

## Town of Franklin



## Planning Board

**August 24, 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, Associate member Jennifer Williams. Members absent: None. Also present: Amy Love, Planner; Bryan Taberner, Director of Planning and Community Development; Michael Maglio, Town Engineer; 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.    Discussion: 5 Fisher Street**

Ms. Love stated that the Planning Board voted to close the hearing on August 17, 2020, and voted in favor of the Change in Use at 29 Hayward Street. The Planning Board had questions about the Site Plan application regarding how the project was filed. DPCD has followed up with the Town Attorney who indicated that the Site Plan Modification (Form P) was filed correctly. The Planning Board also inquired about the Site Plan including both 5 Fisher Street and 29 Hayward Street. The Planning Board conditioned the decision for 29 Hayward Street Change in Use and any future use at 5 Fisher Street will requiring filing a Site Plan Modification. The applicant has provided a letter agreeing to the conditions which will be included in the Planning Board's signed Certificate of Vote. DPCD and the Town Attorney agree the conditions are adequate to address the concerns of the Planning Board.

Chair Padula stated the public hearing was advertised for a Special Permit and Site Plan; he would like a withdrawal without prejudice of the Special Permit and Site Plan. The Change in Use was for 29 Hayward Street. Ms. Love stated there was no Special Permit filing; she had incorrectly put it on the agenda. It was not advertised as a Special Permit; therefore, there is no withdrawal. Chair Padula stated he wanted the Site Plan that was filed for 5 Fisher Street withdrawn because this is not an approval of what the applicant applied for; it is an approval for a change in use for 29 Hayward Street. Ms. Love and Chair Padula agreed the applicant could submit a revised Form P.

**B.    Endorsement: 301 East Central St. – Pet Supply Plus**

Ms. Love stated the Planning Board approved on July 27, 2020, a Limited Site Plan for a new tenant, Pet Supply Plus, that will occupy Tenant 3 Area. The applicant has submitted the Limited Site Plan for

endorsement. The applicant has added Pet Supply Plus for Tenant 3, the Certificate of Vote on the front page, and the Plan Purpose stating it is for Tenant 3 to the plans for endorsement.

***Motion to Endorse 301 East Central St., Pet Supply Plus. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

**C. Endorsement: 158 Grove Street - Brewery**

Ms. Love stated the Planning Board approved on May 11, 2020, a Special Permit and Site Plan Modification to expand the brewery and tasting room at 158 Grove Street. The applicant has submitted plans for endorsement. The Special Permit has been filed at the Registry of Deeds, and there was no appeal.

***Motion to Endorse 158 Grove Street, Brewery. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

**D. Endorsement: 160 Grove Street**

Chair Padula stated the plans indicate precast concrete curbing; he wants the final set of plans labeled reinforced vertical concrete. As well, there is no indication on any of the plans that the drainage pipe will be reinforced concrete pipe. He would like these items corrected and verified before endorsement by the Planning Board. Planning Board members agreed they would vote on the endorsement with the stated conditions; the endorsement would not be signed until it is confirmed the conditions are met.

***Motion to Endorse 160 Grove Street with the two changes as indicated. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM

**PUBLIC HEARING**

***Zoning Bylaw Amendment 20-858***

***Map Amendment***

***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. Taberner reviewed that the Department of Planning and Community Development and other Town staff are undergoing a multi-year project to better define the Town's zoning districts by following parcel lines. Where parcels are within two or more zoning districts, the Zoning District line is moved so each parcel is only in one zoning district, in most cases based on the current land use. At their meeting on June 10, 2020, the Town Council's Economic Development Subcommittee voted to send the proposed Zoning Map Amendment to the full Town Council for further consideration. The Town Council voted to refer Zoning Bylaw Amendment 20-858 to the Planning Board for a public hearing. Letters were sent to the property owners and abutter notifications were sent, as well.

Ms. Williams noted that Parcel 269-111-000 was only in the Single-Family III zoning district; she asked why it was changed to the Rural Residential II zoning district. Mr. Taberner stated it was to make everything on that side the same. He stated that parcel is owned by the Town; it was made the same as the parcel next to it.

***Motion to Recommend Zoning Bylaw Amendment 20-858, Map Amendment, to the Town Council. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Close the Public Hearing for Zoning Bylaw Amendment 20-858, Map Amendment. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM

**PUBLIC HEARING - Continued*****340 East Central Street******Special Permit & Site Plan******Documents presented to the Planning Board are on file******Mr. Halligan recused himself.***

Mr. Richard Cornetta, attorney representing the applicant; Mr. Erik Poulin, project engineer of Jones & Beach Engineers, Inc.; Mr. Jeffrey Dirk of Vanasse & Associates Inc.; and Mr. Mark Arnold, wetland engineer of Goddard Consulting, addressed the Planning Board. Mr. Cornetta stated it has been a few months since they were last before the Planning Board. He noted that this is the former Keigan Chevrolet site. They have made some revisions to the plans based on comments received from BETA. He noted there is a wetland resource on the site; as such, they will be meeting with Conservation Commission for a NOI this Thursday.

Mr. Poulin reviewed his responses to comments provided by the Planning Board, town staff, BETA, and DPW. He discussed the proposal for snow storage, turning plans, dumpster locations, and access in and out of the site. He stated that 12 in. HDPE pipe and a constructed wetland plan for Building D were added. He reviewed the requested waivers.

Ms. Love stated that at the last meeting the Planning Board requested more screening with landscaping between the property abutting to the west. The applicant proposed a six ft. chain link fence. DPCD recommends a white vinyl fence and plantings. The Planning Board requested additional landscaping and screening in front of the site and around the drive thru. The applicant has provided additional landscaping in these areas. She noted the applicant received Design Review recommendation; DPCD recommends the color renderings be added to the plans. She stated that the Planning Board inquired about deliveries and access around Building D; however, that issue has not yet been addressed.

Chair Padula stated he would prefer the chain link fence in front of the parking spaces rather than the vinyl as the vinyl would be pushed over by snow plows. Planning Board members asked questions and discussed a possible alternative to the fence such as arborvitae. Mr. Poulin stated he would check to see if there was some combination of fence and plantings, but it was very tight to the lot line and there is a slope.

Mr. Maglio reviewed his remaining comments as outlined in his letter of August 20, 2020; he stated the issues were discussed with the applicant and they will be addressed in the next set of plans. Mr. Crowley stated that BETA has reviewed the revised documents for the proposed Site Plan Approval application. The applicant has worked to address the majority of the comments; BETA is generally satisfied with the overall stormwater management design. Chair Padula and Planning Board members asked questions. Mr. Crowley discussed Class V pipe and stated it would be adequate. Chair Padula asked about the proposed onsite snow-melt machine regarding if it was portable to go catch basin to catch basin or would one catch basin take all the snow. Mr. Poulin stated the units are portable. He explained the operator controls the rate of snow going into the unit. He did not see any issue with the snow melt going into the catch basins. Chair Padula asked about the parking lot and the required 1.5 parking spaces per unit. He asked if the applicant would have an issue with only two-bedroom units and no three-bedroom units. Mr. Poulin said he thinks the current design is for only two-bedroom units. He noted the residential parking onsite has signage for residents only. He stated the integration of a bus stop will reduce the need for parking; they feel there is enough parking on the site. Mr. David asked about the fencing; he is in favor of the chain link fence. He requested some form of protection in front of the patio such as bollards to stop a car. Mr. Rondeau asked if Building A could be marked out so the Planning Board could go out and see the roof line; the four-story, 55 ft. tall building is going to be on Rt. 140. Mr. Cornetta stated 3D renderings may provide a sense of the scale of the building. Mr. Rondeau stated he wants to see what it would look like coming from CVS. Mr. Cornetta stated there is a billboard there at this time which will act as a buffer. Ms. Williams asked about the building height

calculations. Mr. Poulin stated he can get answers from the architect. Chair Padula asked about sight distance coming out of the location. Mr. Poulin stated when sight distance was reviewed, there were no obstructions.

Mr. Dirk stated they provided a response to BETA's peer review comments. He stated a few items on the trip generation calculations were clarified. BETA has suggested that as part of the traffic monitoring program required by the Town and MassDOT, they need to monitor traffic volumes and crash data at the access to the property and perform a traffic signal warrant analysis. He stated that if approved, the approved Planning Board plans will be submitted to MassDOT.

***Motion to Continue the public hearing for 340 East Central Street, Special Permit & Site Plan, to September 14, 2020. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

***Mr. Halligan re-entered the meeting.***

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

Chair Padula stated the applicant requested a continuance to the September 14, 2020, meeting.

***Motion to Continue the public hearing for 164 Grove Street, Special Permit & Site Plan, to September 14, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

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

Ms. Love stated that DPCD has no further comments on the Site Plan. She noted that the Planning Board requested that the Town or applicant commit to offsite improvements with something proposed at this meeting. She stated that if the Planning Board approves the Special Permit and Site Plan, the following suggested conditions be included: The proposed facility will operate as a reserve ahead-only dispensary, which would require customers and patients to place an order in advance and select a scheduled pick-up time to retrieve the product, the Transportation Demand Management Plan, submitted by the applicant, shall be included with the Certificate of Vote, and the Design Review color recommendations shall be included in the endorsed set of plans. Chair Padula asked to see the color renderings before the Planning Board approves. Mr. Crowley stated BETA has no outstanding comments on this project.

Chair Padula stated he would like a monetary commitment from the Town for a set of traffic lights at the intersection of Grove Street and Washington Street for traffic mitigation before he closes the public hearing and before the Planning Board votes. Mr. Jamie Hellen, Town Administrator, stated that he acknowledges the problem at the intersection and the commitment in general the Town has in bringing some solution/traffic light there sometime in the future. In terms of the host community agreement, which is the annual \$300,000 NETA contributes to the Town, unfortunately, this year, that money has already gone through the budget process and allocated to the School Department and the SAFE Coalition. He noted a few other options to solve this problem through funds raised by this business and other businesses approved on Grove Street. He stated that he would be happy to commit some of those funds to some kind of stabilization account or other account and describe in the budget how the money would be allocated. He thinks that would be a future revenue source. He stated that in the case of NETA, there is a three percent local option sales tax where the Town receives three percent of all gross sales from the NETA retail store; there is a policy relative to how those funds can be spent, and they can be spent on capital projects such as the possibility of an account to

save up the money to do the light. He stated that today he signed off on the \$2.5 million grant application to the State put forth as part of mitigation by the 206 Grove Street project; the application includes funding for the entire cost of the light. He stated that these are just a handful of possible financing options to address this. He reiterated that he acknowledges the problem is there, and there is a solution. Unfortunately, he cannot take the \$300,000 NETA contributed this year as it has already been appropriated.

Chair Padula asked how the Town Administrator could take money and appropriate it already for a project that has not even been approved by the Planning Board. The money was supposed to go to capital improvements. He noted the \$2.5 million grant is only an application, it is not assured. He is looking for a commitment from the Town that the money from this project, should it be approved, goes for a set of lights. He stated this is an accident-prone intersection, and Mr. Hellen should check with the Police Department on the accident statistics. This is a mix of industrial facilities, residential, and the marijuana overlay district. Mr. Halligan asked if something could be worked out and the received sales tax be allocated to a fund for the light. Mr. Hellen stated that if the Town gets the \$2.5 grant in January, he does not have to do anything. The Town hired a consultant to do the grant process. if they don't get the grant this year, they will apply again next year. He stated he is making a commitment to do something about the light, but will not dedicate specific funds tonight as the grant may come through. He also does not know when the applicant will be fully up and running. He cannot make an explicit dollar amount commitment; there are plenty of funding sources. Chair Padula stated it would make him comfortable if the Town Administrator could put this on paper as what he says tonight could completely change tomorrow; Chair Padula wants a direct commitment, not hearsay. Mr. Hellen discussed his commitment to financing the project. He is hesitant to nail down a dollar figure. Mr. Rondeau asked if a percentage of the sales tax could be taken until enough funding is gathered; he stated all the facilities in the area are why there is a need for a light. Chair Padula stated that the lights are needed now and the Town should make it a priority. Mr. David discussed the hundreds of new cars that will be added to Grove Street. He suggested a detail police officer directing traffic there during peak hours. Five years waiting for a traffic light is too long; the issue is there now. Mr. Hellen stated how much sales tax money would be raised would be an estimate. It would take a few years to raise the money for the light. Mr. Maglio stated he thinks it would cost about \$750,000 to \$1 million for the light project. Mr. Hellen stated the traffic pattern at that intersection is now different due to COVID-19. Chair Padula stated the traffic and the trains are back. Changing this area to industrial and a marijuana overlay district for retail marijuana was done backwards by the Town. The traffic light should have been the first priority before the road was designated as such; it should have been thought out. Mr. Hellen stated he agrees and that this has been a long-standing problem. They are trying to find creative finance ways to do this work. He still feels they are moving in the right direction.

Mr. Don Cooper, representing NETA, stated that NETA's impact fee of \$300,000 is a yearly amount. Mr. Halligan suggested he did not want to lose a project that was going to bring a substantial amount of money to the community. Rather than close the public hearing and have a negative vote tonight, he would like to continue the hearing to get additional information and try to work this out. He would like to see the traffic light. Mr. Cooper stated they do not want to close the hearing if it would jeopardize the viability of the project. Chair Padula state the Special Permit aspect calls for public safety and traffic flow is public safety. Planning Board members agreed that the hearing should be continued to see if there can be something from the Town regarding the light and the traffic flow. Mr. Jim Vallee stated they do not make decisions on infrastructure. He stated that he does not think everyone realizes the size of the check that could be generated by this facility. They are in an overlay district that was zoned by the Town. He stated that they would be happy to pay for police details. He noted this applicant has agreed to a restriction on the Special Permit and reduced their traffic demand with the reserve-ahead model. They are willing to work with the Town. He stated the applicant will become part of the solution. Chair Padula stated he does not have any problem with the application. The Planning Board is asking for a commitment from the Town; they should not have to wait five to ten years for this. Mr. Hellen asked what is the commitment that the Planning Board wants to see. He reiterated that in the best-case scenario, the Town will get the grant funding in January. He stated that even if he allocated all the money provided by the applicant to the light, it would still take a few years to have

enough money. He stated that he does not want to wait five to ten years to fix this problem; however, it is an expensive project and will take resources to do it. Chair Padula stated they just approved a school on Washington Street and King Street; it took just over one year and there is a set of traffic lights there. He stated that he has no idea why it would take five to ten years to get the project done for something that was needed for so long. He hopes an answer can be found by the meeting on September 14, 2020. Mr. Power noted that the applicant is willing to put a police detail at that intersection. Ms. Amanda Rositano, President of NETA/applicant, stated that they would consider paying for a police detail at the intersection if traffic warrants it. Chair Padula said that is not a set of lights. He stated this is a public safety problem.

***Motion to Continue the public hearing for 162 Grove Street, Special Permit & Site Plan, to September 14, 2020. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Power. Second: David. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:38 PM.***

Respectfully submitted,

Judith Lizardi, AL  
Recording Secretary

***\*\*\* Approved on September 21, 2020 at the Planning Board meeting***