

Town of Franklin



Planning Board

**May 11, 2020  
Meeting Minutes**

Chair Anthony Padula called the above-captioned **Remote Access Virtual Zoom 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; Bryan Taberner, Director Planning and Community Development; Amy Love, Planner; Matthew Crowley, BETA Group, Inc. Maxine Kinhart, Administrative Assistant.

*As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, the Planning Board will conduct a **Remote Access Virtual Zoom Meeting**. The Massachusetts State of Emergency and the associated state legislation allows towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link also provided on the agenda.*

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

Chair Padula read aloud the Zoom platform call-in phone number and the Zoom link which were also provided on the meeting agenda.

**A. Decision: 158 Grove Street – Brewery**

Chair Padula stated that the public hearing on this Special Permit was previously closed. He stated the Planning Board wanted to make an Order of Conditions for extending hours of operation allowing Tuesday evenings from 4:30 PM to 10:00 PM, allowing live entertainment of a single person, DJ, or single instrument player, allowing expansion of square footage to a total 4,400 sq. ft. leaving 1,100 sq. ft. for the tasting area, and limiting seating to 39 people as approved by the Board of Health.

**ROLL CALL VOTE:**

**This determination shall be in addition to the following specific findings:**

**Special Permit VOTE:** §185 Attachment 4 Use Regulation Schedule Part III 3.13:

- To amend the Special Permit at 158 Grove Street, and allow the following:

1. Expand the square footage from 3,000 sq/ft to a total of 4,400 sq/ft. The tasting room will be 1,100sq/ft of the 4,400 sq/ft.
2. Expand hours of operation to add Tuesday evenings from 4:30PM – 10:00PM.
3. Allow live entertainment

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.

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

- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

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

- d) Neighborhood character and social structure will not be negatively impacted.

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

- 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; Power-YES; Rondeau-YES; Halligan-YES; David-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; Power-YES; Rondeau-YES; Halligan-YES; David-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; Power-YES; Rondeau-YES; Halligan-YES; David-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; Power-YES; Rondeau-YES; Halligan-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**

## **B. Lot Release and Bond: Mine Brook Estates – Margaret's Cove**

Chair Padula said the cul de sac has not been done. He asked if the catch basins were measured to determine if they are over 300 ft. apart. Mr. Crowley said he looked at the wording of the bylaw and the key is continuous grade; therefore, he thinks the applicant met what is required by the bylaw. Chair Padula stated he thought the bylaw indicated a maximum of 300 ft. from catch basin to catch basin. Mr. Crowley said there is no stretch of pavement that goes more than 300 ft. without a catch basin.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., representing Whitman Homes, read aloud the section of the bylaw related to catch basins. She said there is a break in the road that interrupts the continuous stretch. In addition, the approved endorsed plans show roughly 400 ft. from catch basin to catch basin and show the road pitching and breaking in the middle which is why the catch basins were designed in that fashion. She said they would not put a catch basin at the top of a hill as it would not catch anything. She

discussed the grading and requirements for the catch basins. Chair Padula discussed the peak in the road before it reaches the catch basins. Ms. Cavaliere said she does not have the exact distance; however, this is what has been approved.

Chair Padula discussed the construction at other subdivisions regarding temporary curbs. Mr. Halligan said he thinks the catch basins will work but only with a temporary curb, not a dribble berm. Mr. Whittington, owner/developer, stated the requirements should be set out ahead of time; if this is what the Planning board wants, why were these specifications not provided. Chair Padula discussed that his concern is directing the water; in order to direct water, a temporary curb or slant granite is needed. He noted that all subdivision contractors have put in a temporary berm. He stated that temporary curb is Cape Cod berm. Mr. Whittington said he hopes in the future the Planning Board will state which type of berm will be acceptable as they have already put in dribble berm. He noted the maximum grade of the road is two percent; this is a fairly flat site. He said they can back up the dribble berm with silt socks.

Ms. Cavaliere discussed the stormwater bylaws. She stated concern about Chair Padula's request to put in Cape Cod berm after the fact as it was not specified anywhere in the regulations that dribble berm is not acceptable. Chair Padula said the Planning Board has no problem if the applicant puts in the slant granite right now and makes it operational. Mr. Rondeau said a pick-up truck will break the dribble berm. Chair Padula recommended to continue this item to the next meeting. Planning Board members informally agreed to continue this item to the meeting on May 18, 2020.

7:05 PM      **PUBLIC HEARING** – *Continued*  
**300 East Central Street**  
 Site Plan – Change in Use  
*Documents presented to the Planning Board are on file.*

Chair Padula read aloud a letter dated May 11, 2020 from Attorney Richard Cornetta on behalf of the applicant New England Chapel for the applicant to withdraw without prejudice the current application.

Chair Paula explained the events of this application. He stated that this item came before the Planning Board for a Site Plan Modification. The Planning Board's policy is that all Site Plan applications on sites that do not have a Site Plan will come in for a Site Plan before coming in for a Site Plan Modification. This property has been abandoned for approximately six years. This item came to the Planning Board from a recommendation of the Zoning Enforcement Agent who is the Building Commissioner for a complete Site Plan. He noted the Dover Amendment makes daycare centers and churches exempt from certain regulations within the town. However, when it comes to environmental and pedestrian safety, certain things can be asked by the Town and Planning Board on such sites. This site is in a Water Resource District. Chair Padula stated that the Planning Board has listened to this application a number of times: three to four times in a public hearing and three to four times continued on Zoom meetings. The applicant went to the Town and superseded the Planning Board and their current application and was issued a building permit for this site before the Planning Board even received the applicant's withdrawal without prejudice letter. The same person, the Zoning Enforcement Agent, who had asked the Planning Board for a complete Site Plan, has turned around and issued a building permit before the applicant even withdrew. The Planning Board members are elected officials by the people; this deal and issuance of a building permit went behind the Planning Board's back and completely ignored an elected board. This should not happen; there should be no back-room deals. This deal should not have happened just because threats were made to go to court because this is a religious-type of entity that is going into this abandoned building.

***Motion to Appeal the decision of the issuance of the building permit for 300 East Central Street. David. Second: Rondeau. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained).***

Ms. Love said she would talk to the town attorney about the process for this.

***Motion to Close the public hearing 300 East Central Street, Site Plan – Change in Use. Rondeau. Second: David. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained).***

7:05 PM      **PUBLIC HEARING** – *Continued*  
***70, 72 & 94 East Central Street – Multi-Family***  
 Special Permit & Site Plan Modification  
*Documents presented to the Planning Board are on file.*

***Chair Padula recused himself.***

Mr. Richard Cornetta, attorney representing the applicant, stated this is a continuous property. It was approved by the Planning Board with two mixed use condominiums constructed on the property at 70 and 72 East Central Street. He stated that 94 East Central Street is the proposed building with 13 residential condo units and one commercial unit next to the approved 70 and 72 East Central Street development. The applicant is seeking two Special Permits: allow multi-family in C1 zone and allow building height up to 50 ft. He noted the line of demarcation for the zoning district is at this property. This property is located in the C1 zone; the previous development was located in the Downtown Commercial zone. He said they are treating this as a modification of the previously approved Site Plan; this site only has 37 ft. of frontage. Therefore, the plan is to combine it to the existing property at 70 and 72 East Central Street. He noted the property in the middle at 88 East Central Street is granting an easement to allow the access drive.

Mr. Rick Goodreau, United Consultants, Inc., addressed changes to the revised plan set and the comment letters from both BETA and the town engineer. He explained the new proposal addressing stormwater and drainage. He stated that they propose to install granite curbing along the driveway at the 88 and 94 East Central Street property boundary. He reviewed the parking illustration. Vice Chair Halligan said he did not see frontage on the plans. Mr. Goodreau said he can show the frontage on the plans. He reviewed the parking requirements for both the Downtown Commercial and C1 zoning districts. Adequate parking has been provided on site at 94 East Central Street.

Mr. Maglio stated reviewed his comment letter and reviewed his three comments. He stated that he spoke with Mr. Goodreau and they agreed on the drainage changes. Vice Chair Halligan asked about a sidewalk from one property to the other. Mr. Maglio said that can be looked at in the field.

Ms. Love reviewed items outlined in her memo to the Planning Board dated May 6, 2020. She noted the Fire Department said they are satisfied with the fire access.

Vice Chair Halligan said a major issue was the height of the buildings; the applicant did a great job demonstrating the height compared to the surrounding buildings in the first parcel. He believes the four stories would be in line with the existing two structures.

Planning Board members discussed the building height and renderings. Mr. Rondeau said he is concerned about the size of the building dwarfing the lot. He would like to see the building pulled forward to have access around the rear of the building as they have requested of other applicants. He would prefer to see the whole site compiled together for both 88 and 94 East Central Street. He stated this is not a continuous plan; there are no sidewalks or access throughout. Mr. David said he agrees with Mr. Rondeau about pulling the building forward; there are too many pieces going at different times. He stated that he has said from the beginning that the building is too large. Mr. Power said the applicant did a great job with the

renderings. It should be able to fit in; he is okay with the height. Mr. David stated he would like to talk about some of the items Mr. Rondeau pointed out.

Vice Chair Halligan asked if this project could work on its own without being tied to the existing Site Plan that has been approved and finished. Mr. Cornetta said they are lacking the frontage for 94 East Central Street which is why they are combining 94 with 70 and 72 East Central Street. They would like to avoid going for a variance. He said the owners at 88 East Central Street continue to reside there. Vice Chair Halligan stated that if this was granted, both parcels would be combined and taxed under the same ownership. Mr. Cornetta confirmed they would like to combine the two lots. Vice Chair Halligan asked about the residents of 70 and 72 Central Street; some of the people who bought into those developments did not get notification of this proposed development. He stated that during the original permit, both buildings had to be constructed at the same time in order to not disturb residents. With this new proposal, there would be construction traffic going by the existing units. He wants to ensure that those new homeowners are on board with this new proposal. Mr. Chaffee said all the homeowners know there is a plan; he would be happy to confirm the owners are comfortable with the new proposal.

Mr. Crowley stated that some of the parking spaces are undersized and some have some difficult turning access. He noted the project design team said they believe they can make the spaces conform to the proper size. He recommended that if the Planning Board approves this, they should require the applicant return to obtain final approval on the garage and the spaces. He discussed the existing 4 ft. fence and noted the applicant added arborvitaes to help with the screening. Vice Chair Halligan asked about the noise factor of the air conditioners. Mr. Goodreau pointed out the parking requirements and discussed the parking spaces for the original and new buildings. Vice Chair Halligan asked about the original project regarding the overflow stormwater going into the town system and if between the two sites it will overtax the system. Mr. Maglio stated the way it is designed, there is no more water coming off the site as proposed than coming off the site now; therefore, it should have no impact. Mr. Chaffee confirmed the new building is 8,300 sq. ft.; the size of the two buildings in the first phase combined. Vice Chair Halligan commented that now that they are combining the sites, there are no sidewalks to walk around the site. As this product is being built to accommodate people who want to walk, he asked what would it take to put a looping sidewalk around the project to allow people to walk to the street safely. Mr. Chaffee explained the access to the site and discussed possible sidewalks; he said there is an easement with 88 East Central Street. He said the design team will review to see what they can do. He discussed that this project would have to be phased. He noted the challenge is the people living at the house at 88 East Central Street want to move into the building at 94 East Central Street when it is done. Vice Chair Halligan confirmed he is hearing from the Planning Board members that four stories and the multi-family permit are both acceptable. He confirmed he is hearing some Planning Board members are saying the structure it is a little large, but it may be acceptable if the idle parcel could be combined into the project.

Mr. Chaffe said he would like to think about a global plan with the team; he could show what could be envisioned. Vice Chair Halligan said he would want to see that information on a plan. He stated the applicant met the hurdle of four stories and multi-family, now it is about how it sits on the lot with sidewalks and greenspace; possibly the building should be slid forward. Mr. Chaffee said he would look at greenspace and sidewalks. He reviewed possible plans for 88 East Central Street. He confirmed if this were to go forward, they would use the entrance for 94 East Central Street for construction vehicles. There should not be any disturbance to the original site during construction. Mr. Rondeau said the buildings look nice; he noted the Planning Board is looking out for the best interest of the Town. Mr. Chaffee asked to continue the public hearing.

***Motion to Continue the public hearing for 70, 72 & 94 East Central Street – Multi-Family, Special Permit & Site Plan Modification, to June 8, 2020 at 7:10 PM. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. David. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 8:48 PM.***

Respectfully submitted,

Judith Lizardi, AL  
Recording Secretary

***\*\*\*Approved at the June 1, 2020 Planning Board Meeting***