

Town of Franklin



Planning Board

**September 28, 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. Partial Form H: Lakeview Terrace Subdivision

Ms. Love stated the Planning Board approved a Definitive Subdivision on August 9, 2009, known as Lakeview Terrace, located off of Brandywine Road, for a private roadway to construct two single-family homes; the roadway will remain private. There is a private covenant accepted by the Town Council. She received an email that indicated the applicant has completed much of the work listed on BETA's report.

Mr. Crowley stated the site was visited a number of times, and a report dated September 22, 2020, was submitted. He stated it appears as though the applicant completed some of the items listed in the report. He noted some of the swale has been regraded. There were a few additional items including that a small portion of the entry way is pitched away from the drainage swale, and the catch basin still has the filter fabric in it.

Chair Padula discussed the pitch of the roadway and said the check dam looks like it was just put in; all the drainage was supposed to be put in and functioning before any construction took place. He stated that the abutting properties are getting filled with silt. He stated that with the cul de sac with the 12 ft. wide paved way, the trucks are running over the island as they cannot make the radius. He asked if the Cultec systems have been inspected. Mr. Crowley said they observed the Cultec systems go in during construction. Chair Padula discussed the silt and the functioning of the Cultec system. He noted there are still many issues. It does not look correct. The drainage is going onto abutting properties. He will not sign the Form H. It must be taken care of. Planning Board members informally agreed with Chair Padula. Chair Padula reviewed the history of the subdivision. He stated the contractor must make this right before the Form H is signed. Mr. Halligan stated his main concerns regard safety.

Ms. Love reviewed BETA's involvement since 2009. Mr. Crowley explained BETA's oversight and site visit protocols.

B. Final Form H: 31 Hayward Street - Parking

Ms. Love stated the Planning Board approved the Site Plan Modification on November 13, 2017. The project entailed reconfiguring and expanding one parking lot that created an additional 22 parking spaces. In addition, stormwater management and landscaping were constructed with the additional parking spaces. The endorsed Site Plan Modification is included in the meeting packet. The applicant has submitted a Final Form H and Engineer's Certificate of Completion along with an as-built plan. She stated that BETA has provided an observation report.

Chair Padula asked Mr. Crowley if he recommended a car stop. Mr. Crowley stated a vehicle could slip over the edge and get stuck; a car stop could be beneficial. Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., stated she would speak with the applicant; it should be fine.

Motion to Sign the Final Form H for 31 Hayward Street - Parking. Halligan. 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 from the last public hearing, the only item left to discuss was traffic mitigation. She noted that in her memorandum dated September 22, 2020, she included suggested Special Conditions. She stated that she has been informed by the Town Administrator that there will be a resolution by the Town Council regarding the mitigation for the lights.

Planning Board members informally agreed with the Special Conditions. Chair Padula read the Special Conditions aloud. He asked Ms. Love for the Design Review Commission's recommendations. Ms. Love stated they were provided in a previous meeting packet. Chair Paula stated that if the public hearing is closed tonight, the Planning Board has 90 days to make a decision. Traffic mitigation is still a concern.

Mr. Jamie Hellen, Town Administrator, stated that at the Town Council meeting on October 7, 2020, there will be a resolution to authorize borrowing of \$1.5 million for improvements around that intersection, including, but not limited to, the light and other infrastructure. The intent is to move the infrastructure improvement along. The stores' revenues will pay it off.

Mr. Power asked for the time frame to get the light installed versus the applicant starting operations. Mr. Hellen stated the MassWorks grant would come back later in January regarding if funding was received. In the interim, the October 7th vote will allow the Town to start to occur costs on the design and eventual bid on the construction. Mr. Power asked if the applicant opens the doors and there is a backup of traffic as the signal light is being worked on, will a police detail be provided. Mr. Hellen stated there will be lag time for the infrastructure improvements. He is making sure the light will be ready to go as soon as possible. He noted the intersection has been a problem for decades. He stated if these stores are permitted quickly in October, both businesses will be on a path to success, and hopefully, the infrastructure improvements will be made in 2021. Mr. David discussed the need for a traffic detail officer and stated that if the applicant is not paying for it, the Town should as it is a problem area.

Ms. Amanda Rositano of NETA stated that the way they structured the traffic plan was with the reserve-ahead model; they can regulate the traffic flow. They have adjusted their traffic load during the difficult traffic times.

Motion to Close the public hearing for 162 Grove Street, Special Permit & Site Plan. Halligan. 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.

Chair Padula confirmed the applicant requested this hearing be continued to October 5, 2020.

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

7:10 PM **PUBLIC HEARING** – *Initial*
 Scenic Road Permit
 274 Prospect Street
 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. Maglio stated that in August the applicant filed a driveway permit with DPW. As this is a scenic roadway, the location was checked; there was an existing stone wall, mostly buried, lower than the roadway. As such, he recommended a permit from the Planning Board be obtained.

Chair Padula asked if there were any plans to retain the stones.

Mr. M. Camire, applicant, stated their builder said that when they put in the driveway, anything that would have been removed will be pushed back into the area.

Chair Padula stated he would like the stones put back as they were once the boundaries.

Motion to Close the public hearing for the Scenic Road Permit for 274 Prospect Street. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Scenic Road Permit for 274 Prospect Street to allow a new driveway through the wall. Halligan. Second: Rondeau. 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 PharmCann, addressed the Planning Board. She stated that they received their Order of Conditions on September 17, 2020, from the Conservation Commission. On September 18, 2020, they filed supplemental plans with the Planning Board that the Planning Board members had requested with respect to the shared common driveway. She stated that responses from BETA were received, and Mr. David Kelley of Meridian Associates, working on the civil and stormwater calculations and the shared access, responded in writing to those comments. She stated there is one outstanding issue; therefore, she is aware the public hearing will need to be continued.

Mr. Kelley stated they received Mr. Crowley's second round comment letter and there were five outstanding items. Four were completed. The fifth regarded performing another test pit. He stated he responded formally

that they could do a test pit prior to construction. Mr. Crowley requested that it be done now. Therefore, in the next week or so they will perform the test pit to show ground water elevations and provide the information to the Planning Board before the next meeting. Chair Padula questioned how test pits would be done as there has been no rain and there is low water. Mr. Crowley stated that there is a method that can be conducted to determine the historical high-water mark.

Mr. Maglio noted his comment letter of September 24, 2020, and reviewed his current comments.

Chair Padula reviewed that there is no real cul de sac to turn around, and the parking lot before COVID was already full. He does not know how trucks will be able to turn around without a cul de sac with everyone using the right of way. Ms. Rositano stated there will be no trucks going in and out from their location. Chair Padula stated there will be a trash truck entering and it is shown that it will back out. Mr. Kelley stated that plan was shown for a fire truck, not a rubbish truck. Chair Padula confirmed the rubbish truck will be smaller than a fire engine. Mr. Kelley said these were going to be small dumpsters.

Ms. Love stated the applicant provided the hours of operation and outlined employee parking. Planning Board members asked questions. Chair Padula noted that the building at 162 Grove Street is already up. It was asked if anything could be done with the flattening off at the top of the driveway/road. Chair Padula stated that he recommended that in the Order of Conditions there are signs for no queuing on the street.

Mr. Crowley noted that the applicant is requesting a waiver for HDPE pipe throughout the parking area. Chair Padula stated it needed to be RCP pipe. Ms. Williams asked if there were spots designated for curbside pickup and if that was part of the business model. She asked if those cars have been accounted for in parking/idling. Ms. Shelly Stormo of PharmCann Operations stated that was dependent on the Town's feeling on it; in some town's they do provide curbside pickup. It is site specific. They are not requesting it at this time. Chair Padula stated that if there was a police officer on duty, he would be more inclined to agree with curbside pickup for medical reasons; he does not agree for recreational purposes.

Motion to Continue the public hearing for 164 Grove Street, Special Permit & Site Plan, to October 19, 2020. David. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *To Be Continued*
 Maple Hill
 Definitive Subdivision
 Documents presented to the Planning Board are on file.

Chair Padula confirmed the applicant requested this hearing be continued to October 5, 2020.

Motion to Continue the public hearing for Maple Hill, Definitive Subdivision, to October 5, 2020. 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.

Ms. Love reviewed concerns from the previous public hearing. Regarding building height, the current zoning allows the height of the building to be 50 feet. The applicant has provided revised drawings showing the accurate height of the building does not exceed the allowed 50 ft. She stated that the Planning Board requested additional plantings be installed along the west of the property line; no additional plantings have

been submitted. The applicant has indicated there is not enough space along the property line to add plantings; they are providing a chain link fence with slats. She stated that the Planning Board had inquired about deliveries and access around Building D. The applicant has indicated there is a door on the side for deliveries. The applicant changed the curbing detail to reinforced concrete on the plans; however, the detail pages still need to be added. She stated she has listed four Special Conditions in her memorandum of September 23, 2020: 1. Details for the Reinforced Concrete Curb should be added to the plans prior to Endorsement; 2. All units will be maximum two bedrooms each; 3. Color renderings and landscape plan shall be included in the endorsed set; and 4. Any signage for the property will need to be submitted to Design Review Commission. She mentioned there are three waiver requests for this project: 1. Chapter 185-21 (B) – To Allow 268 parking spaces where as 301 is required; 2. Chapter 300 Section 11(B)(2)(a) – Minimum cover is 42 inches above the top of the pipe; and 3. Chapter 300 Section 11(B)(2)(a) – To allow HDPE be allowed for oil/water separator.

Chair Padula and Mr. Crowley discussed the use of HDPE pipe. Mr. Erik Poulin, project engineer of Jones & Beach Engineers, Inc., reviewed the location and use of the proposed HDPE pipe. He stated the main protection of these pipes will be the depth in excess of 3 ft. Mr. Crowley stated the biggest concern with the HDPE is the construction traffic. Once the pavement is down, he does not believe there will be any issue.

Chair Padula confirmed the applicant will change the curb to reinforced concrete. Mr. Poulin noted that it appears on sheet D8 that there is a detail for vertical concrete curb. Chair Padula stated that what is labelled on the print is correct. Mr. Rondeau asked about roof top units. Mr. Poulin stated the AC units are anticipated to be on the top of the commercial buildings. He believes there is a note that all mechanicals need to be screened. Chair Padula stated they need to be screened for sound as they are abutting residential, and he requested at least a rail put around them for the visual. Mr. Poulin stated they would agree to have the units screened for sound. Mr. Mirajuddin Ahmed stated there will be a closet on the balconies with the pump in it; it will not be visible. He said the air conditioning condensers are inside the units in a closet. Ms. Williams asked to see those plans. Mr. Poulin stated they do not have details for the mechanicals in the units. Chair Padula requested that prior to endorsement, it is confirmed that they are internal mechanical units.

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

Mr. Halligan re-entered the meeting.

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 8:15 PM.

Judith Lizardi, Recording Secretary

******Accepted at the December 7, 2020 Planning Board meeting***