

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/87653843211> or call on your phone at 312-626-6799, meeting # 87653843211.

March 8, 2021

- | | | |
|----------------|---|--|
| 7:00 PM | Commencement/General Business | |
| 7:05 PM | <u>PUBLIC HEARING</u>- Continued Olam Estates – 900 Washington St Definitive Subdivision – TO BE CONTINUED | <i>Adv.: Jan. 25 & Feb. 1, 2021</i> <i>Abuts: Jan. 22, 2021</i> |
| 7:10 PM | <u>PUBLIC HEARING</u> - Continued 515 West Central Street Site Plan | <i>Adv.: Nov. 2 & Nov. 9, 2020</i> <i>Abuts: Nov. 2, 2020</i> |
| 7:15 PM | <u>PUBLIC HEARING</u> – Continued S-21-02 Subdivision Street Lights | <i>Adv. Feb. 8 & Feb. 15, 2021</i> |
| 7:20 PM | <u>PUBLIC HEARING</u> – Continued S-21-01 Subdivision Stormwater | <i>Adv. Feb. 8 & Feb. 15, 2021</i> |

GENERAL BUSINESS:

- A. **Field Changes: 105 Constitution Blvd – Marijuana Cultivation**
- B. **Meeting Minutes: January 25, February 8 & February 22, 2021**

This agenda is subject to change. Last updated: March 2, 2021
The next meeting of the Planning Board is scheduled for March 22, 2021.



MARK SANTORA, P.E. INC.

Civil & Environmental Engineering

123 Old Westboro Road North

Grafton, MA 01536

(508) 887-0170

February 27, 2021

Mr. Anthony Padula,
Planning Board Chairman
Town of Franklin
355 East Central Street
Franklin MA 02038

Facility: Franklin Cultivation Facility Shell
Site Address: 105 Constitution Blvd, Franklin MA 02038
Subject: Proposed Minor Modification to Site Plan

Dear Mr. Chairman:

On Behalf of the applicant 19th Fairway Development Inc. and the Owner C3 Industries Inc., I would like to take this opportunity to present a proposed minor modification to the approved site plan for the subject property.

A summary of the proposed changes is as follows:

- Water main location changed from front of building to side of building to facilitate owner's needs. The final interior layout design developed by the project architect designating the location of the mechanical room was made after the date of site plan approval. We did not have a definitive interior design at the time of the civil site design. As a result, the water main location relative to the entry point to the building has changed to facilitate the fire protection main entering the building in the proper location.
- Concrete grease trap has been replaced on the outside of the building sewer with a pretreatment unit more suitable for the applicant's processes offering improved targeted pretreatment. At the time of site plan review the interior design plans had not been finalized. The grease trap was for a potential kitchen. No kitchen or cooking areas are proposed as part of the final interior design. These units have been provided by the plumbing designer and installed by the licensed plumber and inspected by the town plumbing inspector. More product information can be provided if requested.
- The main entrance door has been shifted to the left approx. 25 ft., we have moved the proposed handicap parking and associated accessibility features i.e. ramps etc. to meet the front entrance location as revised.
- The proposed infiltration chamber configuration has been modified from concrete galleys to concrete chambers as shown on the attached plans. The chamber configuration was changed to allow for 8" inlet piping to be installed into the side inlets of the chambers. We did not have the interior roof top drain sizing at the time of the civil design. This modification allows for a proper connection between

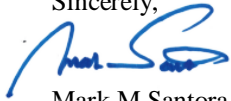
the roof drain and the proposed concrete chambers. The volume and capacity are equal to the approved chambers and the volume meets the amount as required by the hydrology calculations. See the detail sheet 8 of 8 of the revised plan to show plan and profile. The bottom elevation has not changed and the chambers are more than the 2' required separation to ground water.

- The drainage system has been revised to add (3) catch basins. One of the basins was needed due to the addition of a side door on the North of the building, the other (2) are to allow for better collection of storm water in the front of the building while holding a relatively flat grade at the sidewalk. Additionally, a section of the proposed grass swale has been replaced by 12" RCP and a deep sump catch basin.
- The materials for the roof top drainage outlets have been changed to cast iron piping to be consistent with the pipes leaving the building provided by the plumbing subcontractor. The cast iron pipe is required by the plumbing code for commercial construction.

At this time, I would like to respectfully request the Boards review and approval of the above listed minor modifications to the site plan approval.

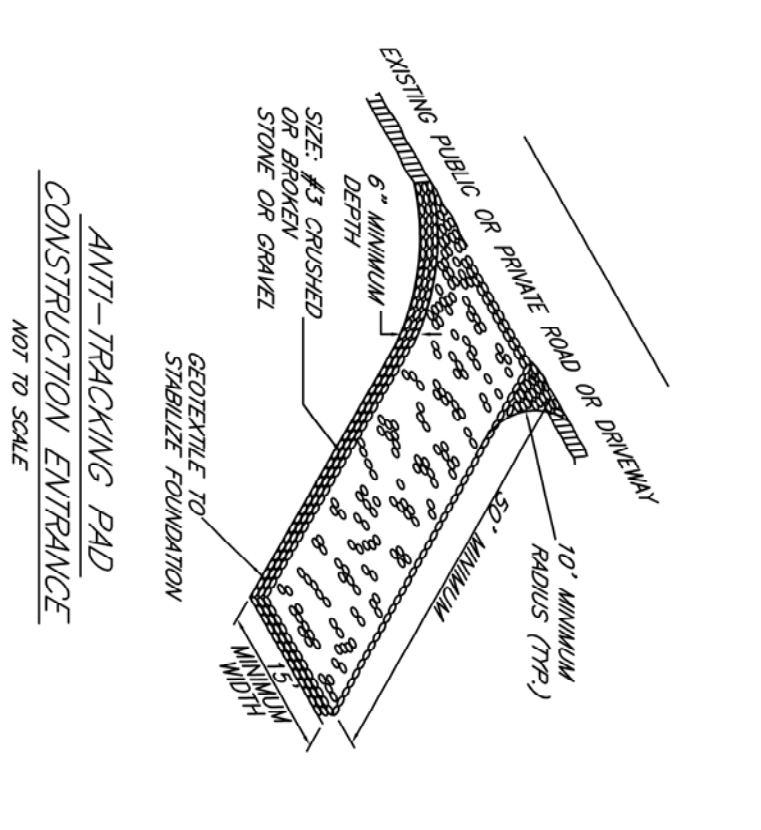
Thank you for your attention to this request, I remain available to attend a Planning Board meeting as needed to discuss the above proposed changes and offer response to any comments.

Sincerely,

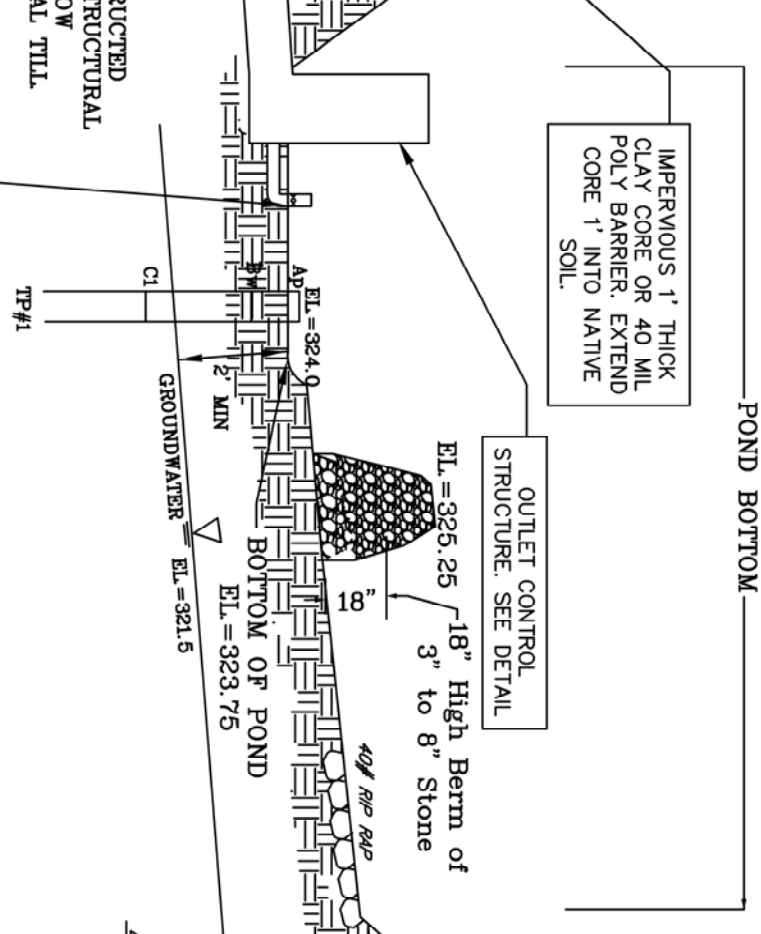


Mark M Santora PE
40167

CC Michael Maglio, Town Engineer
Amy Love, Town Planner
Matt Crowley PE, BETA Group



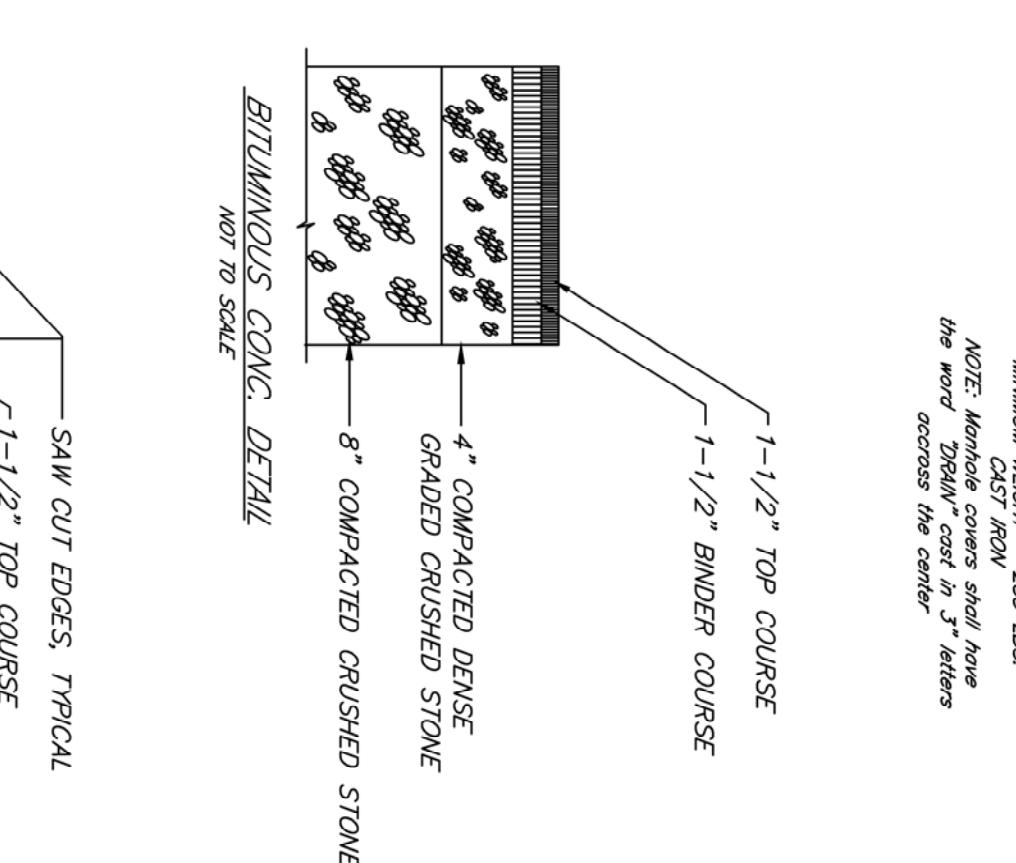
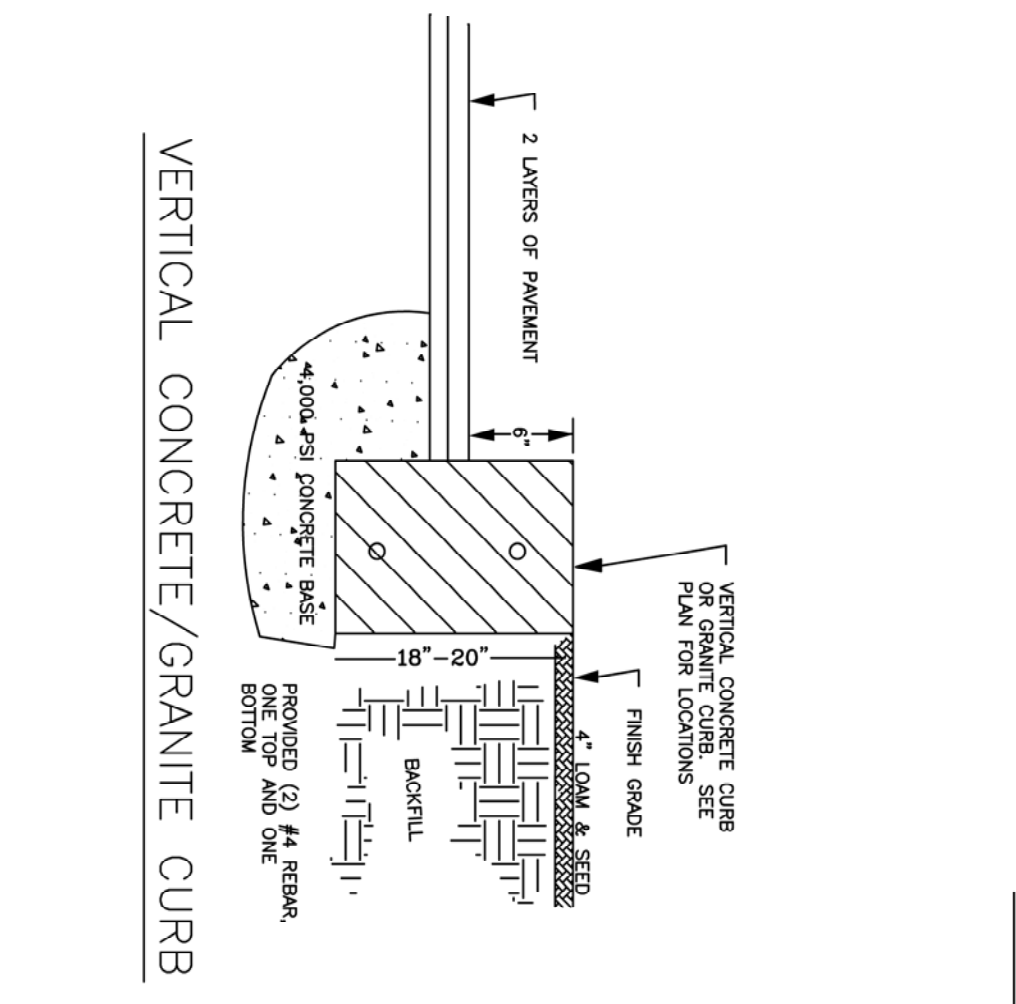
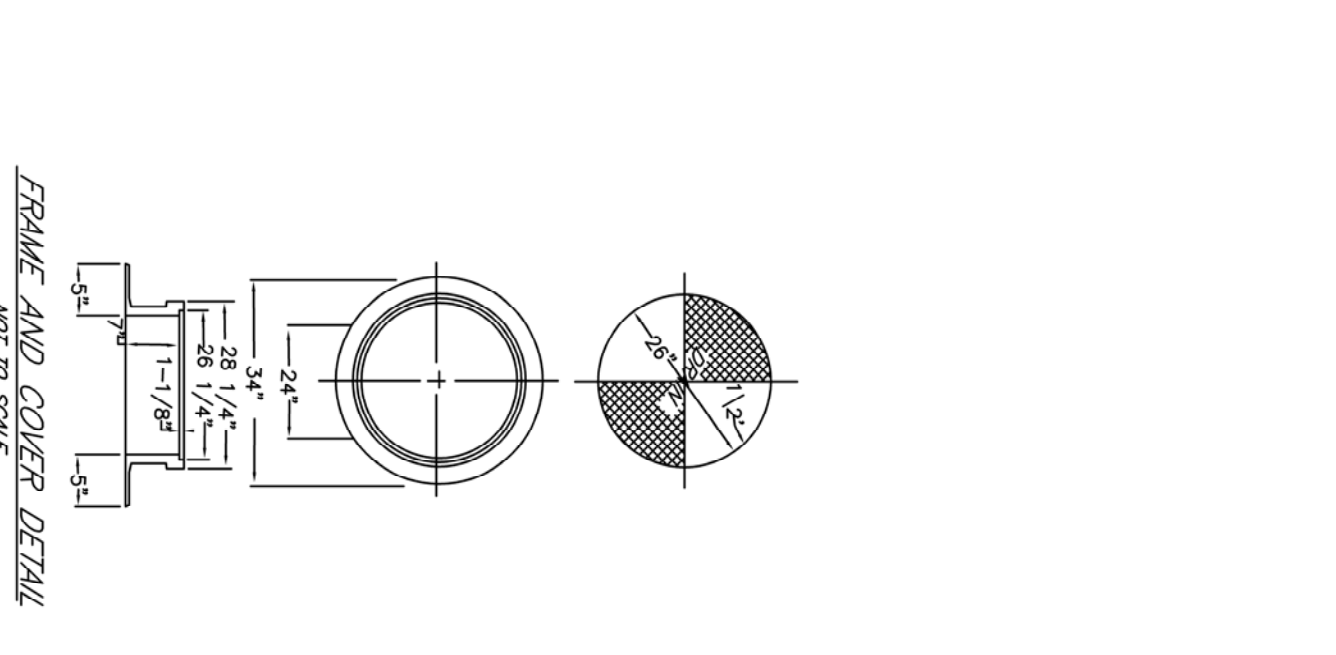
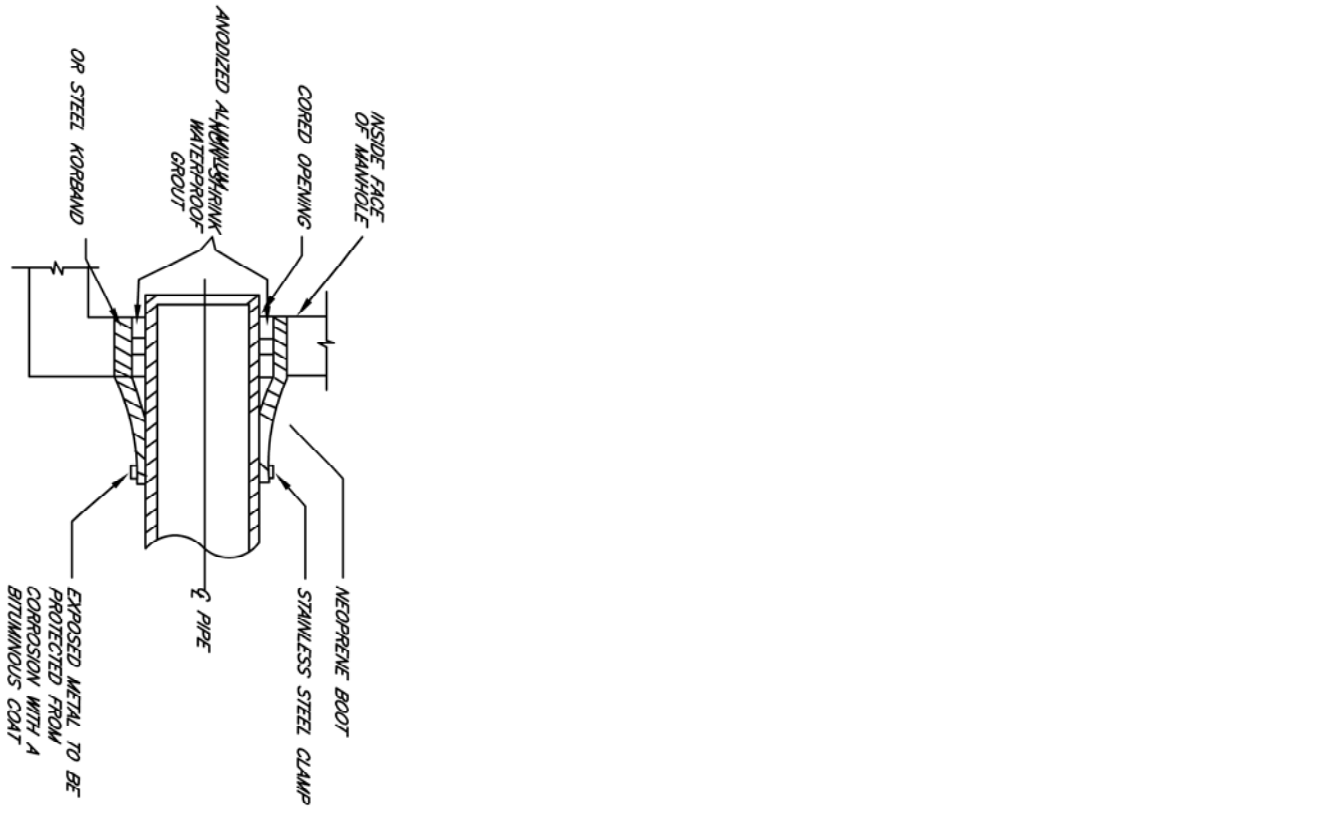
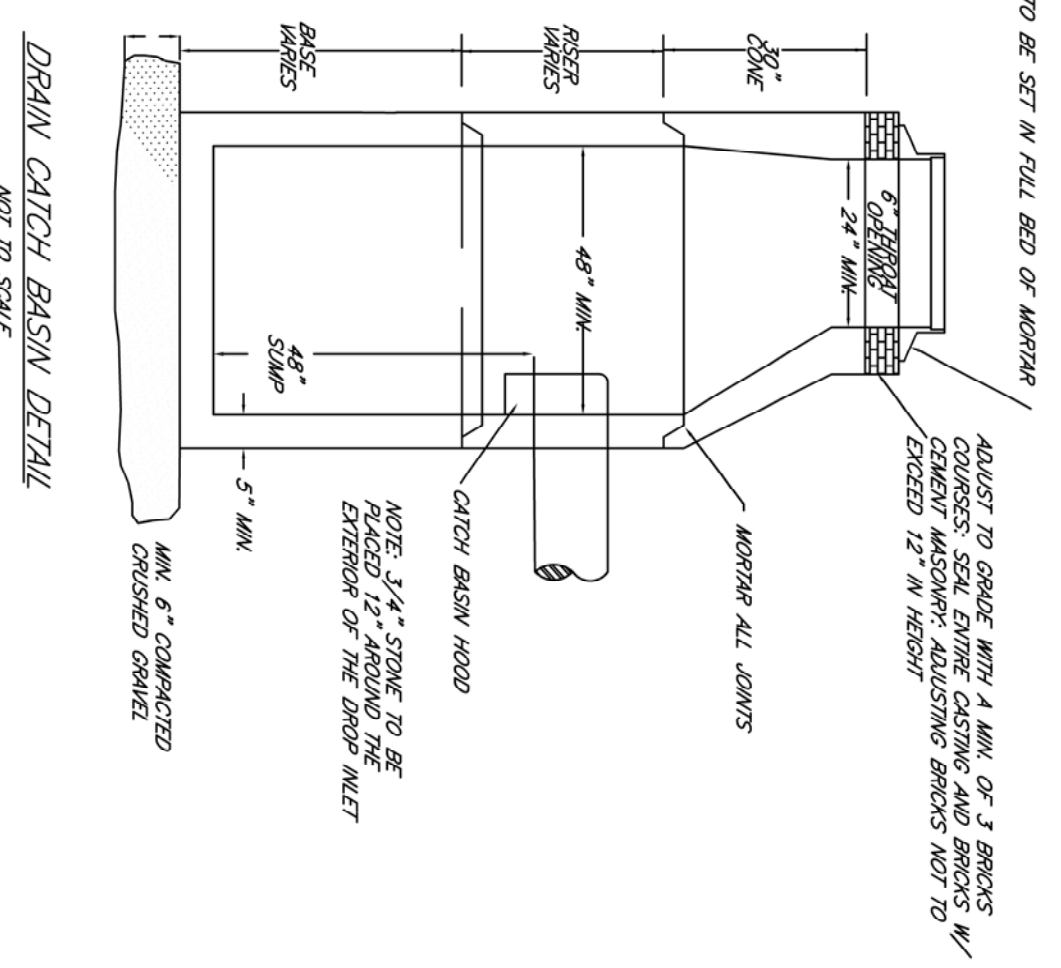
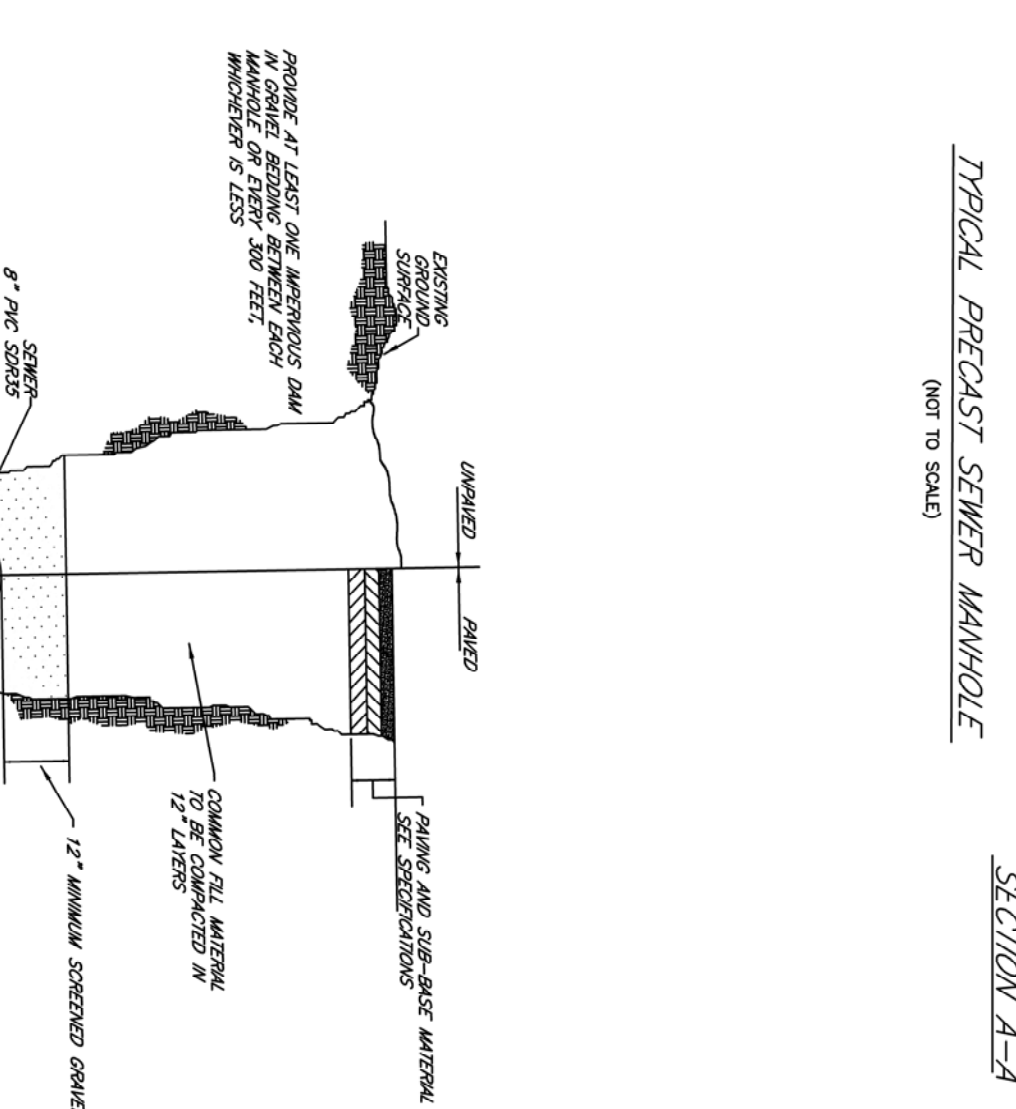
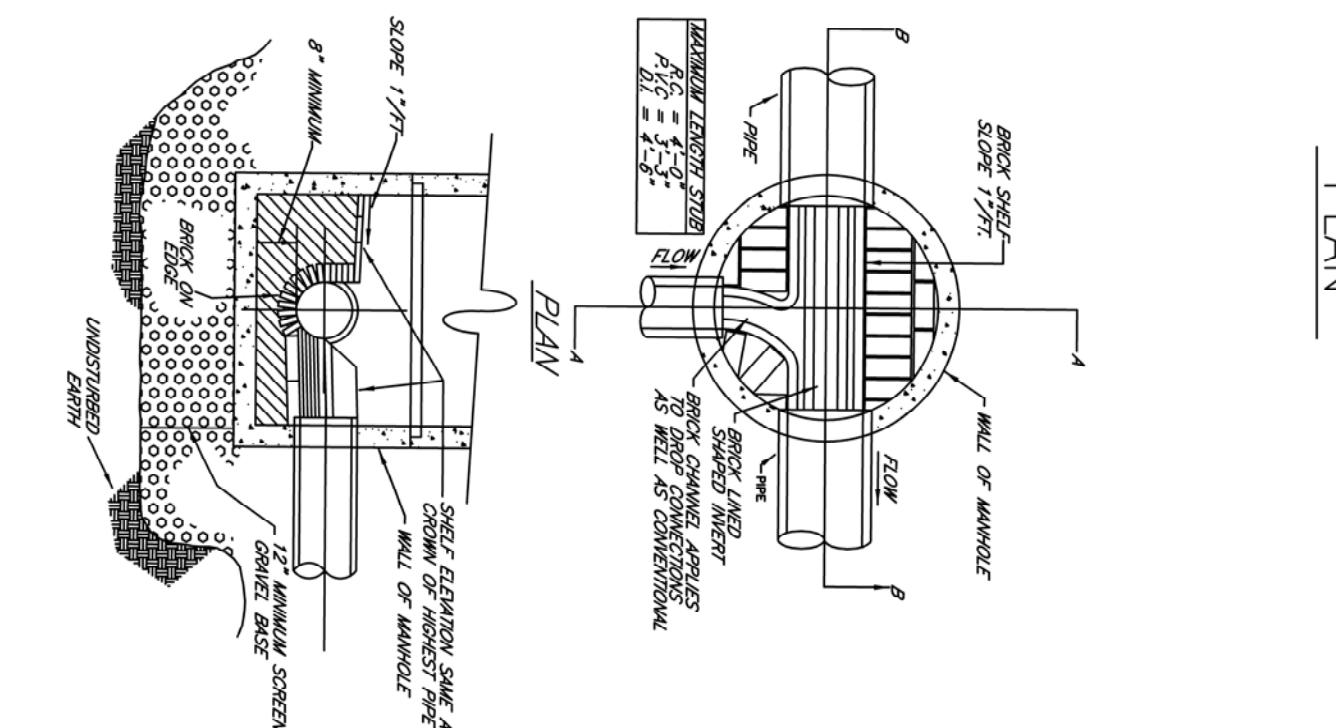
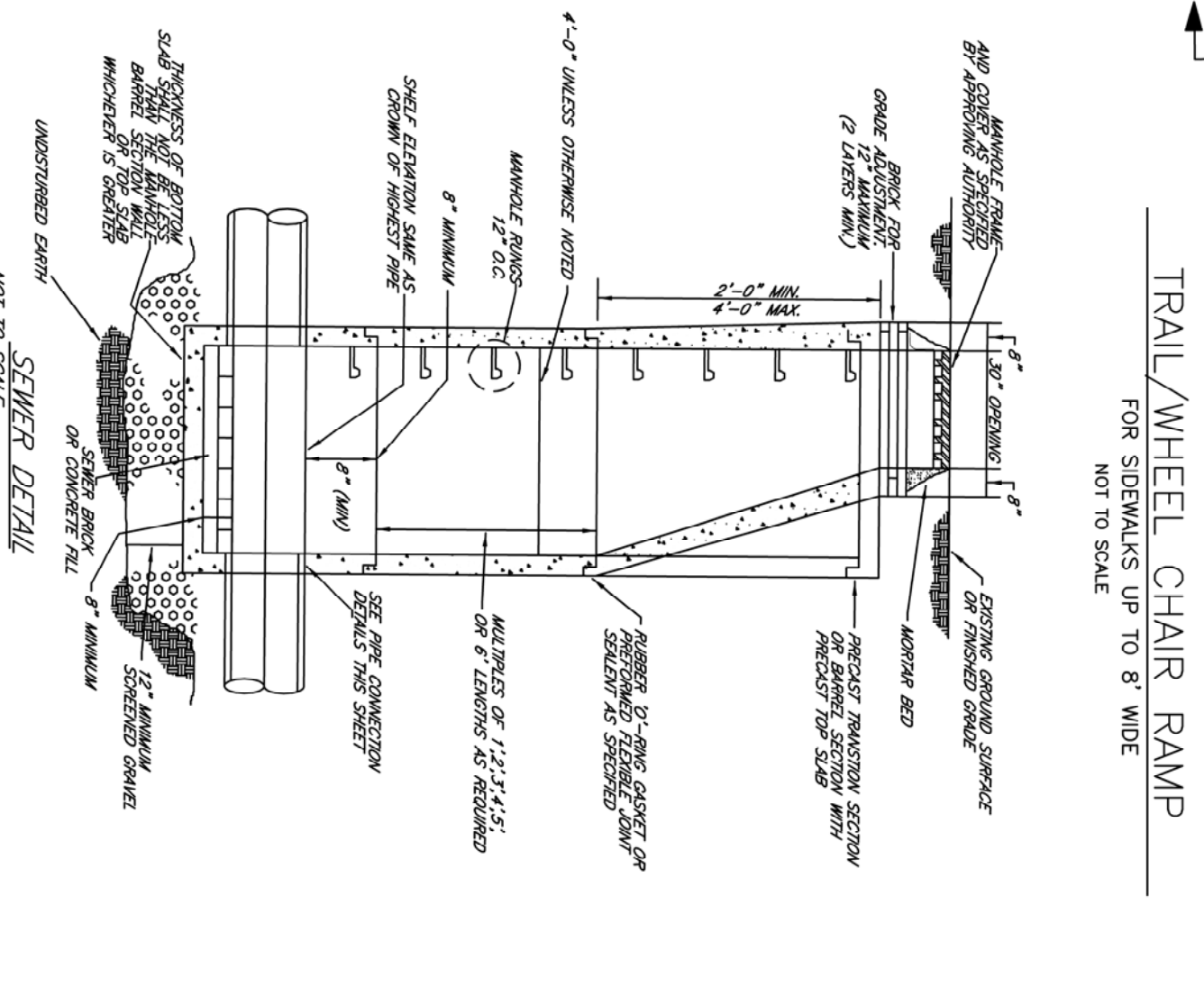
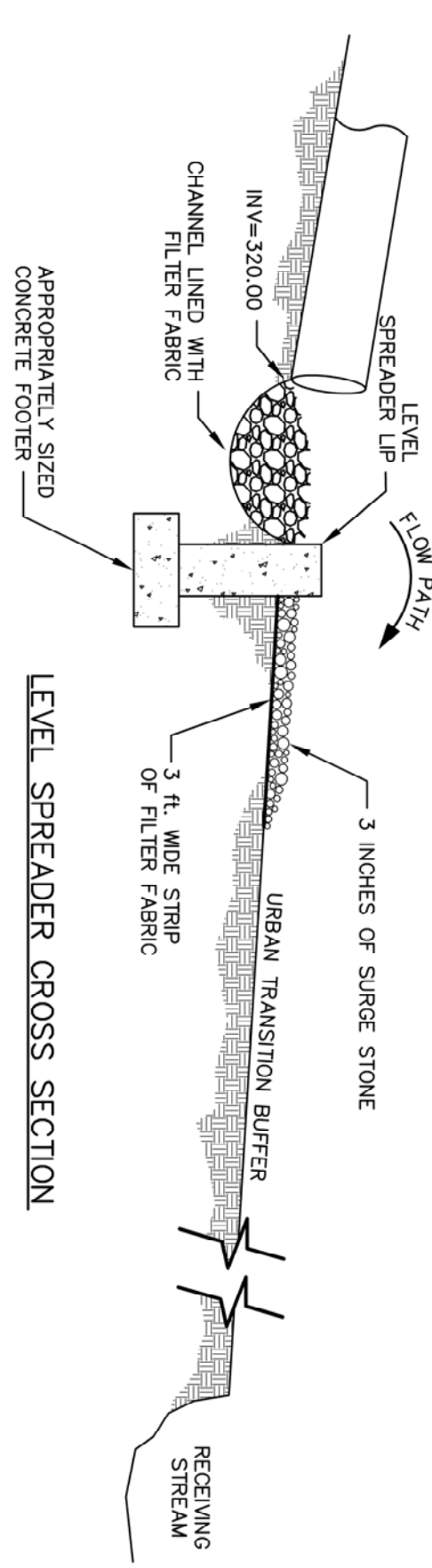
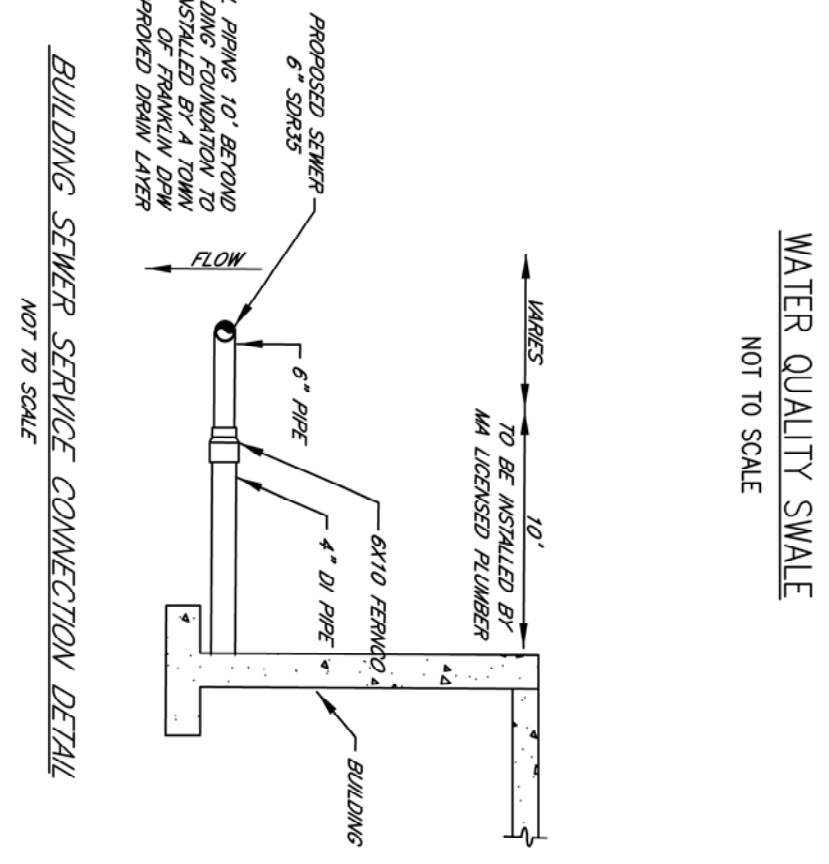
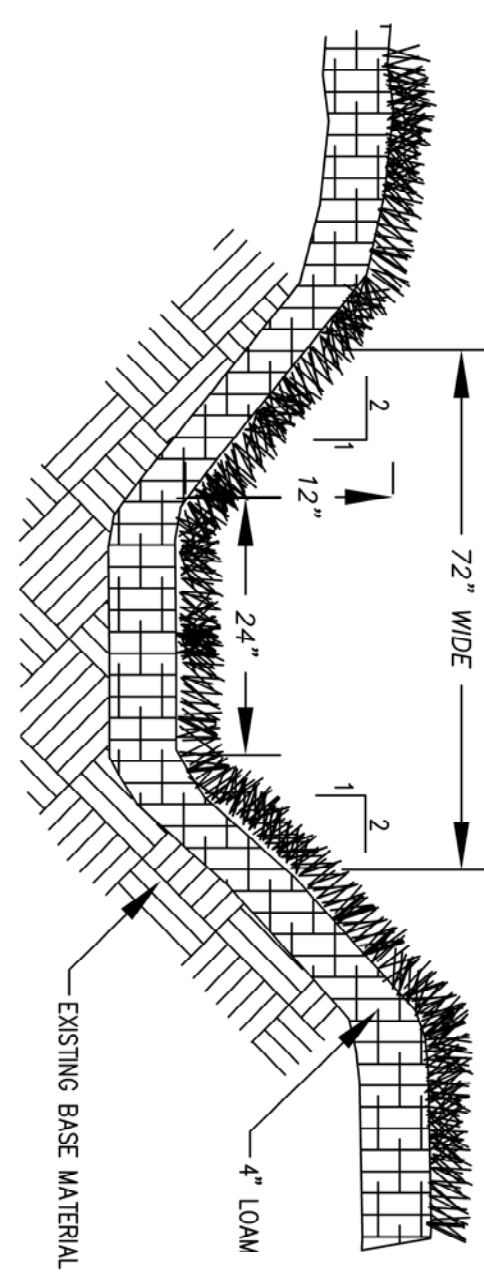
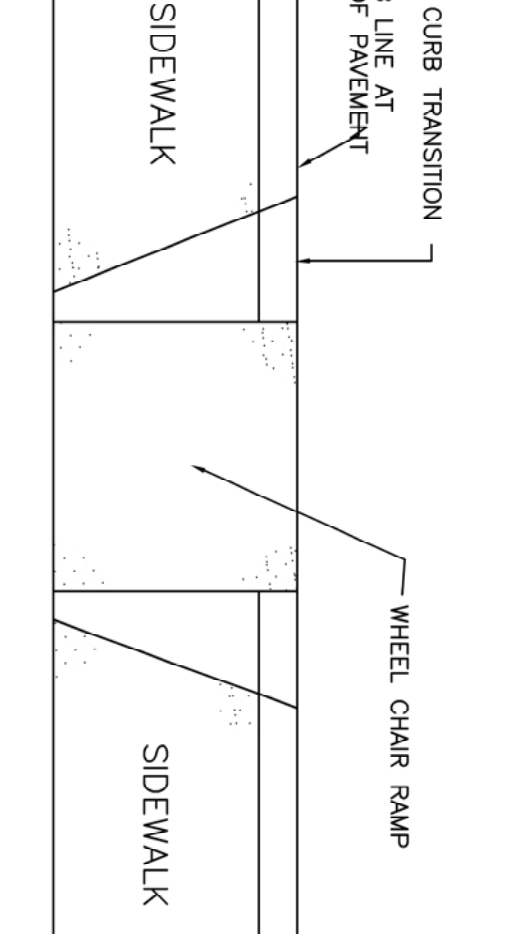
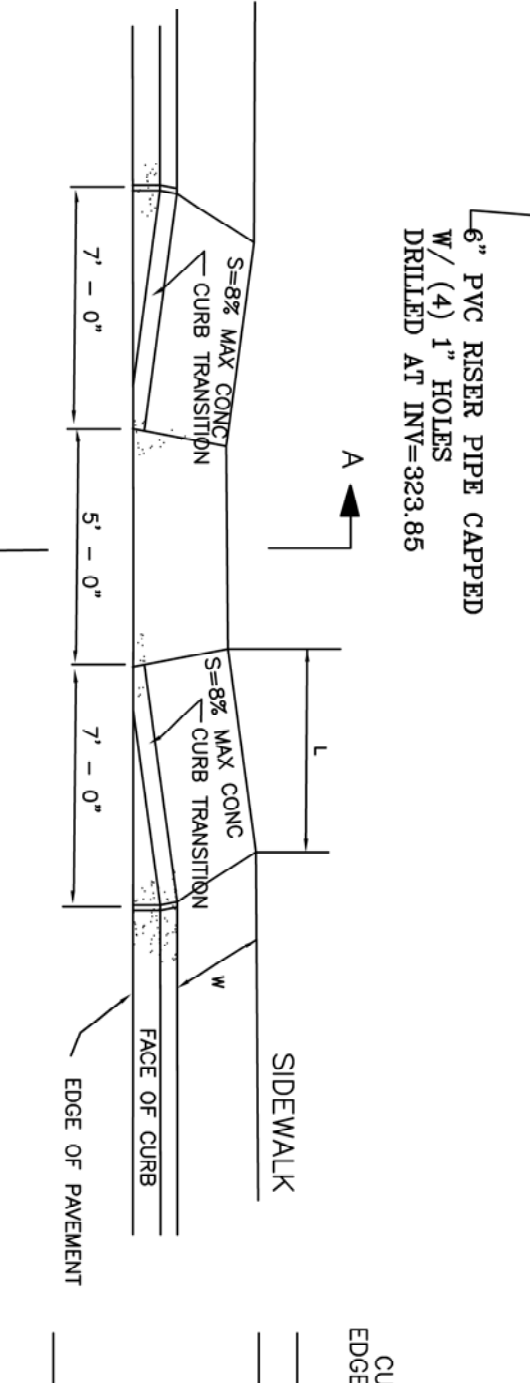
NOTE: ALL RIPRAP IS TO BE 40# MIN. (CLASS D) W/ SPEC. M 2.02.0) WRAPPED IN MESH 140 X OR EQUAL FABRIC. ALL Voids SHALL BE FILL WITH 6" RIBBON HYDRAULIC CONCRETE. SEE DETAIL.



ALL DISTURBED AREA (EXCLUDING RIPRAP AREAS) TO BE EXCAVATED POND BOTTOM TO BE STRIPPED OF TOP AND SUB BERM - CREEPING BED PRESERVE PERMANENT 8" GRASS MIX POND BOTTOM - SWITCH GRASS

SOIL TEST DATA
PERFORMED BY: MARK SANTORA P.E. 10-6-18

| TEST NO. 1 | TEST NO. 2 | TEST NO. 3 | TEST NO. 4 |
|-------------------------|-------------------------|-------------------------|-------------------------|
| 0-10" DE. ST. 10W-5/4 | 0-10" DE. ST. 10W-5/4 | 0-10" DE. ST. 10W-5/4 | 0-10" DE. ST. 10W-5/4 |
| 10-20" DE. ST. 10W-5/4 | 10-20" DE. ST. 10W-5/4 | 10-20" DE. ST. 10W-5/4 | 10-20" DE. ST. 10W-5/4 |
| 20-30" DE. ST. 2.5W-6/4 | 20-30" DE. ST. 2.5W-6/4 | 20-30" DE. ST. 2.5W-6/4 | 20-30" DE. ST. 2.5W-6/4 |
| 30-40" DE. ST. 2.5W-6/4 | 30-40" DE. ST. 2.5W-6/4 | 30-40" DE. ST. 2.5W-6/4 | 30-40" DE. ST. 2.5W-6/4 |
| 40-50" DE. ST. 2.5W-6/4 | 40-50" DE. ST. 2.5W-6/4 | 40-50" DE. ST. 2.5W-6/4 | 40-50" DE. ST. 2.5W-6/4 |



| DATE | REVISIONS | APRVD |
|---------|-----------------------|-------|
| 2/27/21 | PROPOSED MODIFICATION | MMS |
| 2/7/19 | TOWN LETTER | MMS |
| 2/4/19 | BETA COMMENTS | MMS |
| 1/28/19 | BETA LETTER 1/24/18 | MMS |
| 1/15/19 | BETA LETTER 12/5/18 | MMS |
| 1/23/18 | BETA LETTER 11/8/18 | MMS |



APPLICANT:
19th FAIRMWAY DEVELOPMENT INC.
42 ADIN STREET
HOPEDALE, MA 01747

PROJECT TITLE:
PROPOSED MODIFICATION TO SITE PLAN APPROVAL FOR CANNABIS CULTIVATION 105 CONSTITUTION BLVD FRANKLIN, MA, 02038

PLAN TITLE:
CONSTRUCTION DETAILS

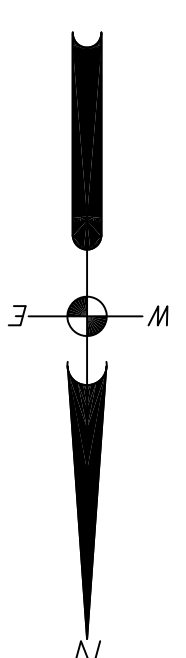
DATE: FEBRUARY 26, 2021

SCALE: NTS

DRAWN BY: CHECKED BY: APPROVED BY:
DC MMS MMS

MARK SANTORA, P.E. INC.
Civil & Environmental Engineering
1123 Old Westboro Road
Westboro, MA 01581
Phone (508) 839-5113

SHEET:
7 OF 8



| ZONING TABLE REQUIREMENTS | | |
|---|------------|---------------------|
| DISTRICT | INDUSTRIAL | PROVIDED INDUSTRIAL |
| LOT AREA | 40,000 SF | 217,796 SF |
| CONTINUOUS FRONTAGE | 175' | 816' |
| DEPTH | 200' | 580' |
| LOT WIDTH | 157.5' | 178' |
| MIN. YARD FRONT | 40' | 40' |
| MIN. YARD SIDE | 30' | 30' |
| MIN. YARD REAR | 30' | 30' |
| MAX. HEIGHT OF BUILDING | 3 STORIES | 1-1/2 STORIES |
| MAX. IMPERVIOUS COVERAGE OF EXIST. UPLAND | 70% | 16.5% |
| MAX. IMPERVIOUS COVERAGE OF EXIST UPLAND STRUCTURES PLUS PAVING | 80% | 39% |

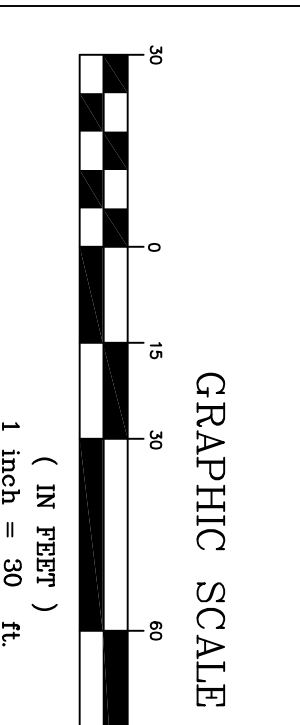
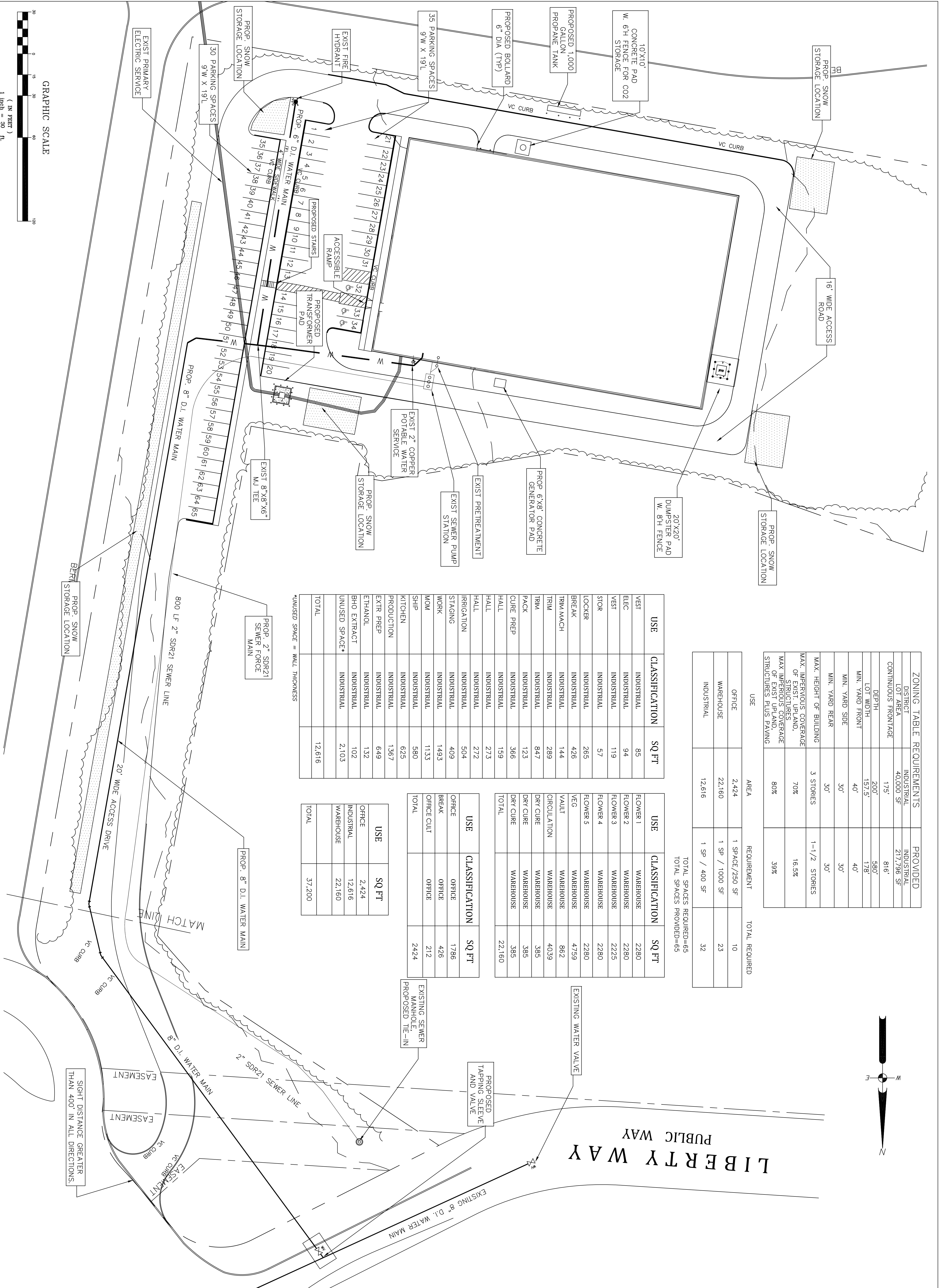
| USE | AREA | REQUIREMENT | TOTAL REQUIRED |
|--------------------------|--------|----------------|----------------|
| OFFICE | 2,424 | 1 SPACE/250 SF | 10 |
| WAREHOUSE | 22,160 | 1 SP / 1000 SF | 23 |
| INDUSTRIAL | 12,616 | 1 SP / 400 SF | 32 |
| TOTAL SPACES REQUIRED=65 | | | |
| TOTAL SPACES PROVIDED=65 | | | |

| USE | CLASSIFICATION | SQ FT | USE | CLASSIFICATION | SQ FT |
|---------------|----------------|--------|-------------|----------------|--------|
| VEST | INDUSTRIAL | 85 | FLOWER 1 | WAREHOUSE | 2280 |
| ELEC | INDUSTRIAL | 94 | FLOWER 2 | WAREHOUSE | 2280 |
| VEST | INDUSTRIAL | 119 | FLOWER 3 | WAREHOUSE | 2225 |
| STOR | INDUSTRIAL | 57 | FLOWER 4 | WAREHOUSE | 2280 |
| LOCKER | INDUSTRIAL | 265 | FLOWER 5 | WAREHOUSE | 2280 |
| BREAK | INDUSTRIAL | 426 | VEG | WAREHOUSE | 4759 |
| TRIM/MACH | INDUSTRIAL | 144 | VAULT | WAREHOUSE | 862 |
| TRIM | INDUSTRIAL | 289 | CIRCULATION | WAREHOUSE | 4039 |
| TRIM | INDUSTRIAL | 847 | DRY CURE | WAREHOUSE | 385 |
| PACK | INDUSTRIAL | 123 | DRY CURE | WAREHOUSE | 385 |
| CURE PREP | INDUSTRIAL | 366 | DRY CURE | WAREHOUSE | 385 |
| HALL | INDUSTRIAL | 159 | TOTAL | | 22,160 |
| HALL | INDUSTRIAL | 273 | | | |
| IRRIGATION | INDUSTRIAL | 272 | | | |
| STAGING | INDUSTRIAL | 504 | | | |
| WORK | INDUSTRIAL | 409 | | | |
| MOM | INDUSTRIAL | 1493 | | | |
| SHIP | INDUSTRIAL | 1133 | | | |
| KITCHEN | INDUSTRIAL | 580 | | | |
| PRODUCTION | INDUSTRIAL | 625 | | | |
| EXTR PREP | INDUSTRIAL | 1367 | | | |
| ETHANOL | INDUSTRIAL | 649 | | | |
| BHO EXTRACT | INDUSTRIAL | 132 | | | |
| UNUSED SPACE* | INDUSTRIAL | 102 | | | |
| TOTAL | | 2,103 | | | |
| | | 12,616 | | | |

| USE | CLASSIFICATION | SQ FT |
|-------------|----------------|-------|
| OFFICE | OFFICE | 1786 |
| BREAK | OFFICE | 426 |
| OFFICE/CULT | OFFICE | 212 |
| TOTAL | | 2424 |

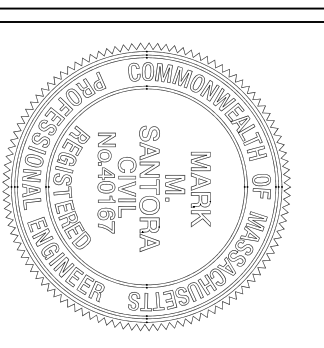
| USE | SQ FT |
|------------|--------|
| OFFICE | 2,424 |
| INDUSTRIAL | 12,616 |
| WAREHOUSE | 22,160 |
| TOTAL | 37,200 |

*UNUSED SPACE = WALL THICKNESS



LIBERTY WAY
PUBLIC WAY

| DATE | REVISIONS | APP'D |
|----------|-----------------------|-------|
| 2/27/21 | PROPOSED MODIFICATION | MMS |
| 2/7/19 | TOWN LETTER | MMS |
| 2/6/19 | BETA LETTER | MMS |
| 1/28/19 | BETA LETTER 1/24/18 | MMS |
| 1/15/19 | BETA LETTER 12/5/18 | MMS |
| 11/23/18 | BETA LETTER 11/8/18 | MMS |



APPLICANT:
19th FAIRWAY DEVELOPMENT INC.
42 ADIN STREET
HOPEDALE, MA 01747

PROJECT TITLE:
PROPOSED MODIFICATION TO SITE PLAN APPROVAL FOR CANNABIS CULTIVATION 105 CONSTITUTION BLVD FRANKLIN, MA, 02038

PLAN TITLE:
SITE UTILITY, PARKING, & FACILITIES PLAN

DATE: FEBRUARY 26, 2021
SCALE: 1" = 30'
DRAWN BY: MMS
CHECKED BY: MMS
APPROVED BY: MMS

MARK SANTORA, P.E., INC.
Civil & Environmental Engineering
123 Old Westboro Road
North Grafton, MA 01536
Phone (508) 839-5113

SHEET:
4 OF 8



March 4, 2021

Mr. Anthony Padula, Chairman
Franklin Planning Board
355 East Central Street
Franklin, MA 02038

Re: 105 Constitution Boulevard Field Change Review

Dear Mr. Padula:

BETA Group, Inc. (BETA) has reviewed revised documents associated with the proposed field changes at 105 Constitution Boulevard and offers the following comments:

- The provided stormwater analysis demonstrates that peak runoff rates and total runoff volumes will remain below the pre-development conditions. Conformance to all other stormwater management standards will be maintained.
- The accessible parking space located at space 34 should be relocated to space 31 so it is adjacent to an accessible aisle. A ramp should also be provided to the sidewalk from the accessible aisle.
- Provide a revised detail for the Outlet Control Structure.
- BETA defers to the DPW regarding the revised water layout and the need for an external grease trap.

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,
BETA Group, Inc.

A handwritten signature in blue ink that reads "Matt Crowley".

Matthew J. Crowley, PE
Senior Project Manager

cc: Amy Love, Town Planner
Job No: 4831 - 71

O:\4800s\4831 - Franklin - Construction Services\71 - 105 Constitution Boulevard\Field Changes\2021-03-01\2021-03-04 105 Constitution Blvd Field Change Review.docx

Town of Franklin



Planning Board

**January 25, 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. Bond Reduction: Maple Preserve

Ms. Love reviewed that the current bond is held in a Tripartite Agreement with the Town of Franklin in the amount of \$10,000.00 for Maple Preserve. The Planning Board recommended street acceptance to the Town Council at their December 21, 2020 meeting. The applicant has requested a bond reduction. The DPCD recommends the bond be reduced from \$10,000 to \$1,000. After Town Council acceptance and filing with the registry, the remaining \$1,000 will be released.

Mr. Maglio stated everything looks okay; they have the mylars. He suggested it may come before the Town Council in February or March. He recommended holding back \$1,000.

Motion to Approve Bond Reduction for Maple Preserve to hold \$1,000.00. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

B. Endorsement: Maple Hill

Chair Padula read aloud Ms. Love's letter to the Planning Board dated January 21, 2021, stating that the applicant submitted plans for endorsement, the appeal period has ended and no appeals have been filed, and DPCD recommends endorsing the Definitive Subdivision Plans for Maple Hill. Ms. Love noted that the Certificate of Vote was included on page 40 of the plans along with the conditions and phasing plan. Chair Padula requested that a note be put on the first page of the plans that the conditions are listed on page 40.

Motion to Endorse Maple Hill. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Ms. Love noted that 46 pages of mylars must be signed; she reviewed arrangements made for Planning Board members to sign the documents.

C. Discussion: CPC Nomination

Chair Padula reviewed a letter from Town Administrator Jamie Hellen to the Planning Board dated January 7, 2021, stating the requirements for five boards and committees, including the Planning Board, to designate a member to the Community Preservation Committee with a one-year term. He stated that Joseph Halligan and Rick Power requested to be nominated for the CPC; he noted that Mr. Halligan requested the nomination first.

Vote to Nominate Joseph Halligan for CPC. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES; Williams-YES. Vote: 6-0-0 (6-Yes; 0-No).

Ms. Love stated the names of the nominees from each board and committee will be sent to the Town Council for a ratification vote.

E. Meeting Minutes: December 7 & 21, 2020, January 11, 2021

Motion to Approve the Meeting Minutes for December 7, 2020. Rondeau. Second: Power. Discussion: Chair Padula noted changes. Motion to Approve the Meeting Minutes for December 7, 2020, as amended. 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 December 21, 2020. 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 January 11, 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** – *Continued*
 138 East Central Street
 Site Plan
 Documents presented to the Planning Board are on file.
 To Be Continued

Chair Padula stated the applicant requested a continuance of the public hearing.

Motion to Continue the public hearing for 138 East Central Street, Site Plan, to February 8, 2021, at 7:10 PM. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-ABSTAIN; David-YES; Rondeau-YES; Power-YES. Vote: 4-0-1 (4-Yes; 0-No; 1-Abstain).

7:10 PM **PUBLIC HEARING** – *Continued*
 515 West Central Street
 Site Plan
 Documents presented to the Planning Board are on file.
 To Be Continued

Chair Padula stated the applicant requested a continuance of the public hearing.

Motion to Continue the public hearing for 515 West Central Street, Site Plan, to February 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 Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Rondeau. Second: Power. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 7:18 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

Town of Franklin



Planning Board

**February 8, 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: 300 Financial Park

Ms. Love stated the applicant requested this item be moved to the February 22, 2021, meeting under General Business. She stated the applicant had a Limited Site Plan for the parking along with the ANR. The concern of the Planning Board was the deeds across the several lots because at the beginning this was all one lot; those deeds have been provided. Mr. Rondeau asked if Attorney Mark Cerel has seen the easement documents. Ms. Love stated Mr. Cerel said this is basically a private agreement between private property owners. She stated that she will review it with Mr. Cerel again. Chair Padula requested that Mr. Cerel review the agreements before the next meeting.

B. 81-P ANR:469 Maple St

Ms. Love stated the applicant has submitted a Form A application for 81-P Plan review to accompany the plan of land for 469 Maple Street, dated January 22, 2021. The purpose of the plan is to move the rear lot lines and add the additional square feet to lot 242, Parcel 012. The application depicts the land known on Assessors Map 235 Lot 142 and Map 242 Lot 012. The current lot at 469 Maple Street is conforming to zoning.

Mr. Rondeau stated he abstained.

Chair Padula stated that the Certificate of Ownership indicates 369 Maple Street. Ms. Love stated the ANR plan that would be signed by the Chair and filed with the Registry of Deeds is correct. She stated she would ask the applicant to submit a correct Certificate of Ownership showing 469 Maple Street. Chair Padula requested it be corrected before it is signed.

Motion to Approve 81-P ANR for 469 Maple Street. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No).

C. Partial Form H: 14 Ruggles Street

Ms. Love reviewed that the applicant submitted a Partial Form H and Engineer’s Partial Certificate of Completion and as-built plan to date. BETA has provided an onsite report with pictures verifying the site work is complete. The applicant is requesting the following changes: aisle width measures 21.5 ft. where 22 ft. was approved; parking within 10 ft. of right of way; stripe handicap parking space; plant tree proposed adjacent to Ruggles Street. She noted that there is concern about the lighting on the building filtering onto the abutting property.

Mr. Crowley reviewed his Site Observation Report dated February 4, 2021, which included, but was not limited to, that five evergreen plantings have been installed adjacent to the Symmes’ property line where six were proposed, the grading of the parking in the area of the accessible parking does not meet ADA standards, and the water quality swale areas are comprised of crushed stone instead of grass.

Chair Padula stated he did not see screening around the dumpster. Mr. Dana Franco stated there were slats on the two sides and the front. Chair Padula requested the lights be lowered. Mr. Franco stated he got dark tinting to dim the light. Chair Padula asked if Mr. Franco could change the fitting to a can so it would face down. Mr. Franco stated he could do that. Chair Padula asked why there is stone in the grass swale. Mr. Franco stated he was looking for a maintenance free yard. Chair Padula stated there is nothing that is green onsite except for the five plantings; there are supposed to be six and one looks dead. Mr. Rondeau asked if there is a place to put more trees for the green space that was lost. Chair Padula requested junipers, low growing shrubs, or elephant grass that would grow through the stone. Mr. Franco stated that is not a problem for the ornamental grass. Chair Padula requested the applicant fix the dead tree and add one evergreen. Mr. Franco stated the trees will grow up to 20 ft. wide and 30 ft. high; they will fill in the whole area. He will plant another tree there, no problem at all. Mr. Halligan asked about the handicapped parking space. Mr. Franco stated it is now striped. He stated the issue is that it was not ADA compliant because the slope is 2.5 percent. He met with the fire department and asked if they would mind if he shifted the handicapped space to a location where it is flat. They said they had no issue. Mr. Crowley stated he did not believe it would have an effect on the dumpster access. Ms. Williams asked if shifting the handicapped space still fell within guidelines of distance to the door. Mr. Crowley stated if it were shifted, it would be the closest spot to the building. Mr. Franco stated he has not run it by the building commissioner yet.

Motion to Approve Partial Form H for 14 Ruggles Street. 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*
 Olam Estates – 900 Washington Street
 Definitive Subdivision
 Documents presented to the Planning Board are on file.

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

Ms. Love reviewed that the applicant submitted a Definitive Subdivision plan for a Conventional Subdivision for four buildable lots with infrastructure and roadway. The Planning Board has 90 days for a decision unless the applicant provides a written extension to the Planning Board to extend the deadline. The applicant should fill out a Form R for any waiver requests. The construction of the roadway and stormwater system will require a permit through the Conservation Commission.

Mr. Maglio reviewed his letter to the Planning Board dated February 1, 2021. He discussed items including, but not limited to, that the extension of the water main into the proposed subdivision will require a Water Map Amendment approved by the Town Council. There is no Town sewer available at this location; it is assumed that each lot will have its own septic system. The second fire hydrant should be relocated from STA 4+25 to after the last services in the cul-de-sac. Sight distance at the entrance of the proposed driveway should be evaluated and noted on the plans. The applicant is requesting a waiver for constructing only one sidewalk. He noted that in the past, this waiver has been granted when the applicant proposes to utilize vertical granite curb in place of sloped granite edging. The proposed sidewalk is shown utilizing hot mix asphalt rather than cement concrete. A portion of the site is within the Water Resource District; the district boundary should be shown on the plans. In accordance with the subdivision requirements, in addition to runoff rates, total runoff volume should also be compared between existing and proposed conditions.

Chair Padula noted that this is not under 40B. He stated the Planning Board requires that when an applicant comes in with a Definitive Plan, they expect to see a plan that conforms to the bylaws, not a plan showing waivers. He asked Mr. Maglio if he reviewed the long-term maintenance plan. Mr. Maglio stated that he had not. He noted that if the Town accepts the roadway, the Town has to perform the maintenance. The maintenance would be done by the applicant until the Town accepts it.

Mr. Halligan stated that he thinks the applicant came before the Planning Board with something like this in the past. Ms. Love stated the applicant had filed a preliminary plan in October 2019; the plan is to put the temple in the last lot. Discussion commenced about having one sidewalk and the road width for a four-lot subdivision with a temple at the end of the roadway. Chair Padula reviewed that a temple can go in any zone, but they are not exempt from public safety, parking, or stormwater management.

Mr. Jude Gauvin of Andrews Survey & Engineering, Inc., representing the applicant, reviewed the plans. He stated that the lot for the temple does not exist yet; it has to be created. There is parking, stormwater, and its own septic system provided for the church; it has been designed and thought through. He stated it was recommended that the subdivision is done first. There will be three homes on the site. There will be parking for the temple in the back. They are proposing a 24 ft. wide roadway which is typical for this type of use. He stated that there is an existing temple at the site now; they are looking to build a new one. He discussed stormwater, underground drainage, and the concerns noted by Mr. Maglio.

Chair Padula reviewed some of the requirements for one sidewalk, lighting, drainage, road width, and underground piping. Mr. Gauvin stated they would be going to Conservation Commission. Mr. Crowley confirmed BETA would be providing comments. Planning Board members asked questions about parking and parking lot drainage. Ms. Williams asked if the Town is going to do anything about improving the sidewalks on Washington Street. Mr. Maglio stated that at this time there are no plans for that section of Washington Street.

Motion to Continue the public hearing for Olam Estates, 900 Washington Street, Definitive Subdivision, to 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).

7:10 PM **PUBLIC HEARING** – *Continued*
 138 East Central Street
 Site Plan
 Documents presented to the Planning Board are on file.

Mr. Halligan recused himself.

Ms. Love reviewed that at the last meeting the Planning Board expressed concern with the following: parking spot #14 for the food pantry truck; parking spot #1 so close to the entrance; screening between East Central

Street and the parking area; the dumpster location; and the color of the building fitting in with the neighborhood. She noted the five waiver requests as listed on her memo to the Planning Board dated February 4, 2021.

Mr. Maglio discussed his three comments as provided in his letter to the Planning Board dated February 2, 2021. Mr. Crowley stated his comments have primarily been addressed; his few remaining comments are interrelated. He discussed the applicant showed that a shorter vehicle can make the turning; however, for a longer vehicle such as a truck, it would be tight. He discussed that for the proposed entrance for the food pantry truck, the truck may have to do a turning movement. He noted some questions on the lighting and tree trimming.

Mr. Rondeau asked about the dumpster, backing out onto Cross Street, parking spot #1, and what is going to be done between the Shell Gas Station and this site. He stated they are putting a lot on a small site, especially traffic-wise. He noted the neighbors must be taken into consideration. Mr. David agreed with Mr. Rondeau regarding the dumpster. He stated agreement with Mr. Crowley about the tightness of the property and the dumpster truck getting through. He stated that 5 AM is too early to pick up trash in a residential area. He asked about snow storage. Ms. Williams agreed with all that has been said; she indicated concern about parking spot #1 as a safety hazard. Mr. Power stated an abutter at the last meeting noted the early trash pickup times. He noted concern about parking spot #1 and the color.

Chair Padula stated this is a Site Plan modification. He stated not much has been changed in four weeks. He stated this site in the past was polluted. It is a challenged site. He stated that there is already a list of five waivers and it should be six as the applicant is looking for a stormwater waiver. He reviewed the waivers. He discussed the current runoff from the site.

Motion to Close the public hearing for 138 East Central Street, Site Plan. Rondeau. Second: David. Roll Call Vote: Padula-YES; David-YES; Rondeau-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Disapprove the Site Plan modification for 138 East Central Street. Rondeau. Second: David. Roll Call Vote: Padula-YES; David-YES; Rondeau-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:15 PM **PUBLIC HEARING** – *Continued*
 515 West Central Street
 Site Plan
 Documents presented to the Planning Board are on file.

Ms. Love reviewed that the applicant has filed with Conservation Commission. The applicant has provided the Certificate of Vote for the Subdivision Approval dated September 25, 2013, a private road covenant, and a traffic study. There have been no submitted revised Site Plans. She noted the Planning Board expressed concern at the last meeting regarding the paving of the cul de sac.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. stated that Mr. Edward Cannon, attorney for the applicant, would address the Planning Board regarding the proposal to construct a two-story 5,250 sq. ft. day care facility to include parking spaces, with drainage and landscaping.

Mr. Cannon stated they listened to the concerns of the Planning Board. He discussed the issue of paving the cul de sac. He stated that in reviewing the materials, there is a private covenant signed by the then owner of the private way and the Town of Franklin. It was agreed that it shall remain a private way in perpetuity; there was a promise from the Town that the cul de sac would not be paved. These documents have been provided for the Planning Board’s review. He stated this is a Site Plan for a day care which falls under the Dover

Amendment; therefore, there is limited review by the Planning Board. He stated that traffic is not a permitted criterion upon which to review this application.

Chair Padula reviewed the history of the site. Mr. Cannon confirmed this was a for-profit child care facility. Chair Padula stated that regarding the Dover Amendment, they are not exempt from traffic and circulation within the site, parking, and stormwater; they are exempt from a traffic study.

Mr. Josh Kline of Stonefield Engineering and Design reviewed his letter to the Planning Board dated February 1, 2021, regarding Traffic & Parking Assessment Report Site Plan Modification of 505 West Central Street, Lot 3 Proposed "The Learning Experience" Childcare Center. He discussed the use and how it operates. He stated that this user operates hundreds of these day care centers across the country. He stated this is not a school. He stated there is no surge effect where children are entering at a specific time. He reviewed the existing conditions and noted that this is a vacant property that they will be developing. He reviewed a color Site Plan and pointed out features of the proposed development. He noted that this is a two-story day care facility with a 3,700 sq. ft. playground and 30 parking spaces. He reviewed the fire lane that wraps around the site. They will be providing ADA compliant sidewalks. He noted that at the last meeting the applicant agreed to modify the site circulation; however, they believe the design was adequate. He reviewed the revised site circulation. He stated they would add signage to the plan as a condition of approval. He stated that people will become familiar with the site and will become familiar with the circulation process. He stated they reviewed trip generation/traffic; he discussed peak day and evening trips. He stated they looked at operations of the day care. Typically, they are open Monday through Friday from 6:30 AM to 6:30 PM. Therefore, drop-offs happen over a three-hour window beginning at 6:30 AM; pick-ups typically happen between 4:00 PM to 6:30 PM. Children must be accompanied by a parent or staff member at all times. He reviewed how parents would enter the parking lot and drop off their children; this is usually a five-minute process. He noted a pick-up takes about eight minutes. He stated that license capacity is really just per code how many children that the center could safely handle. He noted that on any given day, there is about a 10 percent absentee rate. He discussed that on the plans there will be about 25 employees; but it is based on the capacity of children. He stated that 30 percent of the employees are part time. He stated that in summary, only about 15 to 20 employee vehicles will be parked there at any one time. Employee staff peak time is 11 AM to 1 PM. He discussed that from observing other centers and providing analysis, the 30 parking spaces they are proposing are adequate for this use. He stated the site circulation is safe, and the proposed layout is adequate.

Chair Padula stated that Mr. Kline mentioned this center was to be approved for 143 children. He noted that during Mr. Kline's presentation information changed such as when Mr. Kline indicated that most of the children would be no older than three years and then he stated that their older brothers and sisters could join them. Chair Padula noted discrepancies in Mr. Kline's presentation such as the number of employees changed throughout the presentation. He noted concern about drop-off, pick-up, and the number of parking spaces used by employees regarding traffic flow and safety. He noted that prior to COVID and probably when COVID ends, the Wendy's is quite busy when the Tri-County and high school students end their school day. He noted the Wendy's traffic will be at the peak pick-up time for the day care and will create difficult traffic flow. He noted that this site is very challenged as when people try to exit and take a left, they must cross two lanes of traffic.

Mr. Rondeau questioned the traffic flow and noted that when looping around the back to drop off, vehicles will have to cross the incoming traffic lane to exit. He asked about events and functions for the children. Mr. Kline stated that when these centers were observed, there was adequate parking for drop off and pick up. He stated that based on observations and findings, there will not be a queuing happening at this site. Mr. Rondeau stated he is concerned about the proposed five-minute drop off based on the weather in the northeast. Mr. Kline stated that if they do have events, they are done on off days or off-beat times and not done for all the students at one time.

Mr. Halligan discussed the number of employees as listed on the application. Mr. Kline stated these centers do not operate at maximum capacity. Mr. Halligan noted concern about the number of drop-offs that could be happening at one time based on the data provided by the applicant. Mr. Kline discussed the minimum number of employees he thinks would be on the premise at one time; he suggested maybe two to three employees in the morning and three to six in the afternoon. Ms. Williams stated there are required teacher ratios with at least one teacher per classroom and at least one facility manager. She stated concern about the parking for parents, safety, congestion, and the overall layout of the site. Mr. Kline reiterated that the site will probably not operate at peak capacity. Mr. Halligan stated that as a Planning Board member he has to look at the worst scenario: 143 children, 23 teachers, and two administrative staff. With those figures, they have to ensure the safety of the pedestrians, children, etc., and that there is enough parking and drop off area. He stated he believes the applicant is about 20 parking spaces shy. He asked if they can limit the occupancy of the premises to make it work. Mr. David stated the timeframes do not seem to work in reality. He stated that there is no way to get an infant and a toddler into the facility and be back in the car within five minutes. He does not see how this can work.

Chair Padula stated that currently day care centers are not being used to the maximum due to COVID as many people are home. He reiterated that with the Dover Amendment they are only exempt from zoning, not stormwater, parking, and circulation. He reviewed the proposed queuing lane around the back which does not have a bypass lane. He stated the applicant is presenting a dangerous situation for the children at pick up and drop off based on the parking and traffic flow. In addition, to take a left out of the facility is dangerous. The Planning Board is not in the habit of creating a dangerous situation.

Mr. Manoj Gandhi, applicant, stated he owns five day cares in Massachusetts. He stated the children and the teachers arrive staggered. He stated that he does not expect full capacity.

Ms. Cavaliere stated they will meet with Conservation on February 18, 2021. She stated that they have been to Design Review and the design was approved.

Mr. Halligan asked where they stand with the cul de sac issue. Mr. Cannon stated he provided the Planning Board with the covenant and the Subdivision Approval. He stated that he hopes the Planning Board will speak with Town Counsel to get an opinion regarding the treatment of the cul de sac. Discussion commenced regarding the cul de sac. Ms. Love confirmed she would speak with the Town Attorney.

Motion to Continue the public hearing for 515 West Central Street, Site Plan, to March 8, 2021. David. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-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; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No). Meeting adjourned at 9:23 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

Town of Franklin



Planning Board

**February 22, 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. Decision: Best Practice Guidebook – Stormwater Change

Mr. Maglio stated this item and the first two public hearings on tonight's agenda are related to changes the Town has to make regarding language in the existing bylaws being brought up to date to conform to the Town's current MS4 permit through EPA. He stated that the Conservation Commission already reviewed and approved these changes. The Planning Board needs to approve this; the guidebook will be updated.

Mr. Rondeau asked about the natural infiltration basins. Mr. Maglio stated this change has to do with the actual design criteria and how they are sized. Chair Padula asked about and Section 153-16 and about Section 185-31 which encourages the use of Low Impact Development and Green Infrastructure practices, and requires they be incorporated into the site plan to the maximum extent feasible. He stated that Franklin does not have a stormwater system where sewer is mixing in with stormwater; therefore, Franklin does not treat stormwater. As such, Franklin does not fall under those guidelines, so why are these being incorporated into the development practices. Mr. Maglio stated that there are a number of different bylaws. He reviewed the bylaw changes that have been approved by the Town Council. There is different language in different places that has to be approved regarding stormwater. The Town does not have a combined sanitary sewer and stormwater system as do other towns. However, he explained that the Town does treat stormwater. He explained the language in the current MS4 permit.

Chair Padula stated that the Town Council can vote for anything that they want. However, he is not going to recommend this. He noted that Governor Baker stated that small urban towns should satisfy MassDEP over the EPA regarding stormwater. Mr. Halligan noted the language in Section 185-31 includes the word "encourages" which is not mandatory. Mr. Maglio reviewed the language and confirmed that the language is from the permit and is what the Town should be following. Chair Padula stated that zoning does not reference stormwater management. Mr. Halligan stated he likes the word encourages as it allows the

Planning Board to determine what is best. Discussion commenced on the proposed language. Chair Padula stated this can be tabled until the next meeting.

Mr. Maglio stated that according to the permit, these changes are supposed to be in place by June 30, 2021. Chair Padula stated there are no penalties that the EPA can impose. He read aloud the proposed language as provided in the document in the meeting packet and pointed out the word “must” in numerous locations of the document. He stated that this is not encouraging, this is must. Mr. Crowley opined that some projects will comply already and some projects will be shy of the requirements. Mr. Maglio stated the changes will tighten up the criteria a little. Mr. Rondeau asked if surrounding towns were going through the same thing, and if some of the remaining sites in town would become non-developable. Mr. Maglio stated the MS4 permit applies to the vast majority of towns in Massachusetts. These design criteria apply to Franklin because we are in the Charles River Watershed. Mr. Rondeau confirmed the cost of doing business will go up in the Town of Franklin. Mr. Maglio stated there may be some additional costs for developers because of this. He stated that he does not see this changing new development projects much; however, it may impact redevelopment projects. Ms. Williams stated she supports everything that is being proposed. Mr. David indicated agreement.

Ms. Love noted that they should stay with the general business item and not move into the public hearing at this time. Chair Padula stated he does not like that it references subdivision regulations, and he will not recommend that the subdivision bylaws be changed. If Section 300-11 was removed, he would vote to recommend it. Mr. Taberner stated that one way or another the Town has to do something to appease the state and federal governments; he stated that Mr. Maglio and the consultants came up with the proposed changes. Mr. Halligan asked if the subdivision section could be eliminated as Chair Padula requested. Mr. Maglio stated the three sections could be voted on separately.

Motion to Approve Best Practice Guidebook – Stormwater Change. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

B. Final Form H: Brookview – Pond Street

Ms. Love stated that the applicant filed their as-built plans for a Final Form H. There were a few more comments from BETA. Chair Padula asked if the applicant was requesting waivers. Mr. John Kucich with Bohler Engineering stated they are not requesting any new waivers. Mr. Crowley reviewed his comments on the site. He stated that the applicant has addressed the majority of items. He noted that there are a few outstanding issues which he reviewed that the design engineer stated will be taken care of once the weather improves. He reviewed a few other non-weather-related items that are outstanding.

Planning Board members discussed what changed from the original plan regarding the radius stones. Chair Padula asked why the project was finished knowing it did not conform. Why was this not caught during the base coat? Mr. Kucich discussed the gutter inlet stone on the basin. He reviewed the look of the sloped granite to the radius curve as to why the change was made. He stated that they probably did not think the change was significant enough to come in and ask the Planning Board. Chair Padula discussed the change and noted that it was less expensive for the developer to install without using rounding pieces; this was not something that was just mistaken. To do this for 12 units was not a mistake; it was intentional. Mr. Halligan asked how this affects the safety and drainage of the project. Mr. Crowley said the drainage will likely go where it is supposed to go. From a safety perspective, it is not a major concern.

Mr. Halligan confirmed this will never be a Town accepted road. Chair Padula stated when the base coat was in, it should have been caught and corrected. He asked about the retaining walls. Mr. Kucich stated the areas were flattened out instead of putting in the walls. Chair Padula stated the developer is supposed to come back to the Planning Board for a modification; they do not just do what they think is best. He stated this is something that should have been caught. Mr. Crowley stated the slopes seem stabilized and not excessive; the retaining walls do not seem necessary. Mr. Rondeau suggested the applicant plant additional trees as the

site was not completed as required. Mr. Kucich stated the paved lot is completed. A representative of Brendon Properties stated the road driveway stones not being put in was not intentional. However, they did not think the retaining walls were necessary. Chair Padula stated that there are inspections during construction. The applicant must be performing according to the plan. The Planning Board should not have to accept items that are not done to plan. It is not right to the people that pay for the engineers to inspect this for the Town during construction. Mr. Halligan stated he does not want to vote on a final with items outstanding.

Motion to Continue Final Form H, Brookview – Pond Street. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

C. Limited Site Plan: 100 Financial Way

Mr. Doug Hartnett, principal of Highpoint Engineering, reviewed that they were in front of the Planning Board last November with a plan to subdivide the property at 100 Financial Park. There are currently two buildings on the site. They filed a Limited Site Plan to define the number of the parking spaces for each building; the 81-P ANR plan is to divide the parcel into additional conforming lots. There were concerns regarding zoning compliance and easements once they were subdivided. He reviewed the plans and the proposed new property lines. He discussed Lot 5A in regard to the zoning conformance chart; it conforms to all zoning except parking. He stated that Lot 5B is the warehouse. He reviewed the current lease agreement with the tenant and reviewed the parking spaces for each lot. He stated they are proposing to allow reduced required parking spaces for lot 5A from 722 spaces to 342 spaces and allow parking spaces greater than 300 ft. from the building for Lots 5A and 5B. He stated that they looked at the zoning bylaw and the existing utility and if easements were needed for the future property owners. He reviewed the easement documents. He stated the reciprocal easement agreement was provided to the Planning Board. He stated Form R in the application summarizes the request for waivers.

Ms. Love reviewed her memo to the Planning Board dated February 10, 2021. She noted the requested waivers for the spaces being over 300 ft. from the building. Discussion commenced regarding the request for the reduction of parking and the approved Site Plan. Mr. Halligan suggested an easement may have worked in this case. Mr. Hartnett stated this was the applicant's preferred method. Mr. Rondeau confirmed the applicant would have to return if a new tenant were to come in.

Motion to Approve the Limited Site Plan, 100 Financial Way. Halligan. Second: David. Chair Padula stated they are going to vote to retain reduction of 722 spaces to 342 spaces and allow parking spaces greater than 300 ft. from the building for Lots 5A and 5B. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

D. 81-P ANR: 100 Financial Way

Ms. Love stated this pertains to the previous agenda item. This is to subdivide the property.

Motion to Approve 81-P ANR, 100 Financial Way. Rondeau. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

E. Final Form H: Dean Avenue

Mr. Halligan recused himself.

Mr. Crowley stated that this site had a number of partial Form H forms submitted previously. Therefore, the majority of the site is well established. BETA went out to the site recently. He noted there were some missing railings; however, he received correspondence that the applicant had discussed this with the building commissioner and handrailings were not needed to be installed. He confirmed the volume of the infiltration basin from the design engineer and stated that it looks to be installed within construction tolerance. He noted there was some damage to one of the dumpster enclosures; it will be repaired.

Mr. David asked about designated snow storage areas. He stated that today there were two dozen parking spots filled with snow; they did not put the snow where it belongs. Mr. Brain McCarthy of RJO’Connell & Associates stated that the current occupancy of the development still has a lot of vacancies. Therefore, at this time they put the snow in convenient locations knowing the spaces would not be needed. Mr. David stated that hopefully this will not become a normal practice. Ms. Williams asked about the plantings in front of the sound wall. Mr. McCarthy stated that what is out there are the final plantings, some of which are fast growing trees. He reviewed the plantings. Mr. David confirmed the jersey barriers were gone, and a guardrail was put there.

Motion to Accept Final Form H, Dean Avenue. David. Second: Rondeau. Roll Call Vote: Padula-YES; David-YES; Rondeau-YES; Power-YES; Williams-YES. Vote: 5-0-0 (5-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:05 PM **PUBLIC HEARING** – Initial
 21-868 - Stormwater Management By-Law
 Documents presented to the Planning Board are on file.

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

Mr. Maglio read aloud and discussed the proposed bylaw to amend the code of the Town of Franklin at Chapter 185, Zoning. He noted the addition of paragraph G which encourages the use of Low Impact Development and Green Infrastructure practices. He stated that this language comes from the MS4 permit. This bylaw was referred to the Planning Board from the Town Council. Mr. Halligan stated that he liked the word “encouraged.” Ms. Williams stated that she thinks it is great to encourage the use of low impact development and green infrastructure practices. Mr. Maglio, in responses to Chair Padula’s question, explained low impact/green infrastructures which are types of stormwater structures. He stated that he agreed with Mr. Halligan that these practices would be encouraged, but do not fit into every situation.

Mr. Andrew Bissanti, Town Council member, stated that there are three proposed bylaws at this meeting. However, there will be a fourth bylaw coming for the utility fee. He stated that the utility fee/tax is proposed at \$18.66 per unit; however, a unit has not yet been defined. He stated that he is for green practices; however, he was a no vote on all three bylaws because the utility fee is coming right after these are passed. Chair Padula discussed that when the EPA writes the MS4 laws, it is done generically, not by region or climate area. It is all about pollution and phosphorus control. He discussed that often rain gardens are difficult to maintain and should not be used everywhere. He stated that this is a zoning issue; therefore, this would be a recommendation from the Planning Board, not an approval.

Motion to Recommend to the Town Council 21-868 - Stormwater Management By-Law. Halligan. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – Initial
 S-21-01 Subdivision Stormwater
 Documents presented to the Planning Board are on file.

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

Mr. Maglio stated that this is the last of the stormwater items on tonight’s agenda. He read aloud and discussed the proposed bylaw to amend the code of the Town of Franklin at Chapter 300, subdivision of land. He noted the proposed changes to the wording in paragraph 1. He stated only the Planning Board needs to vote on this; it does not go back to the Town Council.

Chair Padula stated this item should be sponsored by the Planning Board; however, it was sponsored by the Administration. He stated he would not go by MS4 regulations; he would go by MassDEP. He recommended not to approve. Mr. Halligan recommended to continue this item to a future meeting so the Planning Board members can study the issue. Mr. David agreed.

Motion to Continue S-21-01 Subdivision Stormwater to the next Planning Board meeting. Halligan. Second: David. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

7:10 PM **PUBLIC HEARING** – *Initial*
S-21-02 Subdivision Street Lights
Documents presented to the Planning Board are on file.

Chair Padula stated that he did not know how this got on the agenda as this item is a subdivision regulation and should have been sponsored by the Planning Board, not the Administration.

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

Mr. Maglio stated that the Town owns the street lights. All the fixtures have been updated to LED. However, the language in the subdivision rules and regulations still calls for high-pressure sodium vapor lamps and references a time that the Town leased the street lights. He noted the paragraphs that need updating, He stated that as new developments come in, the Town wants them to put in LED lights.

Ms. Love stated that there could have been a discussion under General Business about this item by the Planning Board before holding the public hearing; that can be done in the future. Planning Board members and Mr. Maglio discussed the proposed revised language including if the Town pays the electric bill for the street lights for a road that is not yet accepted by the Town. Mr. Maglio stated he would look into this further.

Motion to Continue S-21-02 Subdivision Street Lights to the next Planning Board meeting. Halligan. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

7:15 PM **PUBLIC HEARING** – *Initial*
27 Forge Parkway
Site Plan
Documents presented to the Planning Board are on file.

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

Ms. Love stated the applicant has filed a Site Plan Modification to add solar canopies in the parking lot. She stated that the applicant is not required to file with the Conservation Commission. DPCD has not asked BETA to review the plan; the Planning Board can decide if they would like BETA to review the project. She stated that the town engineer has provided a review on the Site Plan Modification. She stated that the

applicant has provided Site Plan Modifications showing the location of the canopies; the applicant plans to utilize the existing drainage subsystem that is already in place for any water runoff from the canopies.

Mr. Maglio reviewed his letter to the Planning Board dated February 12, 2021. He stated his concerns include how the proposed canopies will affect the existing drainage on the site. He stated that not enough details were provided with the applicant's proposal. He recommended the developer submit a more detailed plan and have BETA review this as it effects the drainage.

Mr. Crowley stated that the applicant has done recent improvements in the last year. Mr. Halligan asked about the bylaw regarding that over a certain square footage a Site Plan is required. Ms. Love stated 600 ft. The applicant has filed a Site Plan Modification. Mr. Halligan asked when was the original Site Plan done. Ms. Love stated she does not know. Mr. Halligan stated that with the addition of this, the property may not be able to drain to today's standards. Possibly, the Site Plan for the entire site may not be up to date. Mr. Maglio stated that probably this property has been through a few Site Plan Modifications.

Ms. Julia Magliozzo, representing the project developer Ecogy Energy, stated that she reviewed Mr. Maglio's letter and can provide what happens with the drainage. She explained diagrams showing how the drainage will flow off the modules. Ms. Love recommended continuing the hearing to the March 22, 2021 meeting. Mr. Halligan asked what happens with the snow weight on the structures. Discussion commenced regarding the structures.

Motion to Continue the public hearing for 27 Forge Parkway, Site Plan, to March 22, 2021. Halligan. Second: Rondeau. Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Rondeau-YES; Power-YES. Vote: 5-0-0 (5-Yes; 0-No).

Chair and Member Comments

Chair Padula discussed DPW Director Brutus Cantoreggi's concerns regarding the EPA, proposed stormwater changes, and MS6 permits. Chair Padula stated that last September a stormwater amendment was put through. The DPW went to the Town Council regarding a stormwater utility tax to be placed on homeowners. He stated that Franklin has the best stormwater management practices of all surrounding towns. There is a big push by EPA to push these expenditures onto towns to meet EPA's permitting rules and regulations. EPA is pushing education to make people aware of stormwater and stormwater pollution. Franklin is considered a small MS4 community. Franklin does not mix stormwater and sewerage as do some larger towns and cities. He stated that he tries not to get involved with Town Council's decisions; however, this effects stormwater and stormwater managements. He stated that the Planning Board is the enforcing board for stormwater management. He noted that all stormwater is contained onsite for all Site Plans. He does not agree with how this was put on the people. He does not believe that the whole community is aware of what the DPW Director is pushing. This is going to affect everyone. It is all about costs. He stated that the proposal is to put some of the costs onto taxpayers with a separate utility tax. He does not believe this tax is fair to the people. The Town makes money from water and sewer. Water and sewer rates keep going up. He explained that during COVID people have been home for almost a year. With people being home, the Town has been making even more money with water and sewer. The Town then added the CPA cost, along with tax increases, water and sewer increases, water bans, and a \$500,000 payment mistake. He does not believe it is right to tax the people for rainwater on their own property. If the people let this go, the people will then be taxed for their septic systems and leach fields. The utility tax should have gone on a ballot, and the people should have been allowed to vote for it. He thinks there should have been more investigation into the decision regarding the utility tax. He noted that the Town Council suggested that the proposed \$18.66 per unit fee would costs the average homeowner \$56 per year; he stated that he does not believe that. He stated that this Town makes money with water and sewer. He does not believe the utility tax is fair to the public or fair to the homeowners.

***Motion to Adjourn the Remote Access Virtual Zoom Planning Board Meeting. Power. Second: David.
Roll Call Vote: Padula-YES; Halligan-YES; David-YES; Power-YES. Vote: 4-0-0 (4-Yes; 0-No). Meeting
adjourned at 9:40 PM.***

Respectfully submitted,

Judith Lizardi,
Recording Secretary