

Town of Franklin



Planning Board

Due to the growing concerns regarding the COVID-19 virus, we will be conducting a remote/virtual Planning Board Meeting. 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 (Cell phone or Landline Required) OR citizens can participate by copying the link (Phone, Computer, or Tablet required).

Please click on the link <https://us02web.zoom.us/j/87482696885> or call on your phone at 312-626-6799, meeting # 87482696885.

October 5, 2020

- 7:00 PM Commencement/General Business
- 7:05 PM **PUBLIC HEARING** – *Continued*
Maple Hill *Adv.: Feb. 24 & March 2, 2020*
Definitive Subdivision *Abuts: February 24, 2020*
- 7:10 PM **PUBLIC HEARING** - *Continued*
70, 72 & 94 East Central St – Multi-Family *Adv.: Jan 27 & Feb 3, 2020*
Special Permit & Site Plan Modification *Abuts: Jan. 22, 2020*

GENERAL BUSINESS:

- A. **Street Acceptance Procedures:** Update from Town Attorney Cerel
- B. **Bond Release:** Sandy Knoll Estates
- C. **Decision:** 340 East Central St
- D. **Discussion:** 160 Grove St – Phasing Plan
- E. **Meeting Minutes:** September 14, 2020 & September 21, 2020

This agenda is subject to change. Last updated: September 30, 2020
The next meeting of the Planning Board is scheduled for October 19, 2020.



FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

DATE: September 30, 2020
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: Bond Release - Retainage
Sandy Knoll Estates

General

1. Chairman Padula has requested that Sandy Knoll be on the October 5, 2020 Planning Board agenda to review the Bond.
2. The remaining bond of \$10,000 is for the as-built costs for the plans as outlined below:
 - a. Silver Fox 0+00-0+12 Bond Amount \$136,673 - **\$4,000** was to be held for As-Built Completion
 - b. Cotton Tail 5+00-10+50 Bond Amount \$24,050 - **\$2,000** was to be held for As-Built Completion
 - c. Blueberry Land 13+00-20+50 Bond Amount \$22,860 – No As-Built line item
 - d. Cotton Tail 0+00-5+00 Bond Amount \$10,000 - **\$4,000** was to be held for As-Built Completion
3. The Town Attorney still has the following outstanding items to complete:
 - Review acceptance plan(s)/ review with Mike from title/Registry compliance standpoint.
 - Receipt and review of deed, transfer doc(s) from developer's atty.
 - Depending upon acceptance process being used, possible notice to abutters
 - Prepare Town Council acceptance resolution
 - Place on Town Council agenda for public hearing (prior newspaper notice of hearing), legislation for action (acceptance resolution)



**FRANKLIN PLANNING & COMMUNITY
DEVELOPMENT**

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907

MEMORANDUM

DATE: September 29, 2020
TO: Franklin Planning Board
FROM: Department of Planning and Community Development
RE: 340 East Central St
Special Permit & Site Plan

The Planning Board closed the Public Hearing on September 28, 2020. The Planning Board shall vote on the following:

Waiver Requests:

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
3. Chapter 300 Section 11(B)(2)(a) – To allow HDPE be allowed for oil/water separator

Suggested Special Conditions:

1. Details for the Reinforced Concrete Curb should be added to the plans prior to Endorsement
2. All units will be maximum 2 bedrooms each.
3. Color renderings and landscape plan shall be included in the endorsed set.
4. Applicant will provide the specifications for the AC Units. Any mechanicals located on the roof shall be screened.
5. Any signage for the property will need to be submitted to Design Review Commission.

ROLE CALL VOTE:

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

Special Permit VOTE for USE: §185 Attachment 9, Maximum Height of Building and §185 Attachment 3 Part II 2.16, to allow the use of a Vehicle Service Establishment

If you vote NO on any of the following, please state reason why you are voting NO:

(a) Proposed project addresses or is consistent with neighborhood or Town need.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	NO

(b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	NO

(c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	NO

(d) Neighborhood character and social structure will not be negatively impacted.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	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.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	NO

(f) Number, height, bulk, location and siting of building(s) and structure(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.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	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.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	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.

Anthony Padula	YES	NO	William David	YES	NO
Rick Power	YES	NO	Gregory Rondeau	YES	NO

STANDARD CONDITIONS OF APPROVAL

1. This Special Permit shall not be construed to run with the land and shall run with the Site Plan as endorsed by the Planning Board. A new Special Permit shall be required from the Planning Board if any major change of use or major change to the site plan is proposed.
2. This Special Permit shall lapse if a substantial use or construction has not begun, except for good cause, within twenty four (24) months of approval, unless the Board grants an extension.- No final Certificate of Occupancy shall be issued until all requirements of the Special Permit have been completed to the satisfaction of the Board unless the applicant has submitted a Partial Certificate of Completion for the remainder of the required improvements and received approval by the Planning Board. The applicant's engineer or surveyor, upon completion of all required improvements, shall submit a Certificate of Completion. The Board or its agent(s) shall complete a final inspection of the site upon filing of the Certificate of Completion by the applicant. Said inspection is further outlined in condition #4.
3. Construction or operations under this Special Permit shall conform to any subsequent amendment of the Town of Franklin Zoning Bylaw (§185) unless the use or construction is commenced within a period of six (6) months after the issuance of this Special Permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
4. **The Planning Board will use outside consultant services to complete construction inspections upon the commencement of construction.** The Franklin Department of Public Works Director, directly and through employees of the Department of Public Works and outside consultant services shall act as the Planning Board's inspector to assist the Board with inspections necessary to ensure compliance with all relevant laws, regulations and Planning Board approved plan specifications. Such consultants shall be selected and retained upon a majority vote of the Board.
5. Actual and reasonable costs of inspection consulting services shall be paid by the owner/applicant before or at the time of the pre-construction meeting. Should additional inspections be required beyond the original scope of work, the owner/applicant shall be required to submit fees prior to the issuance of a Final Certificate of Completion by the Planning Board (Form H). Said inspection is further outlined in condition #4.
6. No alteration of the Special Permit and the plans associated with it shall be made or affected other than by an affirmative vote of the members of the Board at a duly posted meeting and upon the issuance of a written amended decision.
7. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary licenses, permits and approvals shall be obtained by the owner/applicant.
8. Prior to the endorsement of the site plan, the following shall be done:
 - The owner/applicant shall make a notation on the site plan that references the Special Permit and the conditions and dates of this Certificate of Vote.
 - A notation shall be made on the plans that all erosion mitigation measures shall be in place prior to major construction or soil disturbance commencing on the site.

- All outstanding invoices for services rendered by the Town's Engineers and other reviewing Departments of the Town relative to their review of the owner/applicant's application and plans shall have been paid in full.
 - The owner/applicant shall submit a minimum of six copies of the approved version of the plan.
9. Prior to any work commencing on the subject property, the owner/applicant shall provide plans to limit construction debris and materials on the site. In the event that debris is carried onto any public way, the owner/applicant and his assigns shall be responsible for all cleanup of the roadway. All cleanups shall occur within twenty-four (24) hours after first written notification to the owner/applicant by the Board or its designee. Failure to complete such cleanup may result in suspension of construction of the site until such public way is clear of debris.
 10. The owner/applicant shall install erosion control devices as necessary and as directed by the Town's Construction Inspector.
 11. **Prior to construction activities, there shall be a pre-construction meeting with the owner/applicant, and his contractor(s), the Department of Public Works and the Planning Board's Inspector.**
 12. Any signage requires the Applicant to file with the Design Review Commission.
 13. Prior to the endorsement, the Certificate of Vote and Order of Conditions shall be added to the Site Plans.

Memorandum

To: Anthony Padula, Chairman, Franklin Planning Board

From: Hennep Cultivation, LLC

cc: Town of Franklin Planning Board

Date: September 25, 2020

Re: **Phasing Plan – Hennep Cultivation, LLC – 160 Grove St**

GENERAL

The proposed cultivation and production facility at 160 Grove Street will be constructed in two-phases. The first phase will include mass excavation of the site and include bringing all permanent utilities into the property. These will be completed as part of Phase One. The second phase is anticipated to proceed within 2 years of the completion of the first phase and will include installation of remaining grow houses, either all at one time or increments of (2) at a time. Phasing is shown on the attached drawings.

PHASE ONE COMPLETION

Phase one will include all bulk land clearing and excavation, drainage and stormwater management (including infiltration systems), septic, leaching area, grease trap, all utilities, etc. for the occupancy of the two-story building and use of the (6) grow warehouses. This includes at a binder course and curbing at all drive areas up to the Fire Hydrant just south of FE-2, the front entrance at Grove Street, and to the end of the leach field at the south. There is a temporary road during Phase One for first responder access. All fire hydrants, one located at the front entrance, one at the northwest corner of the building, and the third located just south of FE-2 will be installed during this phase. Striping of parking areas is included at the Grove Street side and north side of the site (up to CB 5). Installation of sidewalks as required for the safe egress of employees from the phase one structures will also be complete. The two-story building construction will be completed during this phase including foundations, building structure, mechanical, electrical, fire protection and plumbing and security. We will satisfy all C of O requirements for this phase of the project. Anticipated occupancy: 30+/- . Parking provided: 51.

PHASE TWO COMPLETION DESCRIPTION

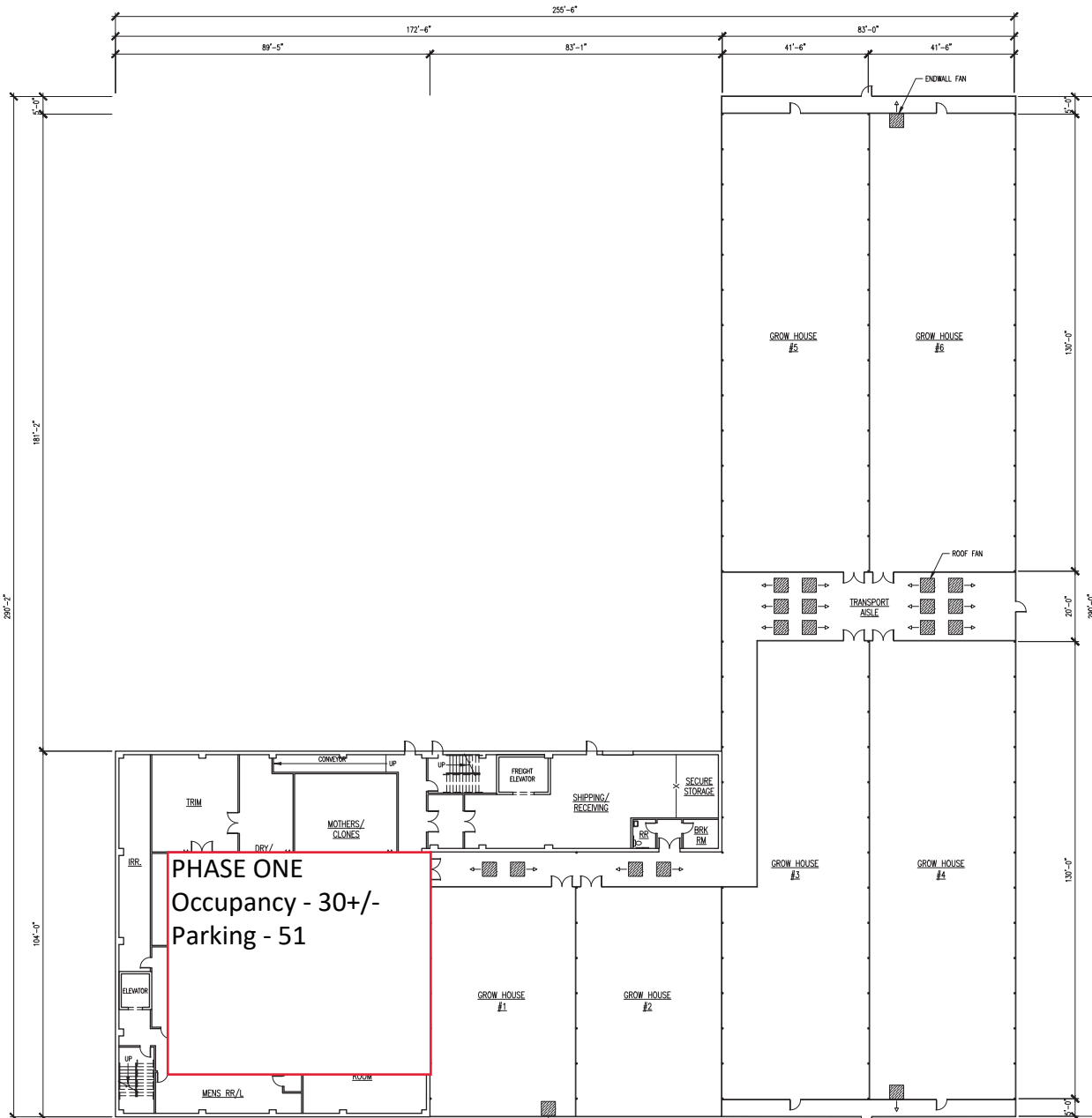
Phase two will consist of foundations and infrastructure for the remaining (9) grow warehouses and supplementary employee entrance. This phase will also include completion of all sidewalks and additional parking at the east end of the building and overflow parking at the far east end of the property. Landscaping for the entire site and building will also be part of this phase. Please note that phase one will have the all the infrastructure (power panels, sprinkler, domestic water, etc. installed



and sized to accept the work of phase. We will complete all remaining retaining walls and final paving at Phase Two roads and parking areas. We will satisfy all C of O requirements for this phase. The remaining (9) grow houses may be installed either at one time or installed in any combination as funds will allow. In either case all requirements for occupancy shall be met. Anticipated Occupancy: 31-100; Parking provided: 52-162.

CONTINGENCY PLAN

In the event Hennep is unable to start Phase Two in the 2 years stated above, Hennep will apply for an extension of the permit for another 2 years. In the event Phase Two is not completed, Hennep will maintain all installed work in good operating condition.

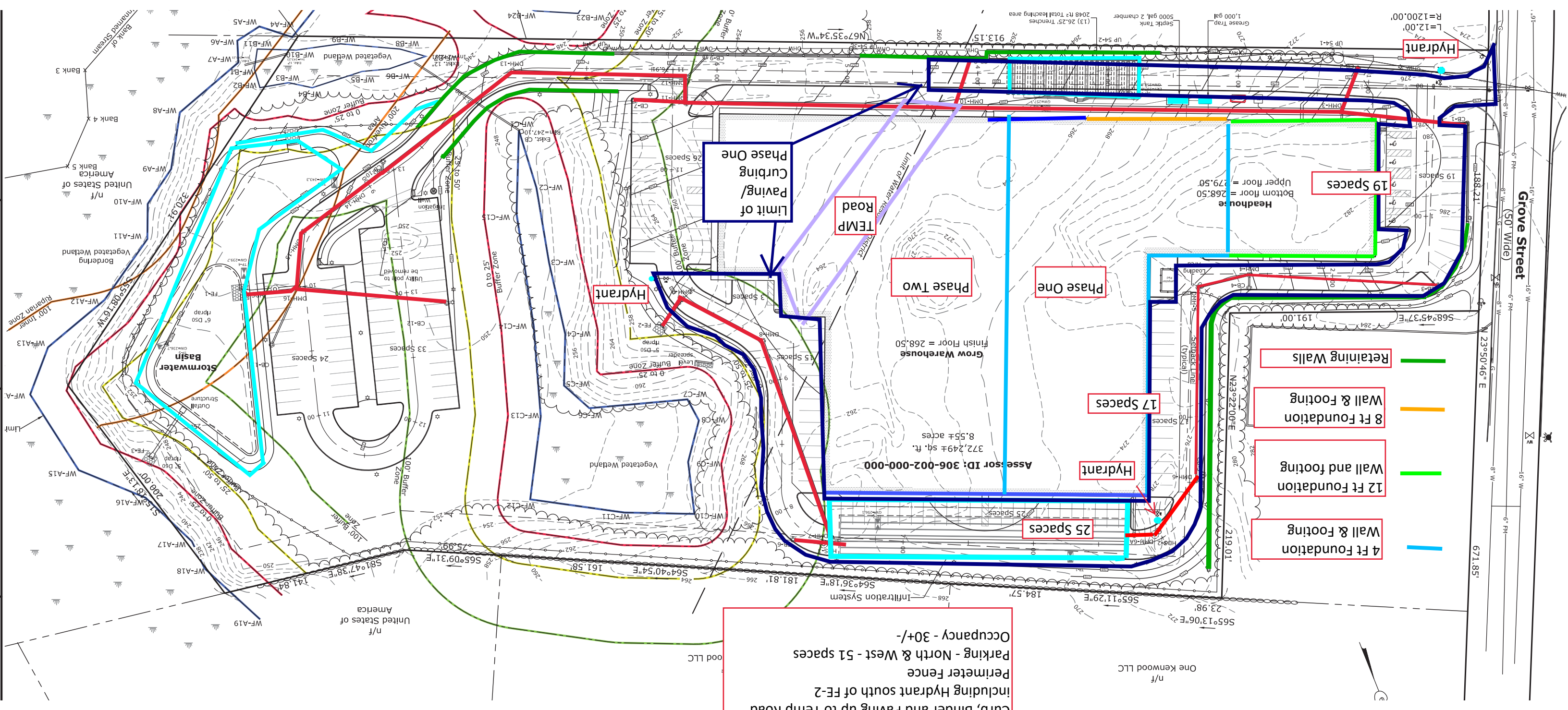


1 OVERALL GREENHOUSE FLOOR PLAN (PHASE 1)
A1.1 SCALE: 1/16" = 1'-0"



PRELIMINARY - NOT FOR CONSTRUCTION 9/1/2020

<p>Engel Architects 1854 Lincoln Highway East Lancaster, PA 17602 (717)392-8021, fax 392-7140</p>	
<p>Growing Facility for HENNEP Franklin, MA 02038</p>	
SEAL	
<p><small>THIS DRAWING IS THE PROPERTY OF ENGEL ARCHITECTS. IT MAY NOT BE REPRODUCED IN ANY FORM WITHOUT THEIR PERMISSION. DO NOT SCALE DRAWING. CONTRACTOR SHALL VERIFY ALL CONDITIONS & DIMENSIONS ON SITE PRIOR TO PROCEEDING WITH THE WORK.</small></p>	
PROJECT NO.	18161
MANAGED BY	E. ENGEL
DRAWN BY	T. GOOD
REVISIONS	
DATE	
DRAWING TITLE	OVERALL GREENHOUSE FLOOR PLAN
SHEET NO.	A1.1



PHASE ONE SITEWORK PLAN:
 Install Stormwater Management
 Install retaining walls-upper parking
 Install Septic & Leach Field
 Install Grease Trap & Piping
 Install Water, Sprinkler, Well & Hydrants
 Curb, Binder and Paving up to Temp Road
 Including Hydrant south of FE-2
 Perimeter Fence
 Parking - North & West - 51 spaces
 Occupancy - 30+/-

- Retaining Walls
- 8 Ft Foundation Wall & Footing
- 12 Ft Foundation Wall and footing
- 4 Ft Foundation Wall & Footing

25 Spaces

Hydrant

17 Spaces

Phase Two

Grow Warehouse
 Finish Floor = 268.50
 8.55± acres
 Assessor ID: 306-002-000-000
 372,249 sq. ft.

Limit of
 Paving/
 Curbing
 Phase One

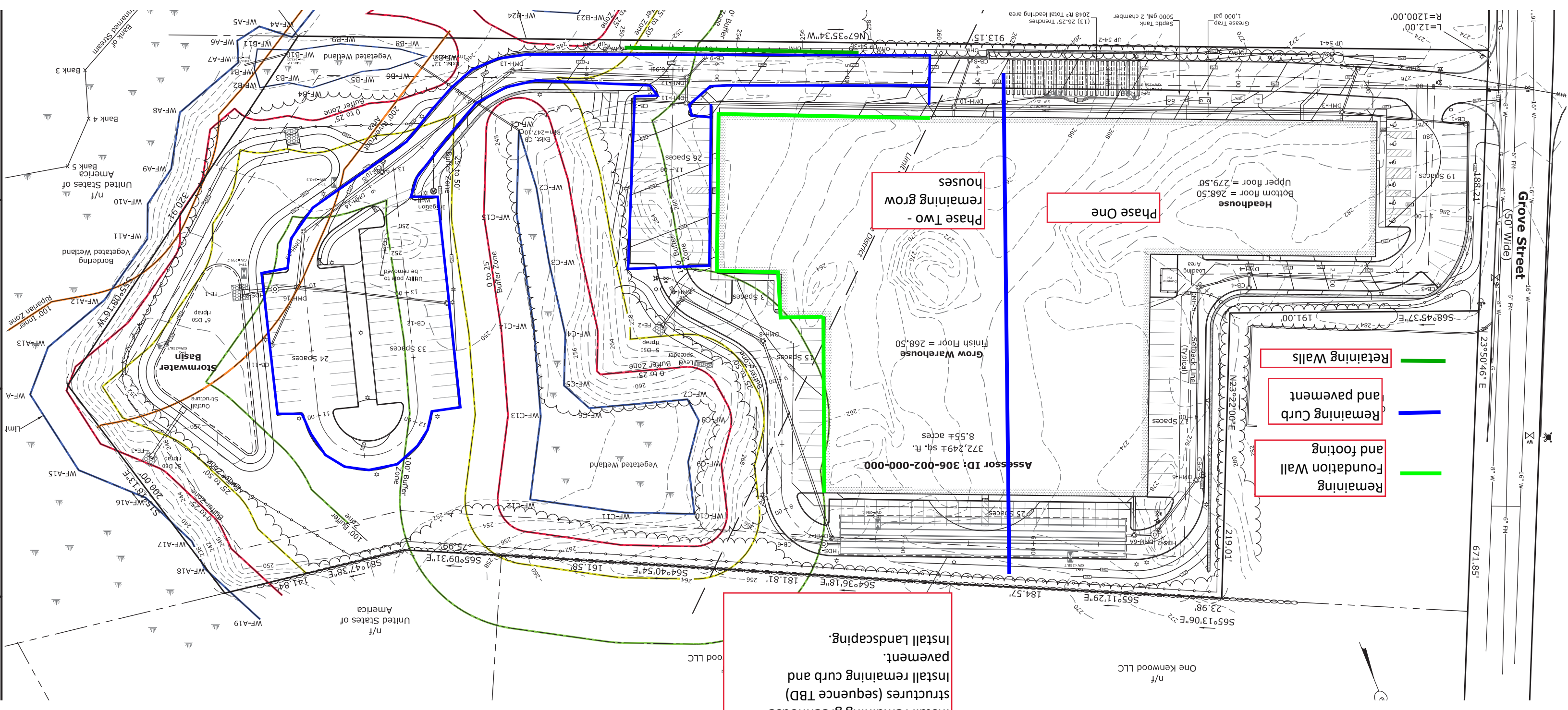
Temp
 Road

19 Spaces

Headhouse
 Upper floor = 279.50
 Bottom floor = 268.50

Hydrant

Grove Street
 (50' Wide)



PHASE TWO SITEWORK PLAN:
 Install remaining foundations as required for each greenhouse cluster.
 Install remaining greenhouse structures (sequence TBD) and install remaining curb and pavement.
 Install landscaping.

- Retaining Walls and Footing
- Retaining Curb and Pavement
- Retaining Walls

Phase Two - remaining grow houses

Phase One

Headhouse
 Upper floor = 279.50
 Bottom floor = 268.50

Grow Warehouse
 Finish floor = 268.50

Assessor ID: 306-002-000-000
 372,249± sq. ft.
 8.55± acres

Grove Street (50' wide)

Bank of Stream
 Bank 3
 Bank 4
 Bank 5
 United States of America
 n/f
 WF-A10
 WF-A11
 WF-A12
 WF-A13
 WF-A15
 WF-A16
 WF-A17
 WF-A18
 WF-A19

n/f
 One Kenwood LLC

ood LLC

n/f
 United States of America

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,
Recording Secretary

(Town of Franklin



Planning Board

**September 21, 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;

*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. Endorsement: Amego –Washington Street Site Plan

Ms. Love stated the Planning Board approved the Site Plan on June 17, 2019. The applicant has referenced the Certificate of Vote and Conditions of Approval on the front page of the plans. The applicant has included color renderings that were recommended to the Planning Board by Design Review Commission.

Motion to Endorse Amego –Washington Street Site Plan. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

B. Bond Release: Sandy Knoll Estates

Ms. Love stated the Planning Board voted at the June 8, 2020, meeting to release all bond monies except \$10,000, to be retained until the plans are filed at the Registry of Deeds; plans are filed after the Town Counsel accepts the roadway. The Planning Board requested this be reviewed in three months. Due to COVID and the Registry of Deeds being closed, there has been no progress on moving forward with the road acceptance at the Town Council level. The remaining bond of \$10,000 is for the As-Built costs for the plans as follows: a. Silver Fox 0+00-0+12 Bond Amount \$136,673 - \$4,000 was to be held for As-Built Completion; b. Cotton Tail 5+00-10+50 Bond Amount \$24,050 - \$2,000 was to be held for As-Built Completion; c. Blueberry Land 13+00-20+50 Bond Amount \$22,860 – No As-Built line item; and d. Cotton Tail 0+00-5+00 Bond Amount \$10,000 - \$4,000 was to be held for As-Built Completion. She stated that DPCD recommends holding \$10,000 until streets are accepted by Town Counsel and recorded at the Registry of Deeds.

Mr. Maglio confirmed the contractor has turned in the As-Builts, and it looks like everything is in order. Mr. Cerel has the plans currently and is in process of the recording. Chair Padula stated that at this point, it is the Town that is holding up the process; the applicant has done all they were required to do. He stated that the

Planning Board cannot keep holding the money just because the Registry of Deeds is not open. Mr. Halligan stated that submitting it to Land Court does not guarantee it is going to be accepted by Land Court; the engineers may need to do additional work. Chair Padula asked how long can the \$10,000 be held. Mr. Halligan questioned if changes are required by the Land Court, who is going to do the changes if there is no money left. He stated that very rarely does Land Court accept on the first round.

Mr. Maglio stated there are two sets of plans in place. The As-Built plans which he is satisfied with, and the Street Acceptance plans which go to Land Court to get recorded. If changes are required, there would need to be money to pay for the changes to be made. Chair Padula stated the Planning Board does not hold bonds for Land Court; the Planning Board holds bonds for materials and As-Built. Mr. Halligan stated he would be willing to reduce the bond to \$5,000 to hold some money in case it gets kicked back from Land Court.

Chair Padula asked how many subdividers the Planning Board is holding money from because the Town has not accepted the streets and they are waiting to be recorded by the Registry. Ms. Love reviewed other applicants for which bond money is being held. She noted that the Town Attorney is still in the process of reviewing the deed; therefore, it has not yet been submitted to Land Court.

Chair Padula asked if there is a problem because the applicant is turning over land to the Town for an easement. Mr. Maglio stated he does not think so. He reiterated that everything from his standpoint seems okay and he forwarded it to Mr. Cerel to review; he has not heard anything from Mr. Cerel. He noted that Mr. Cerel would bring it to Land Court to get recorded. Mr. Halligan asked what is holding up the process. Chair Padula stated this seems to be an ongoing thing as is the same as three months ago. It is the Town Attorney who is holding this up. He asked when this would be resolved. Mr. Maglio stated it is in the Town Attorney's hands. Ms. Love stated she can ask for another update from Mr. Cerel. Chair Padula stated he would like an answer at the next meeting. Mr. Rondeau asked that Mr. Cerel attend the Zoom meeting to explain where he stands with this. Ms. Love stated she could check with Mr. Cerel for his availability for the next meeting on September 28, 2020.

C. 81-P ANR: 300 West Central Street

Ms. Love stated the applicant has submitted a Form A application for 81-P Plan review to accompany the plan titled "Plan of Land, 300 West Central Street, Franklin, Massachusetts" dated September 2, 2020. She confirmed she incorrectly wrote in her memo dated September 16, 2020, that the purpose of the plan is to move existing lot lines and create two conforming lots; it should have been written as one conforming lot and one non-conforming lot. She stated that although it is incorrect in her memo, it is correct on the plans submitted with the application. The application depicts a location within the General Residential V Zoning District; the proposed lot shown conforms to lot requirements associated with this zoning district. In response to Planning Board members' questions, Ms. Love stated one lot is non-conforming, the other is the existing house lot which conforms.

Chair Padula stated the person who owns the subdivision is the applicant, but not the owner. Ms. Love explained the application states the applicant is Mr. Joel D'Errico, but the owner is Foley Family Trust who signed off on the application. She confirmed the back lot is going to be part of the subdivision. She stated the four-lot subdivision that the Planning Board approved off West Central Street is different. Planning Board members discussed that this is not an ANR because it does not have frontage on the street; a non-conforming lot is being created.

Ms. Amada Cavaliere, Guerriere & Halnon, Inc., on behalf of the applicant and owner, stated the owner is aware the back lot is non-buildable; this Lot A is unrelated to the subdivision. She stated the application is to define the lot lines for Lot A. She noted they are not subdividing the land; they are changing the lot lines. Chair Padula questioned having two separate lots with two ANRs.

Mr. Maglio stated it looks like the front Lot A would be a separate conforming lot and a non-buildable lot in the rear which at some point in the future will be combined with other property which was previously approved as a subdivision. Mr. Rondeau asked how much of the non-buildable lot is part of the subdivision. Chair Padula stated that piece was not part of the subdivision when it came before the Planning Board. Ms. Love stated it is part of the four-lot subdivision approved for Highland Village. She noted that there were multiple owners who signed the application.

Ms. Cavaliere stated that on the plans for the preliminary subdivision, it stated an ANR plan must be filed prior to subdivision approval which is what they are doing now. She stated the subdivision was approved, but it has not been endorsed because the ANR plan needed to be done first. Chair Padula requested Mr. Cerel look at this. Ms. Love stated she would do that. Ms. Cavaliere clarified the ANR process; she stated this is just changing the lot lines as part of the ANR process. Mr. Halligan confirmed that the non-conforming lot will then, through another application, be added to the subdivision land. Then, the subdivision plans can be endorsed.

Motion to Approve 81-P ANR: 300 West Central Street. Rondeau. Second: Power. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain). (Mr. Halligan abstained.)

Chair Padula reiterated that he would like Mr. Cerel to look at this.

D. 81-P ANR: 176-210 Grove Street

Mr. Edward Cannon, attorney on behalf of the applicant, addressed the Planning Board. He stated the Planning Board already approved an ANR on this site for one large lot. Unfortunately, the applicant's lender did not like that approach; the lender preferred the approach they are taking now by submitting this ANR for three conforming separate lots, one for each building. They would like to get the Planning Board's feedback. He is aware if the Planning Board were to approve this ANR request, the applicant cannot proceed forward until they modify the Site Plan.

Chair Padula stated the Site Plan conditions were made upon the ANR for one large lot. As they are making it three separate lots, how does it affect the Orders of Conditions? Mr. Cannon stated the site will function exactly the same way. Chair Padula stated he would like the Town attorney to look at this because they are splitting up a Site Plan that could now come under three different ownerships. Mr. Halligan noted all buildings would have to comply legally with lot line setbacks. Ms. Love asked if Chair Padula is looking for advice from the Town attorney on the ANR or the Site Plan modification. Chair Padula stated the Site Plan modification goes along with the ANR.

Mr. Levi Reilly, Marcus Partners, stated they are looking for feedback from the Planning Board. He will share this revised Site Plan and ANR with Town counsel and then come back to the Planning Board to have it all approved together. Chair Padula agreed he would like to see it all together for approval.

E. Discussion: 176-210 Grove St Site Plan Revisions

Mr. Levi Reilly stated they could return to the Planning Board in two weeks with Site Plan revisions and an ANR. Ms. Love confirmed October 5, 2020, is available.

Motion to continue to the October 5, 2020, agenda under General Business, 176-210 Grove Street. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

F. Final Form H: Villages at Cook's Farm

Ms. Love stated the applicant has submitted a Final Form H, Engineer's Certificate of Completion, and a final As-Built plan for Villages at Cook's Farm. At the September 14, 2020, Planning Board meeting, the Planning Board requested the applicant install the fence, per the approved plans, where a guardrail was installed, and discuss the color of the house as painted. She stated the applicant has provided a revised As-

Built plan showing the fence was installed, and the applicant has provided a list of house colors and a plan showing where each color is located.

Chair Padula stated BETA is not present at tonight's meeting. He noted the only item of contention is the colors. He stated there were 12 original colors in the initial application; however, the company stopped making those colors. Cook's Farm had to go with another company that had another 12 colors that were pretty close. They did not have the list of colors Mr. Roux offered to the people which were not approved. He asked if the Planning Board would like the applicant to return to the Planning Board to ask for a modification to the Special Permit for all these colors or make the applicant go back to the colors that were agreed to.

Attorney Suzette Ferreira for Villages at Cook's Farm stated that the Special Permit does not have any approved colors in it; it does not have a requirement for any colors. It may have been something that was discussed during the entire process, but once the Special Permit decision was written, there are no limitations on the colors for the project. She stated that, therefore, we would not file a modification to the Special Permit because there would be nothing to modify. In addition to that, we had met back at the beginning of the year with members of the Planning Board and Town Counsel, and many of us had lots of notes and other items from the Design Review meetings. What we found was that provided to the Planning Board was a letter that talked about what some of the predominant colors in the project would be, not that those colors would be the only colors in the project. And, when we were discussing some of the colors, it became clear that a lot of the colors that were discussed are not available any longer or things of that nature, but most of the colors in the project still fall in a variation of the colors that were discussed through the Design Review meeting. It was our understanding that this color issue was resolved, and because it is not part of the Special Permit, there is no reason to modify the Special Permit.

Mr. Rondeau stated he thought the colors and color renderings were part of the Special Permit. Mr. Bryan Taberner, Director of Planning and Community Development, explained what he and Chair Padula found that was given to Design Review. He stated that regarding colors, this is a big mess at this point. When Design Review looked at the facades and discussed colors, they asked that Mr. Roux come back with a letter proposing specifically what he was going to do. And, he did that. Basically, he gave primary colors and some secondary colors, and said these are the colors of the buildings, and he gave specific materials, manufacturers, and color types. That was the understanding. After that, the Planning Board approved the Site Plan and Special Permit. The wording of that did not get into the Special Permit findings; therefore, the attorney for Cook's Farm is arguing that if it did not get into the Special Permit, it does not apply.

Chair Padula said whether it was in the Special Permit or not, it is what was presented to Design Review for the Site Plan. So, if it is not a modification of the Special Permit, it is still a modification of the Site Plan which is part of the Special Permit. He asked the Planning Board members how they feel. Mr. Halligan stated this has been a long issue. The development is done. It is a sold-out project. Everyone seems to be happy. Maybe the colors are not so bad. No letters have been sent complaining about the colors. Maybe we accept what is there and look at it as a learning curve. He would like to have some condition that no two houses in a row could be the same color. Chair Padula said that was for the condo association; the Planning Board regards if it is built with infrastructure and safety. He reviewed the past history of the agreed upon colors by the Planning Board. He stated that no one has come forward to complain about the colors. Mr. Power stated he is okay with letting it go. Mr. David agreed with Mr. Power. Mr. Halligan confirmed the list of 191 historical colors that was provided are the colors that are there today; he would agree that these are the only colors that can be used in the future. Chair Padula stated he is not going to approve colors; it is not the Planning Board's authority; we are here to approve a Final Form H.

Motion to Approve Final Form H: Villages at Cook's Farm. Power. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No).

G. Street Acceptance: Union Meadows Road

Ms. Love stated the current bond is held in a Tripartite Agreement with the Town of Franklin for \$2,002 for Union Meadows Road. The bond is held until the roadway is accepted by Town Council and filed at the Registry of Deeds. The applicant has requested street acceptance. BETA performed a site inspection and has noted all items are complete. DPCD recommends that the Planning Board vote to recommend to Town Council to accept the roadway.

Mr. Maglio stated they are satisfied.

Motion to Recommend to Town Council Street Acceptance: Union Meadows Road. Rondeau. Second: Power. Vote: 5-0-0 (5-Yes; 0-No).

H. Discussion: Franklin Country Club

Chair Padula stated the area of construction on the Limited Site Plan Modification only went as far as the original fueling station; it did not take up the entire back lot. He noted concern about the Final Form H for the rinse area. He stated that the Planning Board does not approve any dumpster pad without screening.

Ms. Love stated the Planning Board voted to approve the Form H at the last meeting; however, after the meeting they noted concerns because the signed plans were not presented. She showed and reviewed the signed plans through the shared screen. Mr. Rondeau asked if the original drawing that the Planning Board signed had the dumpster and pad. Chair Padula reviewed what was shown in the original plans. Ms. Cavaliere stated that on the plans that were endorsed by the Planning Board on March 11, 2020, there are three concrete pads on the plans. She stated this was in the application; it was part of the site improvements and endorsed by the Planning Board. Chair Padula requested to see the application. Mr. Halligan noted the dotted line around the work area which encompasses the dumpster area. However, it was not marked as an existing or proposed dumpster pad; it was not discussed or brought forward by the applicant. The attention was on the fueling station and rinse area. If the plan had the proposed dumpster pad, it would have been discussed; however, it appeared as though it was already there. It should have been worded as a proposed dumpster pad. It slipped by the Planning Board. Chair Padula stated it also slipped by the town's engineers.

Ms. Cavaliere stated that as part of the application they provided a project narrative which discussed the dumpster pad. Chair Padula stated he wanted the meeting minutes. Ms. Love stated she went through the meeting minutes. She stated the application is not in electronic form; it is in paper form in the Town Hall. Chair Padula asked if the dumpster pads were mentioned by the applicant during the application process and if it was reviewed by the town's engineers. He stated everything has to be watched or the applicant will slip things in. He stated the Planning Board needs BETA and the Town Engineer checking these things. Ms. Cavaliere stated that nothing was slipped in; they were clear and up front about the information. Chair Padula asked Ms. Love to provide the meeting minutes.

Mr. Rondeau asked if any of the houses at Cook's Farm have sight of the dumpsters. Mr. David stated they can see it. Ms. Cavaliere stated Cook's Farm has a six-foot fence in that area; however, she does not know if someone on the second floor could see it. She stated this issue has been brought up to the Country Club; they are informed. Planning Board members reviewed the submitted plans and discussed the dumpster pads, screening, and dumpsters. Chair Padula requested Mr. Maglio check the dumpsters tomorrow to make sure they are the lockable type.

I. Meeting Minutes: August 12, August 17 & August 24, 2020

Motion to Approve the Meeting Minutes for August 12, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for August 17, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Approve the Meeting Minutes for August 24, 2020. Rondeau. Second: David. Vote: 5-0-0 (5-Yes; 0-No).

Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. David. Second: Rondeau. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:29 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary