

Town of Franklin



Planning Board

**June 22, 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 Discussion: Sandy Knoll Estates

Ms. Love stated the Planning Board voted at the June 8, 2020, meeting to release all bond monies except \$10,000 to be retained until the plans are filed at the Registry of Deeds; plans are filed after the Town Counsel accepts the roadway. She reviewed that there are several steps needed to be taken before the Town Counsel accepts the roadway.

Chair Padula discussed the mylars provided by the applicant and that \$10,000 has never been withheld from a bond release before. He asked when this item would go before Town Council and how long it is expected that the \$10,000 would be held. Ms. Love reiterated that the money would be held until the streets are accepted by Town Counsel and recorded at the Registry of Deeds. Chair Padula stated that there are roads in Town that have not been accepted in 15 years. What is the hold up for this development since the developer has turned in all that was required?

Mr. Maglio said that in the past five to six years, there has not been too much of a delay with subdivision plans. He thinks that after the plans are recorded at the Registry of Deeds, the process would go fairly quickly. He stated the updated mylars were received from Mr. Ronca. He deferred to Town Attorney Mark Cerel for any formatting issues regarding the mylars. In response to Chair Padula's question, he reviewed the location of an easement and paper road.

Mr. Halligan asked about the timeliness of the Town Counsel and the Registry of Deeds processes. He asked if a 35-day window was reasonable with the COVID-19 situation, or should it be a 90-day period. Ms. Love said she would confer with Town Administration on this as she is not sure of the Town Councils timeframe. She suggested putting this item on the Planning Board agenda in 90 days for an update. Chair Padula stated that he would like to allow 90 days, and at the end of the 90 days, even if it is not resolved, they give the money back to Mr. Ronca. All Planning Board members verbally stated agreement.

No motion or second made; no vote taken.

Mr. Bill Ronca stated that the bond is specific, and he met every criterion. He has provided two sets of mylars and documentation in accordance with the bond; he does not understand why this is different. He stated that he also paid \$3,600 for the street acceptance. He noted some subdivision roads have not been accepted in 10 to 15 years. Ms. Love stated that withholding money has been done in the past; although the paperwork may have been received, the acceptance is not complete. Mr. Ronca stated that Mr. Maglio reviewed this already. The Town Counsel was provided with an up-to-date version of everything on December 16, 2019. Being publicly approved was not on the bond. Chair Padula said that due to COVID-19 and what is going on with the town attorney, the Planning Board voted to return the money in 90 days if nothing is done. Ms. Love confirmed this item would be put on the Planning Board agenda in 90 days, and the Planning Board would vote at that time to release or not release the funds. Mr. Ronca stated that he did not agree on the 90-day period, and he does not agree with anyone else approving the subdivision other than the Planning Board as that is not what the bond required.

B. Endorsement: 1256 West Central Street - Update

Ms. Love stated that this item is on the agenda for the Planning Board’s vote to endorse the submitted plans. She stated that at the June 8, 2020, Planning Board meeting, the applicants requested their plans be endorsed. There was concern from the Planning Board about the curbing provided on the Site Plans, and an update for local and state levels of permitting as well as construction timelines was requested. The applicant’s engineer provided an explanation of the curbing and a detail sheet with information. The applicant provided an email explaining where they are currently with the permits. The Host Community Agreement was finalized in March 2019, and the applicant is still waiting for final approval from the Cannabis Control Commission, which they believe will occur in July or August. They expect construction to be in August or September. Chair Padula confirmed the concrete curbing.

No motion or second made. Vote: 5-0-0 (5-Yes; 0-No).

C. Meeting Minutes: April 27, 2020 & June 1, 2020

Motion to Approve the Meeting Minutes for April 27, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for June 1, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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

Motion to Waive the Reading for 340 East Central Street, Special Permit & Site Plan. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Halligan recused himself.

Mr. Richard Cornetta, attorney representing the applicant; Mr. Erik Poulin, consulting engineer of Jones and Beach Engineers, Inc.; and Mr. Jeffrey Dirk, traffic consultant of Vanasse & Associates, Inc., addressed the Planning Board. Mr. Cornetta stated this is a 6.5-acre site in the Commercial II Zoning District at the former Keigan Chevrolet site located in the DEP approved Water Resource District. He reviewed the history of the previously proposed and approved development and noted the economy did not permit that development to move forward. He stated the bowling alley is not part of this new proposal. The new proposal involves mixed

use: 42,000 sq. ft. of residential apartment style use and 15,219 sq. ft. retail use, including a coffee shop. The applicant is looking for approval of a Special Permit for the height of the residential building of up to four stories and 50 ft., and a Special Permit for a vehicle service establishment at the proposed coffee shop. He noted that they have been before the ZBA for some variances which he reviewed. The project is going before the Design Review Commission. He stated that there is a wetland resource area; they will be filing a NOI with the Conservation Commission. He clarified that the pervious pavers would not be used for travel lanes for residential vehicles; they would be exclusively for the fire access.

Mr. Poulin gave an overview of the proposal. He stated that of the approximately 15,000 sq. ft. for retail, 2,250 sq. ft. is for a drive-through restaurant. They are proposing two four-story residential buildings with 104 units between the two structures. He stated that 301 parking spaces are required for which they are requesting relief. They believe that 1.5 spaces per unit is appropriate and adequate which would reduce the requirement to 249 spaces; they are providing 268 spaces. They are proposing a connection with the Big Y next door. He reviewed snow storage and stated that they are proposing to use some of the parking for temporary snow storage, and then it would be taken off site. He reviewed the proposed fire lane and proposed lighting and gave an overview of the drainage system. He stated that there is a water line with an easement that runs through the property. The footprint of the building is 80 ft. x 240 ft.

Mr. Dirk provided an overview of the traffic study. The mixed-use nature of the project is a significantly lower generator of traffic of about 83 percent than the prior proposal. This project will generate 140 to 160 peak-hour trips. He discussed that MassDot did not want another signal in the area; therefore, the traffic signal is not proposed. They will be making road improvements as part of the project. He noted they have coordinated with GATRA and will have a bus stop within the site. This amenity will reduce traffic and parking needs.

Chair Padula stated the applicant is 32 parking spaces short. He does not agree with using spaces for snow storage as they are already short, and hauling the snow away never happens. He asked if the applicant knows the retail that is going in. He confirmed they are requesting a Special Permit for the fourth story. He stated the 83 percent reduction in traffic that Mr. Dirk described is based on the previous development plans. He said when there are residential properties there is some green space, and none is shown. He asked about the drainage easement. Mr. Maglio stated it appears that the applicant is coordinating with the State. Mr. Rondeau requested the number of one, two, and three-bedroom units. He asked if the mechanical units were going on the roofs and stated that he wanted some screening on the buildings and the drive through. He asked about the delivery access for building D as it has retail. Mr. David asked about snow storage and noted the applicant is already 32 spaces short. Mr. Poulin reviewed the planned snow storage areas. He noted that although they are short on parking, they feel that two spaces for unit is excessive for this type of building.

Mr. Maglio reviewed some of his comments including questions about the town water main, access out of the site, temporary grading easement, exterior grease traps for both retail areas, connection of site sidewalk to Rt. 140 sidewalk, cast iron covers for drainage system, and can the pervious pavers for the fire lane be plowed during the winter.

Mr. Crowley reviewed his comments concerning building height, residential parking location, shared use parking throughout the site, snow storage, and general utilities.

Mr. Poulin said they are working on BETA's comment letter. Mr. Cornetta stated they will address the comments and better the proposal as instructed. Chair Padula confirmed the applicant has to go to Conservation Commission and Design Review.

Motion to Continue the public hearing for 340 East Central Street, Special Permit & Site Plan, to July 27, 2020. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:10 PM **PUBLIC HEARING** – *Continued*
Panther Way
Special Permit & Site Plan
Documents presented to the Planning Board are on file.

Mr. Michael Doherty, attorney representing the applicant; Mr. Rick Goodreau, United Consultants, Inc.; and Mr. Brad Chaffee, Camford Property Group/applicant, addressed the Planning Board. Mr. Doherty stated they have been before the Planning Board many times. They have reached a settlement agreement with Highwood I and Highwood II condominiums. Part of the agreement of the Special Permit is that the bus parking not be relocated onto the property. He stated that a concern of the Highwood neighbors was that in the future the client would relocate the bus parking. The applicant assured them that this would not be done. The neighbors wanted a condition that an approval of a Special Permit would include the promise to not relocate the bus parking. The bus parking shown on the new Site Plan is where it will stay.

Ms. Love stated she had no further comments other than what was provided in her memo. Approval from Design Review was received this week.

Mr. Maglio stated the revised submittal was reviewed. He noted only one comment regarding the retaining wall in the rear of the building. Mr. Goodreau stated it would be a Redi-Rock retaining wall. He explained the materials, location, and dimensions of the wall. There will be a chain link fence on top of the wall.

Mr. Crowley stated he reviewed the revised plans. He noted the turning radius for backing out was a little less than desirable. He asked about the feasibility of a sidewalk in front of the building. Mr. Goodreau explained that there are locations where the construction of a sidewalk would be challenging. Chair Padula stated that if it cannot be done, it cannot be done.

Mr. Rondeau noted that six buses were being stored inside the building; he asked if there is a carbon monoxide system installed as the buses will generate fumes when they start. There should be no body or mechanical work in the building. He noted this is strictly for the Holmes buses. He asked how much gravel removal out of the site is needed, and how much ledge will be blasted? Mr. Goodreau said they have not done the evaluation yet, but they will file for an earth removal permit. Mr. Chaffee said all ventilation requirements will be met for the building. He confirmed this would be for the Holmes buses only. He said they do not have a specific tenant at this time.

Mr. Halligan stated that the applicant did a great job complying to everyone's needs and wants. The only stipulation he would like to see on the Special Permit is that for any tenant besides Holmes busing they must return to the Planning Board for a Limited Site Plan before they could get an Occupancy Permit. Mr. Chaffee said he is okay with that. Chair Padula asked where the AC units would be located. Mr. Chaffee said as there was no tenant yet, he does not know where they would be located; but wherever, the units would be screened. Mr. Halligan asked for a view of the front side of the building.

Mr. Chris McCarthy, 114 Highwood Drive, stated that when the site walk was conducted, other evergreen screening such as spruces was discussed, but it has not been addressed at this meeting. Mr. Chaffee said part of his concern about that screening is the grade; the detention pond is lower. Mr. McCarthy asked if the applicant was requesting a waiver for screening for 10 or more cars. Chair Padula confirmed that for 10 or more cars a 10 ft. strip of screening is needed. Mr. Goodreau read aloud Chapter 185, section 35, about required screening. He stated they have provided a planting plan with vegetation. Chair Padula read aloud the snow storage section.

Mr. Anthony Gallino, attorney representing Highwood I and Highwood II condominiums, abutters to the proposed project, stated that one of the things agreed upon was that the location of the buses would not be changed, and any new tenant would have to come before the Planning Board.

Chair Padula noted that if this item had gone to the Zoning Board of Appeals first, there would have been no Special Permit and therefore no special conditions.

Motion to Close the public hearing for Panther Way, Special Permit & Site Plan. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Chair Padula stated that the Planning Board will vote at the July 29, 2020, meeting.

7:15 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. Mr. Cannon said they have satisfied BETA's concerns. He stated the Planning Board expressed concern about not knowing the tenant and therefore not knowing the hours of operation. He noted there was concern about an Amazon-type tenant, but this is not a good location for that. Those types of commerce facilities are larger and need more parking than is being proposed. He pointed out that the applicant is not creating a site that would be appealing to that type of user. He stated that the proposed traffic on Grove Street is minimal. He discussed the difficult impact of requiring the applicant to return to the Planning Board for a Limited Site Plan for any tenant. He discussed that through the bylaw, the Planning Board does have protections. He discussed the hours of operation and deliveries. He stated the applicant is comfortable if the Planning Board wants to apply a condition regarding the Town's noise bylaw. He explained that the applicant realizes that Grove Street is in difficult condition, and they have proposed a contribution of \$100,000 to help with Grove Street repairs; they want to contribute to the solution. He further noted that any significant change in use for a tenant would have to come back to the Planning Board.

Mr. Halligan expressed that he is concerned about not knowing who the tenant is. He is not comfortable with the traffic report. What happens if they get a tenant that exceeds the traffic report. If the tenant is not known, how can a traffic study report be written? Mr. Cannon said they understand the concern, but in reality, this is difficult on the applicant. The traffic impact is really minimal. Mr. Ham reviewed the scope of the traffic impact and said it is a very small impact based on a warehouse tenant similar to what is out there today. He noted that if there is a significant change of use, the Building Department can require them to come back to the Planning Board. Mr. Power stated that he agrees with Mr. Halligan; this should not be approved blindly without knowing what is going in there. It is not out of the ordinary for the Planning Board to request this.

Chair Padula stated that usually the Planning Board approves something and they know what is required of the parking. He noted that everything today is delivery. The applicant is already 43 parking spaces short at the site. There are residential homes on the street. The Planning Board has legitimate concerns. Mr. Halligan said he is in favor of the project and the traffic study; however, he is worried if something exceeds that traffic study in the future.

Mr. Cannon discussed that lending and leasing would be virtually impossible with that condition. Mr. Reilly discussed that it is difficult to secure lending for new construction; if there are these special conditions, the bank will look at it differently which would make it difficult to secure financing. They are trying to have a project they can move forward with. Mr. Reilly stated the traffic study is based on best engineering practices.

They build and finance the building and then court tenants to come into the town and into the building. If there is an atypical condition in the requirements, it will make it impossible to get financing. Mr. Halligan said that it seems like the applicant just wants an open book. Mr. Reilly and Mr. Cannon discussed the tenants and parking.

Mr. Rondeau agreed with Mr. Halligan and Chair Padula. The Planning Board has to look out for the best interests of the Town. They have to consider the traffic. He does not want this to become the building commissioner's problem in the future. Mr. David stated he was in agreement with the other Planning Board members. Chair Padula stated that this is the only bite of the apple the Planning Board has. The applicant has the right to build this. He noted the traffic issue and the shortage of 43 parking spaces. He stated the initial use is not known, so they do not know what a change in use would be. He stated that it is the feeling of the Planning Board that they would like to know who the tenant is and what their requirements are going to be for parking. The Planning Board cannot give carte blanche for a building without knowing what is going in it for use. Mr. Halligan asked if the applicant could do a traffic study that doubles what they have proposed and show that it would not be a significant impact; the applicant's current traffic study seems like it was a conservative study. This way, the Planning Board would know if the road could handle the traffic if the study doubled. There would be enough leeway there to protect the Town. Mr. Reilly stated that would be acceptable. He asked if they could present this at the next Planning Board meeting. Ms. Love asked if the Planning Board would like BETA to review it.

Mr. Ken Gutkowski, abutter, stated this is a big concern for him. There is constant traffic coming into the neighborhood such as from people who are interested in the state forest and trucks barreling through Grove Street. There are kids that are new drivers in the area. There is heavy truck volume. He does not think the traffic study has taken into account the current traffic.

Ms. Deborah Bibeault, 185 Grove Street, stated that she has to replace her mailbox often due to trucks turning around. More traffic on Grove Street would be horrendous. It is already very congested. She noted trucks are currently supposed to take a left turn and they do not.

Mr. Steven Rossetti, 235 Grove Street, disagreed that the traffic impact will be minimal. Currently, the trucks go by at all hours of the night. There are landscaping and trash issues. Grove Street is residential and it is used commercially. He noted there are no sidewalks on Grove Street; \$100,000 will not do a lot to fix Grove Street.

Mr. Scott Waite, 198 Grove Street, stated several of his neighbors feel this way. He wants the road fixed; \$100,000 is not enough. Something else should be put in this site; there are better projects for that location. He discussed the intent of the Master Plan.

Mr. Halligan stated that to lead the applicant in the correct direction, is the rest of the Planning Board comfortable with his suggestion about a revised traffic study. Mr. Power confirmed that the Planning Board would not have to know every tenant as bylaws are in place if there is a big difference in parking. Mr. Halligan asked if the Planning Board has discretion regarding how to use the \$100,000. Chair Padula said the Planning Board has the ability to accept the money for a specific purpose/use. Mr. Halligan suggested the money to be used for signage.

Chair Padula stated Grove Street has become a very travelled area. It has needed lights for some time. He feels some of this could be remedied if tractor trailer trucks were made to go north. It is up to the Town to address the problem. This public hearing is for expansion of this site; not all of this should be put on the shoulders of this developer.

Mr. Cannon reviewed the assumption for the traffic study is to do a 50 percent increase.

***Motion to Continue the public hearing for 176-210 Grove Street, Site Plan, to July 13, 2020. Halligan.
Second: Rondeau. 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 9:34 PM.***

Respectfully submitted,

Judith Lizardi, AL
Recording Secretary

******Approved by the Planning Board on August 17, 2020***