

Town of Franklin



Planning Board

**May 18, 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 provided Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda.

A. Lot Release & Bond: Mine Brook Estates

Chair Padula reviewed that the Planning Board approved on October 7, 2019, a Definitive Subdivision Modification plan entitled "Mine Brook Estates – Margaret's Cove." The applicant submitted a Form G Covenant release requesting six lots and the drainage lot be released from the Covenant. BETA Group, Inc., performed an on-site inspection and estimated the cost of completion is \$267,887. The applicant proposed a Surety Bond which is acceptable to the Treasurer.

Chair Padula asked what was to be done with the pile of asphalt millings on the site. Mr. Rich Whittington stated they would be removed from the site.

Motion to Approve the bond amount and release the lots listed on the lot release form for Mine Brook Estates. No Motion/No Second. Vote: 5-0 (5-Yes; 0-No).

B. Decision: 300 East Central Street

The applicant submitted, on May 11, 2020, a request to withdraw the Site Plan application. Chair Padula stated the public hearing was closed at that meeting.

Motion to Deny the request for 300 East Central Street. Padula. Second: Rondeau. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained.)

C. Notification: NETA Community Outreach Meeting

Ms. Love explained that this is a public notification that NETA intends to propose a retail marijuana store on Grove Street. Information will be presented at a planned virtual community outreach hearing. She

expects them to file with the Planning Board in the future. No application has been received yet; no action is required by the Planning Board at this time.

7:05 PM **PUBLIC HEARING** – *Continued*
160 Grove Street
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Chair Padula stated the applicant submitted a letter requesting to continue the public hearing to June 1, 2020.

Motion to Continue the public hearing for 160 Grove Street, Special Permit & Site Plan, to June 1, 2020. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *Initial*
Panther Way
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

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

Mr. Brad Chaffee, Camford Property Group/applicant, stated a new plan has been submitted.

Mr. Rick Goodreau, United Consultants, Inc., provided an overview of the project. On June 14, 2019, the applicant submitted a Special Permit and Site Plan to construct two buildings with a fueling station. On January 27, 2020, the Planning Board accepted a request from the applicant to withdraw their application. He stated meetings were held with the Highwood condominium neighbors. On March 9, 2020, the applicant submitted a new application for one 20,000 sq. ft. building with two levels and has removed the fueling station. He stated there are 25 spots for buses with an additional five spots for buses in the lower level of building for a total of 30 bus parking spots. There are 30 parking spaces for the vehicles of the bus operators. They have added seven additional spaces for access into the lower level of the building which will be for office spaces and restrooms for bus operations. He reviewed the access driveway location. Currently, the upper level of the building does not have a tenant. He noted that the limit of work for this proposal for the driveway is 224 ft. from the Highwood condominium project. He explained the type of bus repairs that would be done inside.

Ms. Love reviewed her memo to the Planning Board dated May 13, 2020. The applicant has provided an outline of the parking schedule. The required number of parking spaces is 60, and the applicant has provided 79 spaces, with 30 spaces for bus parking. Adding a dumpster within the bus parking to allow any trash on buses to be disposed of nearby should be considered. The applicant is required to file with Design Review Commission.

Mr. Maglio stated three retaining walls are proposed on the site. All heights and limits should be shown on the plans. He reviewed his comments on the erosion control plan. He noted the project includes bus storage in the building; the applicant should consult with the plumbing inspector on the gas trap. He stated that with the presence of the bus fleet storage on the site, as per the requirements of Standard 5 of the Massachusetts Stormwater Handbook, "If there is a potential for runoff with high concentrations of oil and grease, an oil grit separator, sand filter, filtering bioretention area or equivalent must be used to provide pretreatment."

Chair Padula read aloud a letter dated March 16, 2020, from Joe Barbeiri, Deputy Fire Chief.

Mr. Halligan confirmed this is a two-level complex. He asked how the back part of the lower warehouse is entered. He does not see a side door or loading dock. Mr. Goodreau said the only access to the building is from Panther Way. Mr. Halligan asked about the number of parking spaces for the buses and office use. Mr. Goodreau said besides the bus spaces, there are seven parking spaces for the office use. He said at this time there are no plans to use that space. They are building the space so that if something happened to the bus use, the space could be used in the future. If there was a change in the tenant, the 25 spaces to be used for bus storage, could be converted into 30 vehicle spaces. They are preparing for the future, but there is no intention at this time to use that space.

Chair Padula asked how the handicapped space in the small parking area near the office and restroom area back out. Mr. Goodreau stated they will provide a turnaround area. Chair Padula stated the parking spaces in the top area look very close, and the turning radius is not enough. He asked where the snow storage is. Mr. Goodreau said they will look into the parking and add the snow storage. Chair Padula asked if there was enough room to add a continuation of the sidewalk from CVS. Mr. Goodreau said he believed there was enough room; however, there is limited space in the Panther Way right-of-way. Chair Padula asked where the heating and air conditioning would be; he requested sound screening.

Mr. Crowley reviewed his comments including, but not limited to, that the proposed stormwater basin crosses parcels line. He noted the applicant requested a waiver for the sidewalk. He recommended the lighting be reviewed. Chair Padula said CVS has a sidewalk; he thinks it would be nice if it continued on. It is a consideration. Mr. Rondeau asked about gravel removal. Mr. Goodreau said there would be a gravel permit filed with the ZBA. Mr. Halligan said on the top floor there is a driveway; Mr. Chaffee said it was a loading dock. They have tenant at this time.

Ms. Love recommended that if this were approved, the applicant file a Limited Site Plan for any new tenant.

Mr. Anthony Gallino, attorney from the same firm as Attorney Edmund Allcock, representing Highwood I and Highwood II condominiums, abutters to the proposed project, stated this is a Special Permit for vehicle leasing and repair. However, this is really a bus parking lot. In the Franklin zoning bylaw, this is not under the jurisdiction of the Planning Board to approve by Special Permit; it should go through the ZBA for a Variance. He reviewed the general bylaw regarding noise and stated that 30 buses warming up in the morning and returning is concerning. He discussed the startup of diesel engines and stated they cannot be idling between 9 PM and 7 AM; these buses would be idling prior to 7 AM. He asked what the other uses for the site are going to be and stated the applicant requested a waiver for the requirement of traffic study. He stated that Panther Way is the only means of egress and questioned the traffic impact. He stated that his comments are reflected in a letter sent to the Planning Board today and said this letter should have been forwarded to the Planning Board as it is a letter of opposition. He reiterated that this should not be approved by the Planning Board because they do not have the jurisdiction.

Chair Padula stated this is a bus service to the public schools that is grandfathered. He reviewed that this is a new plan with a paved parking area with drainage and it is safer. It meets the Town regulations. It is a Special Permit. If this was a new use, not a pre-existing use, he would agree it would go to the ZBA; he does not agree now. However, the Town's attorney will have to review this.

Ms. Ericha Plateau, 111 Highwood Drive, noted that they tried to resolve differences with the developer. The developer has not considered all of their concerns. Their attorney has gone back and forth several times. They have witnessed the buses being fueled by a truck. Mr. Chaffee said that diesel exhaust fluid is added to make buses safer. The truck says DEF on the side; it is a water-based additive to make it safe for the environment.

Mr. Halligan said he would not request a traffic study on the bus use as it is already there. However, if/when the applicant returns to the Planning Board with a new tenant, a traffic study would be required. Mr. Chaffee said that there are 16 buses for Franklin schools and 16 buses for Tri-County school.

Ms. Shawna St. Jean, 84 Highwood Drive, asked if a traffic study was done and questioned the landscaping around the building. Chair Padula asked if the applicant could stake out the road for the neighbors to see.

Ms. Lisa Harvey, 88 Highwood Drive, stated their attorney, Mr. Edmund Allcock, said at a previous meeting they could work with adjustments to the plan. She reviewed some of the requirements and stated that there were conditions that were not met. She stated they had asked for a deed restriction.

Mr. Michael Doherty, attorney representing the applicant, stated that with the new plan, they are leaving the buses where they are, and the fueling station was removed. Then, additional demands from the neighbors such as a deed restriction and agreeing to never park a bus not from Franklin were added. The applicant has always agreed that if there is a change, they will comply with the law. New tenants will come before the Planning Board. He stated it seems there is a lot of distrust which is not deserved or reasonable. He stated that every reasonable demand has been met. When someone keeps pushing, at some point, they say no. Chair Padula said this is the first he has heard of a deed restriction. The Planning Board can put some conditions on a Special Permit. He understands people who live there are trying to protect their property values. He stated this is a better proposal than the last time.

Mr. Jon Mitchell, 16 Highwood Drive, asked about the 100 x 200 ft. building. He said having a tenant in there is a new use of the building which means it should go to the ZBA. Chair Padula said a new use for a building would go to the Planning Board.

Ms. Harvey acknowledged that she is grateful for the concessions the developer made and said he was responsive. She would like to protect herself for the future. Mr. Halligan reiterated that for any new use of the building, the applicant would have to come back to the Planning Board. Having this building does not give them free reign to do what they want.

Ms. Flateau stated that when the applicant offered a walk around, it was during the workday. Chair Padula asked the applicant to mark out the driveway and the amount of cut so the neighbors can see it. Mr. Doherty said they can stake the property.

Mr. Christopher McCarthy, 114 Highwood Drive, said they need to see the limit of clearing that abuts Highwood. Mr. Goodreau said he would stake it out. Mr. McCarthy stated that under the bylaw it calls for screening of the lot; he does not see any screening on the planting plans. Chair Padula and Planning Board members discussed the need for screening according to the bylaw and agreed it would be looked at for the next meeting.

Mr. Gallino stated that Chair Padula commented that this was grandfathered in. He stated that bus parking is a non-conforming use. This is not appropriate for a Special Permit as it is a parking lot. He claimed they are calling it something else so they do not have to go through the ZBA.

Motion to Continue the public hearing for Panther Way, Special Permit & Site Plan, to June 22, 2020. Rondeau. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM

PUBLIC HEARING – *Continued****12 Forge Parkway*****Site Plan Modification***Documents presented to the Planning Board are on file.*

Mr. Gene Sullivan, project engineer, addressed the Planning Board regarding the parking lot extension. He stated there were some comments from BETA after the last meeting which have been addressed. The most significant concern from BETA was that the drainage pond had enough separation. He stated that the closest point of any building to the property line is 80 ft. He reviewed the buffer and the screening from the project to the abutters. He stated that in regard to concerns about flooding, an HDPE barrier was added to the drainage to make certain no water would head that way.

Mr. Maglio stated that the latest plans addressed all his comments; he has no additional comments.

Ms. Love stated that the applicant indicates pre-cast concrete curbing; they must change the plan details to indicate reinforced concrete. She stated the dumpster details were missing, and a landscaping plan for the parking lot is needed. Mr. Sullivan said he did not propose any new landscaping for the parking. He stated areas suitable for snow storage were added.

Chair Padula reviewed the additional detail notes that need to be added to the plans including the change to reinforced concrete. He confirmed that prior to endorsement, the requested changes would be made to the plans.

Mr. John Gordon, 17 Stone Ridge Road, asked about the infiltration basin, if the mature trees would be removed, if the basin absorbs or retains water, and the color of the fence. Mr. Sullivan stated the basin would absorb water. Chair Padula said retention basins are not allowed in Franklin. Mr. Sullivan said a natural color fence could be provided. Mr. Brian Poitras said that FEMA will be storing medical supplies; the truck traffic is dead storage. It is not a high volume of truck turnover. There are no refrigerated trucks. Mr. Gordon said he is concerned about the removal of so many of the trees.

Rachel, 19 Stone Ridge Road, stated that she recently moved into the condominium and lives at the bottom of the hill. She is disappointed that all the trees she sees out of her kitchen window are going to be removed. She asked that when the trucks are pulling in, with the trees removed, will the bright lights shine in her windows, if the trucks will be idling when they come in, and if more lighting is going to be added. She asked when the project would start. Mr. Poitras said the current business distributes tires; the new tenant is a government agency providing medical supplies to medical facilities. He stated that this property was originally built for one company, and there was never enough parking; now with two users, they need more parking. He said there was going to be an 8 ft. fence. Discussion commenced as to the location of the fence. Mr. Sullivan said the trucks are storage containers; there is no reason for engines to be on. Mr. Poitras said most of the time the trailers would be empty. The gowns and masks will be inside the buildings. Both of these businesses only run during first shift. Mr. Halligan reviewed how the trailers would back in and that the headlights would be pointing toward the building. Mr. Sullivan said that some new pole lighting would be added; photometrics show they are not spilling any light onto adjacent properties. The project would start as soon as possible as FEMA is waiting for the space.

Ms. Carol Bidner, 30 Stone Ridge Road, stated that it is already extremely noisy in that parking lot, and work is done past 5 PM. She cannot open her windows in warm weather because of the noise. She expressed concern about the wildlife and removal of trees. She asked about the buffer between the lots. Mr. Sullivan said they are not changing anything in the area that she is in.

Ms. Kellie Farrow, 21 Stone Ridge Road, asked about a light that is on all night, every night. She asked if there would be more lights and stated that without the trees, the lights would be shining in her bedroom. Mr. Sullivan discussed the wall pack lights should have cut off shields so she would not be getting the glare. Chair Padula requested that whatever trees can be saved would be appreciated. Mr. Sullivan said they would save as many trees as possible.

Motion to Approve 12 Forge Parkway, Site Plan Modification. Halligan. Second: Rondeau. Conditions: Any change of tenant other than FEMA would require a Limited Site Plan to come back to the Planning Board, no idling of vehicles, same hours of operation with no operations before 7 AM and after 8 PM, and no idling signs will be added. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:22 PM.

Respectfully submitted,

Judith Lizardi, AL
Recording Secretary

******Approved at the July 27, 2020 Planning Board Meeting***