

Town of Franklin



Planning Board

**July 27, 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: Amy Love, Planner; Bryan Taberner, Director of Planning and Community Development; Matthew Crowley, BETA Group, Inc.

*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: Acorn Hill Estates

Ms. Love stated the Planning Board approved on May 8, 2017 a Definitive Subdivision plan entitled “Acorn Hill Estates-Acorn Place.” The Planning Board is currently holding a bond in the amount of \$97,635. The applicant has requested a bond reduction for work that has been completed. BETA Group performed an onsite inspection and has estimated the cost for completion is \$70,825. As such, the reduction amount of the bond is \$26,810.

Mr. Crowley stated the bond reduction was due to the installation of the top coat of pavement. He reviewed the outstanding work items as indicated in his Site Observation Report of July 7, 2020. He noted the radius for two driveways was not installed when the roadway top course of pavement was done. The contractor indicated the residents said they did not want them installed. He suggested DPW would need to comment on this. Planning Board members discussed how the driveway curbs would be installed since the top coat was already done. Mr. Crowley stated only the curbstones were noted in the bond; not the labor that would be needed.

Chair Padula said that for the deficiencies and discrepancies, another \$5,000 should be added to the bond. Discussion commenced about possible costs for the top coat to be repaired after the driveways are fixed. Chair Padula stated this is the obligation of the contractor as designated on the bond regardless of what the homeowners say they want; the money must be in the bond for this. He recommended \$20,000 should be released and \$6,810 be added back into the bond for remaining work as discussed.

Motion to Accept Bond Reduction of \$20,000 for Acorn Hill Estates for a bond total of \$77,635. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Final Form H: 186 Grove Street

The applicant submitted a Final Form H and Engineer's Certificate of Completion and a final As-Built plan. Mr. Crowley stated a final site walk was conducted on July 7, 2020, as outlined in his Site Observation Report. All items have been completed.

Motion to Accept Final Form H for 186 Grove Street. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Partial Form H: 45 Forge Parkway - YMCA

Ms. Love stated that the Planning Board approved a Limited Site Plan Modification on May 7, 2018, allowing the applicant to install a covered concrete slab to be used as a picnic area. The applicant provided a Partial Form H and partial As-Built plan. BETA provided an onsite report with pictures. The applicant is requesting to use the picnic area for summer camp this year and proposing to finish the project in October.

Chair Padula stated there are no lights under the canopy and requested the hours of operation. He asked if the applicant has a permit to have the trailer onsite. Mr. Kevin Dionne of the Hockomock YMCA stated he believes the one trailer was put onsite with a permit, but he will confirm. He stated it is used for a summer camp office from mid-June through August; then it will be removed. He stated this has been done for the past seven years. He stated the picnic pavilion will only be used during the day from 7 AM to 6 PM to shade the children from the sun. He noted that the company that was building the structure shut down due to the pandemic. He confirmed the step off the cement slab to the grass area was smooth as shown in a picture in BETA's report. Planning Board members asked questions. Mr. Dionne explained the reasons that the Cultec system is not yet installed. Chair Padula stated that usually nothing is released for use until the drainage is done.

Mr. Crowley stated there are a few outstanding work items as indicated in his Site Observation Report dated July 15, 2020. The downspouts are on the roof, but there is no system in place to discharge to the Cultec system. Mr. Halligan noted this is a shed roof and asked what was the purpose of a Cultec system. He asked if it was handicapped accessible. Chair Padula stated the Cultec system is for the impervious coverage. Mr. Dionne stated it was handicapped accessible; it is a gradual level grade to the slab. He stated that as soon as summer camp is over at the end of August, he will have the contractor complete the trench work and install the Cultec system. He will return to the Planning Board by the beginning of October. Planning Board members asked questions. Chair Padula stated the Planning Board can limited this approval for the Partial Form H for two months.

Motion to Approve the Partial Form H for 45 Forge Parkway – YMCA until October 1, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. Decision: 160 Grove Street

Ms. Love stated that at a previous Planning Board meeting this public hearing was closed. She stated that the suggested special conditions were previously discussed as outlined in her memo to the Planning Board dated July 22, 2020. She stated the applicant requested two waivers which the Planning Board indicated they were satisfied with: the reduced number of parking and some parking that was over 300 ft. away. She noted the Planning Board may want to discuss the odor mitigation conditions.

Mr. Maglio stated concern with the line striping on Grove Street; he would like to see a plan. Ms. Love reviewed the special conditions. She stated the applicant has not gone to Design Review as they are in the Industrial Zoning district. Chair Padula asked about the odor mitigation system. It was noted that if there is any concern with the odor mitigation system once it is put in place, what will the solution be? Mr. Halligan asked if the State takes part in regulating odors if there are odor complaints. Mr. Crowley stated he does not know that DEP can shut a facility down due to odor. He stated that the applicant does not have to have a full odor redesign on hand, but should have a plan if they do not meet the expectation of what the Town thought regarding odor. Mr. Halligan asked how many odor complaints are needed before someone does something.

Mr. Crowley stated he would have to refer to DEP's rules. Mr. Taberner stated that a previous project had multiple complaints by neighbors to both the Town and State regarding the smell. Eventually, the issue was addressed. The State, as well as the Town's Building Commissioner and Health Director, were involved. When there is a problem, it has to be addressed. He recommended the wording in the decision be strong enough. Mr. Halligan suggested this is a major issue that the Planning Board should be concerned with. Mr. Rondeau agreed.

Chair Padula confirmed the Planning Board would like more feedback and possibly an independent review to clarify the special conditions. Ms. Love confirmed the Planning Board would like to have some type of post-development monitor of the odor and the alternative odor mitigation plan to put in the special conditions of the decision. Chair Padula reviewed the special conditions as listed and stated that suggested special condition #5 is not needed prior to endorsement. Mr. Halligan asked if special conditions #3 and #4 were the same. Ms. Love suggested rewording.

Motion to Continue the Decision for 160 Grove Street to August 10, 2020. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

E. Limited Site Plan: 303 East Central Street – Pet Supply Plus

Mr. Michael Doherty, attorney on behalf of the applicant, was present at the meeting.

Ms. Love stated that the Planning Board requires any new tenants that occupy the space provide a Limited Site Plan to show sufficient tenant parking. The applicant provided a Limited Site Plan; however, it does not indicate Pet Supply Plus for Tenant 3, does not provide the amount of parking required for Pet Supply Plus, and the plan purpose states it is for Tenant 2 and 5, not for Tenant 3. She recommended the Limited Site Plan be updated accordingly. Mr. Halligan suggested the parking is sufficient as this is a pet supply store; Planning Board members agreed.

Motion to Approve the Limited Site Plan for 303 East Central Street – Pet Supply Plus. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

F. Limited Site Plan: Ben Franklin Charter School

Ms. Love stated the applicant submitted a Limited Site Plan Modification for grade changes at the front entrance and to remove the curb cut ramps. She suggested that the applicant provide an explanation that the site will still comply will all ADA rules and regulations.

Mr. Richard Marks, applicant, addressed the Planning Board as to why the two handicapped ramps were removed. He stated two ramps were shown on the Site Plan; however, they were not needed by code. The civil engineer removed them as they are not needed by the school due to the way children were accessing the school by bus or vehicle. Chair Padula reminded the applicant that items must not be removed from plans without Planning Board approval.

Mr. Maglio stated that if an accessible wheelchair ramp is not being provided, the applicant should identify why one is not required under the current Federal ADA or State AAB requirements. Mr. Daniel Snider, architect, reviewed the requirements for ramps and where the accessible routes to the entrances are provided and said the ramps are not relevant to this situation. Chair Padula requested a letter be provided to the Planning Board from ADA that the ramps are not required; he will then ask the Planning Board for a Site Plan Modification.

Mr. Stephen Garvin, engineer, reviewed the main student drop off and places for children to be dropped off with access to a ramp. He stated that anytime there is not a crosswalk, there is not a need for that type of ramp. Chair Padula said that in an emergency if someone has to be wheeled out of the school, it is usually the main entrance where public vehicles pick up and drop off such as an ambulance. He cannot imagine a main

entrance not being handicapped accessible. Mr. Garvin confirmed they could get a letter from the AAB. Mr. Halligan reviewed the applicant’s rationale and stated he agreed. Planning Board members asked questions about the traffic and drop off areas. Mr. Marks stated the paving work would be completed by mid-August. He noted they have a temporary Certificate of Occupancy at this time. He stated the signal lights are complete.

Mr. Maglio stated the regulations for the AAB and ADA are comprehensive. He would like to put it on the applicant to verify that the ramp is not required; a letter from the AAB would satisfy this. Mr. Garvin stated that they are compliant. Chair Padula requested documentation from a licensed engineer or AAB. Planning Board members agreed. Mr. Snider stated he would provide a written statement. Mr. Marks asked if the repaving work could continue. Chair Padula stated yes.

Chair Padula stated that the Limited Site Plan for Ben Franklin Charter School would be continued to August 10, 2020. No motion or second was made; no vote was taken.

G. Meeting Minutes Approval: May 18, 2020 & June 8, 2020

Motion to Approve the Meeting Minutes for May 18, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for June 8, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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

Chair Padula stated Jones & Beach Engineers, Inc. requested a continuance.

Motion to Continue the public hearing for 340 East Central Street, Special Permit & Site Plan, to August 24, 2020. Padula. No Second provided. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained.)

7:10 PM **PUBLIC HEARING** – *Initial*
164 Grove Street
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).

Ms. Love stated the site is approximately 1.5 acres and is in the Industrial Zoning and Marijuana Overlay District. The applicant has filed for a Special Permit to allow a non-medical retail marijuana facility under 185 Attachment 3, Part II Section 2.23. The applicant is proposing to construct a 4,150 sq. ft. building with 70 parking spaces. The main use of the building is for retail marijuana. There will be no product manufacturing, testing, or research operations at the facility. Letters were received from the Fire Department, Town Engineer, and BETA. The applicant will need to file with the Conservation Commission for the 100 ft. buffer zone. She stated that the applicant is proposing to enter the site from a driveway owned by the abutting property. The applicant will need to provide an easement agreement prior to the Planning Board vote. Due to COVID-19 regulations, there should be entrance only and exit only doors provided and shown on the plans as to how the customers will enter and exit the building.

Mr. Maglio reviewed his comment letter to the Planning Board dated July 23, 2020, which was provided in the meeting packet. Chair Padula stated that most of the site is in the Water Resource District. He read aloud

the letter from the Fire Department indicating an issue with the proposed access for the project. Mr. Crowley reviewed a number of his comments as provided in his review letter to the Planning Board dated July 23, 2020.

Planning Board members asked questions. Mr. Rondeau stated that traffic would be an issue as another facility is coming onboard next door. He asked if the Police Department weighed in and how many transactions per hour would be allowed at the facility. Mr. Halligan noted that the Town Council likes to see liquor stores spread out in Town. Does it make sense to have two retail marijuana establishments located next to each other? Chair Padula stated it is up to the applicant if they want to compete with each other. He asked whether or not this was advertised in the correct way as two special permits are needed. He read from the Zoning Bylaws. He discussed common driveways and said that as this is a third lot, it would require a special permit.

Ms. Carla Moynihan, attorney representing the owner, discussed the covenant needed for the easement. This permit could be considered in parallel. Chair Padula asked if the driveway could handle their traffic as the driveway was put in to handle the Planet Fitness traffic, not high-traffic-sales of marijuana. He stated it is private property, not a street. He stated the conditions for Planet Fitness's approval need to be reviewed. Ms. Moynihan stated a traffic consultant was in attendance. She stated she thought the frontage was grandfathered, she would do a legal analysis of the site, she will look at the legal aspect for a special permit for the shared driveway access, another special permit for non-medical marijuana will be added, and they hope to have an agreement with the abutter regarding the driveway.

Ms. Shelley Stormo, Executive Director of PharmaCann LLC, stated they operate 10 dispensaries in other states, as well as one dispensary in Wareham, MA and another opening in Shrewsbury, MA. The third dispensary is proposed for Franklin for medical and non-medical marijuana. Their focus is having knowledgeable sales consultants and a wide variety of products. They operate their dispensaries compliantly. There are about 500 transactions per day in Wareham from 9 AM to 9 PM, seven days per week. She said since COVID-19 they have implemented an online order system; they use ID software and signs encouraging social distancing. They plan to employ about 40 people from the local area.

Mr. Thomas Schwallie, project manager, stated the parking was split up due to the setback distances and due to the steep grade. They have more parking spots than required by code. He noted there is underground stormwater storage.

Mr. Allan Mellske, Interform Architecture & Design, reviewed the provided drawings for the dispensary. The building is sited in the middle of the site. He reviewed the split parking condition. The entry is defined with a distinct in and out which goes into a waiting area which customers are then moved into the sales area of the building. He noted there is a solar array on the roof. He reviewed the façade and the interior floor plan.

Ms. Rebecca Brown, traffic consultant of GPI, confirmed her comprehensive traffic study report which looks at safety and traffic operations is almost done and will be ready for the next meeting. She stated that some traffic numbers were obtained pre-COVID-19 conditions, sight distances meet the required guidelines, and traffic volumes were projected for a seven-year period consistent with DOT guidelines. Traffic operations analysis was performed at the site driveway showing a service level of B or better. More detail will be provided at the next meeting.

Mr. Halligan asked if an agreement has been set up with the administration on this project. Ms. Love confirmed there is a host agreement; as well, the host community public meeting has been scheduled. Mr. Halligan confirmed the busiest day for these facilities is Saturday and Saturday mornings and afternoons are busy for workout facilities, also. He would like a traffic study done for Planet Fitness to show that both facilities can work together and share the driveway. Ms. Brown discussed the critical time periods on Grove Street are after work and the Saturday. Planet Fitness and the other retail use was included in the traffic

study. She stated she would get the exact dates when the traffic studies were done; she noted traffic volumes were seasonally adjusted. Mr. Halligan asked for a simple chart at the end of her report of the actual traffic counts for vehicles coming and going.

Motion to Continue 164 Grove Street, Special Permit & Site Plan, to August 24, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Continued*
 162 Grove Street
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

Mr. Rick Goodreau of United Consultants; Ms. Amanda Rositano, President of NETA/applicant; Mr. Don Cooper, attorney on behalf of the applicant; and Ms. Sasha Wood, traffic engineer from Tetra Tech, addressed the Planning Board. Mr. Goodreau stated this is the second public hearing. They have responded to review comments from various Town departments and BETA. There are a few comments remaining from BETA. He stated that they propose to add a bollard to the middle of the overhead doorway; therefore, vehicles cannot enter the building. As well, they have revised the plan to install a guardrail at the end of the parking spaces rather than the bollards. Planning Board members stated they were okay with the changes. Mr. Maglio stated he feels the guardrail would be sufficient to stop a car in this area.

Ms. Love stated the applicant included the requested snow storage, a revised landscape plan has not been received, and signage should be included as a condition. Mr. Taberner said that all signage must go through Design Review regardless of zoning district. Mr. Goodreau stated they are scheduled to meet with Conservation Commission this Thursday. Mr. Maglio stated all their comments have been addressed.

Ms. Wood reviewed the traffic study. She stated that five intersections were looked at along Grove Street, as well as 160 Grove Street, 164 Grove Street, and 176-210 Grove Street projects. They looked at NETA's North Hampton Facility for projections of NETA customer trips, NETA employee trips, and total NETA trip generation. Overall, they determined 3,400 daily trips projected and about 3,600 trips on a Saturday. She explained the level of service for specific intersections along Grove Street. She stated that parking demand was calculated with 120 parking spaces on weekdays and 128 parking spaces on Saturdays. She noted the proposed parking supply of 141 spaces is expected to be adequate. Sight distance was reviewed as part of the traffic impact study. In terms of mitigation, they are proposing site access improvements, post-occupancy monitoring, and transportation demand management program. Mr. Halligan asked if there were any electric vehicle stations within the parking, if the GATRA bus would be able to stop in there, and if the traffic counts were based on the facility within the first three months of opening or once established. Ms. Wood stated there were no electric vehicle stations proposed at this time, a van/bus could circulate the parking area, and the numbers are based on November data from the North Hampton facility which had been opened for approximately one year.

Chair Padula asked why the data was taken from North Hampton and if the population of North Hampton matches Franklin and surrounding towns. Ms. Wood stated it was important to take NETA's numbers so they are looking at what they are potentially generating. She does not have the North Hampton's population. Ms. Rositano stated that the numbers from North Hampton were used and are similar to Brookline which has more population. She stated the volume usually increases over time. She noted that in November there were only about 35 operators in the State so the numbers probably were higher. She stated that the pre-COVID numbers were higher. She discussed that they can control the number of customers with their reserve-ahead operating model. She stated there would be about 20 customers per 15 minutes which is about 80 customers per hour. She stated they do not take walk-ins. They have staff onsite outside the store as well. Mr. Rondeau stated there is going to be a great amount of traffic on Grove Street and more research on this should be done. Chair Padula noted that 45 percent of the traffic would be coming from Washington Street which is an

un-signalized intersection. He asked the applicant to determine ways to mitigate the traffic for the next meeting.

Motion to Continue the public hearing for 162 Grove Street, Special Permit & Site Plan, to August 17, 2020. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:20 PM **PUBLIC HEARING** – *Continued*
 122 Chestnut Street
 Site Plan
 Documents presented to the Planning Board are on file.

Ms. Love stated there were a few outstanding items from the last meeting. The applicant submitted revised plans based on the Planning Board’s comments from the July 13, 2020, meeting regarding removing one parking space and transition roundings along the entrance. She reviewed recommended Special Conditions as outlined in her letter to the Planning Board dated July 22, 2020.

Chair Padula stated he is not concerned with getting rid of the first parking space. He is concerned that the dumpster truck cannot turn around and will have to back onto Chestnut Street. Ms. Love stated the dumpster truck would be able to back into the service spaces and then pull out forward as shown on the plans. Chair Padula asked that the turn-around area be striped so no one parks there. Mr. Crowley stated he agreed with the turning plan. He confirmed there was a 6 ft. screening fence that runs along the property line. Mr. Maglio stated all his comments have been addressed.

Motion to Close the public hearing for 122 Chestnut Street, Site Plan. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Site Plan for 122 Chestnut Street with the following Special Conditions:

- 1. Fencing around the dumpster shall include vinyl slats for screening.***
- 2. Recommend for the Board to include a condition that all water, sewer, and drainage installation shall be in conformance with Town Standards.***
- 3. Plans shall include the Certificate of Vote on front page and color renderings of the building.***
- 4. The Board may wish to consider a condition of approval that requires the driveway opening to fully comply with Massachusetts Architectural Access Board regulations (e.g. 2% maximum cross slope for 36” minimum width, refer to MassDOT Standard Detail E 107.7.0.***
- 5. The backup area for the dumpster truck shall be cross-striped for no parking and a No Parking sign installed.***

Rondeau. Second: David. 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 9:46 PM.

Respectfully submitted,

Judith Lizardi, AL
Recording Secretary

******Accepted at the September 14, 2020 Planning Board meeting***