

Town of Franklin



Planning Board

**November 2, 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: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.; Maxine Kinhart, Administrative Staff.

*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

**A. Decision: 162 Grove Street-Retail Marijuana**

Ms. Love stated that the Planning Board closed the public hearing on October 19, 2020. She reviewed the waiver request to allow for HDPE storm drain pipe in lieu of class V RCP. She noted the suggested special conditions as listed in her memo to the Planning Board dated October 27, 2020.

Chair Padula stated the waiver request for HDPE pipe should only be for two connections, not throughout the entire site; before endorsement, the waiver request must be changed to indicate the specific locations.

Ms. Carla Moynihan, attorney for the applicant PharmCann, addressed the Planning Board. Mr. Maglio and Mr. Crowley reviewed the locations for the proposed HDPE pipe. Chair Padula confirmed the waiver request will state: To allow for HDPE storm drain pipe in lieu of class V RCP only on connections to the sub-surface infiltration system.

***Waiver Request:***

***Motion to Allow for HDPE storm drain pipe in lieu of class V RCP only on connections to the sub-surface infiltration system. Rondeau. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).***

**ROLL CALL VOTE:**

**This determination shall be in addition to the following specific findings:**

**Special Permits (3):** To allow Non-medical marijuana facility under 185 Attachment 3, Part II Section 2.23, To allow Medical Marijuana under 185-49, Attachment 4 Section 4.2(a) and Common Driveway for 2+ lots under 185-21(F).

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.  
**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.  
**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.  
**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- d) Neighborhood character and social structure will not be negatively impacted.  
**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.  
**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.  
**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**
- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.  
**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

**Padula-YES; Power-YES; Halligan-YES; Rondeau-YES; David-YES. Vote: 5-0 (5-Yes; 0-No)**

Chair Padula stated there were also the standard conditions of approval #1-13.

Chair Padula read aloud the Special Conditions:

1. 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. Applicant may request this be reviewed after 30 days of opening.
2. The Traffic Impact Assessment, response letter September 17, 2020, submitted by the applicant, shall be included with the Certificate of Vote.
3. There are to be no cars queuing on Grove Street and the access driveway to the site.
4. Design Review color recommendations shall be included in the endorsed set of plans.

5. Applicant is to provide an access easement agreement with Planet Fitness, located at 166 Grove St.

***Motion to Approve 162 Grove Street, Special Permit & Site Plan, including the above five Special Conditions and that the Special Conditions be included on the front page of the plans before they are endorsed by the Planning Board. Halligan. Second: Power. Vote: 5-0 (5-Yes; 0-No)***

**B. Limited Site Plan: 100 Financial Way**

Chair Padula stated the applicant would not be present at the meeting; the applicant will plan to attend the next meeting. This item is for the Planning Board to have a discussion. He stated the applicant is requesting to split the lot into different ownerships. He spoke with Attorney Mark Cerel. When a site is split, there needs to be legal access and easements to each site, or each ownership must meet all the requirements of the Site Plan without the easements such as separate parking, drainage and setbacks per parcel. He stated this item can be put on the November 16<sup>th</sup> agenda under General Business.

**C. 81-P ANR: 100 Financial Way**

Chair Padula stated this item is for the separation of the lots.

**D. Partial Form H: Dean Ave Apartments**

***Mr. Halligan recused himself.***

Ms. Love stated the applicant has submitted a Partial Form H and Engineer's Certificate of Completion for the following building uses: Building 5, and Garages 7-8. She stated that DPCD recommends the sound wall on Dean Avenue be improved. It was the understanding that landscaping would be planted in front of the wall; however, due to the underground utilities, this is not possible. DPCD recommends that the wall be covered and improved to blend in with the nearby vegetation. She stated that BETA has provided an onsite report with pictures.

Mr. Maglio stated the area in front of the wall called for landscaping. He stated that there were issues with runoff during construction. There is a 16 in. water main running along the wall area. He stated that he does not want pine trees and landscaping features in that area as it would be detrimental long term to have them growing over the water line; the applicant was asked not to put the landscaping features back.

Mr. Brian McCarthy of RJ O'Connell Associates addressed the Planning Board. He discussed the revised landscaping plan for the wall area. He stated small 4 ft. shrubs would not screen the wall. However, artificial vine matting has been installed on one panel; he showed the image to the Planning Board. He stated the stone berm is about 3 ft. high. Chair Padula noted the artificial vine greenery and asked if some purple rip rap could be put in the swale to make it more decorative. Mr. McCarthy stated they could find some stone to make it more visually acceptable. Mr. Rondeau asked if it was possible to plant some evergreens along the asphalt sidewalk which would eventually block the view of the wall. Mr. Maglio stated the right of way is very close, and they need to be cautious to not plant on the adjacent neighbor's property; he will look into it. Mr. David agreed with Mr. Rondeau's suggestion.

Mr. Crowley addressed outstanding items from his site visit including that the chain link fence was not installed, the dumpster enclosure was not completed, some no storage signs were not installed, and hand rails were not installed. Chair Padula confirmed the hand rails were for ADA compliance; they are a necessity for public safety and must be completed. Mr. McCarthy reviewed the required hand rails and said they are part of the building certificate of occupancy. He noted they are working on the dumpster enclosure and the chain link fence; those items will be completed this week. He stated the proposed dog park has been completed.

***Motion to Approve the Partial Form H for Dean Ave Apartments. Power. Second: David. Vote: 4-0-0 (4-Yes; 0-No).***

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

7:05 PM      **PUBLIC HEARING** – *Initial*  
***206 Grove Street***  
Site Plan Modification  
*Documents presented to the Planning Board are on file.*

***Motion to Waive the reading. Rondeau. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).***

Mr. Edward Cannon, attorney for applicant; Mr. Levi Reilly of Marcus Partners; and Mr. David Kelly of Kelly Engineering Group addressed the Planning Board. Mr. Cannon stated a revised ANR plan was proposed, and they have revised the existing Site Plan.

Mr. Reilly provided a review of the history of the submission. He stated Site Plan approval was received in August. They returned to the Planning Board in September because the project lender wanted three distinct lots so there was land collateral associated with each building. The Planning Board asked that the Site Plan be amended to match the ANR. As this was being done, a few construction changes were made, so it was determined a Site Plan Modification was needed. The Site Plan has been revised to create three distinct lots. They are requesting approval of the Site Plan and the ANR.

Chair Padula reviewed the proposed ownership of the three lots. He stated that he spoke with Attorney Mark Cerel about splitting the lots after a Site Plan was approved. He stated if they are going to be separate Site Plans and separate ownership, then they will have to be on their own for drainage, parking, etc. Each parcel has to conform to setbacks, etc., unless they have deed restrictions and easements. The drainage, snow storage, etc. cannot be running from one property to another. They each have to comply separately. Mr. Cannon stated that would be a condition of approval. He stated there will be cross access, cross drainage, and cross utility easements. He will have them approved by Town Counsel. Chair Padula stated all these documents must be provided before the Planning Board approves. Mr. Reilly asked if this could be approved with the condition that the easements will be forthcoming as the legal documents take time to draft. He requested Site Plan and ANR approval so they can move forward with their bank. Chair Padula stated he would not be comfortable with that under Town Counsel's direction; he will not take a vote to approve until the legal documents are submitted. Mr. Rondeau agreed with Chair Padula that they must do the right thing for the Town.

Mr. Kelly reviewed the revised plan and focused on the changes that have happened since it was originally approved. He stated the plan set shows they have conformed to all zoning requirements for each of the three lots when split; each lot would stand alone. He stated that this will be a business park that operates as three separate owners, but the site will operate as one site. They have been designed to stand alone once they are past the legal concern. He reviewed that the primary changes to the plans represented in the modification fall into two categories: changes that have happened as a logical progression to construction which are rather minor in nature; and changes related as a result of the ongoing negotiations with potential tenants for the space. He explained there is a shortage of trailer storage spaces; as such, they are proposing additional spaces. To accommodate the onsite truck circulation, they have proposed to enlarge the access in and out. They have shown one additional loading door. He stated they are working with Mr. Crowley regarding curbing options.

Chair Padula explained the lot lines have changed as there is now a lot line through a parking area. There would need to be shared easements. The same is true for snow storage and drainage as it goes from one owner's property to another. He noted impervious surfaces increased which would require a Limited Site Plan Modification; BETA and Mr. Maglio will need to address this. He stated a report from the Fire Chief will be needed. He stated upright granite or reinforced concrete curbing is required in the Town's bylaws.

Mr. Crowley stated the applicant modified the stormwater and drainage based on the added impervious surface. Mr. Maglio confirmed the applicant addressed all that was needed. Ms. Love stated the applicant will need to file an amended Order with the Conservation Commission. Mr. Reilly stated none of the changes are within Conservation jurisdiction; he plans to send them an updated set of plans. Ms. Love stated the Conservation Commission must make that determination.

***Motion to Continue the public hearing for 206 Grove Street, Site Plan Modification, to December 7, 2020. Rondeau. Second: David. 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.*

***Motion to Continue the public hearing for Maple Hill, Definitive Subdivision, to November 16, 2020. Halligan. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – *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 recused himself.***

Mr. Richard Cornetta, attorney representing the applicant; Mr. Brad Chaffee, owner/applicant; Ms. Liz Ranieri of Kuth Ranieri Architects; and Mr. Rick Goodreau of United Consultants, Inc. addressed the Planning Board. Mr. Cornetta stated that at the last Planning Board meeting there was concern about the commercial building at 88 East Central Street. As such, new architectural renderings have been submitted. Ms. Ranieri reviewed the new renderings. She stated the revised design is more in keeping with the New England character. The scale of the peak and height of the addition have been reduced to keep in line with the current house, and the exterior materials have been revised.

Mr. Cornetta stated the balance of the comments from BETA have been addressed. Mr. Goodreau stated that four comments were received from the Planning Board at the last meeting with respect to the Site Plan. As such, they have added additional screening to some parking spaces, a fence on top of the ledge area, plantings for screening at the rear of the site, and a new dumpster location.

Ms. Love reviewed the Planning Board's comments from the October 19, 2020, meeting which included holding the occupancy for the last two units, until the addition on the house is weather tight. Per Town Attorney Cerel, the Planning Board can add the following condition: This special permit is personal to this applicant, or an entity owned by the applicant and shall NOT run with land; any proposed change in the project, including a change of ownership, shall require submittal to and approval by Franklin Planning Board. Mr. Maglio stated he had no further comments on the submission; Mr. Crowley stated he had no further comments on the submission.

Vice Chair Halligan requested comments from Planning Board members on the new renderings. Ms. Williams stated it is an improvement; it matches more with the character. Mr. Power commended the applicant for taking the suggestions of the Planning Board. He stated this is a reasonable solution, and it looks like it belongs there now. Mr. David stated he is good with the new exterior finish. Mr. Rondeau pointed out that this house hinges on the four-story building in the back, and they need to be tied together to

protect the Town. He reiterated that he would have liked the house removed and the back building moved forward.

Mr. Chaffee addressed the final occupancies of the final two units to be held until the finished renovation of this building and stated that he would be willing to tie this together with the occupancy of the last unit. Mr. Rondeau requested two units be held. Mr. David and Mr. Power agreed. Vice Chair Halligan noted the applicant would need to return for a Limited Site Plan for a tenant. He stated he wants the outside of the building to be finished; he is not concerned about the interior being completed. He confirmed it seems like the Planning Board has agreed to the new design. However, this design change must return to the Historical Commission and Design Review Commission. He stated that the Planning Board does not close a public hearing until all other boards' approvals are received. He confirmed BETA suggested an ANR plan should be provided to show the lot lines. Ms. Love stated an ANR is not typically attached to a Site Plan. Vice Chair Halligan confirmed the site will be all granite curbing. Mr. Goodreau confirmed vertical granite curbing detail on Sheet 7 and Sheet 3 of the plans.

Vice Chair Halligan asked Mr. Cornetta about drafting language regarding retaining the last two units. Mr. Cornetta noted that Attorney Cerel provided specific language. Ms. Love read aloud the wording providing by Mr. Cerel. Vice Chair Halligan asked what happens if the building was sold. Mr. Cornetta stated language specific to the two units would be needed; he stated that he will speak with Attorney Cerel to work out the language.

***Motion to Continue the public hearing for 70, 72 & 94 East Central St – Multi-Family, Special Permit & Site Plan Modification, to November 16, 2020, at 7:20 PM. David. Second: Power. Vote: 4-0-0 (4-Yes; 0-No).***

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Power. Second: David. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 8:41 PM.***

Respectfully submitted,

Judith Lizardi, Recording Secretary

***\*\*\*Approved at the December 21, 2020 Planning Board Meeting***