



May 27, 2021

Planning Board
Town of Franklin
355 E. Central Street
Franklin, MA 02038

RE: Request to Extend Special Permit & Site Plan Modification Approval for Chestnut Senior Village in Franklin, Massachusetts
DEP #159-1180

Dear Agent and Members of the Commission,

Strong Point Engineering Solutions, Inc. is pleased to provide this letter on behalf of our client, Whitman Homes, in compliance with Standard Condition #2 of the Special Permit & Site Plan Modification Approval, to respectfully request an extension to the approval term of the Special Permit issued October 15, 2018 for the above-referenced property at 0 & 51 Chestnut Street. This approval is on file at the Norfolk County Registry of Deeds under Book 36420, Page 260.

As stated in Standard Condition #2 of the Order, *"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."*

The approval was scheduled to expire on October 15, 2020; however, as referenced in Acts of 2020, Chapter 53, Section 17.b.(iii): *a permit in effect or existence **as of March 10, 2020**, including any deadlines or conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit, or time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency.* Despite the suspension of the expiration date, an extension is still being sought.

Based on the information above, this office respectfully requests the issuance of an extension to the approval term for the 2018 Special Permit & Site Plan Modification for a minimum period of two (2) years.

On behalf of our client, we thank you in advance for your consideration in this matter. If you have any questions, comments, or would like to discuss this issue further, please do not hesitate to contact our office at (508) 682-0229.

Kind Regards,

Eric Dias, P.E.
President/Owner



Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

www.gandhengineering.com

Est. 1972

Whitinsville Office
1029 Providence Road
Whitinsville, MA 01588-2121
Phone: (508) 234-6834
Fax: (508) 234-6723

Milford Office
333 West Street
P.O. Box 235
Milford, MA 01757-0235
Phone: (508) 473-6630
Fax: (508) 473-8243

Franklin Office
55 West Central Street
Franklin, MA 02038-3807
Phone (508) 528-3221
Fax (508) 528-7921

F-4275

May 28, 2021

Town of Franklin Planning Board
355 East Central Street
Franklin, MA 02038

Re: **Site Plan Modification - Final Form H**
265-303 East Central Street – Change in Use

Dear Planning Board Members:

On behalf of the applicant, Franklin Shoppers Fair, Inc., Guerriere & Halnon, Inc. (G & H) hereby submits the Final Form H for the above referenced project. All work associated with the proposed site plan modifications have been completed and depicted on the enclosed as-builts prepared by Precision Land Surveying, Inc. dated February 11, 2019 and last revised December 20, 2020.

In addition, the applicant has entered into a maintenance contract with a fence company to inspect and repair the fencing around the dumpster pads every 3 months, as they appear to .

We trust this meets with your requirements. Please contact us at our Franklin office at (508) 528-3221 if you have any questions or require additional information.

Sincerely,
Guerriere & Halnon, Inc.

Amanda Cavaliere
Franklin Office Manager
Enclosures

SITE PLAN OF LAND

FORM H
ENGINEER'S CERTIFICATE OF COMPLETION
(to be executed by developer's engineer)

Site Plan known as "Horace Mann Plaza, Change in Use"
265-303 East Central Street, Franklin, MA"

I hereby certify that all improvements required for the above referenced site plan have been completed in all respects in accordance with the Town of Franklin zoning requirements and the approved plans entitled ** prepared by Guerriere & Halnon, Inc. and dated April 11, 2019, as approved by the said Planning Board on May 20, 2019

**"Horace Mann Plaza, Change in Use
265-303 East Central Street, Franklin, MA"

Signed this 27th day of MAY, 2021

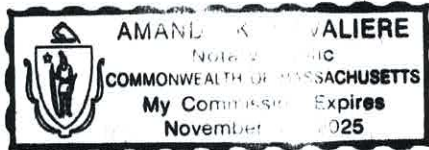
By Dale MacKinnon Reg. C.E.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

May 27, 2021

On this 27th day of May 2021, before me, the undersigned notary public, personally appeared Dale MacKinnon (name of engineer), proved to me through satisfactory evidence of identification, which were MA license to be the person whose name is signed on the preceding document in my presence.

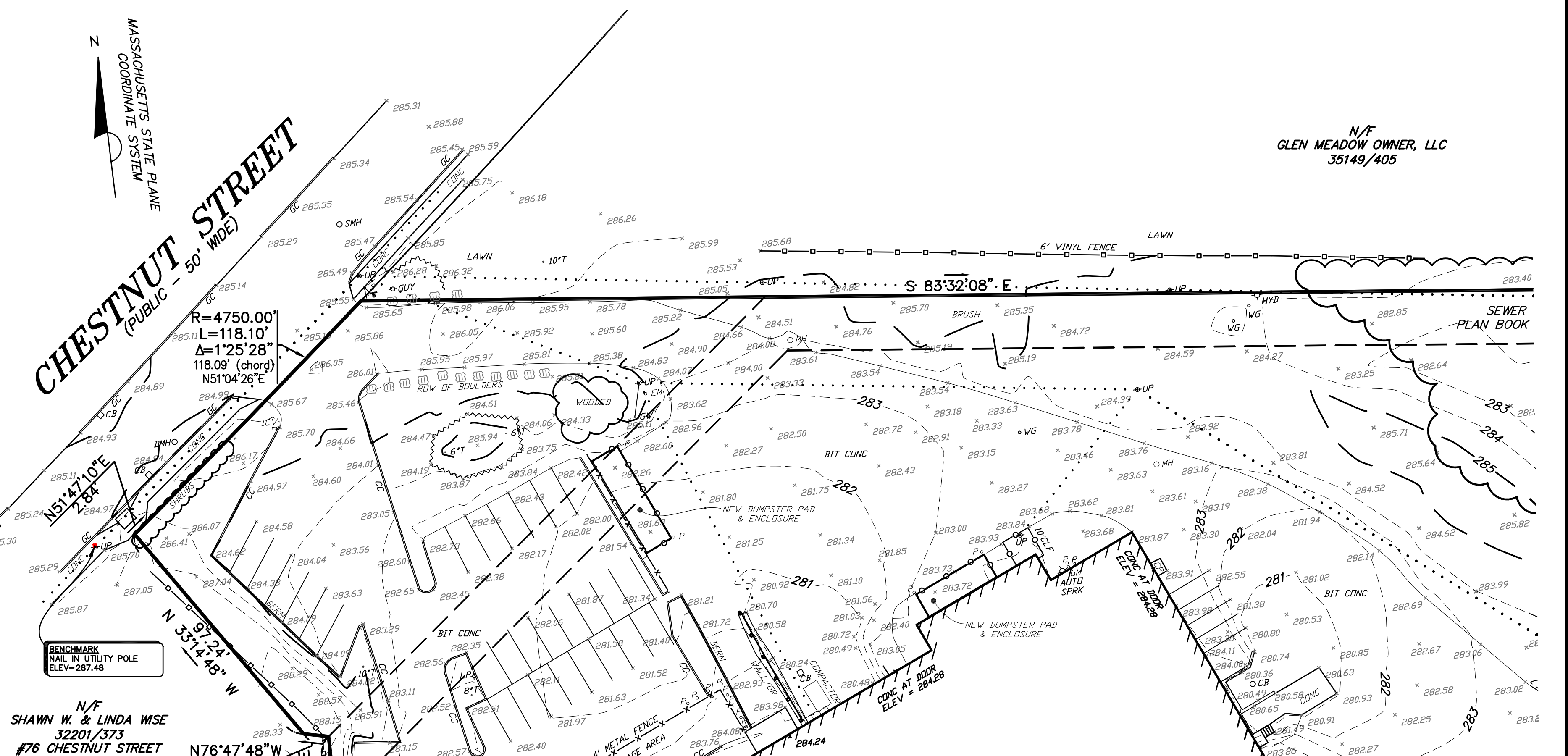
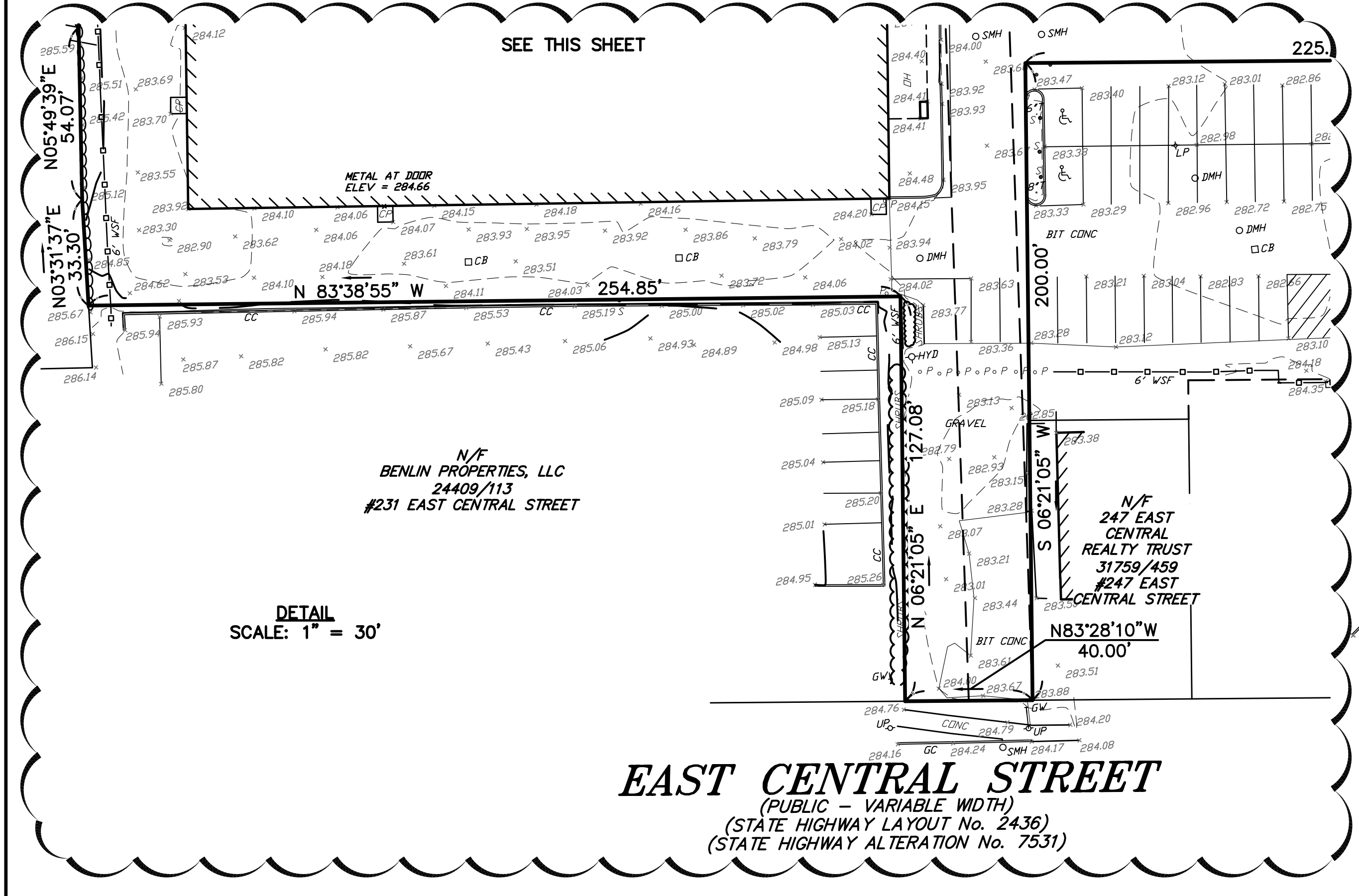
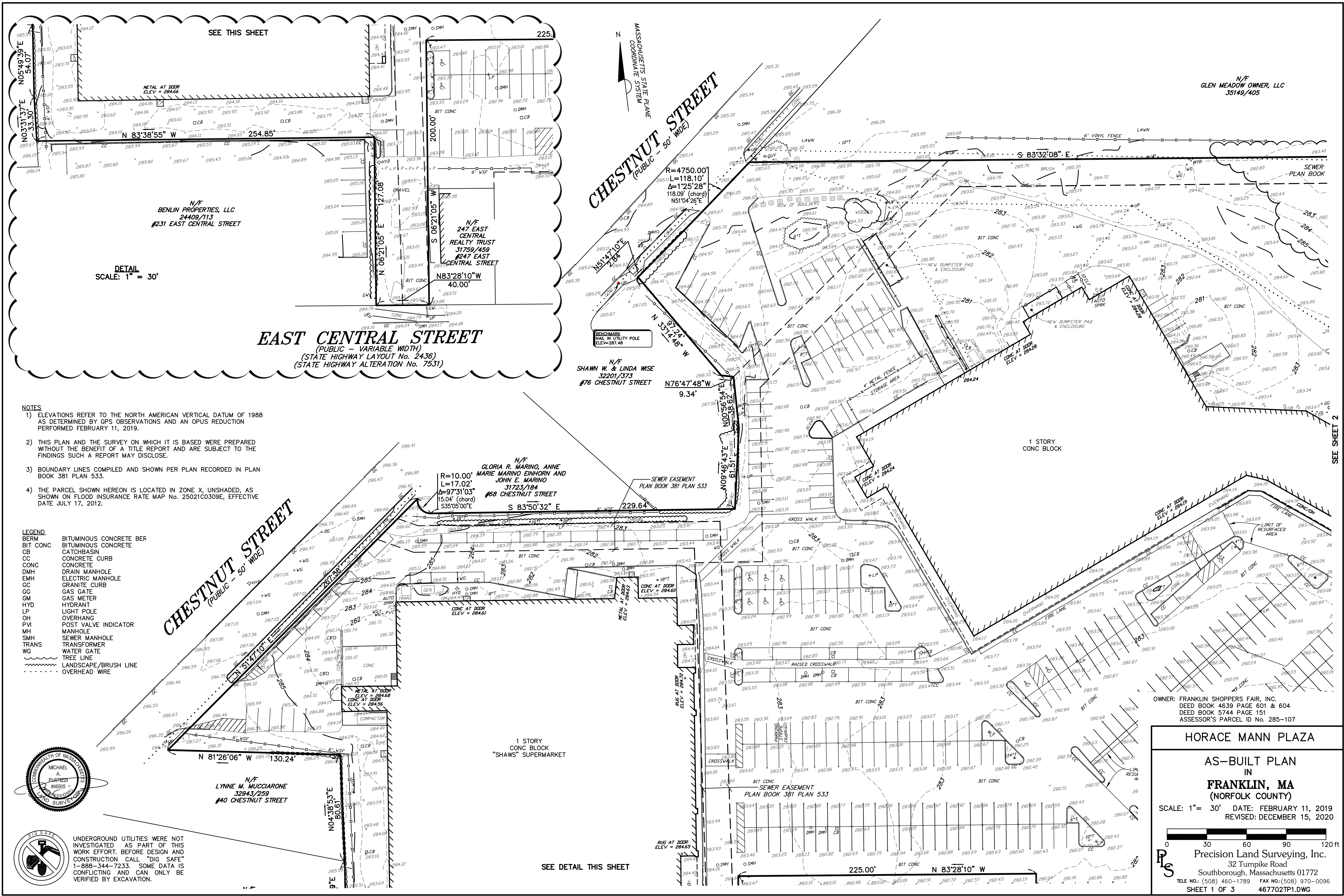


Amanda K. Cavalieri
(Official signature and seal of notary)

Notary Public:

My Commission Expires: Nov. 14, 2025

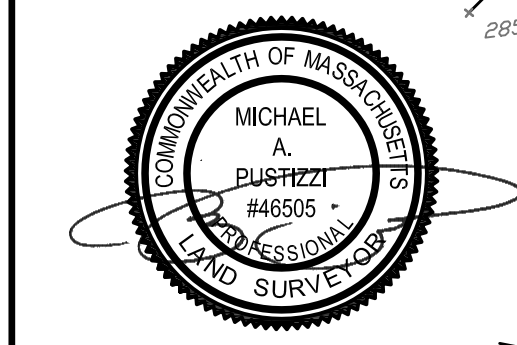




- NOTES**
- ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 AS DETERMINED BY GPS OBSERVATIONS AND AN OPUS REDUCTION PERFORMED FEBRUARY 11, 2019.
 - THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS SUCH A REPORT MAY DISCLOSE.
 - BOUNDARY LINES COMPILED AND SHOWN PER PLAN RECORDED IN PLAN BOOK 381 PLAN 533.
 - THE PARCEL SHOWN HEREON IS LOCATED IN ZONE X, UNSHADED, AS SHOWN ON FLOOD INSURANCE RATE MAP No. 25021C0309E, EFFECTIVE DATE JULY 17, 2012.

LEGEND

BERM	BITUMINOUS CONCRETE BER
BIT CONC	BITUMINOUS CONCRETE
CB	CATCHBASIN
CC	CONCRETE CURB
CONC	CONCRETE
DMH	DRAIN MANHOLE
EMH	ELECTRIC MANHOLE
GC	GRANITE CURB
GG	GAS GATE
GM	GAS METER
HYD	HYDRANT
LP	LIGHT POLE
OH	OVERHANG
PVI	POST VALVE INDICATOR
MH	MANHOLE
SMH	SEWER MANHOLE
TRANS	TRANSFORMER
WG	WATER GATE
---	TREE LINE
~~~~~	LANDSCAPE/BRUSH LINE
.....	OVERHEAD WIRE



UNDERGROUND UTILITIES WERE NOT INVESTIGATED AS PART OF THIS WORK EFFORT. BEFORE DESIGN AND CONSTRUCTION CALL "DIG SAFE" 1-888-344-7233. SOME DATA IS CONFLICTING AND CAN ONLY BE VERIFIED BY EXCAVATION.

N/F  
GLEN MEADOW OWNER, LLC  
35149/405

N/F  
BENLIN PROPERTIES, LLC  
24409/113  
#231 EAST CENTRAL STREET

DETAIL  
SCALE: 1" = 30'

**EAST CENTRAL STREET**  
(PUBLIC - VARIABLE WIDTH)  
(STATE HIGHWAY LAYOUT No. 2436)  
(STATE HIGHWAY ALTERATION No. 7531)

N/F  
SHAWN W. & LINDA WISE  
32201/373  
#76 CHESTNUT STREET

N/F  
GLORIA R. MARINO, ANNE  
MARIE MARINO EINHORN AND  
JOHN E. MARINO  
31723/184  
#68 CHESTNUT STREET

N/F  
LYNNE M. MUCCIARONE  
32943/259  
#40 CHESTNUT STREET

OWNER: FRANKLIN SHOPPERS FAIR, INC.  
DEED BOOK 4639 PAGE 601 & 604  
DEED BOOK 5744 PAGE 151  
ASSESSOR'S PARCEL ID No. 285-107

**HORACE MANN PLAZA**

AS-BUILT PLAN  
IN  
**FRANKLIN, MA**  
(NORFOLK COUNTY)

SCALE: 1" = 30' DATE: FEBRUARY 11, 2019  
REVISED: DECEMBER 15, 2020

**Precision Land Surveying, Inc.**  
32 Turnpike Road  
Southborough, Massachusetts 01772  
TEL No.: (508) 460-1789 FAX No.: (508) 970-0096  
SHEET 1 OF 3 467702TP1.DWG

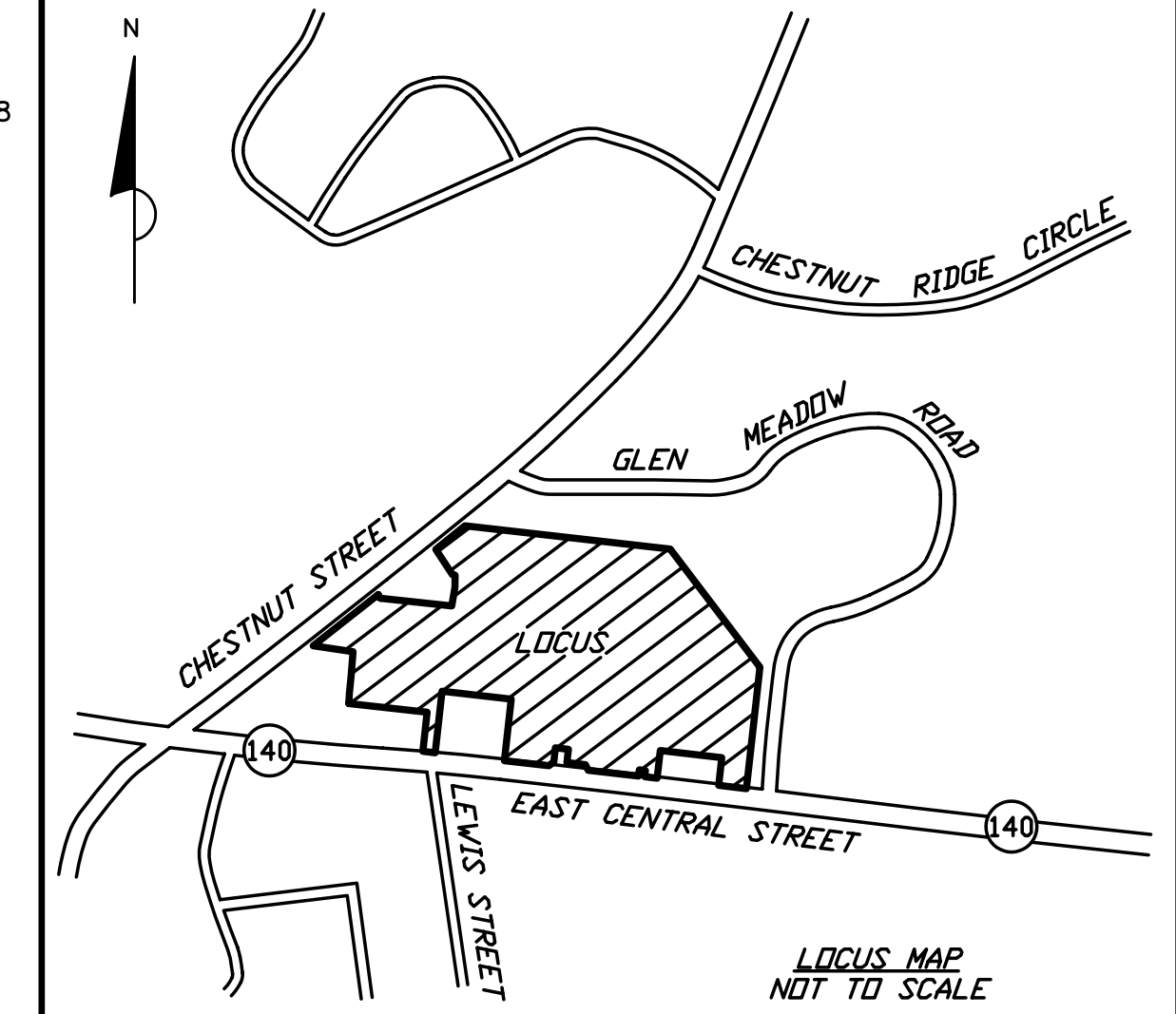
SEE DETAIL THIS SHEET

SEE SHEET 2

MASSACHUSETTS STATE PLANE  
COORDINATE SYSTEM

N/F  
GLEN MEADOW OWNER, LLC  
35149/405

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N/F  
GLEN MEADOW OWNER, LLC  
35149/405

LEGEND

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EMH	ELECTRIC MANHOLE
GC	GRANITE CURB
GG	GAS GATE
GM	GAS METER
HYD	HYDRANT
LP	LIGHT POLE
OH	OVERHANG
PVI	POST VALVE INDICATOR
MH	MANHOLE
SMH	SEWER MANHOLE
TRANS	TRANSFORMER
WG	WATER GATE
---	TREE LINE
---	LANDSCAPE/BRUSH LINE
---	OVERHEAD WIRE



REFERENCES  
NORFOLK COUNTY REGISTRY OF DEEDS  
PLAN BOOK 625 PLAN 39  
" " " " 381 " 533  
" " " " 270 " 771  
" " " " 226 " 965  
" " " " 213 " 1123  
PLAN IN DEED BOOK 5744 PAGE 150  
" " " " 3909 " 550

1 STORY  
CONC BLOCK

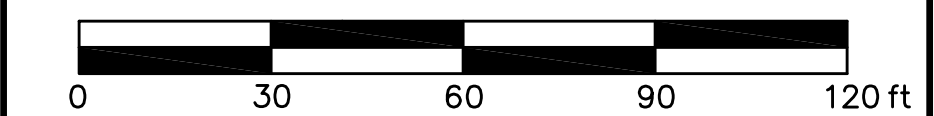
1 STORY  
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DEED BOOK 5744 PAGE 151  
ASSESSOR'S PARCEL ID No. 285-107

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SCALE: 1" = 30' DATE: FEBRUARY 11, 2019  
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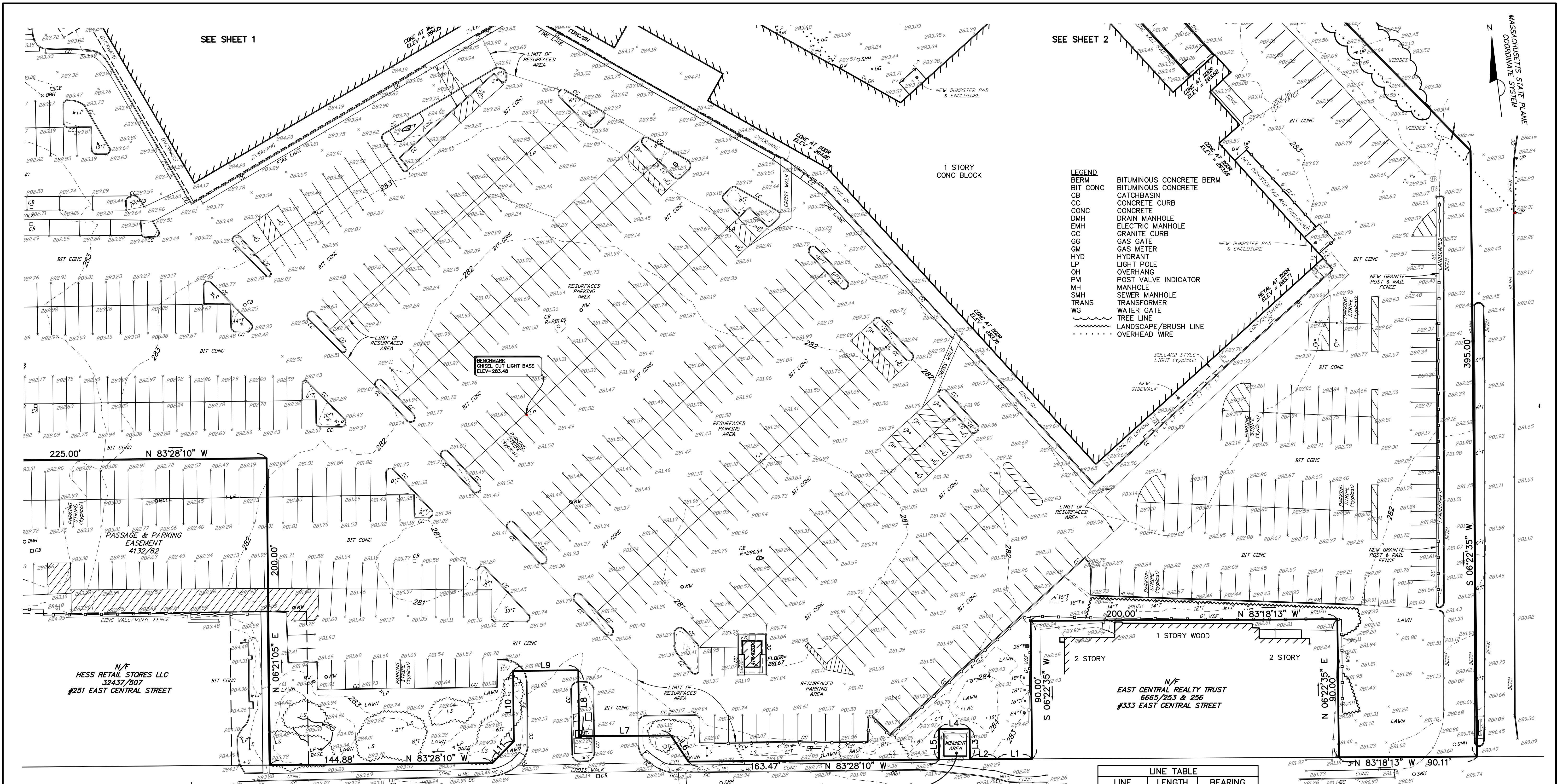


Precision Land Surveying, Inc.  
32 Tumpike Road  
Southborough, Massachusetts 01772  
TELE NO.: (508) 460-1789 FAX NO.: (508) 970-0096  
SHEET 2 OF 3 467702TP1.DWG

SEE SHEET 3

UNDERGROUND UTILITIES WERE NOT INVESTIGATED AS PART OF THIS WORK EFFORT. BEFORE DESIGN AND CONSTRUCTION CALL "DIG SAFE" 1-888-344-7233. SOME DATA IS CONFLICTING AND CAN ONLY BE VERIFIED BY EXCAVATION.





**LEGEND**

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MH	MANHOLE
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TRANS	TRANSFORMER
WG	WATER GATE
---	TREE LINE
---	LANDSCAPE/BRUSH LINE
---	OVERHEAD WIRE

**LINE TABLE**

LINE	LENGTH	BEARING
L1	22.74	N83°18'13"W
L2	17.80	N83°28'10"W
L3	20.00	N06°21'05"E
L4	20.00	N83°28'10"W
L5	20.00	S06°21'05"W

**LINE TABLE**

LINE	LENGTH	BEARING
L6	20.50	N26°49'50"W
L7	60.00	N83°28'10"W
L8	43.00	N06°31'50"E
L9	42.50	N83°28'10"W
L10	46.00	S06°31'50"W
L11	19.97	S51°31'50"W

**EAST CENTRAL STREET**  
(PUBLIC VARIABLE WIDTH)  
(STATE HIGHWAY LAYOUT No. 2436)  
(STATE HIGHWAY ALTERATION No. 7531)

REFERENCES  
NORFOLK COUNTY REGISTRY OF DEEDS  
PLAN BOOK 625 PLAN 39  
" " " 381 " 533  
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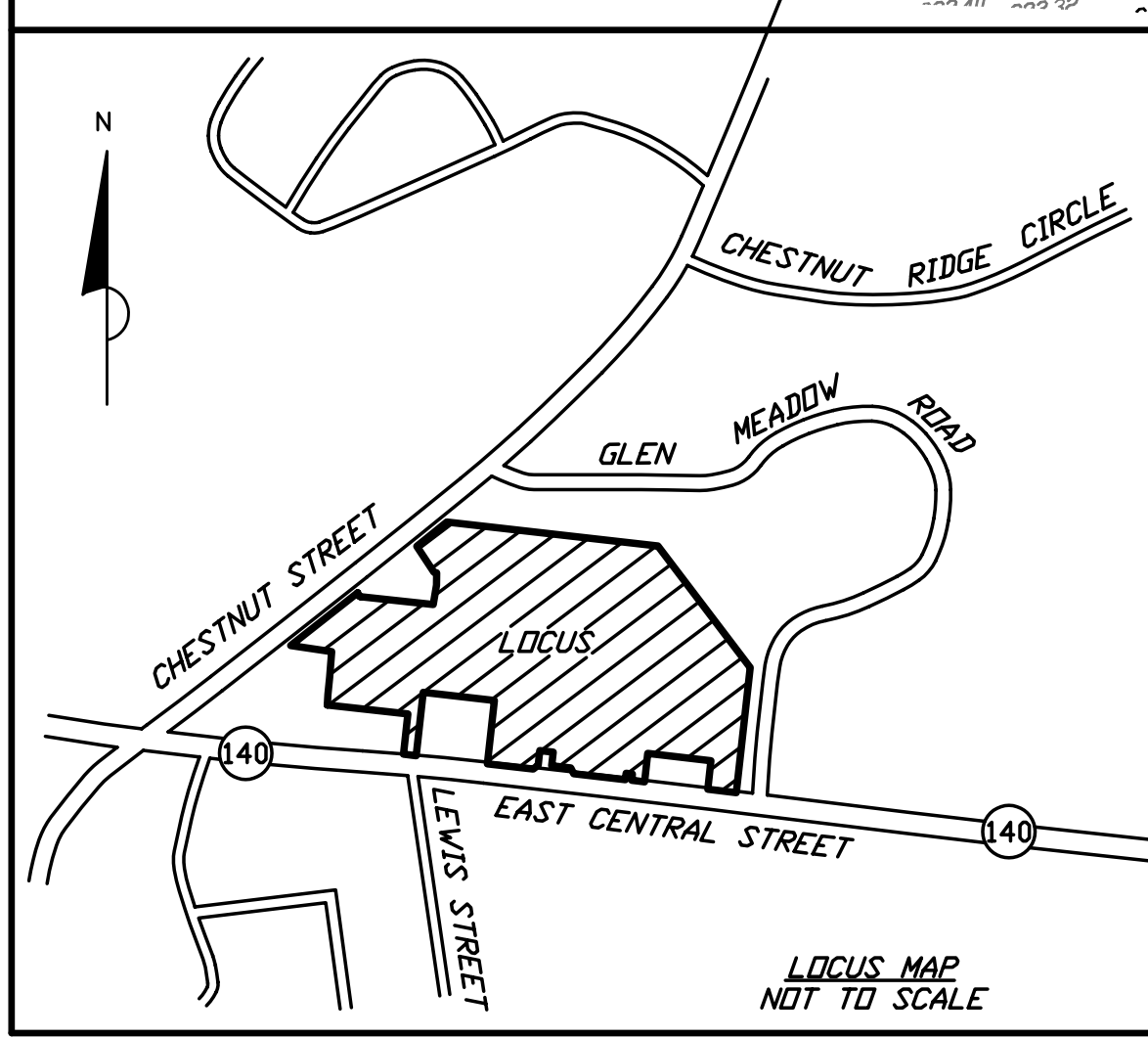
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SCALE: 1"= 30' DATE: FEBRUARY 11, 2019  
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Precision Land Surveying, Inc.  
32 Tumpike Road  
Southborough, Massachusetts 01772  
TEL No.: (508) 460-1789 FAX No.: (508) 970-0096  
SHEET 3 OF 3 467702TP1.DWG





# TOWN OF FRANKLIN - SITE OBSERVATION REPORT

## 303 East Central Street

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Report No.:	<b>4831 75 - 02</b>	Date:	<b>June 2, 2021</b>	Arrive:	<b>1:00 PM</b>
Observer:	<b>Matt Crowley, PE</b>	Weather:	<b>Sunny ~70°</b>	Leave:	<b>1:35 PM</b>
Owner:	<b>Marcia Alevizos 396 Washington Street Wellesley, MA 02457</b>	Contractor:	<b>JL Sullivan Construction Wrentham, MA 02093</b>		

Items Observed: **Conformance Observation – Submitted in conjunction with Applicant’s request for acceptance of Form H – Certificate of Completion**

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### **OBSERVATIONS**

**Observation Requested By:** Amanda Cavaliere – Guerriere and Halnon

**Met/walked site with:** N/A

**Current Activity on Site:** No current activity

**Observed Construction: Observed Construction:** BETA arrived on site to perform a construction observation in conjunction with the Applicant’s request for acceptance of Form H – Certificate of Completion. The required Form H, dated May 28, 2021, and as-built plan, revised to December 15, 2020 and prepared by Precision Land Surveying, were provided via email. BETA’s site walk and review of the as-built plans confirmed the site to be constructed in general conformance with the Approved Plans with the following exceptions/notations:

- An additional parking space was provided to the west of the ATM kiosk.
- As noted in the Form H, some repair is required to the existing dumpster enclosures and is anticipated to be performed in conjunction with general site maintenance.

**Photos Attached:**

**SITE PHOTOS**



Typical accessible parking area with required signing and access aisle



Bollard style lighting fixtures along sidewalk where concerns were previously expressed about curb reveal





Area with additional parking space provided



Dumpster area requiring maintenance to enclosure



## **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

### **MEMORANDUM**

**DATE:** July 8, 2020  
**TO:** Franklin Planning Board  
**FROM:** Department of Planning and Community Development  
**RE:** 303 East Central St – Horace Mann Plaza  
Final Form H

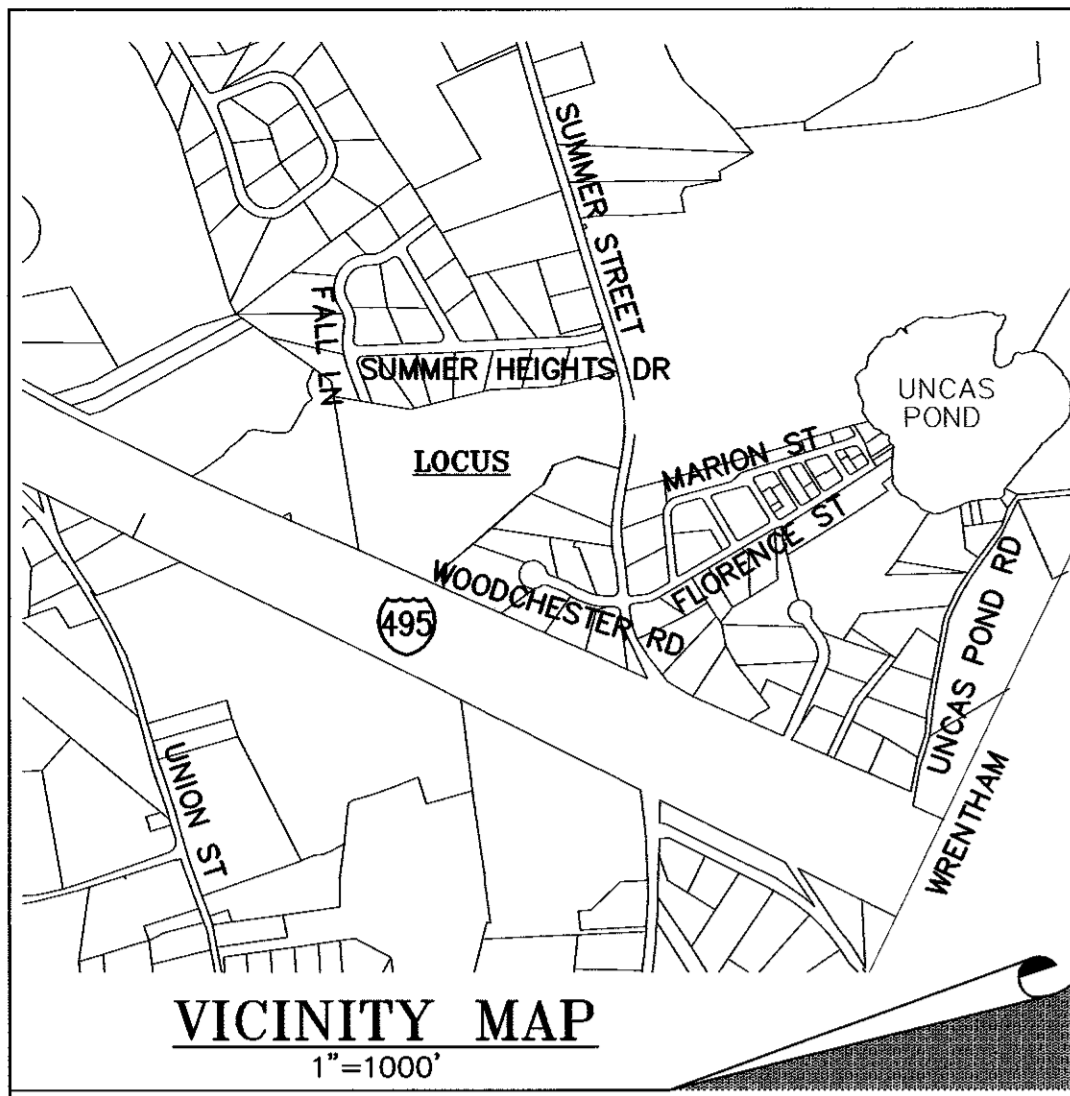
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#### **General**

1. On May 20, 2019, the Planning Board approved an application for a Site Plan Modification for 303 East Central St – Change In Use.
2. The applicant is requesting acceptance for the above referenced final Form H.
3. BETA has performed an on site observation and provided a report.

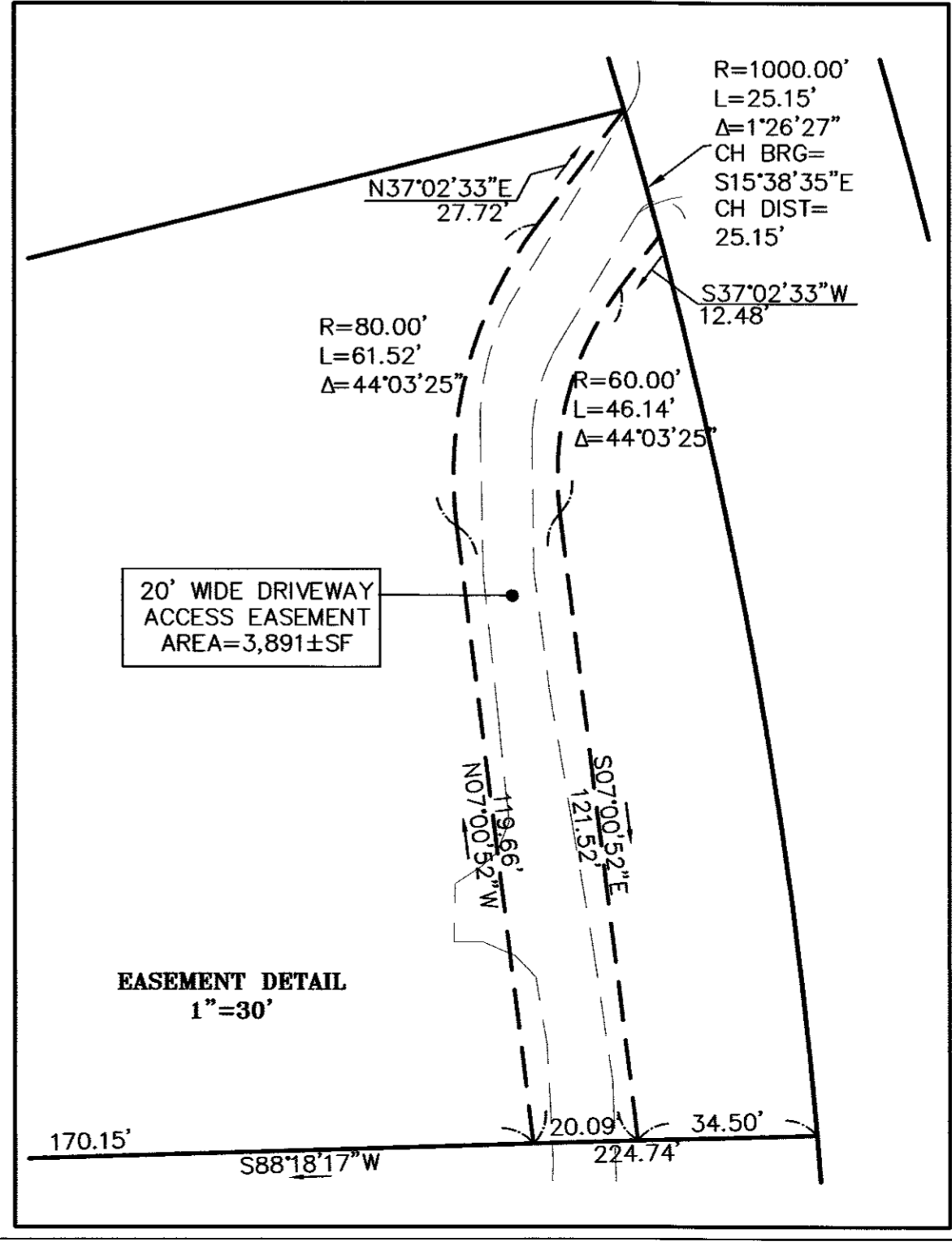
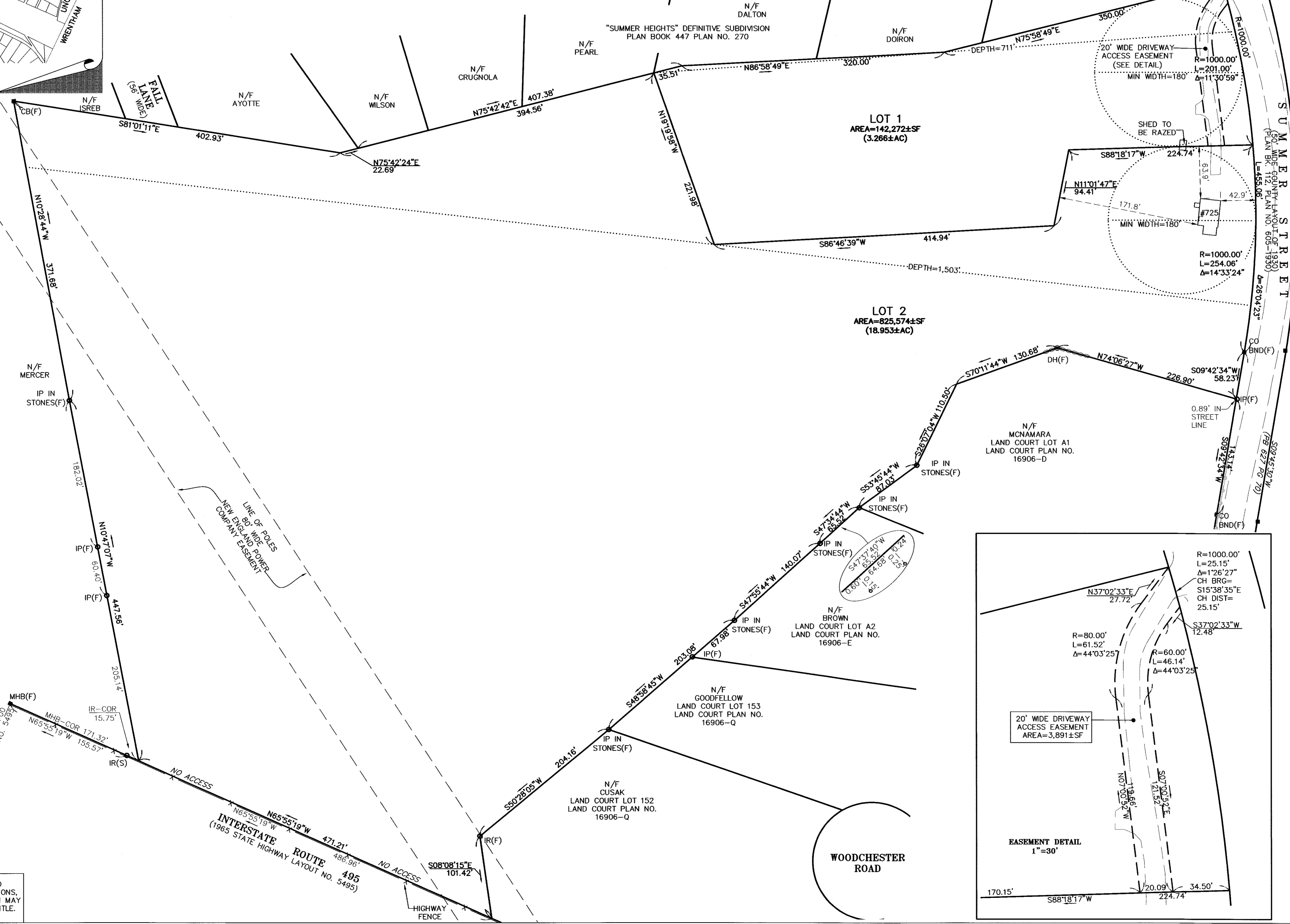
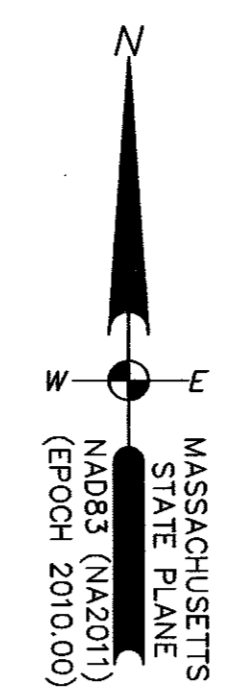
#### Comments

- A Partial Form H was submitted in 2019 the following were outstanding items:
  - The remaining work to be performed is the exterior and interior of the building.
  - The dumpsters should be placed in the enclosures that were constructed.



**RURAL RESIDENTIAL I**  
FRANKLIN ZONING BYLAW SECTION 185  
ATTACHMENT 9; LAST AMENDED  
3-13-2019 BY AMENDMENT 19-831

MINIMUM LOT AREA	40,000 SF
MINIMUM LOT FRONTAGE	200'
MINIMUM LOT DEPTH	200'
MINIMUM LOT WIDTH	180'
MINIMUM YARDS	
FRONT	40'
SIDE	40'
REAR	40'
% OF LOT UPLAND COVERED BY:	
STRUCTURES	20
STRUCTURES+PAVING	25

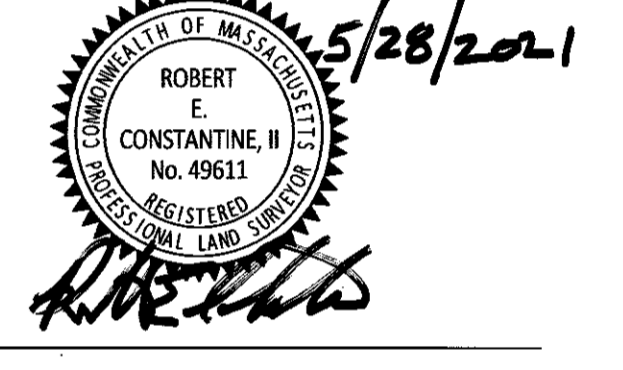


CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

PLANNING BOARD ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE ZONING BYLAW.  
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
FRANKLIN PLANNING BOARD

DATE: _____

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.  
THIS IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE LAND SHOWN HEREON.



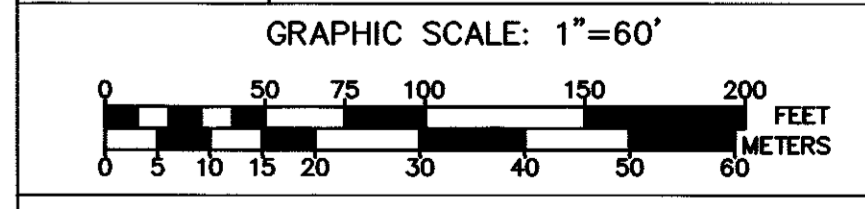
OWNER  
KYLE MCNAMARA  
418 OLD RIVER ROAD  
LINCOLN, RI 02838  
DEED BOOK 38469 PAGE 40  
PLAN BOOK 627 PLAN NO 70  
A.M. 315 LOT 37

APPLICANT  
NORTHEAST DEVELOPMENT  
418 OLD RIVER ROAD  
LINCOLN, RI 02838

**PLAN OF LAND OWNED BY KYLE MCNAMARA ON SUMMER STREET IN FRANKLIN MASSACHUSETTS**

**MAY 28, 2021**

DATE	REVISION DESCRIPTION



**Guerriere & Halnon, Inc.**  
ENGINEERING & LAND SURVEYING  
55 WEST CENTRAL ST. PH. (508) 528-3221  
FRANKLIN, MA 02038 FX. (508) 528-7921  
www.gandhengineering.com

G:\CD\Franklin\F4410\Copy of Old Project Drive\F4410 (Survey Only)\dwg\F4410-ANR (2021-05-28).dwg, 5/28/2021, 10:31:31 AM, [REC]



## **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

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

### **MEMORANDUM**

**DATE:** June 1, 2021  
**TO:** Franklin Planning Board  
**FROM:** Department of Planning and Community Development  
**RE:** 81-P ANR – 725 Summer Street

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The DPCD has reviewed the above referenced 81-P (ANR) application for the Monday, June 7, 2021 Planning Board meeting and offers the following commentary:

#### **General**

1. The applicant has submitted a Form A application for 81-P Plan Review to accompany the plan of land on Summer Street, dated May 28, 2021.
2. The purpose of the plan is to create 2 buildable lots shown with adequate frontage and lot area on Summer Street.
3. The above application shows the land known on Assessors Map 315 Lot 037

#### **ANR Summary**

- The lots shown on the plan are conforming to zoning.

CERTIFICATE OF OWNERSHIP

I the undersigned Applicant, do hereby certify to the Town of Franklin, through its Planning Board, that all parties of interest to the below-listed plan are identified in Section B: below,

SECTION A:

Type of Plan (circle one) ANR 81-P; Preliminary Subdivision  
Definitive Subdivision.; Site Plan; Special Permit

Title of Plan: Plan of land owned by Kyle McNamara on Summer Street  
in Franklin, Massachusetts

Date of Plan: 5/28/2021 Assessor's Information: AM 315 LOT 37

Prepared by: Guerriere + Halton, Inc.

Applicant Name & Address: Northeast Development  
418 Old River Road  
Lincoln RI 02838

SECTION B:

Name of Record Owner(s): Kyle McNamara

418 Old River Road

Address of Record Owner(s): Lincoln RI 02838

****Attach Property Deed matching the owner name's listed above.**

*If in the name of a Trust, Corporation or Partnership, list the names and addresses of all Trustee(s), Corporate Officer(s) or Partner(s):  
_____

*If in the name of a Trust or Corporation, list the Beneficiary(ies) of the Trust or the Shareholder(s) of the Corporation:  
_____

*If in the name of a Trust or Corporation, list the date, county, book and page of recording of the Trust Instrument, or the date and State of incorporation:  
_____

Executed as a sealed instrument this 29th day of May 2021

Signature of Applicant

Kyle McNameara  
Print name of Applicant

Signature of Owner

Kyle McNameara  
Print name of Owner

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

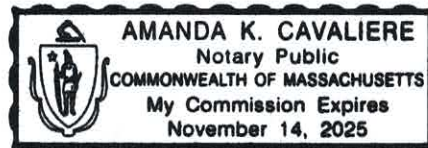
2021

On this 28th day of May 2021, before me, the undersigned notary public, personally appeared Kyle McNameara (name of owner), proved to me through satisfactory evidence of identification, which were RI license to be the person whose name is signed on the preceding document in my presence.

Amanda K. Cavaliere  
(Official signature and seal of notary)

Notary Public:

My Commission Expires: Nov. 14, 2025



PLANNING BOARD  
FRANKLIN, MASSACHUSETTS

FORM A  
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED  
NOT TO REQUIRE APPROVAL (81-p)

May 28th, 2021

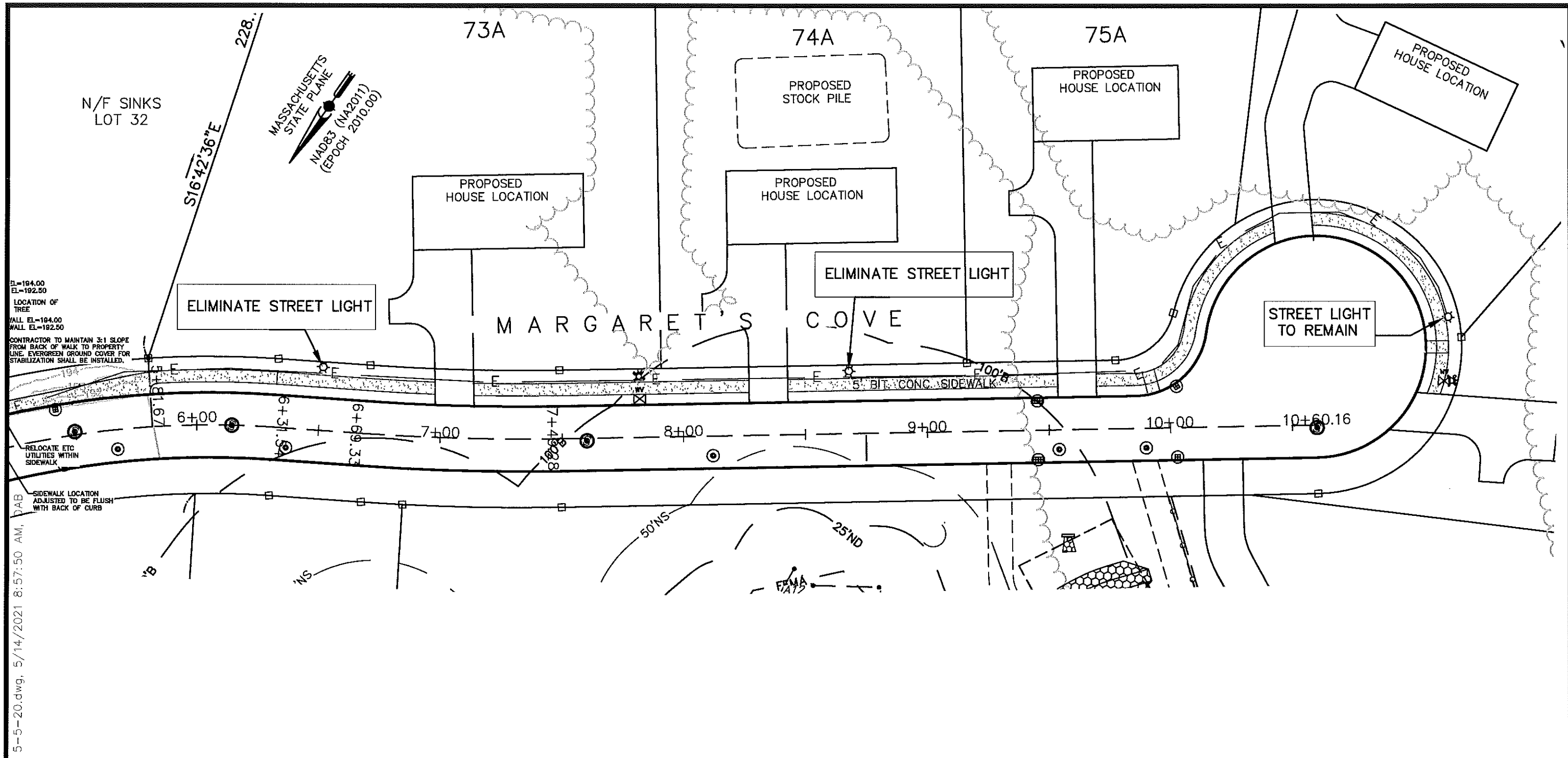
To the Planning Board of the Town of Franklin, Massachusetts:

The undersigned, believing that the accompanying plan of land in the Town of Franklin does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reason outlined below, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: Northeast Development  
Address of Applicant: 418 Old River Road, Lincoln, RI 02838  
Phone No.: 401-222-9203 Email: nergroup1@gmail.com
2. Name of Owner (if not the Applicant): Kyle McNamara  
Address of Owner: 418 Old River Road, Lincoln, RI 02838  
Phone No.: 401-222-9203 Email: nergroup1@gmail.com
3. Name of Engineer: Guerriere & Halnon, Inc.
4. Deed of Property recorded in ~~38469~~ Norfolk with Norfolk Registry, Book 38469, Page 40
5. Location and Description of Property: 725 Summer Street - single house lot located
6. Assessor's Map & Lot: AM 315 LOT 37 on 21+ acres of land
7. Reasons approval is not required (check as applicable):
  - a) Every lot shown has the area and frontage required by the Zoning By-Law on a way as defined by the Subdivision Regulations X
  - b) a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
  - c) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____, and subject to the following conditions _____; or
  - d) a private way in existence on March 12, 1954, the date when the subdivision control law became effective in the Town of Franklin having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.
  - e) Other: _____

  
_____  
Signature of Applicant  
Kyle McNamara  
_____  
Print Name of Applicant

  
_____  
Signature Owner  
Kyle McNamara  
_____  
Print Name of Owner



EL=194.00  
 EL=192.50  
 LOCATION OF TREE  
 WALL EL=194.00  
 WALL EL=192.50  
 CONTRACTOR TO MAINTAIN 3:1 SLOPE FROM BACK OF WALK TO PROPERTY LINE. EVERGREEN GROUND COVER FOR STABILIZATION SHALL BE INSTALLED.

RELOCATE ETC UTILITIES WITHIN SIDEWALK  
 SIDEWALK LOCATION ADJUSTED TO BE FLUSH WITH BACK OF CURB

G:\C3DFranklin\F4269\DWG\F4269-sketch 5-5-20.dwg, 5/14/2021 8:57:50 AM, DAB

**PURPOSE OF PLAN CHANGE:**

1. TO ELIMINATE THE STREET LIGHTING AT APPROXIMATE STA. 6+49 AND AT APPROXIMATE STA. 8+68.
2. THE STREET LIGHT AT THE END OF THE CUL-DE-SAC TO REMAIN.

OWNER/  
 APPLICANT: WHITMAN HOMES  
 1200 TURNPIKE STREET  
 CANTON, MA 02021



**Guerriere & Halnon, Inc.**  
 ENGINEERING & LAND SURVEYING  
 55 WEST CENTRAL ST. PH. (508) 528-3221  
 FRANKLIN, MA 02038 FX. (508) 528-7921  
 www.gandhengineering.com

**LIGHTING  
 FIELD CHANGE PLAN  
 "MINE BROOK ESTATES"  
 FRANKLIN MASSACHUSETTS**

SCALE: 40 FEET TO AN INCH  
 DATE: MAY 14, 2021

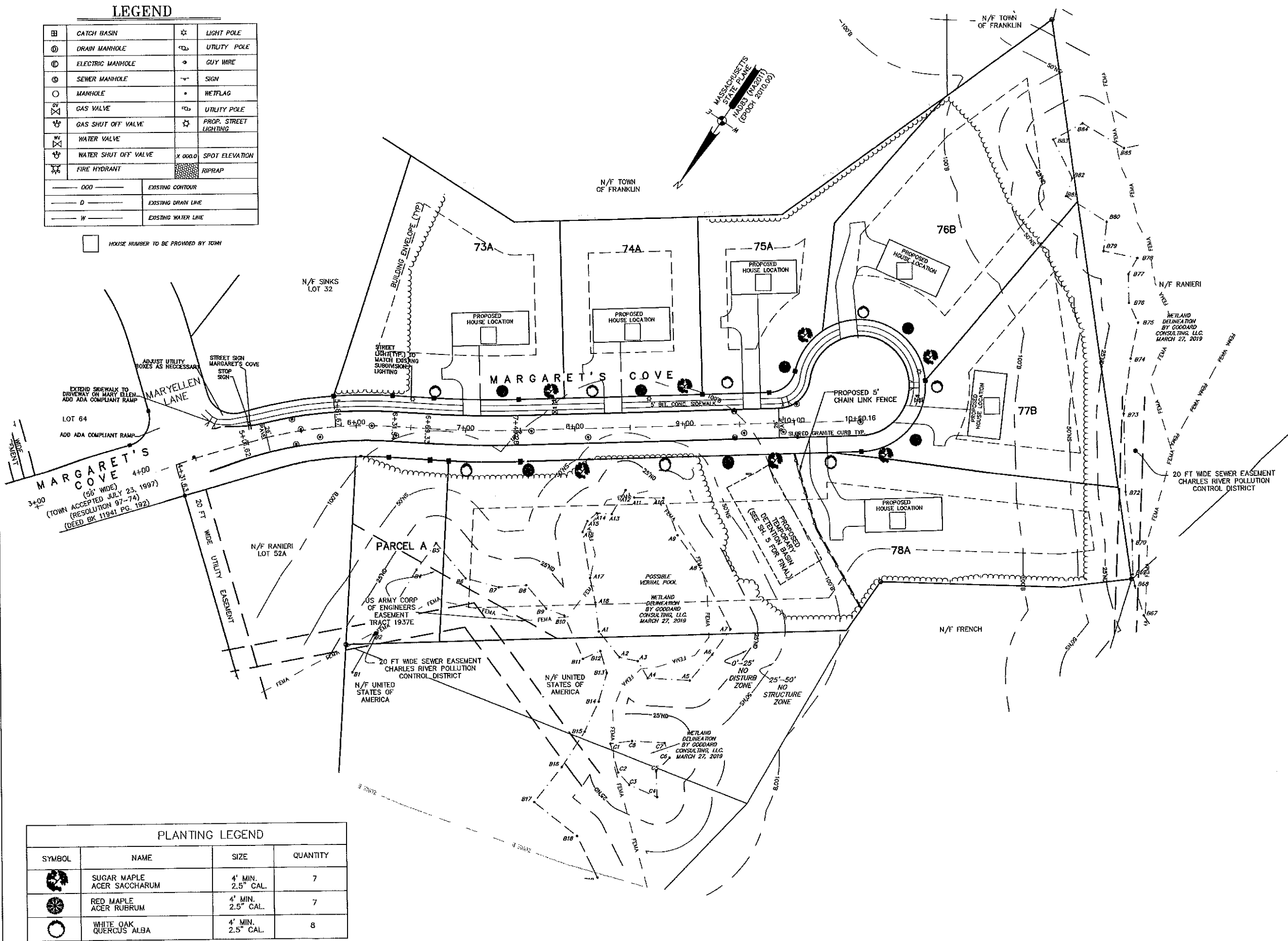
NO	DATE	REVISION DESCRIPTION	INIT



**LEGEND**

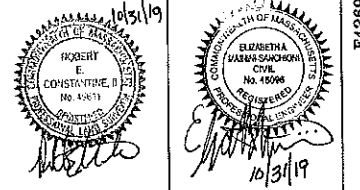
⊠	CATCH BASIN	☆	LIGHT POLE
⊙	DRAIN MANHOLE	⊕	UTILITY POLE
⊙	ELECTRIC MANHOLE	•	GUY WIRE
⊙	SEWER MANHOLE	▽	SIGN
○	MANHOLE	•	WETFLAG
⊗	GAS VALVE	⊕	UTILITY POLE
⊕	GAS SHUT OFF VALVE	☆	PROP. STREET LIGHTING
⊕	WATER VALVE		
⊕	WATER SHUT OFF VALVE	X 000.0	SPOT ELEVATION
⊕	FIRE HYDRANT	▨	RIPRAP
---	EXISTING CONTOUR		
---	EXISTING DRAIN LINE		
---	EXISTING WATER LINE		

□ HOUSE NUMBER TO BE PROVIDED BY TOWN



**PLANTING LEGEND**

SYMBOL	NAME	SIZE	QUANTITY
⊙	SUGAR MAPLE ACER SACCHARUM	4' MIN. 2.5" CAL.	7
⊙	RED MAPLE ACER RUBRUM	4' MIN. 2.5" CAL.	7
⊙	WHITE OAK QUERCUS ALBA	4' MIN. 2.5" CAL.	8



APPROVED DATE: 12/2/19  
 FRANKLIN PLANNING BOARD  
*William D...  
 Greg N...*  
 BEING A MAJORITY

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT (888)DIGSAFE(7233).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

OWNER(S)  
 RANIERI TRUST  
 MARGARET C. RANIERI, TRUSTEE  
 CATHERINE R. MILLER, TRUSTEE  
 59 PLEASANT STREET  
 FRANKLIN, MA 02038  
 DEED BOOK 34742 PAGE 273

MARY E. RANIERI  
 59 PLEASANT STREET  
 FRANKLIN, MA 02038  
 DEED BOOK 34742 PAGE 284 & 275

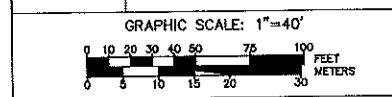
APPLICANT  
 WHITMAN HOMES  
 1200 TURNPIKE STREET  
 CANTON, MA 02021

**DEFINITIVE SUBDIVISION MODIFICATION  
 "MINE BROOK ESTATES"  
 FRANKLIN MASSACHUSETTS**

**SITE DEVELOPMENT**

**JUNE 28, 2019**

DATE	REVISION DESCRIPTION
8/29/19	REVISED PER TOWN COMMENTS
9/10/19	PER TOWN COMMENTS
10/7/19	ADDED RAMP ON MARYELLEN AND CERTIFICATE OF VOTE



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Town of Franklin



Planning Board

**April 26, 2021  
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 continued 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. 81-P ANR: 340 East Central Street**

Mr. Erik Poulin of Jones and Beach Engineers stated that the purpose of the plan is to create two buildable properties as depicted on the plan of land. He reviewed the plan and stated that both lots shown on are conforming to zoning and have adequate parking and lot density. The project was originally approved as one lot. Therefore, there would be some services, such as drainage, that cross the property line; in those cases, there will be an easement agreement for services.

Ms. Love stated that ANR plans are typically for frontage, circle width, and lot size. The applicant is showing two conforming lots.

***Motion to Sign 81-P ANR: 340 East Central Street. Rondeau. Second: David. No Roll Call Vote Taken. Vote: 5-0-0 (5-Yes; 0-No).***

**B. Minor Modification: Countryside Estates – Sidewalk**

Ms. Love reviewed that this item came before the Planning Board in the past regarding the neighbors and the developer wanting to remove the sidewalk. If the Planning Board is in agreement with removing the sidewalk, it is a minor modification. She noted a letter that was received from Mr. Joel D'Errico dated April 6, 2021. Chair Padula stated that his concern was the lawyer. Ms. Love stated there is no longer a lawyer involved. Chair Padula stated that he went to the site and spoke with the homeowners. There is one piece of sidewalk in front of one person's property. He stated that all the septic system leach fields are in the front yards because of the topography of the property. Putting a sidewalk in front of one person's house would require disturbing the landscaping and installing a retaining wall; and as the leach

field is in the front yard, he recommended a modification to eliminate this strip of sidewalk. Mr. Maglio stated that he has no comments; it is up to the Planning Board.

***Motion to Remove the sidewalk at Countryside Estates at Countryside Lane only. Power. Discussion: Planning Board members discussed what could be done with the bond money not needed for the sidewalk. Chair Padula stated that due to the sidewalk location, one of the driveway asphalt aprons needs to be removed and a reinforced concrete apron installed. As well, on the other side of the street there are three or four driveways that need concrete aprons. There will be no releasing of any bond money until the items discussed are remedied. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

### **C. Field Change: Borrego Solar – Maple St. Bellingham**

Ms. Love stated that this request is from the applicant and the owner of Maplegate Country Club. It is an agreement that the property owners have reached with each other. However, due to the site plan change, she felt it should be brought to the Planning Board's attention as during the approval process the evergreen tree count was important. This field change only requests a reduction in the evergreen tree count to prevent driving range golf balls from hooking or slicing into the solar array by installing netting as outlined by the applicant in a letter from Zachary Farkes of Borrego Solar Systems, Inc. and Leonard French of Maplegate Country Club to the Planning Board dated April 20, 2021. Chair Padula confirmed there would be screening on Maple Street. Mr. Farkes stated that none of the plantings along Maple Street would change; the only plantings to change are on the east side of the array between the driving range and the solar farm. Chair Padula requested the applicant provide a plan of where the trees would be eliminated and the netting would be going. Mr. Farkes stated that the information to reduce the number of trees was provided in his April 20, 2021 letter. They will come back before the Planning Board regarding the installation of the net. Chair Padula stated that he wanted all the information on record outlining the changes before the Planning Board votes. Mr. Farkes confirmed that for the next meeting he is to show not just removal of the trees, but the netting, as well. Planning Board members agreed.

### **D. Meeting Minutes: March 8, March 22, and April 5, 2021**

***Motion to Approve the Meeting Minutes for March 8, 2021. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Approve the Meeting Minutes for March 22, 2021. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Approve the Meeting Minutes for April 5, 2021. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM

### **PUBLIC HEARING – Initial**

#### ***21-872 Zoning By-Law Amendment***

***Tasting Room Definition***

***Documents presented to the Planning Board are on file.***

***Motion to Waive the Reading. Rondeau. Second: Power. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

Ms. Love reviewed Director of Planning and Community Development Bryan Taberner's memorandum to the Town Administrator Jamie Hellen dated February 20, 2021, outlining the definition of Tasting Room and the reason for the proposed change. She stated that this concern began with staff, went to the Economic Development Committee (EDC) for discussion who recommended it to Town Council, who

recommended it to the Planning Board. Chair Padula confirmed that all Planning Board members read the memorandum. Ms. Williams stated that she is in full support of this to encourage business. She thinks there are challenges around the current verbiage as it is limiting for the current businesses in Town or businesses that may want to come into Town. In terms of zoning, tasting room sizes may affect parking and seating counts; however, the Planning Board would still have discretion over that. Mr. Rondeau stated that he would like to do some more homework on this to make sure the Planning Board is making the right decision.

Chair Padula asked why the Planning Board was not involved in any of the previous discussions on this item. Mr. Taberner reviewed the process and stated that the Planning Board should be involved in such discussions in the future. He stated that the process for zoning changes in recent years begins with someone proposing a change. As the process continues, the Town Council then recommends the proposal to the Planning Board for a public hearing. He suggested that when doing amendments in the future, the Planning Board should be copied on the original documents and letters. He stated that the tasting room definition created a few years ago indicated that it had to be no more than 33 percent. It was changed by the Planning Board to 25 percent which is the same as all other manufacturing. Since that time, there has been a brewery, distillery, and a winery. It is challenging at times with that percentage. They would like to have larger than 25 percent. He stated that he believes the applicant should come forward with a proposal for the percentage they would like to have. The primary use is always manufacturing; the tasting room is an accessory use. He explained that when the Planning Board is permitting the Special Permit, they have the authority to say no. The intent is that the Planning Board is giving the business the flexibility to present something that makes sense, more so than under the current language. Chair Padula stated that he does not feel every distillery or winery should have not have a percentage as it is difficult to figure out the parking schedule, and the plumbing and building inspector to determine number of restrooms needed, and how many people need to be accommodated for the infiltration system. There is a lot of information that needs to be thought out rather than just that saying we are going accommodate because the owners are not making enough money to support their business. He requested taking up this item at another meeting in order to review this proposed bylaw amendment. Discussion commenced on the process for a tasting room and that the only item that would change is that the tasting room would not be limited to 25 percent. It would be based on the amount of parking required in the zone and the seating capacity. An applicant can propose a different limit; however, it would be an accessory use. Mr. Halligan stated that even if restrictions were lifted, it will not benefit any existing brewery that is in Town today as they already went before the Planning Board. He discussed the required parking based on square footage and requirements that go along with parking spaces including drainage, underground infiltration, dumpster pads, and snow storage. He cannot see this benefitting any existing brewery. He wants to make sure parking is adequate so it does not infringe on neighbors.

Mr. Taberner reviewed that the Planning Board currently has the ability to waive the required number of parking spaces. Town Council member Andrew Bissanti stated that he concurred with most everything he just heard, such as the parking concern. He thinks the most successful tasting room is La Cantina Winery. He stated that we need to think back to what the intent of the bylaw was. He stated the intent was to generate businesses and good will and get people into the parts of Town that were not getting the kind of commercial attraction they should. He stated that he is in favor of having joint meetings with the Planning Board on items like this. He wants to help bring the downtown back. Town Council member and Chair of the EDC Melanie Hamblen reinforced what Mr. Taberner stated that this was a new bylaw and it worked, but it had a few restrictions in it that limit some businesses. She agreed that the parking has to be kept in mind; they do not want people parking in neighborhoods or on the grass.

***Motion to Continue the public hearing for 21-872 Zoning Bylaw Amendment, Tasting Room Definition, to May 10, 2021. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM **PUBLIC HEARING** – *Continued*

***515 West Central Street***

Site Plan

*Documents presented to the Planning Board are on file.*

Ms. Love stated that since the applicant's last meeting with the Planning Board, they have met with Conservation Commission. For tonight's meeting, the applicant submitted a revised Site Plan, traffic memo, response to DPW and BETA, presentation of the child care facility, and deeds and private road ownerships. She reviewed comments from the March 22, 2021, Planning Board meeting which included: Chair Padula stated that the Planning Board has concerns about the snow storage, cul de sac, pavement, parking spaces, and screening between this lot and the Wendy's property; Mr. Halligan stated that his biggest concern is parking and the amount of traffic; and Chair Padula noted the difficulty of having parking spaces in the queuing line/drop-off line.

Mr. Maglio reviewed his letter to the Planning Board dated April 21, 2021. He noted the following concerns: 1. The rear access roadway has been changed to porous pavers; details showing the construction and installation of the porous pavers should be provided. 2. Changes to the stormwater model should be provided if modifications from the use of porous pavers will alter the runoff characteristics. 3. The groundwater elevation shown for test pit #17 is higher than the finish grade for the access road; potential for breakout through the porous pavers should be evaluated. 4. How will the proposed catch basins along the access road operate in conjunction with the porous pavers? Mr. Crowley reviewed his comment letter to the Planning Board regarding Site Plan Modification Peer Review Update dated April 22, 2021. He noted porous paver concerns, as well. He would like confirmation that the enrollment at the facility will be close to 80 percent as indicated in order to verify parking requirements. He stated that if the Planning Board were to approve this project, he recommended a condition to monitor the existing infiltration system to ensure it is draining within 72 hours.

Mr. Edward Cannon, Attorney on behalf of the applicant, stated they have a good handle regarding the Conservation Commission requirements. Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. reviewed the plan changes since the last meeting. She reviewed the revised snow storage. She stated that regarding the cul de sac, the Planning Board requested it be paved. However, due to the local conservation restrictions and bylaws, there is no paving and no disturbance within the 0 to 25 ft. buffer, and no pavement within the 50 ft. to 100 ft. buffer. They requested a waiver from the Conservation Commission to allow paving within the 25 ft. to 50 ft. buffer. If Conservation does not allow pavement there, the site becomes inaccessible. She stated they have received letters from the trustees of the private way to be able to pave within the cul de sac. She stated Stonefield Engineering will discuss parking spaces. She noted that for screening, additional arborvitaes have been added. She described the emergency vehicle access around the building. She stated that 33 parking spaces have been provided.

Mr. Josh Kline, traffic engineer from Stonefield Engineering, discussed the adequacy of the parking without the queuing lane and the traffic flow for the project. He noted the operator owns hundreds of sites across the United States and have a diligent site selection process. He clarified this is a day care, not a school. He said that as a day care there is no queuing; there is adequate parking. He reviewed pick up and drop off. He noted that children arrive at different times throughout the day. Their observations show that at most eight children are dropped off at one time. He stated that the license capacity is the highest possible parking capacity; however, the facilities do not operate at 100 percent capacity range. He

reviewed his letter to the Planning Board dated April 15, 2021. He stated that the subject site was previously approved for a medical office building or shopping center land use with neighboring fast-food land uses. He discussed the trip generation comparison between the previously approved trips and the proposed trips. With their proposal, they are decreasing the number of trips. He reviewed the methodology to determine parking demand. He reviewed the distribution of parking demand graph. He stated that they are proposing 33 parking spaces which is adequate for the facility. He stated that from a traffic perspective, this project will not have an adverse impact on the surrounding roadway network; the site has adequate proposed parking for its use.

Mr. Cannon provided a summary of the plan modification for the proposed child care facility including the following: Empirical data has demonstrated sufficient parking, four parking spaces have been added, widened access to 20 ft. around the facility, increased and improved snow storage, provided proper screening between this lot and Wendy's, letter of support provided by owner of this lot and Midas lot, applicant has been before Conservation Commission and Design Review, and provided operational procedures for drop off and pick up. He requested the Planning Board close the public hearing and approve with reasonable conditions the Site Plan.

Ms. Williams stated that she is still concerned with the circulation within the facility and the safety aspect. She asked for clarification on the emergency exits and snow storage. Mr. Rondeau agreed with Ms. Williams. He asked for a drawing of the proposed cul de sac in the wetlands. He asked about the drainage and runoff from the pervious pavers going into the Wendy's lot. He stated there is a lot of traffic for children to be safe. Mr. David stated concern about the drainage and water runoff. He asked about the access road. Chair Padula reviewed the trash truck procedure. Mr. Power indicated concern regarding the data on the parking demand graph provided by Mr. Kline. Chair Padula stated the frontage on the parcel should be 175 ft.; he asked where are they taking the frontage from. Mr. Cannon stated it is from the cul de sac layout. Chair Padula stated that he is not inclined to approve pervious pavers for constant traffic, and as Mr. Maglio indicted, he would also like to see a detail on the pervious pavers.

Ms. Cavaliere addressed some of the questions presented by the Planning Board. She stated that the traffic aisle is 24 ft. wide which is suitable for two cars. She reviewed the exit by the children and the snow storage location. She stated the emergency gate is proposed as a lock gate for emergency vehicles only. She reviewed fire truck access. She reviewed the catch basins and the runoff for the project. Mr. Rondeau noted that it seems like there would be sheet flow and he asked for details. Ms. Cavaliere stated that the local bylaws do not allow to pave the cul de sac; they are trying to protect the wetland resource areas. In response to questions, Ms. Cavaliere stated that the local bylaw does not allow paving within the 25 ft. to 50 ft. buffer. She stated a variance request was provided to the Conservation Commission; without the approval the site is inaccessible. They are anticipating an Order of Conditions at the next Conservation Commission meeting. They will install pervious pavers. Mr. Halligan stated the trash truck would not be allowed over the pervious pavers. Ms. Cavaliere stated that they could relocate the dumpster to the front and screen it. Planning Board members agreed that the public hearing could not be closed until Conservation Commission meets with the applicants.

Mr. Lei Wang, owner of 515 West Central Street, the Wendy's lot, stated this is the perfect site for a day care. He believes the applicant will address he remaining concerns. He does not think it will attract too much traffic for the site. Mr. Kline clarified site circulation and the parking demand graph. He reiterated that the facility has adequate parking. He noted all this was reviewed with a third-party engineer.

***Motion to Continue 515 West Central Street, Site Plan, to May 10, 2021. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

**Chair and Member Comments**

Ms. Love discussed bringing the Planning Board meetings back to the Town Hall. She stated that she spoke to Jamie Hellen today. The maximum number of people allowed in the Council Chambers is 15 at one time. It would be difficult to have the public. An applicant could be present during their hearing process if there is enough space, or the applicant could participate via Zoom. This process will be in place long term. Some boards have members attending both remotely and in-person. She confirmed masks are required while in chambers. She noted that Mr. Hellen is following Governor Baker's rules. Chair Padula asked the Planning Board members to think about it.

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:13 PM.***

Respectfully submitted,

---

Judith Lizardi,  
Recording Secretary

Town of Franklin



Planning Board

**May 10, 2021  
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.

*As stated on the agenda, due to the continued 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 Bond Release: Union Meadows**

Ms. Love reviewed that the Planning Board is currently retaining a bond in the amount of \$2,002. The Town Council voted to accept the roadway, and the Town Attorney filed with the Registry of Deeds. The applicant has requested a refund of the bond posted. She recommended releasing the final \$2,002 bond.

***Motion to Approve Final Bond Release of \$2,002.00 for Union Meadows. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

**B. 81-P ANR: Prospect Street**

Ms. Love reviewed that the applicant submitted a Form A application for 81-P Plan Review to accompany the plan of land for Franklin and Bellingham located on Prospect Street, dated April 16, 2021. The purpose of the plan is to create six buildable lots. She stated that the Planning Board recently approved a similar ANR plan which had a 50 ft. opening between lots 2 & 3; that opening has been moved to between lots 3 & 4. She noted that the original plan was not filed with the Registry of Deeds. She stated that she did not know the purpose for the opening. She stated that Attorney Mark Cerel has not reviewed this. Mr. Rondeau stated that the plan he is viewing shows a 60 ft. opening between lots 3 & 4 which is enough for a right of way; the applicant may be setting this up for a road. Ms. Love confirmed the rear of the lots cross into Bellingham. Planning Board members asked questions about the provided plans. Ms. Love confirmed the applicant was not present at the meeting. She reviewed the purpose of an ANR plan.



***Motion to Approve 81-P ANR: Prospect Street. Rondeau. Second: Power. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

**C. Field Change: Benjamin Franklin Charter School**

Mr. Maglio stated that he saw the plan; he did not see anything significant regarding the grading, the layout, or the sidewalk. He noted that the applicant is proposing to eliminate a lot of the concrete and add landscaped islands within the plaza area of the sidewalk. He recommended the applicant come before the Planning Board for a field change request. Ms. Love confirmed that the gymnasium was part of the original Site Plan.

Mr. Daniel Snider, architect of Arrowstreet, representing the applicant, showed and explained the original plan and the new proposed plan regarding the gymnasium. He stated the existing grades from phase I were not suitable to allow for a concrete plaza to be fully accessible; therefore, they made necessary alterations. Mr. Maglio stated that he did not see any issues with the proposal; it is within the tolerances for an accessible path. Mr. Snider reviewed the previous modification submitted in August 2020; that and the current proposed field change are not related. Mr. Stephen Garvin of Samiotes Consultants, on behalf of the applicant, clarified that the curb cut has not changed; only how someone can move on the plaza itself has changed. The plaza is becoming more of a sidewalk than a plaza. Chair Paula confirmed that it is reinforced concrete curb.

***Motion to Approve Field Change: Benjamin Franklin Charter School. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM            **PUBLIC HEARING** – *Continued*  
                         ***Site Plan – 27 Forge Parkway***  
                         Site Plan Modification  
                         *Documents presented to the Planning Board are on file.*  
                         TO BE CONTINUED

Chair Padula stated that the applicant requested a continuance to the next Planning Board meeting.

***Motion to Continue Site Plan - 27 Forge Parkway, Site Plan Modification, to May 24, 2021. Halligan. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM            **PUBLIC HEARING** – *Continued*  
                         ***Olam Estates – 900 Washington Street***  
                         Definitive Subdivision  
                         *Documents presented to the Planning Board are on file.*  
                         TO BE CONTINUED

Chair Padula stated that the applicant requested to extend the decision deadline to July 1, 2021. Ms. Love stated July 1, 2021 was already agreed to with the applicant.

***Motion to Continue Olam Estates – 900 Washington Street, Definitive Subdivision, to May 24, 2021. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM

**PUBLIC HEARING** – *Continued*  
**21-872 Zoning By-Law Amendment**

Tasting Room Definition

*Documents presented to the Planning Board are on file.*

Chair Padula read aloud a memorandum from the Department of Planning and Community Development to the Planning Board dated May 4, 2021, regarding Proposed By-Law Amendment-Tasting Room. The memo began with the following: In June 2017 Franklin Town Council approved three Zoning Bylaw amendments that collectively allow a brewery, distillery, or winery that holds a Farmer Series Pouring License to have a Tasting Room. One of the amendments, Zoning Bylaw Amendment 17-788, added a definition for a “Tasting Room” in Section 185-3 Definitions of Franklin’s Town Code. Tasting Room: A room attached to a brewery, distillery, or winery that allows patrons to sample or consume wine, beer, or other alcoholic beverages that are produced on-site in accordance with M.G.L. c. 138. A tasting room may not be greater than twenty-five (25) percent of the main building's gross square footage. The memo further stated that the problem identified with the definition is the restriction on size of a Tasting Room. DPCD recommends the Tasting Room definition be amended by making two changes: 1. Delete the following sentence: “A tasting room may not be greater than 25% of the main building's gross square footage,” and, 2. Add in its place the following sentence: “A tasting room is an accessory use to the primary brewery, distillery, or winery use.”

Chair Padula reviewed that tasting rooms are allowed in multiple zones. Planning Board members asked questions. Director of Planning and Community Development Bryan Taberner responded to questions and explained the distinction between an accessory use which can be 25 percent and the main use of manufacturing. He discussed that for tasting rooms, the 25 percent allowed size does not make sense for businesses that would like to come in and start up. The accessory use is a secondary use. Mr. Halligan stated that the parking will dictate the size of the tasting room; the Planning Board controls the Special Permit which includes parking. He stated that even if the Planning Board passes this proposed amendment, it will not benefit any of the existing tasting rooms in Franklin. Mr. Rondeau stated that a percentage should be included as it sets a boundary. He noted that all tasting rooms that have come before the Planning Board have been given parking relief. Mr. Power stated that as a Planning Board, there are already checks and balances in place; therefore, there is no need for a given percentage. The tasting room is there to promote the viability of the product. Ms. Williams agreed and stated she is in favor of eliminating the percentage. Chair Padula confirmed that Ms. Williams supports taking the percentages off. Mr. David stated that he agreed with Mr. Halligan and Ms. Williams.

Chair Padula stated that he is for the percentage of at least 33 percent. He stated that he believes the entire bylaw is written incorrectly. He reviewed what he believes was the original intent. This was supposed to help the farmers and creators of the breweries to have people taste the product; not have people sit, consume the product, and socialize on the premises. He reviewed that in 2013 the ABCC came out with a farmers series pouring permit. He stated the tasting rooms are competing with restaurants that must have insurance and have high overheads. He does not want to hurt already established businesses or chase away future restaurants. Mr. Power noted that pre-COVID there were no food regulations for the tasting rooms. He does not think they are competing with each other. Chair Padula stated that the Planning Board should not be tweaking bylaws; this should wait until everyone is back in full from COVID before tweaking any bylaws. Mr. Halligan indicated concern that a tasting room can be opened a few nights a week whereas a restaurant must be open six nights a week per their pouring license. Mr. Taberner stated that he was not sure of this. The original intent of the tasting room was reviewed; however, that is not what has happened with the industry. Chair Padula stated the original intent of the bylaw was not mini social clubs which is what they have turned out to be. Ms. Williams stated she believes that each should be reviewed and treated separately regarding the percentages. Mr. Halligan stated that tasting rooms have live entertainment and are a social event; he is okay with this as long as all the breweries come under a

Special Permit, parking restrictions and parking schedules are in place which must be complied with, and the Planning Board has control over the number of patrons.

Town Council member Andrew Bissanti stated that he is in agreement with almost everyone. He stated that the EDC got this off the ground a few years ago, and it has now morphed into something not originally anticipated. The original intent of the tasting room was to create synergy; the tasting room would call another food place, and they would get business from each other. He noted that maybe a sliding scale percentage could be used. The intent of the bylaw was to help businesses, but now they are becoming mini night clubs, they could be hurting restaurants. He noted that in all the occasions this item has been discussed, no restaurant owners or wineries have attended or provided input/feedback. Mr. David asked if there are applicants waiting for this or could the Planning Board put this item on hold for six months. Town Council member Cobi Frongillo noted that there was an EDC open business listening session in which each brewery and winery and some thinking of coming to Town were in attendance. Mr. Bissanti stated that the Planning Board is the platform for the businesses to come to the meetings and voice their opinions. Mr. Halligan explained that for the current breweries, the Planning Board has helped them all with their Special Permits regarding maximum parking, etc., and they cannot expand anymore. Chair Padula reiterated that the intent was a brewery, not a night club. He does not want to hurt established businesses or residential people who have the brewery people parking on the residential streets and damaging the resident's quality of life.

***Motion to Close the public hearing for 21-872 Zoning By-Law Amendment, Tasting Room Definition. Power. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Recommend 21-872 Zoning By-Law Amendment, Tasting Room Definition. Power. Second: Halligan. Roll Call Vote: Padula-NO; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 4-1-0 (4-Yes; 1-No).***

7:20 PM      **PUBLIC HEARING** – *Continued*  
***515 West Central Street***  
 Site Plan  
*Documents presented to the Planning Board are on file.*

Mr. Edward Cannon, Attorney on behalf of the applicant, stated there were some outstanding issues from the last Planning Board meeting that he would like to review and then would like to have the public hearing closed. Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. reviewed that since the last meeting with the Planning Board, they have received Conservation Commission approval. She stated that they plan to revise the plans to show snow storage. She reviewed that the emergency gate will be locked and is not for through traffic. It is for emergency vehicles only. All trash removal vehicles will come around the rear of the building. She reviewed the porous concrete slabs. She discussed the proposed drainage and stated that they have two proposed catch basins; the stormwater design was based on the previously approved plans.

Mr. Josh Kline, traffic engineer from Stonefield Engineering, clarified parking concerns discussed at the last Planning Board meeting; he showed a graph indicating staff and parent drop off vehicle numbers. He stated there is adequate parking on site for the demand. He noted children are escorted from the vehicles to the door. He stated they meet the parking requirements.

***Motion to Close the public hearing for 515 West Central Street, Site Plan. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

Chair Padula confirmed a decision could be made at the next meeting. Ms. Love stated a decision must be made within 30 days of the close of a public hearing; the next Planning Board meeting is in two weeks.

***Motion to put 515 West Central Street, Site Plan, on the agenda for May 24, 2021, for a decision. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:34 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

## Town of Franklin



## Planning Board

**May 24, 2021  
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.

*As stated on the agenda, due to the continued concerns regarding the COVID-19 virus, the Planning Board will conduct a **Remote Access Virtual Zoom Meeting**. The Massachusetts State of Emergency and the associated state legislation allows towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link also provided on the agenda.*

**7:00 PM Commencement/General Business**

Chair Padula read aloud the Zoom platform call-in phone number and the Zoom link which were also provided on the meeting agenda.

**A. Discussion: Housing Production Plan**

Ms. Love reviewed that the Department of Planning and Community Development put together the Housing Production Plan (HPP). The purpose of the plan is to assist the Town with maintaining its 10 percent affordable units and help to make progress in facilitating the development of diverse housing supply for Franklin's low- and moderate-income residents. A public outreach for comments began on May 12, 2021, and will continue through the end of June. The Housing Trust will be hosting a public hearing on June 2, 2021, at 6:30 PM; it will be held remotely. The implementation of the HPP will require commitment of a variety of organizations, including Town departments, boards, commissions and committees. Once the public comment period is over, all input received will be considered and a final HPP will be developed. The final draft will be presented to the Planning Board and Town Council for review, consideration, and formal adoption. Once formally adopted by both elected bodies, the HPP will be submitted to the Massachusetts Department of Housing and Community Development for review and formal approval. She stated that tonight's agenda item is to review and discuss the plan.

Director of Planning and Community Development Bryan Taberner stated that before the Town accepts the document, the Planning Board and Town Council will need to endorse the plan before it goes to the State. This current document is not the final document that will be voted on. Ms. Love stated that based on the data of one year ago, the Town was at approximately 11.8 percent. She does not know what the current data will indicate. She stated that she can provide printed copies of the HPP to all those who would like one.

**B. Field Change: 105 Constitution Blvd**

*Mr. Rondeau recused himself.*

Ms. Love stated that the applicant provided a written letter and drawings for several proposed field changes. BETA reviewed those changes and provided a response to the contractor. BETA also provided a field observation report. She stated that the Planning Board should make a decision as to whether or not to allow the field changes.

Mr. Maglio stated that some minor items could be handled as field changes; he thought the Planning Board should weigh in on some of the other items. Chair Padula asked how the new dumpster location will be accessed. Mr. Crowley stated that he requested the vehicle turning movement, which the applicant provided, to make sure the waste collection vehicle can access the dumpster. He noted it appears that the turning will work; however, it will be tight. He discussed that the grass swale is more desirable, but changing to rip rap will not have an impact on the stormwater standards. He stated that the applicant requested to use LED lights and noted that there is some light spillage.

Mr. Mark Santora, engineer on behalf of the applicant, stated that the revision request for the dumpster location came directly from the owner. He stated the original approved location for the dumpster was near a door, but not the location where the trash would flow from the building. He explained the vehicle turning radius for the new proposed dumpster location. He stated that on his drawing the dumpster is shown to scale. He stated the owners are aware the location is a little tight, but are happy that the location is closer to meet their needs. He confirmed they will not be using propane. Planning Board members asked questions. Chair Padula asked why they did not put the dumpster where the propane tank was going. Mr. Santora discussed that the grade was not feasible. He noted that the parking shown is what is required. He stated that the dumpster has an 8 ft. fence around it; the door could be locked. He stated that one dumpster is for recycling; the other is for trash. Ms. Williams asked for the justification for going to rip rap on the swale. Mr. Santora discussed the proposed change and noted stormwater management is still met. He discussed the proposed access road that meets Constitution Boulevard; they are changing how it blends with the site so they can maintain a buffer with the abutter. He noted that Mr. Crowley did not see the overlay and did not comment on it. Chair Padula confirmed the curbing is reinforced concrete. Mr. Santora confirmed it is currently approved as reinforced concrete, but asked if he would have to return to the Planning Board if they wanted to install granite. Chair Padula stated that he would be fine with granite. Chair Padula confirmed that all Planning Board members were in agreement with the field changes.

*Mr. Rondeau re-entered the meeting.*

### **C. Decision: 515 West Central Street**

Chair Padula confirmed that this public hearing was closed at the last Planning Board meeting. He noted that the Planning Board does not usually approve pavers on roadways that are going to be used in a continuous fashion such as for a dumpster route. He noted concern of circulation and safety of the site. He said that there are still some drainage questions that were not fully answered. He stated that in researching the site, it falls under retail sales and services which requires one parking space for 200 sq. ft. This is a 10,400 sq. ft. facility which requires 52 parking spaces. They are providing 33 spaces; they are 19 spaces short. Mr. Rondeau expressed concerns about travel through the site, with the cul de sac not being installed the safety of those entering and existing, the loss of the parking spaces, and the road going around the back.

*Motion to Deny 515 West Central Street, Site Plan. Rondeau. Second: Power. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).*

### **D. Final Bond Release: Maple Preserve**

Mr. Maglio stated that the Town Council voted to accept the roadway on April 7, 2021, and the Town Attorney filed with the Registry of Deeds. Everything has been completed, and the Town owns the roadway. The applicant has requested a refund of the remaining \$1,000 bond posted.

***Motion to Approve Final Bond Release: Maple Preserve. Halligan. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).***

**E. Field Change: Mine Brook Estates**

Ms. Love stated that the applicant submitted a letter and a revised drawing for a field change to remove two street lights. She stated that Mr. Maglio reviewed the plans and has no issue with the field change. Chair Padula stated that the subdivision bylaws indicate there will be a street light every 200 ft. He does not want to waive that as he does not want to set a precedent as this is a public safety issue. Mr. Maglio stated that he drove through the neighborhoods in the area and noted the existing street lights in those neighborhoods. Chair Padula noted that the lots in the current subdivision are much larger than in the previous neighborhoods. Mr. Halligan confirmed this will become a town-accepted road. He discussed that the underground conduit will be installed anyway; therefore, the approved street lights should be left in place. Mr. David agreed with Mr. Halligan.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. reviewed the existing and proposed street lights. Planning Board members discussed the distance between the street lights. Chair Padula stated that it should be left as approved. Mr. Rondeau stated the street lights will also be helpful during the winter when the trucks are plowing. Mr. Halligan noted that the Town services the lights. Chair Padula confirmed that all Planning Board members agreed to keep it as is and deny the field change.

**F. Announcement: Grove Street Water Treatment Plant Opening**

Ms. Love stated that she received an email from Town Administrator Jamie Hellen with the request to forward the information to the Planning Board. She stated the ribbon cutting and open house for the new Grove Street Water Treatment Plant and Wells 3 & 6 reconstruction will be on Tuesday, May 25th at 9:00 AM.

7:05 PM            **PUBLIC HEARING** – *Initial*  
                         ***Site Plan – 12 Forge Parkway***  
                         Site Plan Modification  
                         *Documents presented to the Planning Board are on file.*

***Motion to Waive the Reading. Halligan. Second: Rondeau. No Roll Call Vote Taken. Vote: 5-0-0 (5-Yes; 0-No).***

Mr. Gene Sullivan, civil engineer on behalf of the property owner, reviewed that they received Site Plan approval about one year ago to enlarge a parking area for potential tenants to better utilize a warehouse building. He stated that a new tenant is looking to occupy the space with the proposed use for outdoor storage containers to be stored in the parking area. All storage will be on areas previously to be paved. He stated that they are requesting a Special Permit as required for storage facilities in the Industrial Zoning District. He stated they have proposed a fence around the area. Ms. Love stated letters were received from the Deputy Fire Chief and the Town Engineer; no issues were indicated. She stated that no stormwater report was submitted, and BETA was not asked to review the plans. She stated that the previously approved plan on May 18, 2020, allowed for 84 parking spaces, and the revised plan is proposing 84 parking spaces. The applicant should provide the height of the storage containers and how many containers are stacked on each other. Due to the proximity of the residential development abutting the property, the Planning Board may want to consider a condition limiting the height of the storage containers. She stated she received a comment about extending the fence along the condo units to provide more privacy.

Mr. Maglio reviewed that there is no proposed exterior work planned for the site under this proposal; therefore, he does not have any comments regarding the utilities, impervious area, or a new stormwater design. However, since it is proposed to store these containers outdoors in the paved parking lot, he would like to see some information indicating that the presence of these units will not impact the surface flow of

stormwater runoff across the paved parking area and that the previously approved site will continue to drain as designed. Chair Padula stated this is abutting residential property; therefore, the Planning Board will have some concerns including hours of use for pick up and drop off, the backup alarms on the trucks, the parking lots were not built for truck traffic, the weight of the storage trailers, how many containers will be there, and trucks going up and down the street. He does not think this was the intent of the facility.

Planning Board members asked questions. Mr. Halligan confirmed the parking area on the plans. Mr. Sullivan stated that the proposed tenant would represent 80,000 sq. ft. of the total 240,000 sq. ft. Their standard operating hours are 7 AM to 7 PM. The containers are 8 ft. wide x 16 ft. long x 8 ft. high. The containers will be stacked three high on the locations indicated on the plans. He stated that the fence is 8 ft. high for screening for the neighbors. Chair Padula stated that the intent of the fence was for screening for the residential properties. Mr. Halligan stated that he is not comfortable putting the containers on pavement; if the applicant had come forward with all reinforced concrete, he may have been persuaded. The containers will sink into the paving; the parking lot will become a mess. Mr. Sullivan stated that he works with other such companies, and the containers are on pavement. Mr. Rondeau stated concern about the height of the three containers stacked. He questioned where snow storage would go. Mr. David expressed concerns about the height of the containers and screening for the neighbors. He agreed that the boxes would sink. Mr. Sullivan said the boxes stored outside would be empty. Ms. Williams asked how frequently the boxes are moved; she is concerned about the noise and beeping involved when moving the containers. Chair Padula stated that he does not think this is a good fit next to a residential property.

Ms. Rachel Klawson, 19 Stone Ridge Road, stated concern that the proposed 8 ft. fence does not go far enough toward her condo and should be extended. She is concerned about safety and privacy. She stated that a fence is needed to block activity that is going on up there. Mr. Sullivan stated he would be happy to do a site visit to see if additional fence is logical. Ms. Klawson agreed.

Mr. John Gordon, 17 Stone Ridge Road, stated that the asphalt has not yet been poured. He discussed that putting 24 ft. high storage containers on fresh asphalt on a hot summer’s day is going to be a disaster. This was supposed to be for trucks for FEMA. This is news that a private company is now going to be putting storage containers there. This is not what it is supposed to be. He stated that containers bring rats. This is a residential area. As the fence is 8 ft. high, they will see 16 ft. of containers above the fence. This is shameful if the Planning Board approves this. Mr. Sullivan stated that the containers that have product in them will be stored in the building.

Mr. Crowley stated that the stormwater will stay the same on the site; so, there is no need for any additional reports. Mr. Rondeau discussed the turning radius needed for moving the containers; he requested additional information. Mr. Sullivan stated that he could get someone from operations to provided answers. Chair Padula stated that he would like to visit the Foxboro facility. He asked where the forklifts will be stored.

***Motion to Continue the public hearing for Site Plan – 12 Forge Parkway, Site Plan Modification, to June 7, 2021. Halligan. Second: Rondeau. No Roll Call Vote Taken. Vote: 5-0-0 (5-Yes; 0-No).***

7:10 PM            **PUBLIC HEARING** – *Continued*  
                         ***Site Plan – 27 Forge Parkway***  
                         Site Plan Modification  
                         *Documents presented to the Planning Board are on file.*  
                         TO BE CONTINUED

Ms. Love stated that the applicant did not realize they needed to provide stormwater management; it has taken them several months to do so.



***Motion to Continue Site Plan – 27 Forge Parkway, Site Plan Modification, to June 7, 2021. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

7:15 PM            **PUBLIC HEARING** – *Continued*  
***Olam Estates – 900 Washington St***  
Definitive Subdivision  
*Documents presented to the Planning Board are on file.*  
TO BE CONTINUED

Ms. Love stated that the applicant requested a continuance to June 7, 2021.

***Motion to Continue Olam Estates – 900 Washington Street, Definitive Subdivision, to June 7, 2021. Halligan. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No).***

**Chair and Member Comments**

Ms. Love stated that as of May 29th the Town Hall will be open 100 percent. However, the Town Administrator asked that the public not be allowed in for public hearings until June 15th. He would like to hold off until the construction going on in Town Hall is finished. She stated that it is not known what the State will determine regarding holding meetings via Zoom after June 15th. She hopes to be able to give an update regarding clarification from the State at the next Planning Board meeting.

Mr. Rondeau stated that he received a call about the status of Panther Way. Now that it is cleared, when it is windy the sand blows through the fence. Mr. Maglio stated that he has not heard anything on that project recently. He can check it to find out when the contractors are coming back. Mr. Crowley stated that he can reach out to the contactor and developer to see if they can do something about the sand blowing. Chair Padula suggested the area be stabilized with some soil or loam so that it is not a danger to the public.

Mr. Maglio stated that Lincoln Street has been reclaimed, and they are hoping to get it paved soon. He explained the reclaiming, milling, and paving process.

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; Rondeau-YES; Power-YES; David-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 8:39 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary