

Town of Franklin



Planning Board

**June 8, 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; 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. Bond Reduction & Road Recommendation: Silver Fox & Cottontail**

Ms. Love stated the applicant submitted an As-Built. She recommended releasing three of four bonds: \$136,673, \$24,050, and \$22,860 for a total of \$183,583. The Town Attorney indicated it may take time for the recording due to the current pandemic situation. If the Planning Board agrees, it is suggested that \$10,000 be held until the streets are accepted by Town Council and recorded at the Registry of Deeds.

Mr. Maglio confirmed he had provided a punch list of outstanding items; all have been completed. He confirmed holding back some funds until final mylars are obtained and all recordings are completed is usual, and the amount varies based on the size of the project and number of streets involved.

***Motion to Approve Bond Reduction: Silver Fox & Cottontail, releasing three of four bonds: \$136,673, \$24,050, and \$22,860 for a total of \$183,583. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

Mr. Rocco, developer, stated all mylars have been submitted and asked why there is a \$10,000 hold back. Ms. Love explained holding money back has been done for past developments in case there are any flaws in the mylars. Chair Padula stated that for now they will withhold \$10,000, but the item will be taken up again at the June 22, 2020 Planning Board meeting.

***Motion to Approve Road Recommendation: Silver Fox & Cottontail, to Town Council. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**B. Partial Form H: Residences at Dean Avenue**

Mr. John Shipe of Shipe Consulting, on behalf of Fairfield Residential, stated they are requesting a Certificate of Occupancy for the Clubhouse and Building #2.

Mr. Crowley stated he conducted a site visit on June 2, 2020, for the Clubhouse and Building #2. At this time, remaining items include the dumpster, some landscaping, and construction fencing.

Chair Padula said he went by the site today. The entry way/main entrance being used needs to be addressed regarding the base coat. There is no gating in the pool area, and there is currently some water in the pool. He discussed bollards around the pool and asked if the drainage was fully functioning. Mr. Crowley said the drainage structure will be functioning around Building #2. There is a sediment forebay near Building #6; that infrastructure has not been installed yet.

Chair Padula asked about the parking lot and site lighting. With temporary occupancy on a Partial Form H-Certificate of Partial Completion, the area must be safe before people move in. Mr. David agreed and said there is still a lot of construction happening at the site. Mr. Shipe said the parking lot lighting is working including sidewalks. Mr. Rondeau expressed concern about the pool having no bollards. The public should not use the second entrance. Mr. Shipe said that everything besides Building #2 and the Clubhouse will be fenced off from the public.

Chair Padula stated that before signing the Partial Form H the entryway must have a base coat installed and the drainage must be operational. The project manager said the apron will be handled next week. Mr. Maglio said the sidewalks on Dean Avenue are asphalt; starting at Ray Street, the sidewalks will be concrete. Chair Padula asked who approved asphalt sidewalks; concrete sidewalks should be in front of the project per the bylaw. He discussed the reinforced concrete curbing. He stated the binder course will be in before occupancy. He requested a chain link fence around the pool before occupancy. The second entryway will be used for all construction vehicles. Mr. Maglio said that part of the original agreement was that the existing sidewalks would be replaced with asphalt; the new sidewalks would be concrete.

***Motion to Approve Partial Form H: Residences at Dean Avenue, with conditions as stated by Chair Padula. David. Second: Rondeau. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain).*** (Mr. Halligan abstained.)

#### **C. Endorsement: 12 Forge Parkway**

Ms. Love stated the Planning Board approved 85 parking spaces; the applicant submitted the plans for endorsement. The new plans show the reinforced concrete, natural color fence along the property line, dumpster on a concrete pad with a fence enclosure, and no idling signs along the back.

***Motion to Approve Endorsement: 12 Forge Parkway. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

#### **D. 81-P ANR: 45 Queen Street**

***Chair Padula recused himself.***

Vice Chair Halligan confirmed all the paperwork seems to be provided.

Ms. Love stated the applicant is creating a second buildable lot; the lots are conforming for current zoning requirements.

***Motion to Approve 81-P ANR: 45 Queen Street. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

***Chari Padula re-entered the meeting.***

#### **E. Endorsement: 1256 West Central Street**

Ms. Love stated the applicant received approval from the Planning Board for the Special Permit and Site Plan for a 4,000 sq. ft. retail facility for non-medical marijuana and marijuana-related products on September 23, 2019. The Certificate of Vote was added to the plans, the proposed curbing from cape cod berm to vertical concrete was revised, and the detail sheet was revised.

Chair Padula stated the plans only indicate vertical concrete curb, not reinforced concrete; he requested reinforced concrete be clarified on the plans.

Mr. Halligan asked when construction is going to start, what the timing is, has a formal agreement with the Town been worked out, and if the monetary agreement with the Town is in place. He stated that a very important point in his vote was the amount of money that was going to come to Franklin. Ms. Love said she does not have a time frame; the applicant is looking to move forward. She thinks they have an agreement with the State; she does not know about the agreement with the Town. She would have to verify with town administration if an agreement is in place.

Chair Padula requested this item be placed on the June 22, 2020, Planning Board agenda under General Business.

***Motion to Add the Endorsement for 1256 West Central Street, to the June 22, 2020, Planning Board agenda under General Business. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – *Continued*  
***176-210 Grove Street***  
Site Plan  
*Documents presented to the Planning Board are on file.*

Mr. Edward Cannon, attorney on behalf of Marcus Partners, developer of the project; Mr. Levi Reilly, Director of Development of Marcus Partners; Mr. David Kelly of Kelly Engineering Group; and Mr. Giles Ham of VAI, traffic engineering, addressed the Planning Board.

Ms. Love stated the last time the applicant was before the Planning Board on May 4, 2020, a traffic analysis was provided. The Planning Board had questions and concerns. She noted the applicant has not gone to Design Review with color renderings. She stated the applicant is requesting two waivers: reduce the number of parking spaces and allow spaces to be more than 300 ft. from the entrance.

Ms. Jaklyn Centracchio, BETA Group Traffic Consultant, reviewed the daily trips generate during various time periods including peak times in regard to the traffic analysis provided by the applicant. She requested more information on how the number of truck trips was determined, and said the proposed speed limit seemed acceptable. She asked for a signal analysis at the intersection. She discussed the average crash rate, and asked for consideration of safety improvements at the Washington Street and Grove Street intersection. She said other rates and volumes were acceptable. She stated that overall, the project will have minimal traffic based on the data provided.

Chair Padula asked if any consideration was given to directing truck traffic north rather than south, and he reviewed the truck routes. He stated that as it is not known who is going to be occupying the units at this time, there is no way to determine the amount of traffic generated. Mr. Halligan asked if there was a single tenant user for the building. Mr. Reilly stated the building would be marketed as a single tenant or two tenant building. Mr. Halligan said the traffic study provided today is generic and irrelevant. A traffic study should be done to accompany each individual tenant. Without knowing what type of tenant/business is going in, there is no way to know the expected traffic. Mr. Ham reviewed the existing tenants and how the traffic study was conducted. He stated he has not heard of an instance where a traffic study is redone based on each tenant. Chair Padula said when the traffic study was conducted, volumes were low as the State was under the

coronavirus pandemic stay-at-home order. Mr. Ham said the traffic counts were done in January; he is very comfortable with the numbers presented as they are pre-COVID.

Chair Padula asked about their request for reduction in the number of parking spaces and the number of spaces beyond 300 ft. from the entrance. Mr. Cannon stated it is difficult for someone to invest in the Town and not utilize the building for what it is zoned for. These warehouses were built in the 1970s. He reviewed the request to reduce the number of spaces and obtain relief of the 300 ft. distance from the entrance. The applicant wants to have enough parking, but there is no need to create too much parking. The warehouse use, not retail, does not warrant need as proposed by the bylaw. He discussed the intent of the 300 ft. requirement for parking spaces from the entrance. However, these spots are off the public way. The distances are based on the size of the buildings. He stated that the use, location, size of buildings, and the parking relief requests are appropriate.

Chair Padula questioned the statement to create condominium units and noted warehouses can have 25 percent storage area for retail. This is a concern of the Planning Board as there may not be sufficient parking. As well, this is abutting residential homes. Mr. Cannon said that in terms of condominiums, this proposal is joining two parcels with three buildings; this will make one large parcel and each building will be a separate unit, so there will be three units on a single parcel. The Town has lived with the current two buildings for over 35 years, and this past performance is a good indicator of the future. Mr. Reilly stated he does not have any hours of operation in mind as it would be dependent on the tenant. Regarding the 25 percent retail use, they would have to return to the Planning Board for a change in use.

Mr. Halligan stated he agreed with Mr. Cannon that it was a peaceful road in the 1980s with storage of product. However, the industry has changed, and it is 90 percent delivery service right now. For instance, Amazon went into Milford and it is a mess. He is comfortable with the traffic study if the applicant comes before the Planning Board with each new tenant/use. He wants to make sure that before a tenant goes in there, the traffic study is reflective of that. He noted that there are currently three different products going in on Grove Street, but it should not all be put on these applicants to fix all the Grove Street problems.

Mr. Reilly stated that a challenge in investing in a building is that they need to build the building before they get a tenant. He discussed that if the tenant is to be Amazon or similar, they would come before the Planning Board. Mr. Halligan stated that he did not want to provide specific company names as company names change. He said the Planning Board should be allowed to comment on new tenants/uses. Mr. Reilly said that if they are going to invest \$20 million on a building, it would be hard to be subject to approval. Mr. Halligan and Mr. Reilly discussed the possibility of an excessive difference in traffic based on the current study.

Mr. Kelly reviewed items discussed with BETA and the parking statistics presented at the last meeting. He explained that his firm has a lot of experience on parking needs for these types of buildings. There is a total of 415 spaces on the total property; 487 is required. Therefore, the waiver is for 72 spaces. He believes this is sufficient for a typical distribution facility. Chair Padula stated the Planning Board visited the site before it changed hands because tenants were parking trailers on the dirt as they did not have enough spaces. He has difficulty believing the current applicant when they say there is more than sufficient parking for the tenants.

Mr. Kelly pointed out that at 176 Grove Street they were parking in the outer spaces, and it was in the Water Resource District. Now, they are looking at this proposal as one Site Plan; there is interaction between the properties that was not there in the past. Parking and trailer storage can be shared. He stated that BETA issued a second review letter on May 21, 2020, and on June 2, 2020, the applicant provided a response. He reviewed some resolved and outstanding items. He stated the light fixtures bothering the neighbor have been adjusted. He noted HDPE pipe was not acceptable to the Planning Board so plans were revised and reinforced concrete pipe is shown everywhere. He discussed the stormwater design regarding ground water. He discussed possible changes to the curbing. They understand the Planning Board's concern regarding the cape cod curbing; however, this facility has primarily used cape cod berm. He proposed that everything

shown in red on the plan is concrete curbing which are the primary turning areas and places that may get hit during plowing. The green areas would be cape cod berm. He discussed the building height, outlined the elevation of the road, and discussed the proposed lighting.

Chair Padula stated reinforced concrete is required, and the Planning Board has required other developers to do the same. He asked about the heating and cooling exchanges; he questioned if they were located on the residential side of the building, and what the screening around the units would be. He stated a new well is being put in near the building; therefore, drainage is a big concern. Mr. Rondeau stated curbing must be installed per the rules and regulations. They have made other developers install it, and the Planning Board wants to be consistent. He is concerned about the traffic and the condition of Grove Street. He asked if the developer could help the Town improve the road. He stated appreciation to the applicant for fixing the lights so they do not spill onto the neighbors. Mr. Maglio stated the condition of Grove Street is known; however, there are no immediate plans to fix the road. It would require \$1.7 to \$3 million to fix Grove Street.

Mr. Halligan said he is satisfied with the parking being over 300 ft. from the entrance in this particular situation. He would like the applicant to work with the Planning Board on the requirement for a Limited Site Plan prior to tenant occupancy.

Mr. Crowley stated he majority of his remaining comments have been discussed. He noted that more than 42 in. requires a Class V pipe. He discussed the screening provided along the residential property line and noted there are locations that there is no screening and the retaining wall is only 3 ft. high; the Planning Board may want to review that. Mr. Ben LaFrance, Hawke Design, discussed the proposed screenings and plantings.

Mr. Cannon respectfully requested the opportunity to continue the public hearing to June 22, 2020, to review and determine language regarding the possible tenants.

Mr. Scott Waite, 198 Grove Street, appreciated the lights being adjusted. He discussed the rezoning of the property in 2013 in the Master Plan to allow for biotechnology; it is not a warehouse area now. He stated that the road is in very bad condition. This is the nicest part of Grove Street with many residents; more trucks are not needed.

Mr. James O'Brien, 21 Old Grove Street, stated concerns about traffic as there are children in the neighborhood. When the original warehouses were built in the 1970s the Jefferson School and Charter School were not there. There is now traffic with children being dropped off and school buses. This area is a residential area. There is a daycare across the street. The street cannot take the traffic as is; the traffic report is speculative at best.

Ms. Nancy Francis, Daycare Center Owner at 22 Old Grove Street, stated the trucks are going faster than 40 m.p.h. on Grove Street; it is crazy to add more trucks.

Mr. Everett Petitt, III, 24 Old Grove Street, stated concerns about traffic; it is very congested in that area.

Chair Padula stated he did not realize there was a daycare on Old Grove Street.

Ms. Pedersen, resident of Old Grove Street, stated her children attend the Jefferson School and there is an expectation that the children will walk to school. There should be requirements that a sidewalk be put in as it is very dangerous, or the traffic should not be allowed.

Mr. Halligan confirmed that biotechnology is an overlay district; industrial is the primary zoning district which allows the warehouse. He said he was not aware of a daycare center on Old Grove Street.

***Motion to Continue the public hearing for 176-210 Grove Street, Site Plan, to June 22, 2020. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

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; Mr. Rob Marcalow, Kuth Ranieri Architects; Mr. Rick Goodreau, United Consultants, Inc.; and Mr. Brad Chaffee, developer, addressed the Planning Board.

Ms. Love reviewed the applicant's May 6, 2020, meeting with the Planning Board. She stated the applicant received a recommendation from Design Review for their color renderings. She recommended that if the Planning Board votes in favor of this Special Permit and Site Plan Modification, special conditions as outlined in her memo to the Planning Board dated June 4, 2020, be stipulated.

Mr. Maglio stated that he had two comments on the applicant's latest revised plans. He confirmed that one sidewalk has been added to the plans with a brick walkway; therefore, it would not affect the drainage. Mr. Crowley stated that it was his understanding that the applicant was going to present a concept plan; therefore, BETA has not reviewed this. Vice Chair Halligan said BETA will need to review the new submission.

Mr. Goodreau reviewed his letter dated June 3, 2020, addressing the major concerns of the Planning Board from the previous meeting. Eight changes have been made to the plans since that meeting; he reviewed each change as provided on the plans and detail sheets.

Mr. Rondeau said he has reservations about the project and recommended pulling the building forward. He would like a loop road for access all around the building as the Planning Board has required of other applicants. He requested a full Site Plan as this is a non-conforming lot and a sidewalk all around. He would like to the two lots, the white house and this lot, combined and the building pulled forward. This is a parcel, added to a parcel, added to a parcel; the current plan needs additional work. Ms. Love stated if the applicant filed an ANR, it would make the lot conforming.

Mr. David stated agreement with Mr. Rondeau regarding pulling the building forward and having an access road all around the building. He discussed the proposed dumpster site and recommended it be relocated. Mr. Chaffee stated the buildings will all be under the same association; this will be one site in the community. Mr. Power said he was in agreement with the comments made by the other Planning Board members. He expressed concern about the house in the center. He stated that previously the applicant had discussed that the owners were going to buy a condo in the new proposed building, and the house would then be torn down; now plans show improvements to the façade of the house.

Mr. Halligan said the feeling he is getting from the Planning Board members is that they agree with the height and the multi-family aspect of the proposal, and they may agree to this larger building if it were pulled forward. Mr. Chaffee discussed the building at 88 East Central Street. He reviewed the 3D renderings and said this would open up the area and make it a green space. He proposed to blend in the house, put in a courtyard, and make it an interesting piece of the development. The single-family house would be kept and modified which will give the appearance of opening it up. Mr. Chaffee said this is the last phase of this development. He stated the Fire Department has approved the current access.

Vice Chair Halligan asked the applicant if he would like the Planning Board to close the public hearing and vote at the next meeting, or if Mr. Chaffee would like to rethink this project any further and return to the

Planning Board for another meeting. Mr. Cornetta stated that they would be consolidating two lots on the Site Plan, but it is difficult with the middle parcel as the applicant does not own it. As they want to adequately make sure they have addressed the Planning Board members' concerns, he suggested a continuance is in order.

Vice Chair Halligan reiterated that the concern he is hearing from the Planning Board is pulling the building forward. At this point, the applicant should listen to the Planning Board members as they are not comfortable with the way the plan is proposed.

***Motion to Continue the public hearing for 70, 72 & 94 East Central Street – Multi-Family, Special Permit & Site Plan Modification, to June 29, 2020 at 7:15 PM. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 9:15 PM.***

Respectfully submitted,

Judith Lizardi, AL  
Recording Secretary

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