would be needed.

Planning Board members informally agreed the applicant would only have to pay for mailing and advertising; the other fees would be waived.

Ms. Love recommended this public hearing be continued to the next Planning Board meeting if there is no vote to withdraw tonight.

Motion to Continue the public hearing for West Central Street/Panther Way, Special Permit & Site Plan, to January 27, 2020 at 7:05 PM. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Initial
 160 Grove Street – Marijuana Cultivation
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

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

Mr. Adam Brailard, Attorney of Prince Lobel Tye LLP, on behalf of applicant Hennepe Cultivation LLC; Mr. Tom Knoll, assisting with waiver requests; and Mr. Jim Stukel of Stukel Group addressed the Planning Board. **Amy, I Googled, but could not confirm either of these names for spelling or company organization. Throughout this hearing, I highlighted when these names appear.** Mr. Brailard reviewed the Special Permit and Site Plan application for the construction and operation of a proposed recreational cannabis cultivation and production manufacturing establishment. He reviewed the procedural history with the Town, provided a project and facility overview, reviewed the waivers being requested, discussed the odor control and mitigation steps being

taken, and explained the benefits to the Town. He reviewed his meetings with Mr. Hellen beginning in February 2019. He stated they have entered into a Host Community Agreement with the Town and agreed to provide the Town with three percent of the gross sales when they are operational. They held a community outreach meeting in April 2019. In August 2019, they met with Town department heads and got substantial feedback. They filed their state Cannabis Control application in October 2019 and expect to hear back in January or February 2020. They met with the Town's Technical team again in November 2019 and filed the Special Permit and Site Plan application. He noted the location is in the Marijuana Use Overlay District. The parcel is approximately 8 acres surrounded by industrial and commercial uses. The facility will consist of approximately 100,000 sq. ft. grow/warehouse and 21,000 sq. ft. office and processing space. The facility will not be open to the public. The proposed site plan is to install 138 parking spaces.

Mr. Stukel reviewed the provided Site Development Plans for the cultivation and production facility. He noted they went through many iterations regarding the parking. He explained the size and proposed structure of the facility. He stated this will be a fully enclosed hybrid-style greenhouse facility and the natural sunlight will be used to grow the product.

Mr. Braillard discussed the proposed waivers for the number of parking spaces and the distance of the parking spaces from the building entrance. The total number of required parking spaces is 159. Based on the challenges of the wetlands and setbacks, the maximum number of parking spaces that can fit is 138. This is a 13 percent reduction. The second waiver regards the 68 spaces in the rear parking area that are greater than 300 ft. from the entrance of the building due to the wetland concerns. He stated that based on the business model, they forecast that at any given time there will be between 35 and 40 employees working. He noted there will be two shifts with approximately 70 employees in total. Therefore, they do not expect the parking lot in the rear to be utilized.

Mr. Knoll discussed differences between the type of cultivation of this proposed facility and that of NETA which is another operation facility in town. He stated theirs is a passive cultivation because of the translucent roof providing the natural daylight to grow rather than a process growing of non-natural light sources. They do not expect to utilize the parking spaces that NETA may need for their operation due to the proposed cultivation method.

Mr. Braillard discussed the proposed odor control mitigation plan filed with the application. It is a vapor system with active carbon charcoal filters. They do not expect there to be a marijuana odor from the facility. He discussed benefits to the Town including the Host Community Agreement. He stated they propose to hire locally and want to work with local charitable and community initiatives. He stated that this is the only cultivation facility Hennep Cultivation will have.

Mr. Maglio stated no drainage design or calculations were submitted. He noted that from the rear parking lot, some of the spaces are 600 ft. away from the entrance.

Ms. Love stated letters from the Fire Department, Conservation, and Board of Health have been received. She noted there were not any sidewalks or crosswalks for the rear parking. The plans have been submitted to BETA; however, the applicant's check was just received today.

Mr. Knoll stated they are requesting the Planning Board's feeling on the parking situation before proceeding to address drainage and comments.

Chair Padula stated that historically the Planning Board requests a conforming plan that does not include waivers to show that it can be done in conformance with the Town bylaws before an applicant submits a plan with waivers. Secondly, the Town's current grow facilities are hurting for parking from the onset from employees with overlapping shifts, security personnel, etc. He stated a report from the Town's consultant for an odor mitigation survey is usually requested. He expressed concern about the 600 ft. distance from some of the parking spaces to the entrance. He asked what the security for facility would be as this is a Special Permit.

Planning Board members expressed concerns including that the applicant must show snow storage on the plans.

Mr. Rondeau stated parking is very far away and suggested possibly a smaller building with closer parking.

Mr. Halligan suggested the applicant look at the upland area that can be used for additional parking. He noted that as this is not a retail store, and is a single-tenant facility, he did not have a concern that some of the parking is 600 ft. from the entrance.

Chair Padula stated that is not how the bylaw reads; if parking is over 300 ft. from the entrance, a variance is required.

Mr. Stukel stated that about 80 percent of the facility, 100,000 sq. ft. out of 120,000 sq. ft., will be taken up with a table with a plant on it; it is a warehouse. There are only aisles to get to the plants.

Mr. Halligan asked if the applicant would be willing to request from the building inspector an Occupancy Permit not to exceed 70 people as that would solve the problem of the need for the parking spaces. As well, as this is a Special Permit, the Planning Board could impose that as a condition.

Mr. Braillard stated that was a good suggestion. The client would be willing to consider it. They would probably be comfortable with 99 or 100 as the maximum capacity occupancy with reevaluation in five years.

Mr. Halligan asked if there are other facilities in this area that use the proposed odor mitigation control so the Planning Board members could drive by to investigate the smell.

A representative of the applicant discussed facilities in Massachusetts using this odor mitigation system, but noted they are not up and running. There are facilities in other states that are operating. He discussed how the system works.

Mr. Braillard, in response to a question, stated that at full capacity, depending on where the market goes, the three percent gross revenue to the Town would be approximately \$2.2 to \$3 million.

Chair Padula stated the Planning Board's job is to consider public safety and infrastructure.

Mr. Halligan requested the applicant find facilities that are of the proposed size and provide information on how much parking they have and are utilizing. He asked what kind of vehicle will be used to pick up and deliver materials. He confirmed the applicant is aware that if the Special Permit is granted, it is non-transferrable.

Mr. Braillard stated they will use van-styled vehicles, similar to vehicles used for transporting cash.

Mr. Knoll read aloud that the parking must be 300 ft. from the entrance "they serve." He noted this is not necessarily a main entrance. He asked for clarification.

Mr. Halligan asked for information and a diagram breaking down where employees would be within the building.

Mr. Knoll provided a review of the employee locations and the grow area.

Another representative of the applicant stated that the Planning Board members can see pictures of the grow facility on the computer.

Motion to Continue the public hearing for 160 Grove Street – Marijuana Cultivation, Special Permit & Site Plan, to January 6, 2020, at 7:10 PM. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM

PUBLIC HEARING – *Continued****Highland Village***

Definitive Subdivision

*Documents presented to the Planning Board are on file.****Mr. Halligan recused himself.***

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. and Mr. Joel D'Errico, applicant, addressed the Planning Board with revised submission plans. Ms. Cavaliere stated the resubmitted plans were based on initial comments from the Town and peer reviewer. The bulk of the outstanding comments left to address are at the discretion of the Planning Board as associated with the waiver requests. She stated they met with the Fire Chief regarding the location of the hydrant; he wants the hydrant at the intersection of West Central Street and the subdivision. This will be accommodated on the final plan set. She reviewed comments from the peer reviewer on the berm and stormwater management.

Mr. Crowley stated BETA reviewed the revised plan set. The overwhelming majority of comments have been addressed. He noted a few items for the Planning Board's attention including the waiver requests. He stated the proposed sidewalk on one side of the road only should be adequate to serve the four residences. He stated the applicant has relocated the sidewalk ramps. He discussed the proposed temporary triple berm installation and the proposed stormwater mitigation.

Mr. Maglio stated the revised plans were reviewed. He stated he has similar comments to Mr. Crowley regarding the sidewalk waiver request and the vertical granite curb. He noted a concern with the drainage model regarding pre- versus post-development. He spoke with the designer last week and it sounds like it has been resolved; he is waiting for a formal response. He stated the applicant's designer should verify that the new design of the overflow system for the detention basin does not negatively impact the water quality manhole.

Ms. Love stated that since the last meeting, the applicant has filed four waivers. She noted the deadline for the decision by the Planning Board is January 10, 2020.

Chair Padula discussed the proposed waivers. He stated that greater than a 5 ft. of grade changes within the proposed right-of-way has been allowed. He stated the only waiver he has a problem with was to waive the requirement for a development plan. He wants the applicant to show what is existing in the vicinity they are abutting.

Ms. Cavaliere confirmed the type of plan Chair Padula was requesting for existing conditions; she stated it could be included in the next set of plans.

Ms. Love stated the applicant for the next public hearing requested a continuation of the public hearing. In addition, today she received a Site Plan for 122 Chestnut Street, a 10-unit residential apartment building next to Glen Meadow. She stated that to continue the current public hearing and the following one, and to add 122 Chestnut Street all to the January 6, 2020 agenda, there would be five public hearings for that meeting.

Motion to Continue the public hearing for Highland Village, Definitive Subdivision, to January 6, 2020 at 7:15 PM. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

7:20 PM

PUBLIC HEARING – *Continued****300 East Central Street***

Site Plan – Change in Use

Documents presented to the Planning Board are on file.

Chair Padula stated he was going to request a motion to deny the continuance of the public hearing because the request for continuance is to prepare an existing conditions Site Plan. The Planning Board had requested the applicant prepare a new Site Plan, not an existing conditions plan. The public hearing is advertised as a Site Plan.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. stated it could be reworded.

Chair Padula stated if it was reworded, they would make a motion to continue the public hearing.

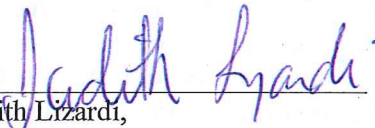
Motion to Continue the public hearing for 300 East Central Street, Site Plan, Change in Use, to January 6, 2020 at 7:20 (Amy, no time was indicated, I am guessing 7:20) PM. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Chair Comments

Chair Padula confirmed Ms. Love would add the 122 Chestnut Street application to the January 27, 2020 agenda.

Motion to Adjourn. Rondeau. Second: Power. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 9:07 PM.

Respectfully submitted,



Judith Lizardi,
Recording Secretary