

Town of Franklin



Planning Board

**September 14, 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; 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. Final Form H: Villages at Cook's Farm

Ms. Love stated the applicant has submitted a Final Form H and Engineer's Certificate of Completion and a final As-Built plan for Villages at Cook's Farm. BETA has provided an onsite report with pictures verifying the site work completed.

Mr. Crowley stated the applicant has addressed the majority of comments which since his observation report was submitted. The applicant has not installed the fence along the retaining wall.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. John Mastroianni, contractor, addressed the Planning Board. Ms. Cavaliere explained that the fence was not installed as shown on the approved detail as it was determined that the fence in that area was not necessary; there is already a guardrail there, and the fence was not necessarily going to add any additional safety features. Mr. Mastroianni explained that after Mr. Crowley and Mr. Maglio looked at it, he assumed it would not provide any safety barrier. Chair Padula said Site Plan modifications are not done without coming back to the Planning Board. He stated that the fence and the color renderings are still problems as they are violations of the Special Permit and Site Plan agreement. Mr. Rondeau questioned the color of the house. Chair Padula stated the Building Commissioner issued a building permit. Mr. Mastroianni stated that Town Council worked that out which is why the building permit was issued. Chair Padula stated Town Council does not overrule the Planning Board. He said the applicant needs to install a fence and decide what to do about the colors; there were only a specific number of colors approved by the Planning Board. Chair Padula stated that he and Mr. Bryan Taberner found the agreement that was signed with Design Review and the Planning Board that the colors they agreed on; that is what Mr. Ron Roux agreed to. Ms. Love stated this item can be added to the next Planning Board meeting agenda under General Business. Ms. Cavaliere discussed that the applicant has been working closely with Town staff regarding the fence issue. Chair Padula reiterated that any Site Plan modification must be

brought to the Planning Board. Ms. Cavaliere noted that certain field changes have been done in the past. Mr. Mastroianni asked if the fence were installed in the next few days, would Mr. Maglio go out to check it. Chair Padula asked if there were any other field changes to the original plan. Mr. Crowley reviewed the field changes he was aware of. Chair Padula reviewed the changes that the Planning Board had allowed and reiterated how field changes are handled by the Planning Board. Ms. Love confirmed the next meeting date is September 28, 2020.

B. Final Form H: Franklin Country Club Wash Station

Ms. Love stated the Planning Board approved a Limited Site Plan Modification Application on March 11, 2019, to construct a rinse area and site improvements. The applicant has submitted a Final Form H and Engineer's Certificate of Completion for Franklin Country Club. BETA has been on site and provided an observation report.

Mr. Crowley confirmed it was built in accordance with the approved plan, except as noted on the As-Built plan; he reviewed the modifications including striping the parking spaces a little wider and installing concrete curb where concrete apron was proposed. Chair Padula asked about the three dumpsters on the concrete pad with no screening. Mr. Crowley stated the plans did not show screening. Chair Padula stated he only recalls this was for the wash station; he does not remember the applicant coming in for the rest of the changes such as the dumpster pad and dumpsters. Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., reviewed that on the proposed site layout there is a dumpster pad on the originally approved plans with no screening. Chair Padula and Ms. Cavaliere discussed the regulations regarding dumpsters. Chair Padula noted the dumpsters are not locked as required as one dumpster is shown open in the provided picture. Planning Board members discussed the dumpster pad and visibility of the dumpsters; they requested to see the Zoning bylaws regarding dumpsters and required screening. Mr. Power read aloud the bylaw. It was determined the dumpsters must be locked and if the applicant is not keeping the dumpsters locked, they would need to return to the Planning Board. Ms. Cavaliere stated that the dumpsters were designed for the maintenance building for the golf course; she cannot confirm what the applicant actually uses the dumpsters for. Chair Padula stated if there is a problem, he will have the Board of Health look at it.

Motion to Approve Final Form H: Franklin Country Club Wash Station. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

C. Bond Reduction: Maple Preserve

Ms. Love stated the current bond is held in a Tripartite Agreement with the Town of Franklin in the amount of \$92,610 for Lucinda Way. The applicant has requested a bond release. BETA performed a site inspection and has acknowledged the subdivision is complete. The applicant has filed for Road Acceptance, which will be on a future Planning Board agenda. She noted that DPCD recommends the Planning Board release all of the bond except \$1,000, until the roadway is accepted by the Town Council and filed at the Registry of Deeds.

Mr. Maglio stated he reviewed the street acceptance plans and questioned the drain easements on the individual lots. In case there are some title issues, he recommended the Planning Board hold back between \$5,000 to \$10,000 to make sure they get resolved. Chair Padula stated they would release \$82,610. Mr. Rondeau questioned how the drainage culvert on Maple Street would be maintained. Mr. Maglio stated that once it is accepted, it will fall to DPW to maintain.

Motion to Release \$82,610 for the Bond Reduction and Hold \$10,000 for Maple Preserve. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

D. Endorsement: 122 Chestnut Street

Ms. Love stated the Planning Board required the following be added to the plans prior to endorsement which the applicant has fulfilled: fencing around the dumpster shall include vinyl slats for screening, the plans shall

show signage in the service parking area, saying “Service Parking only” and stripping shall be added to the area, and plans shall include the Certificate of Vote on the front page and color renderings of the building.

Motion to Endorse 122 Chestnut Street, Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

E. Meeting Minutes: July 27, 2020 & August 10, 2020

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

Motion to Approve the Meeting Minutes for August 10, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *To Be Continued*
70, 72 & 94 East Central St – Multi-Family
Special Permit & Site Plan Modification
Documents presented to the Planning Board are on file.

Ms. Love stated the applicant requested this hearing be continued to September 28, 2020.

Motion to Continue the public hearing for 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification, to September 28, 2020. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

7:05 PM **PUBLIC HEARING** – *To Be Continued*
Maple Hill
Definitive Subdivision
Documents presented to the Planning Board are on file.

Ms. Love confirmed the applicant requested this hearing be continued to September 28, 2020.

Motion to Continue the public hearing for Maple Hill, Definitive Subdivision, to September 28, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

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

Ms. Carla Moynihan, attorney for the applicant, addressed the Planning Board. She provided an overview of the application for retail marijuana and the filing of a Special Permit. She discussed their supplemental filing for both medical and retail marijuana. She stated that before the Planning Board are three Special Permits and the Site Plan for approval. She updated the Planning Board on the negotiations with the abutters and said agreement has been reached; she reviewed the agreed upon improvements.

Ms. Shelly Stormo of PharmCann Operations presented a slideshow of the Operational Plan including the proposed store exterior and interior, reserve online process, frictionless transactions, floor plan and queuing, security, receiving and delivery of product, secured deliveries, Verilife Franklin employees, and congestion/parking mitigation. Mr. Bill Mecklennen of PharmaCann Operations provided additional specifics on the register setup, technology setup for transaction management, digital payment, mobile payment option reducing reliance on cash, digital security platform, dual-function security for internal and perimeter, controls surrounding delivery of product, and jobs being brought to the community.

Mr. Allan Mellske of Interform Architecture & Design provided a slideshow review of the site showing an aerial view of the proposed building and parking, a close-up view of the proposed building exterior, dumpster enclosure, site view of the proposed building, interior floor plan, and exterior color. Mr. David Kelley of Meridian Associates, working on the civil and stormwater calculations and the shared access points, stated that about 85 percent of BETA's comments have been addressed. He stated that the Planet Fitness abutters were concerned with excessive queuing in the exit drive and requested two exit lanes for left turns and right turns only; the exit lanes were designed accordingly. Planet Fitness also expressed concern about truck turning and the applicant made adjustments. He explained pavement markings and signage proposed to address concerns and reviewed the proposed parking and dumpsters. He discussed the existing headwall discharges and created an isolated wetland; they will be going before Conservation Commission. He discussed the proposed swale, water and gas will be brought into the building, LED lights around the property have no spillage off the site, and he would be reaching out to Mr. Crowley with design specific calculations.

Ms. Rebecca Brown, traffic engineer of GPI, provided a slideshow presentation of the traffic study. She discussed the crash rate in comparison to the statewide average. She discussed the vehicle travel speed study and sight distance, traffic count collections which were reviewed by BETA, site driveway trip generation, projected traffic volumes for seven years consistent with MassDOT guidelines, how much traffic the facility will generate, and the three methods used to generate the report. She reviewed a provided chart that indicated there would be 1,050 vehicle trips per day which is a vehicle entering or existing; one vehicle makes two trips. During peak times, they anticipate 91 to 150 trips. She stated that the information was obtained from the applicant regarding anticipated transactions based on data from their Wareham facility; they also collected some parking counts from an existing facility. She discussed that for the existing and proposed uses, there would be about 200 total trips on peak weekday times and 280 trips on peak Saturday times. She stated the applicant is planning to implement employee and patron measures to minimize traffic. There will also be electrical vehicle charging stations and bicycle racks on the site. She discussed the estimated distribution of the generated vehicle trips over the roadway network. There is enough capacity at the intersection to handle the traffic coming through. During the weekday evening peak hour at the intersection of Grove Street and Washington Street, the traffic experiences long delays at existing conditions and this will most likely increase; a traffic signal is warranted at this intersection. She noted COVID-19 impacts of traffic and suggested implementing a post-occupancy traffic monitoring study be conducted post-COVID-19 restrictions. She reviewed the provided site parking and spaces needed based on current operational needs at the applicant's Shrewsbury location. She stated they met with the abutters on how to improve access to the site. The abutters wanted to see the driveway widened to provide two lands for separate right- and left-hand turn lanes and truck turns widen. She discussed the need for signal timing improvements at the current intersection of Grove Street and Rt. 140 and the applicants fair-share contributions.

Mr. Rondeau asked about the dumpster location and proposed road improvements. Mr. Kelley discussed the size of the trucks that would enter the site, the proposed size of the dumpsters, and the proposed location of the paving. Chair Padula asked Mr. Maglio if he looked at Planet Fitness's right of way regarding the condition of the road. Mr. Maglio stated he has not seen the plans yet. Chair Padula stated that Franklin Tile got an easement to use the Planet Fitness right of way for their entry. Now a third entity is being added; this is now becoming a roadway and not a private way. There is no means of turnaround at the end; it would require turning around in the Planet Fitness parking lot. It was not meant for three businesses. The zoning bylaws have identified a shared private way, but now there are three on this street. Does this street have the curbing, drainage, and turnaround? What can be done to make this right for everyone? You cannot hold up Planet Fitness with vehicles queuing to leave if the right of way is not big enough to handle all these facilities. He questioned if some of the drainage is shown to be going offsite. Mr. Kelley confirmed no runoff would be going offsite. Chair Padula emphasized the need for a light at the end of Grove Street. Ms. Moynihan stated they had discussions regarding proposing three businesses share the same access. Chair Padula asked if there was a possibly of entering directly from Grove Street. Ms. Moynihan stated there was, but it would create more traffic; she was encouraged by Town staff to propose it in this way. Chair Padula

and Mr. Maglio discussed the sight distance in taking a left turn. Mr. Halligan asked about the number of registers in the store. If all 10 proposed registers would be ringing out at the same time, that would require 10 employees which is the number of employee parking spaces. Where would the other employees in the store park? Are 10 spots enough for all employees? Ms. Stormo stated that they have not come into a situation in the Shrewsbury store where they have opened all 10 registers at the same time. Mr. Halligan asked if the store is appointment only and will walk-ins be allowed? Ms. Stormo explained that Shrewsbury opened for by-appointment only for two weeks and then the Town allowed walk-ins. Mr. Halligan asked if the applicant would be amenable to walk-ins only as that is the stipulation placed on a competitor in the area. Ms. Stormo stated they would agree, but would like to have a review fairly soon. The applicant's proposed hours are 9 AM to 9 PM daily and 9 AM to 9 PM on Sundays. Mr. Halligan asked how the applicant determined the cost of \$244,000 for a signal light, as Mr. Maglio indicated it would cost around \$900,000 to \$1.5 million. Ms. Brown stated she does not know if the Town's cost included any other utility work. She explained their estimate is simply for the signal equipment and crosswalks, etc. to have a functioning signal. Mr. Maglio stated he was mentioning in the \$500,000 to \$750,000 range for the entire installation and all related required work for a signal light. Mr. Halligan expressed that both marijuana facilities in the area should be treated the same regarding the appointment type allowed, and both should be set up to have possible release from the appointment only status at the same time. Mr. Rondeau agreed to treat each facility the same. Chair Padula stated the Planning Board has to stick to the infrastructure and what the Planning Board can do. He asked how the applicant can control a patron from buying in one retail store and then going next door and buying more marijuana. He asked about a better leveling off area at the top of driveway hill when exiting. Mr. Kelley said there are no plans to level it off. Ms. Williams expressed concern about the traffic and intersections, and asked about bike lanes as both applicants have mentioned bike racks and alternative transportation. Have there been consideration for improvements on Grove Street for bicycles or pedestrian traffic? Mr. Maglio stated that the Town has applied for a grant and if received, part of it would go to repaving the roadway and that would include striping for bike lanes.

Motion to Continue the public hearing for 164 Grove Street, Special Permit & Site Plan, to September 28, 2020. Halligan. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

Motion for a five-minute recess. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

7:15 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.; and Mr. Jeffrey Dirk, traffic consultant of Vanasse & Associates Inc., addressed the Planning Board. Mr. Cornetta noted they had met with Conservation Commission, but were awaiting a DEP number. The DEP number has since been issued, and there were no comments from DEP to Conservation. They are scheduled to meet with Conservation Commission again this Thursday. Therefore, the next time they meet with the Planning Board, they hope to have approval from Conservation Commission.

Mr. Poulin addressed a few issues remaining. He noted that included on the submission was a patio sketch plan which was rather small. He provided a larger image to show how far back the patio is located. He reviewed safety concerns and noted the separation for people on the patio and the road; this updated plan has been submitted. He stated that they continue to coordinate with Goddard Consulting regarding minor changes for Conservation Commission regarding the wetland. These changes will be integrated into the final plan set for the Planning Board.

Ms. Love reviewed comments from the Planning Board at their August 24, 2020, meeting. The current zoning allows the height of the building to be 50 feet. From ground level to the top of the roof the building is 62 feet. The definition of building height for gable, hip, and gambrel is measured as “the mean height between the eaves and ridge.” From the ridge line to the top, it is 20 feet. The first four floors make up 42 feet. This only leaves eight feet for the mean. It appears the building height is at 52 feet. The Planning Board expressed concern at the last meeting and the applicant has not addressed the height of the building. She noted the Planning Board requested additional plantings be installed along the west of the property line. No additional plantings have been submitted. And, the Planning Board inquired about deliveries and access around the Building D. Mr. Poulin discussed the building height. He stated that they provided additional information but were not able to integrate that into these submitted plans. The dimensions on the plans will show where the 50 feet is measured from and show they are complying with the required height. He reviewed that the truck turning motions could be accomplished at the side area. Their landscape architects have been involved. They believe there would not be many plantings that could be integrated with the fencing and remain viable; just having the fence would be a more aesthetically pleasing option.

Mr. Rondeau asked about the requested rendering to show a proportional view of the height. He asked about the sewer pump station and a possible backup pump. Mr. Poulin described the pumping process. He said he will provide Mr. Rondeau a response for the next meeting. Chair Padula noted the plan indicated precast concrete curbing; he requested the plan detail be changed to reinforced concrete curbing. He asked if patios are considered a living space? Mr. Cornetta stated he did not believe they were. Chair Padula asked why the patio was not connected to the sidewalk on the side. Mr. Poulin stated the intent was that the patio was an amenity for the residents. There was not much need for the connection of the patio there as that side was more commercial. Chair Padula stated there is a 33-parking space deficiency. Mr. Poulin stated they are requesting a waiver for parking to be 1.5 spaces per unit. As a part of the waiver request, there are an adequate amount of spaces for the residential units. Chair Padula noted a modified cape cod berm around the patio and around Starbucks. Mr. Poulin said there was no cape cod berm on the site. Ms. Williams stated the height of the building is still an issue. Mr. Poulin stated he would provide a response for the next meeting.

Motion to Continue the public hearing for 340 East Central Street, Special Permit & Site Plan, to September 28, 2020. Rondeau. Second: David. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:20 PM **PUBLIC HEARING** – *Continued*
 162 Grove Street
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

Chair Padula stated this public hearing was continued because the Planning Board was looking for a commitment from the Town. He stated he received a letter dated today at 2:53 PM from Town Administrator Jamie Hellen. Chair Padula stated that the letter explains the same thing Mr. Hellen told him at the last Planning Board meeting. So, as far as he is concerned, they still have no commitment. He confirmed all Planning Board members received a copy of the letter. Mr. Halligan said that because there is a second project that involves this area, maybe this hearing should be continued again; there is serious homework that needs to be done regarding the light issue as two applicants are going to require a light. Chair Padula asked if a hearing extension is needed. Ms. Love said there is no deadline since the hearing is not closed. She noted the letter received from the Mr. Hellen said he would consider \$200,000, annually. Chair Padula stated this letter is not a commitment. He read aloud portions of the letter. He advised Mr. Hellen to bring this topic up at the next Town Council meeting to see if Town Council could commit to something to get a traffic signal on Grove Street before the Planning Board closes this public hearing; he advised continuing this public hearing.

Mr. Hellen stated his letter is a definite commitment. He stated the funds that could be used for the light include any of the proponents on Grove Street; any of the monies brought in from any of the facilities could be used for the traffic light or infrastructure needs at that intersection. He said the issue is that he legally does not have the authority that Chair Padula wants to spend money that he does not have. He said that most of the people he has talked with including police and Town Council members agree that there are improvements that need to be done there. He hopes the grant the Town applied for will come through. He stated that he thinks he has given a good commitment for the work that needs to be done; it is a definite commitment and he put it in writing. Chair Padula read aloud a portion of the letter that states Mr. Hellen is recommending to commit \$200,000 annually as part of the Town's annual budget. Chair Padula stated that recommending is not committing. And, to only save \$200,000 annually, it will take 15 years to save enough to put up a set of lights. As well, if Mr. Hellen does not have the authority, how did he already give the money from NETA that was supposed to go to capital improvements to the schools? Obviously, Mr. Hellen has some authority somewhere. Chair Padula stated that he is looking for the Town Council who has the authority to commit money to this; he would attend the Town Council meeting to ask for this. Mr. Halligan asked if the applicants could pay for the light up front, and deduct that money from future payments to the Town.

Mr. Hellen said that it sounds like a good idea, but if one of the applicants loses their license or something else happens, money is being appropriated that the Town does not have. He said he was asked by Chair Padula to set up an account to put funds in, and he committed to do that. He stated that the Planning Board was probably going to get the same commitment from the Town Council that they support a light at that intersection, but they cannot spend money they do not have.

Chair Padula stated he would rather have the Town Council make a commitment on record. He stated that he had promises from Mr. Hellen's predecessor and nothing has happened. Mr. David asked Mr. Hellen about the \$200,000 annual commitment and how long it would take to get the light. Mr. Hellen said it would be a few years. He is hopeful that with the approval of the projects they can fix this problem. Chair Padula asked additional questions about the wording in Mr. Hellen's letter. Mr. Hellen explained his recommended sources of funding. Mr. Halligan asked for the expected annual sales of NETA. Ms. Amanda Rositano, President of NETA/applicant, explained their revenue projections and noted they were scaled back due to the reserve-ahead model. Initially, they were anticipating approximately \$50 million annually in revenue, that has been scaled back under the new model to about half. She stated \$25 million annually in revenue would give approximately \$750,000 annually to the Town. Mr. Hellen said after the first year, they can see how much money actually came in and how they can fund the project. His commitment is there to do the light project. He stated he will have the Town Council take a symbolic vote on it. However, they cannot allocate money they do not have.

Chair Padula stated that he thinks that since this problem is not in the Downtown area, it is considered by some as not important. Mr. Power asked what happens in the first two years when there is a Level F backup on the road and terrible conditions. How can these facilities be opened? Chair Padula stated that even during COVID, there is still terrible backups during evening rush hour. Mr. Halligan asked if NETA has seen a decrease in sales over the last four months. Ms. Rositano said that reduced sales have been a consequence of store capacity restrictions due to COVID, not demand for cannabis. Chair Padula stated he would go to the Town Council meeting to see if they can come up with a remedy. Mr. Hellen stated it was past 48 hours' notice, so the Planning Board could not get on the Town Council meeting agenda. Mr. Hellen suggested a letter with the Town Council members' signatures.

Motion to Continue the public hearing for 162 Grove Street, Special Permit & Site Plan, to September 28, 2020. Halligan. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love confirmed a Planning Board meeting for September 21, 2020, to take care of General Business items was added to the Planning Board meeting schedule.

Motion to Add October 5, 2020, to the Planning Board meeting schedule. David. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. David. Second: Power. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 10:16 PM.

Respectfully submitted,

Judith Lizardi, AL
Recording Secretary

******Approved by the Planning Board on October 5, 2020***