

Town of Franklin



Planning Board

February 24, 2020 Meeting Minutes

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.

7:00 PM Commencement/General Business

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

A. Street Recommendation: Cobblestone Woods

Mr. Maglio stated that the first three general business items on tonight's agenda regard requesting the Planning Board to make a recommendation to the Town Council to accept the listed streets. The three neighborhoods were constructed in the 1980s and 1990s. They were closed out by the Planning Board; there is no bond remaining and no developer in place. However, the streets never went through the process to be accepted by the Town. He stated that during the past few years, staff has been reviewing the list of outstanding unaccepted streets. This agenda item consists of Baron Road, Cobblestone Drive, and Woodstock Circle.

Chair Padula asked if any of the roads have to be redone.

Mr. Maglio stated that Baron Road is in rough shape; one reason that they would like this road to get accepted is to spend Town/State funds to address some of the road issues.

Chair Padula stated that after the road gets accepted, the Town narrows the road and removes the sidewalks.

Mr. Maglio stated that has been the tendency, but they look at each street on a case-by-case basis.

Motion to Accept the Street Recommendation: Cobblestone Woods. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Street Recommendation: Cole Farm Estates

Mr. Maglio stated that this is the second phase of the work done at the Cole Farm Estates neighborhood and includes Skyline Drive and Charles Drive. He stated that this is not part of the 40B neighborhood. He noted that increasing the miles of accepted roads increases Chapter 90 money.

Planning Board members asked questions about the proposed accepted roads and discussed the associated street layout plans provided in the members' documentation packets.

Mr. Maglio discussed that lot lines may change between neighbors; however, nothing on the plans has changed from the original layout of the roadway.

Motion to Accept the Street Recommendation: Cole Farm Estates. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Street Recommendation: Elm Knoll Estates

Ms. Love noted that an incorrect cover page was inserted in the members' documentation packets; however, the street layout map is correct.

Mr. Maglio stated this street recommendation relates to Dena Drive, Crystal Drive, and Woodhaven Drive located off of Elm Street.

Motion to Accept the Street Recommendation: Elm Knoll Estates. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

D. Final Form H: 27 Forge Parkway

Ms. Love stated that on April 22, 2019, the Planning Board approved a Site Plan Modification to construct 84 parking spaces to accommodate additional employee parking. BETA has conducted a site visit to provide a Final Form H Observation Report which is included in the members' documentation packets. The report indicates that 83 spaces were constructed instead of 84, one of the required shade trees was not planted, and a bituminous walkway was installed rather than the required concrete walkway. Based on the items noted, the Planning Board must determine if this is a Final Form H or a Partial Form H.

Chair Padula stated that if there are items such as a missing parking space, a missing shade tree, and an incorrect bituminous walkway, there is something wrong and the Planning Board cannot issue a final; the Planning Board will issue a Partial Form H until a final report is received from BETA.

Mr. Michael Hassett of Guerriere and Halnon, Inc. stated the missing parking space was omitted by the contractor to provide clear access to a door; bollards and striping are provided instead of the parking space. He noted this was a voluntary increase in parking spaces so the site still complies with standards. He stated that the bituminous, instead of concrete, walkway was an oversight by the contractor. He noted that the walkway is to a rear entrance, and they request forgiveness and leniency from the Planning Board to allow the bituminous sidewalk to remain. He discussed other items that were not done according to the plan.

Chair Padula stated the contractor does not have discretion to remove approved parking spaces and make modifications to an approved plan. He stated the Planning Board will sign a Partial Form H. He noted that the bituminous walkway should be concrete, the stone check dams need to be installed, and the outstanding items listed on BETA's Site Observation Report dated February 15, 2020, need to be completed.

Motion to Approve a Partial Form H: 27 Forge Parkway. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM

PUBLIC HEARING – Initial

5 Fisher Street

Site Plan – Change in Use

Documents presented to the Planning Board are on file.

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

Mr. Halligan recused himself.

Mr. Rick Kaplan, new owner of 5 Fisher Street, addressed the Planning Board. He stated he closed on the property on January 21, 2020, and he is looking at the property as a three-phase renovation to update and change the use. Currently, it is a 14-acre industrial site. He stated he has been to both Technical Review and

the Downtown Partnership meeting to obtain input from many Franklin people to utilize the property as best as he can to fit into the Town's future growth. He stated he is before the Planning Board for the approximately 3,400 sq. ft. existing office building in the front of the property; he requested a change of use. He introduced Ms. Gwen Mitrano whose business, Pilates by Gwen, is across the street in the same zone. She would like to relocate her business to within the property.

Ms. Love stated that the applicant is before the Planning board for only one building; for the remainder of the site, the applicant must return to the Planning Board for any change in use or modification to the site.

Chair Padula reviewed that the applicant currently does not have a full Site Plan for the site; when he returns, he will need to provide a full Site Plan.

Mr. Kaplan stated that he understands and noted this change in use is only for the front building.

Ms. Love noted that payment has been received for the abutter notifications and the legal advertisements. She stated letters have been received from Conservation, Fire, and Town Engineer. BETA was not asked to review this submittal as there is no drainage involved.

Mr. Maglio stated no work was proposed on site; therefore, he has no comments.

Motion to Approve 5 Fisher Street, Site Plan – Change in Use. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

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

Mr. Adam Braillard, Attorney of Prince Lobel Tye LLP, on behalf of applicant Hennep Cultivation LLC; Mr. Tom Noel of Noel Law; and Mr. Bill Halsing of Land Planning, Inc. addressed the Planning Board for approval to construct a 121,000 sq. ft. facility for the cultivation, processing, and distribution of marijuana and marijuana related products and office space. Mr. Braillard noted this hearing is continued from January 6, 2020. He stated this site is located in the Industrial Zoning District and within the Marijuana Use Overlay District. He stated that based on the additional information provided to the Planning Board during the January 6th hearing, the Planning Board thought it was reasonable to grant the 300 ft. waiver request. Since then, revised Site Plans and Stormwater Management Plans were submitted on February 13, 2020. He stated BETA provided a preliminary review of those plans.

Mr. Maglio reviewed some of his comments regarding the revised plans as outlined in his letter to the Planning Board dated February 19, 2020. He stated that concern was discussed at a previous meeting regarding traffic and the existing turn lane along Grove Street. A traffic analysis should be provided to determine if modifications to the existing turn lane striping is warranted. He stated the plan calls for three retaining walls, one at the front of the property near Grove Street and two carrying the access drive to the rear parking lot. Elevations for the top and bottom of the walls should be shown on the grading plan. In addition to the pre- and post-development runoff rates, total runoff volumes also need to be evaluated to ensure there is no increase due to the post-development condition. As well, soil logs for the test pits shown on the plan need to be submitted.

Ms. Love stated if there has been a change in ownership since the filing of the Site Plan and Special Permit, a new submittal of the application with the correct information should be submitted. They must file with

Design Review if they are proposing any signage. The applicant should provide color renderings of the building to the Planning Board for review.

Chair Padula stated that there will be no Cape Cod berm on final paving; it will be upright granite or reinforced concrete.

Mr. Rondeau asked if the odor mitigation system could be reviewed by a third party.

Mr. Braillard stated that the reports from BETA have not yet been received regarding the odor mitigation system. He confirmed they were planning for 24-hour onsite security including cameras linked to the Police Department and onsite personnel.

Motion to Continue the public hearing for 160 Grove Street – Marijuana Cultivation, Special Permit & Site Plan, to March 23, 2020, at 7:20 PM. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
 300 East Central Street
 Site Plan – Change in Use
 Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Mr. Richard Cornetta, Attorney on behalf of the applicant New England Chapel; Mr. Michael Laird, Pastor of New England Chapel; and Mr. Michael Hassett of Guerriere & Halnon, Inc. addressed the Planning Board. Mr. Cornetta stated this is a continued public hearing seeking Site Plan approval. He stated the site is the former location of Ficco's Bowladrome. They are proposing to change the use of the property to become the home of New England Chapel. Presently, they are not proposing any significant renovations to the site. He stated that traffic issues were discussed at a previous meeting. He stated the Planning Board expressed concern about the uses. There was also concern about the parcel being in a water resource area. They have looked into those concerns since the last meeting.

Mr. Hassett discussed the water recharge issues. He stated the existing roof discharges via downspouts and an asphalt splash pad. The existing parking lot drains to an existing catch basin and it would overflow off the property. They are proposing to address the primary concern given that this is a water resource area. They are proposing a 5 ft. width on the east side and 10 ft. width on the south side of rip rap or stone swale that would directly abut the east of the parking lot. He explained that this would improve the water quality of the runoff. That, coupled with a new proposed Operation and Maintenance Plan, constitutes a significant improvement over the existing site conditions.

Mr. Cornetta discussed the use concern as outlined in his letter to the Planning Board dated February 5, 2020. He stated that NEC intends to use the property as the principal home/parish headquarters for the church. There is no intention to conduct a professional daycare center or a retail restaurant or coffee shop or to sublease the property for commercial activities that would not be considered ancillary to the religious activity being proposed by NEC.

Chair Padula stated that at the last meeting, the Planning Board asked for a Site Plan; however, a Site Plan has not been provided. He stated that when a Site Plan is received, the Planning Board will act on it and have BETA look at the drainage and complete a drainage analysis for today's requirements. He discussed the parking schedule as outlined in the zoning book and explained that there is no deduction for hallways and restroom facilities. Parking is taken from the outside building measurement. He noted that the applicant showed 25 offices and a coffee shop which would require almost 30 parking spaces. The parking does not meet the uses right now with the provided floor plan. Therefore, he needs BETA to look at a Site Plan and

make a recommendation. He noted a photometric plan for lighting in the parking lot has not yet been provided. As well, screening must be shown. He noted a traffic study cannot be required as this is a place of worship; however, for public safety, drainage in a water resource area, sufficient parking, and screening can be required. He noted they have three curb cuts, but one is illegal due to the closeness to the traffic lights. He reiterated that a Site Plan is required.

Mr. Hassett stated a traffic analysis was submitted.

Mr. Rondeau stated that if they are going to operate the classrooms, he would like to see a drop-off plan for vehicles coming in to drop off children.

Mr. Laird stated that half the building is an assembly hall. He noted the seats are moveable. He stated they are not selling coffee or having a coffee shop; they have a Sunday morning coffee station. The 10 classrooms are for the children's service that runs simultaneously to the adult service. He discussed the planned use of the conference rooms. He stated the 25 rooms are conference rooms, counseling rooms, and children's classrooms; they are not for employees.

Chair Padula stated that the Planning Board's job is to make sure the infrastructure is correct for the site.

Mr. Cornetta discussed the parking layout. He stated that the church has two services on Sunday. If they need to go to a third service on a Sunday due to increased participation, they will. They plan to hire a police detail for the Sunday traffic. They are trying to show that the layout is adequate to handle the parking demand for the site on Sundays. During the week, it is not an issue. He explained that they have about six employees and will have classes from 6 to 9 PM. but they will never come close to needing the 131 parking spaces.

Chair Padula stated that what was presented to the Planning Board is not even close to a Site Plan.

Mr. Cornetta stated that Chair Padula's perception of a Site Plan with all the things that he would like to see in a brand-new site is a little different than what they are proposing. He stated they have provided a Site Plan, but it just does not contain some of the things Chair Padula would like to see on it.

Chair Padula stated this is the fourth meeting with the applicant and each time the Planning Board has requested a Site Plan. He stated the applicant has repeatedly shown an As-Built with an added swale and is calling it a Site Plan. They have also shown what they want to put inside the building and submitted a parking schedule. However, he requested a Site Plan based on what the Town's zoning considers a Site Plan. When received, he will have BETA review the Site Plan and make a recommendation to the Planning Board. He stated the applicant needs to bring the parking lot up-to-date based on today's specifications for a drainage system in a water resource district and put in lighting; the applicant needs to do the things that are necessary in the parking lot to address public safety. He stated he took a vote of the Planning Board members at a previous meeting, and it was agreed a Site Plan was needed. As well, the Zoning Enforcement Agent provided a letter stating a Site Plan is needed.

Mr. Cornetta requested to hear from other members of the Planning Board.

Mr. Rondeau stated he has the same concerns as Chair Padula regarding the parking lot and having only one catch basin; the parking lot turns to ice in the winter when the water freezes. He does not think the swale would be enough. He stated there are no lighting and screening plans.

Mr. David confirmed that some activities are going to be done at night, so lighting is needed as a public safety issue.

Mr. Power noted that the applicant is working with Guerriere & Halnon, Inc. and questioned if they have provided the applicant with any guidance on what a Site Plan is and what requirements are needed.

Mr. Cornetta stated that Guerriere & Halnon, Inc. has provided guidance, and their position is that because they are not disturbing the exterior of the site, many of the requirements are not triggered.

Mr. Power stated that may be true, but the Planning Board does not know that until they see the calculations.

Chair Padula stated the Planning Board has repeatedly asked for a Site Plan. He asked Ms. Love to provide the applicant a list of what is required in a Site Plan per the zoning bylaws.

Motion to Continue the public hearing for 300 East Central Street, Site Plan, Change in Use, to April 6, 2020, at 7:05 PM. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

Ms. Love shared a public announcement and stated that on March 2, 2020, in the Council Chambers, a Hazard Mitigation Planning and Preparing for Climate Change Forum will be held from 6:00 to 7:30 PM. More information is provided on the Town website.

Motion to Adjourn. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:08 PM.

Respectfully submitted,

Judith Lizardi, AL
Recording Secretary

******Approved at the Planning Board meeting on April 6, 2020***