

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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## PLANNING BOARD

### June 27, 2022 Meeting Minutes

Chair Gregory Rondeau called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams. Members absent: Jay Mello, associate member. Also present: Bryan Taberner, Director of Planning and Community Development; Michael Maglio, Town Engineer; Matthew Crowley, BETA Group, Inc. (via Zoom); Gary James, BETA Group, Inc. (via Zoom).

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

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

#### **A. Decision: 839 Upper Union Street – Site Plan**

Mr. Taberner reviewed that the Planning Board closed the public hearing on June 6, 2022. He stated that the Planning Board must decide on the requested waivers and vote on the decision for the Site Plan.

#### *Motion to Approve the Waivers for 839 Upper Union Street, Site Plan:*

1. *§185-21.C.5 - Requirement: Parking lots for 20 or more cars shall contain or be bordered within five feet by at least one tree per 10 parking spaces, trees to be two-inch caliper or larger, with not less than 40 square feet of unpaved soil area per tree. Soil plots shall be located so as to assure safe internal circulation,*
2. *§185-31.C.4.E - Requirement: No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lighting shall be designed such that the light source is shielded and the light is directed downward,*

*by Wierling. Second: David. Vote: 5-0-0 (5-Yes; 0-No).*

*Motion to Approve the Site Plan, for 839 Upper Union Street, with Standard Conditions #1-10. Wierling. Second: David. Vote: 5-0 (5-Yes; 0-No).*

#### **B. Final Form H: Pellegrino Estates – 25 Plain Street**

Mr. Taberner reviewed that the Planning Board approved a Definitive Private Subdivision Plan for Pellegrino Estates on December 19, 2016. The applicant submitted a Final Form H for the subdivision. BETA provided an onsite report with a description of the existing conditions. He reviewed that Mr. Maglio requested a copy of the as-built and CAD file of the as-built. He stated that the Department of Planning and Community Development recommends a Partial Form H be issued until all outstanding items are complete per BETA's observation report, and plans are submitted to the Town Engineer.

***Motion to Approve a Partial Form H for Pellegrino Estates, 25 Plain Street. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

**C. Final Form H: 206 Grove Street**

Mr. Taberner reviewed that the applicant submitted a Final Form H for the Site Plan. BETA provided an onsite report with a description of the existing conditions. He reviewed that the Department of Planning and Community Development recommends a Partial Form H be issued until all outstanding items are complete.

Mr. Crowley reviewed that BETA visited the site on June 2, 2022, and provided a report. He stated that there were a number of changes made to the site based on tenant needs. He stated that site revisions included additional drive-in ramp installation, reduced parking, revised accessible parking locations, lack of security gate installation at driveways, and lack of modification to driveway adjacent to the #210 building with associated curbing. He reviewed some items of note as listed in his Site Observation Report. He stated that the as-built plan should be revised to depict the location of the sewer force main.

Mr. Garrett Horsfall of Kelly Engineering Group, on behalf of the applicant, stated that there were some tenant requested changes. He explained that the Site Plan was issued with 107 parking spaces; there was a special permit with relief granted as there were 115 spaces required. He discussed that when UPS became a tenant, they requested 199 spaces in the loading dock area. The tenant since requested that 15 of those spaces be removed leaving 184 spaces provided. There are 150 required by zoning. He discussed that the pavement widening was associated with a request from 210 Grove Street. However, one the final layout was seen, they no longer requested the pavement widening. He reviewed the chronology of the plans and showed/explained the plans with the tenant changes.

Ms. Wierling explained the standard process for an applicant to request and make changes which is to go before the Planning Board for an opinion. She stated that some of these may be field changes; however, the applicant should have gone before the Planning Board prior to making the changes. Mr. Taberner agreed that some of these could have come forward to be discussed with Planning staff and then go before the Planning Board if needed. Chair Rondeau asked about the exterior ramp and if the Building Commissioner looked at that regarding railings. He requested confirmation that a gas trap was installed.

***Motion to Approve a Partial Form H for 206 Grove Street. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

**D. 81-P ANR: 733 Summer Street**

Mr. Taberner reviewed that the applicant submitted a Form A application for an 81-P Plan review to accompany the plan of land for 733 Summer Street dated January 28, 2022, and submitted to DPCD on June 20, 2022. The parcels are located in Rural Residential 1. The purpose of the plan is to create three buildable lots shown on the plan as 2C, 3, and 4. Lots 2C and 4 currently have a house on each lot and the proposed lot line conforms to zoning; Lot 3 is a buildable lot and conforms to zoning. He stated that he does not see any reason to not approve this.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., on behalf of the applicant, stated that this is to change the lot lines.

***Motion to Approve 81-P ANR: 733 Summer Street. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

7:05 PM

**PUBLIC HEARING** – *Initial*  
***175 East Central Street – Franklin Ford***  
Special Permit & Site Plan  
*Documents presented to the Planning Board are on file.*

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

Attorney Edward Cannon on behalf of Franklin Ford, Mr. Bob Breen, General Manager of Franklin Ford, and Mr. Jack Madden, Owner of Franklin Ford, addressed the Commission. Mr. Cannon stated that Mr. Rick Goodreau of United Consultants was not available to attend tonight's meeting. He noted that the applicant must get Conservation Commission approval as there are wetlands. He stated that they received an initial round of comments from BETA. He provided an overview of the project. He stated that this project includes 9 Chestnut Street. He reviewed the proposal for 9 Chestnut Street to be turned into additional parking and the expansion of the service area with six bays in front and four bays in the rear. He stated that the site is over five acres with 195 parking spaces. He discussed the proposed addition and bays as shown on the plans. He stated that the existing entrance on Chestnut Street will be moved further away from the intersection. He stated that the existing drainage will be completely redone; this will be a great improvement for the site.

Ms. Williams asked what is the anticipated increase in traffic flow to the site with the increase in bays. Mr. Breen stated that he does not think it will increase by a lot, but they need the space now to handle what they already have; they need additional bays for customers' vehicles to wait for their service. Ms. Williams stated that this is already a non-conforming use for this site in this area of town, and this is proposing adding more of a prohibited use to an existing building versus adding something that is not prohibited in this area of town.

Ms. Wierling stated that this is an allowed use in this zone. She questioned whether this was permitted in a Water Resource District. She stated that they are making it even more non-conforming in a Water Resource District. She asked why the applicant did not go to the ZBA rather than to the Planning Board. Mr. Cannon stated that if it were not existing, it would be a prohibited use in a Water Resource District; however, it is a use that is existing, so it is a non-conforming use. He cited the first paragraph of 40A Section 6 allows the expansion of a non-conforming use. Chair Rondeau asked that Town Attorney Mark Cerel and Mr. Taberner provide guidance on this.

Ms. Wierling asked how many parking spaces are existing and how many are new as it is not clear on the plans. Mr. Breen stated that as they are reconfiguring, they are losing spaces where the additional bays will be. He stated that about 30 will be new spaces. Ms. Wierling asked for the spaces to be clarified on the plans. Mr. David asked if the Chestnut Street area was getting repaved as the applicant is changing the entrance ways. Mr. Maglio reviewed the paving to be done on King Street and a section of Rt. 140 in front of this project. Mr. Breen stated that he may get new employees as a result of this project; but employees are hard to get right now.

Chair Rondeau asked about truck access for delivery vehicles. Mr. Breen stated that the delivery vehicles currently back into the lot, unload, and leave. This will be easier if the entrance is moved. Mr. Cannon noted that they are before the Design Review Commission tomorrow night. Mr. Breen explained the current bright lighting is from NStar; the lights are on the telephone poles. He stated that he contacted the electric company about moving those lights. Mr. Cannon stated that there will be no light spillage onto the abutters' properties; there may be some light spillage onto the right-of-way.

Mr. James reviewed some of his concerns. He noted that the expansion of the non-conforming use was a question; he will leave that question to the Planning Board and Town Counsel relative to the expansion of the non-conforming use. He noted the lighting is extremely intense and there is quite a bit of spillage. He stated that Mr. Goodreau was going to discuss this with the lighting contractor. He stated that he had comments on stormwater as it is in the Water Resource District.

Mr. Maglio noted his two main items of concern. He reviewed that the proposed infiltration system outfall is shown discharging towards an existing town drainage outfall and drainage swale on the adjacent property. This proposed alignment will need to be investigated to ensure it complies with any existing easements on the adjacent property. He discussed that the plans call for a proposed 12 in. RCP drain line to cross the existing 16 in. AC water line within the Town's easement. The contractor will be required to coordinate with Franklin DPW at the time this line is installed to verify adequate separation between the proposed drain line and the existing 16 in. AC water main. A test pit may be required prior to installation.

Ms. Heather Tasci, 43 Chestnut Street, stated concerns about honking noises and lighting that shines into her home at night. She asked about wetlands in the back right section and if there would be grading done in that area. Chair Rondeau confirmed that area would be left as gravel. Mr. Cannon stated that some of it would be loamed and seeded. Chair Rondeau confirmed the lighting would be taken care of by the power company. He asked Mr. Breen to take care of the honking noises. Mr. Breen stated that the honking noises were from the mechanics when they are trying to find the vehicles. He said that he would address that issue.

Mr. Anthony Bonina, 181 East Central Street, stated concern about the lights. He asked if that before construction begins can the lights be set properly so when the vegetation and the house is taken down, the lights will not hit his property. He stated concern that some nights during the week there is some machinery running and he does not know what it is. Mr. Cannon stated that there is old-school lighting there now. Once they come down, the new lighting will be better. Ms. Wierling asked that the abutting house be put on the plans. Ms. Williams stated that it would be important to the Town that the addition and site work be as environmentally friendly and sustainable as possible with this being in a Water Resource District and non-conforming use. She asked what can they do to go above and beyond the traditional non sustainable construction. She asked what can they do to offset and mitigate some of the challenges that the site has. Mr. Cannon stated that investment in the drainage structure is significant and the gravel area that was used for parking is going away as protecting the wetlands is substantial. Chair Rondeau asked about the impervious coverage. Mr. James stated that the proposed impervious coverage is 76 percent; the existing coverage is 66 percent. The limit is 80 percent.

Mr. Kevin Keith, 33 Chestnut Street, stated that he is a direct abutter. He asked about page 5 of the plans regarding how tall the trees to be planted will be. Chair Rondeau stated that the trees will be a 3 in. caliper which would be about 10 ft. to 11 ft. tall. Mr. Keith noted page 3 and the new building. He asked if there were any overhead doors planned for the east side. Chair Rondeau stated no. Mr. Keith asked if the new bays will have overhead doors. Mr. Breen stated yes. Mr. Keith asked about unloading the cars. Mr. Breen stated that the cars will be unloaded in the current parking lot where they do it now; they back in and unload. He noted that the entrance will be slightly different, but they will unload where they currently do. Mr. Keith noted the new entrance will be much closer to his property. Mr. Breen stated that the Town requested the new entrance as it is safer. After discussion, Mr. Breen agreed that the vehicles will be unloaded on the north side of the new work area. Mr. Keith requested the information about the vehicle unloading area be marked on the updated schematics. Mr. Breen reviewed

the plans as shown on the screen; he agreed to put markings on the plans to show where the unloading area is. Ms. Wierling asked that the unloading be as far away from the abutter as possible.

Chair Rondeau stated that there will need to be some screening/fencing. Mr. Cannon stated that Mr. Goodreau would look at that. Mr. Keith asked about page 4 regarding the four telephone poles marked to be removed; however, no poles are noted to be added. He asked if an updated plan could mark where the poles are going to go and the height. Chair Rondeau stated that there is a photometric plan available. Mr. Keith stated concern about the eastern side of the new wing having a spotlight shining outward. He asked if this information could be added to the plans. He stated that he is looking for zero light pollution from Franklin Ford onto his property. He stated that after the leaves drop, it is like daytime on his property; he would like his backyard to be dark.

Mr. Keith stated that on page 4 it shows that for Mr. Bonina's property there is a 6 ft. stockade fence proposed; he thinks this is to protect Mr. Bonina from the parking spaces pointed at his property. Mr. Keith stated that he was wondering why there was not fencing planned for 33 Chestnut Street where the driveway is going to go in. Mr. Keith explained the morning and afternoon traffic on Chestnut Street and noted that moving the driveway entrance is not going to alleviate traffic. Chair Rondeau stated that it was supposed to help them with the additional parking and for safety purposes. He noted that additional screening will be done and the lighting is going to be corrected. Mr. Keith stated that on page 4 he has questions on the infiltration pond and the outflow. He asked if the 18 in. clay pipe that runs the length of his property underneath all the vegetation has to be replaced with concrete reinforced piping. Chair Rondeau stated that answer will need to be from the engineer. Mr. Keith stated that he is concerned about losing the trees. He stated that he needs to be sure that 33 Chestnut Street is not impacted and does not get any worse. Ms. Williams stated that from the screening perspective, they should look at the street front presence and consider some visual screening along the sidewalk. Chair Rondeau stated that there has been a lot of feedback given to the applicant. The public hearing will be continued. Mr. Taberner stated that BETA's review has just started.

***Motion to Continue 175 East Central Street, Franklin Ford, to July 25, 2022. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).***

7:15 PM        **PUBLIC HEARING** – *Continued*  
                  **585 King Street**  
                  Special Permit & Site Plan  
                  *Documents presented to the Planning Board are on file.*  
                  **TO BE CONTINUED**

Mr. Taberner stated that the applicant requested the hearing be continued to July 11, 2022.

***Motion to Continue 585 King Street, Special Permit & Site Plan, to July 11, 2022. Rondeau. No Second. Vote: 5-0 (5-Yes; 0-No).***

7:20 PM        **PUBLIC HEARING** – *Continued*  
                  **Taj Estates – 230 East Central Street**  
                  Special Permit & Site Plan  
                  *Documents presented to the Planning Board are on file.*  
                  **TO BE CONTINUED**

Mr. Taberner stated that the applicant requested the hearing be continued to July 11, 2022.

***Motion to Continue Taj Estates, 230 East Central Street, to July 11, 2022. Rondeau. Second: Power. Vote: 5-0 (5-Yes; 0-No).***

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

***Meeting adjourned at 8:10 PM.***

Respectfully submitted,

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Judith Lizardi,  
Recording Secretary

***\*\*\*Planning Board voted on August 8, 2022 to approve the Meeting Minutes***