

Town of Franklin

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PLANNING BOARD

March 25, 2024 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 dialing into the meeting using the provided phone number or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; Jennifer Williams, Clerk; Jay Mello; Christopher Stickney; Mark Mucciarone, associate member (via Zoom). Members absent: Beth Wierling, Vice Chair. Also present: Michael Maglio, Town Engineer; Bryan Taberner, Director of Planning and Community Development (via Zoom); Matthew Crowley, BETA Group (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. Sign Plans: 25 Forge Parkway

Mr. Taberner stated that the plans are ready to sign. Chair Rondeau stated that he and Ms. Williams can sign; he asked if Mr. Mello was eligible to sign or if they have to wait for Ms. Wierling to return. Discussion commenced on who was eligible to sign. Mr. Taberner said they are taking a quick vote to sign the plans. Mr. Maglio read aloud Ms. Love's letter to the Planning Board dated March 12, 2024, which stated that the Planning Board voted on February 26 to endorse the Site Plans for 25 Forge Parkway; however, there were not enough members in the Town Council chambers to endorse the plans. He said that as such, it was already voted on.

Motion to have two members, Ms. Williams and Chair Rondeau, sign the plans tonight, and have Ms. Wierling sign when she comes back, for 25 Forge Parkway. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

B. Final Form H: 725 Union Street

Mr. Taberner said that he would like to hear from BETA on any remaining issues.

Mr. Crowley said that they were last before the Planning Board two weeks ago. Since that time, the contractor has addressed a number of issues which he reviewed and noted as small ticket items. He said there were two other issues that came up. One was the accessible route onto the site. He said there was not an opposing ramp at the sidewalk adjacent to the hotel. He said they have since blacked that crosswalk out and removed the detectable warning on that and constructed a new accessible route which he reviewed. He said that he went out there today, and the railings are located on both sides as required. He said that issue is all set. He said as of the last meeting, they had 99 parking spaces striped where 100 were required. He said they added one additional space in the rear of the site and near the dumpster area; that was the best they could do. He said it is quite tight to make the turning radius. He reminded the Planning Board that during the initial approval process, there was some discussion about allowing for some valet parking. He asked if the Planning Board would like to keep that space or black it out and have 99 spaces.

Ms. Williams said what concerns her is the visual conflict of the concrete of where the dumpster pad is. She said people need to go over that pad to make the turn. She thinks it may be safer to eliminate that spot and just allow the 99 spaces.

Chair Rondeau said he would prefer not to have that access blocked. He said they should black out that space and go back to the 99 spaces as it conflicts with the turning radius.

Motion to Approve the Final Form H for 725 Union Street, with the exception of the one particular parking spot to be removed and blacked out so it is now 99. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Continued*
 15 Liberty Way
 Site Plan Application
 Documents presented to the Planning Board are on file.

Mr. Taberner said that Ms. Love believed this item would be continued. He stated that the revised plans were submitted last Wednesday which did not allow for a lot of time. He stated that the applicant still owes the Conservation Commission some revised plans. He recommended continuing the hearing.

Motion to Continue 15 Liberty Way, Site Plan Application, to April 22, 2024. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

7:00 PM **PUBLIC HEARING** – *Initial*
 Uncas Avenue
 Special Permit & Site Plan Application
 Documents presented to the Planning Board are on file.

Mr. Mucciarone recused himself.

Mr. Taberner reviewed that the site is located at Uncas Avenue Extension in the Single-Family IV zoning district. The subdivision was approved on January 27, 2014, for several lots for duplex housing. The applicant is requesting to construct three-family units on 7 lots. A Special Permit is required under Section 185 Attachment 7.6.1.b-Three Units. The Planning Board recently approved 2 of 9 lots for triplex structures. The applicant is requesting the other 7 lots be approved for triplexes. He noted that engineering did not have much on this. He said he did not think this went through a BETA review.

Mr. Maglio reviewed that he does not have any comments on the submitted materials for the proposed change to triplexes for lots 3 through 9 for the above-noted development. While reviewing the recently approved changes for lots 1 and 2, it was taken into consideration that these further changes would soon also be submitted for review. The original drainage design provided enough capacity to accommodate these proposed changes.

Mr. Crowley said that BETA's review of this was fairly limited. He said he thinks the primary focus from the Planning Board was for BETA to look into the traffic aspects. He said that they looked at the increased traffic from all the lots, not just the ones initially approved the last time the applicant was before the Planning Board. He said the findings essentially indicated that we did not anticipate any traffic issues going from two-families to three-families.

Mr. Stickney reviewed that these lots were originally duplexes and asked why all 9 lots were not looked at to become triplexes at the same time.

Mr. Rob Truax of GLM Engineering Consultants said the reason why is that they were not sure of what would be the Planning Board's feeling on this, so they wanted to see where it was going to go. It was a test-the-waters type thing. He said now they wanted to get right back in here while it is fresh in everyone's mind. He said they figured they would just follow up with the rest of the lots.

Chair Rondeau said looking at the upsize on the number of units from 18 to 27, he would like to see at least three affordable units placed in here. He said all the surrounding buildings and complexes coming up are all giving affordable units as part of the project and this would be good as well as it is within .5 miles of the MBTA and we fall under that regulation from the state. He said he thinks it would be fair to get some affordable units in there.

Mr. Truax said he would have to speak with the applicant on this.

Ms. Donna Paradis, 9 Cook Street, said she was the closest abutter. She said she wanted to talk about traffic. She explained the location of her property and discussed the Uncas route to get to Rt. 140. She discussed the Lewis Street route and noted it was as dangerous. She said neither of the routes are optimal. She reviewed the apartments being built next to Big Y along with the other apartments in the area. She asked what does that do to her neighborhood as a cut-through. She said she wanted to discuss water. She noted the higher ground level. She said she has a picture of how much higher the new development is in comparison to the neighborhood; she handed out the picture to Planning Board members and Mr. Truax. She said she would like some assurance that the water at the side toward Hill Avenue will be handled with an official plan. She discussed that she and some of the neighbors get water in their basements which comes up from the ground. She said there was a local groundwater problem. She said that dealing with water coming down the hill will be an additional burden for the neighbors.

Mr. Truax said that before the site was developed, everything drained surface via right to these folks' yards. He said that since then, they have put in the retention basin. He said they have to recharge the groundwater. He said they took and diverted all the water that went in that direction and put it into the basin, and the overflow for the basin is a culvert. He said all that was done so they would not be discharging water into the neighbors' yards. He said the neighbors have had their groundwater issue for their basements for a long time. He said they use soil maps to study the area.

Mr. Maglio explained that test pits were done. He said when it was originally designed it was a larger plan than what was approved as far as the nine duplexes. He said it was large enough to contain the nine triplexes that were approved; the original drainage system that was designed had enough capacity for that. He said that groundwater levels are very high right now.

Mr. Rene Paradis, 9 Cook Street, asked if the pond was a retention pond or detention pond. He said this pond has no overflow unless it is going into the culvert on Crocker Avenue. He asked that after 10 years doesn't this whole project have to be reapproved for the drainage; it has been over 10 years since this road has gone in.

Mr. Truax said the basin acts kind of twofold. He said that for smaller storms, it is recharging the water back into the ground and for anything larger like a 100-year event, it has an overflow. He said there is a structure at the far end with a culvert leading out to Crocker Avenue.

Ms. Kathryn Tower, 54 King Street, said she had questions about the drainage. She said the last time she spoke at a previous Planning Board meeting she mentioned a large pond behind her house that is not supposed to be there, but it is there today. She said if the drainage system was working as it should be, it should not be there.

Mr. Truax said when they put the houses in, they will grade and that water will sheet flow to the street.

Ms. Tower asked about wording on the Special Permit application. She read aloud from the Special Permit application that said there are no homes within sight or accessible from the Uncas Avenue cul de sac. She said she can see her neighbor's dog across the cul de sac, and they can see her house. She said she is not clear on how she will not see the houses; all the properties back up to her backyard. She said she can see it all. She asked how the application can say that there is nothing accessible or in sight of this property.

Mr. Truax said he is not sure where it is written. He said it was part of the application and just something they wrote.

Ms. Tower said there is no fencing or no deterrent from anyone from walking into her backyard. She said people will have patios and lights which will come into her yard. She said she will be impeded on, and this impacts her living ability in her house. Mr. Truax said he thinks they have about an 80 ft. setback in the rear yard.

Ms. Tower said there should not be false information on the signed application document. She noted concern about the traffic. She said if they are all two-bedroom units, that is 54 bedrooms. She discussed that the traffic study indicated there would be 8 vehicles at peak AM hours and 12 vehicles at peak PM hours. She said the streets named in the traffic study are not the main roads used for that neighborhood. She proposed that they redo the traffic study as it is also two years old now. She said that data from 2022 is not relevant to 2024. She reviewed the number of bedrooms in the complex across the street from Honey Dew Donuts. She reviewed that the traffic study for that project indicates 34 cars during peak AM hours and 36 cars during peak PM hours. She said the project is comparable in size, so why is there such a traffic difference.

Mr. Crowley said he would have to ask their traffic engineers on the specifics on this. He said he can have the traffic engineer present to follow up on this. Chair Rondeau said the traffic study took into account all the projects in the area. He said a lot of these are supposed to be walkable and pedestrian friendly.

Ms. Tower said her request would be that the builder give the town money to upgrade the crosswalks on King Street. She said that the crosswalk at King Street and Summer Street is extremely dangerous.

Mr. Maglio said King Street at Summer Street is all town-owned roadway and not state. He discussed the pedestrian push buttons. Mr. Truax said the applicant built a new sidewalk from the project down to Route 140 along Uncas and a new water line for site improvements. He said when the project first went through, it was anticipated there would be a lot of walking from the project.

Chair Rondeau asked Mr. Truax to look into the traffic calculations and the three affordable units. Mr. Truax said he would do that.

Ms. Williams said that considering the change in time from the original approval to now, and changes in requirements related to stormwater, can we ask the applicant to recalculate to today standards. Mr. Truax said that has already been done.

Mr. Stickney said he has similar concerns about the street access and tightness of coming back through that neighborhood. He said if 18 units were okay in 2014, and the big jump to 27 seems substantial, he is less inclined to be okay with that.

Ms. Donna Colace, 52 King Street, asked about the end of their property and the end of her property. She said she has a chain link fence. She said when this was initially started, there was going to be a tree line left in place along the perimeter and 100 ft. clearance, so for 150 ft. there would be nothing that she would see. She said there was also going to be a place to walk around the whole place. She asked if there is something along the perimeter to protect the neighbors. Mr. Truax said he does not recall a buffer strip or anything around the perimeter other than keeping the houses back like they are on the plans. He showed the plans and noted the paper street. Ms. Colace pointed out her property on the plans. Mr. Truax said none of that was going to get cleared.

Motion to Continue Uncas Avenue, Special Permit & Site Plan Application, to April 8, 2024. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Mr. Mucciarone re-entered the meeting.

7:00 PM **PUBLIC HEARING** – *Initial*
 555 King Street
 Special Permit & Site Plan Modification
 Documents presented to the Planning Board are on file.

Mr. Edward Cannon, on behalf of the applicant Marcus Partners, and Mr. Josh Berman of Marcus Partners addressed the Planning Board.

Mr. Taberner reviewed that the site is located in the Business zoning district. The property consists of several lots. The applicant is proposing to modify the plans to increase the building height from 40 ft. to 43 ft. He reviewed that the applicant should indicate on the Special Permit findings on the specific Special Permit use section of the zoning bylaw. The maximum allowed height is 40 ft. or three stories. The applicant has filed a Special Permit to exceed the 40 ft. The applicant is required to file with the Design Review Commission. He recommended that the applicant get on the next Design Review meeting and then return to the Planning Board.

Ms. Williams said the dimensions she is seeing on the exterior elevations are 42.5 and 41.5. She said it is minor, but she is wondering what the inconsistencies are overall.

Mr. Berman said the top of the building height is 42.5; we just had 6 in. for construction tolerance.

Planning Board members discussed approving with the condition that Design Review approves.

Mr. Cannon said he respectfully requests a two-year extension on the underlying special permit so the applicant can complete construction which has not been done yet.

Mr. Stickney asked when the initial permit was granted. Mr. Berman said he thinks it expires in October 2024; so that makes it October 2022 granted. Chair Rondeau said we will make that part of the condition.

Motion to Close the public hearing for 555 King Street, Site Plan Modification Application. Rondeau. Second: Mello. Vote: 4-0 (4-Yes; 0-No).

Motion to Approve the site change/the building change based on Design Review approval and the drawings go into the record that were submitted tonight showing the 2.5 ft. change for the building, and an extension of the permit for two years for 555 King Street, Site Plan Modification Application. Rondeau. Second: Mello. Vote: 4-0 (4-Yes; 0-No).

Chair Rondeau stated that as this is a Special Permit, they will have a roll call vote.

Ms. Williams read aloud the following.

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

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

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

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

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

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

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

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

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

Mello-YES; Stickney-YES; Williams-YES; Rondeau-YES. Vote: 4-0 (4-Yes; 0-No)

7:00 PM **PUBLIC HEARING** – *Continued*

Maplegate Solar South

Site Plan Application

Documents presented to the Planning Board are on file.

Mr. Taberner said that the Maplegate South project has been in front of the Planning Board for a while. The fire department submitted their review today. He said the Conservation Commission is still reviewing the plans. Otherwise, he has no other comment at this time.

Mr. Greg DiBona of Bohler Engineering said that they are making good strides to get to where they want to be. He said he has not seen the fire department letter yet. He said they are getting really close. He said there were discussions between their main access drive and also the ability to still have emergency access on the other drives that feed the site. He said that to clarify, they are still using the Maplegate Country Club access point which is the north project as our primary and only access for things like maintenance,

construction, etc.; however, there are other access points that do service the golf course that would be available for emergency access. He said he believes one of the comments that will come out is making sure the access is clear and accessible, and they will continue to work with the fire chief. He said he hopes by the next meeting they will have the letter resolved. He said they issued a response letter from Brown Legal on March 18 which relates to the Planning Department's letter of March 6. He said he thinks they clarified some open items, copies of the decommissioning plan, acknowledgement of the bond that they would have to provide prior to construction. He said they are comfortable with all those conditions. He said they received the BETA review letter dated March 12. He said they got their response letter out on Friday. He said they are now waiting for BETA to issue a clean letter. He said they meet with Conservation Commission on April 4; they are waiting on a letter from the fire chief regarding the access drive and emergency access. He said they feel like they are getting very close.

Mr. Stickney asked about the road through the north parcel. Mr. DiBona said the existing road is going to stay the same. Chair Rondeau asked about utilizing parcel 2 and what transpired out of that.

Mr. Peter Brown, attorney of Brown Legal, on behalf of the property owner and applicant, addressed the Planning Board. He said for an update on parcel 2, what we did through the north is we said we can ensure that we will not expand the solar arrays on the parcel 2; we would keep it as open space. He said there was a discussion with Town Administrator Jamie Hellen as well as willingness from our side that if the Town of Franklin could utilize that property for recreational, a dog park, a walking space, we thought that would be a wonderful thing. He said when we did the north approval, we said we are limited in what we could go and do. He said we can restrain ourselves from developing and utilizing that property which we agreed to do and we are total amenable to a condition that would preclude that. He said the other part of trying to make that a reality is in the control of others and those two others are that we would need access through LMP Properties. He said we have an easement that would allow us to go and access that property. He said that when I say us, I am referring to the current golf course or later the applicant who is going to go and acquire the property. He said the law does not allow us to grant that easement to others. He said we would if we could, but we do not have that legal authority. He said as they went through Bellingham Planning Board for the north, they made it very clear to us that this is something that they do not want and are very concerned about it. He said they cannot make something happen that is outside of our control. He said the planner asked them to go and explain that in writing and we submitted that.

Chair Rondeau said that he wants to make sure Ms. Love and Ms. Wierling provide their feedback on these last few items. He said he will wait for BETA's responses.

Mr. Brown said the way they did the north is that they wanted to get through Conservation first and get their approval. Chair Rondeau said that is what they are going to do.

Mr. Stickney noted that they just wrapped up the conversation around parcel 2, and they are seemingly not able to move forward. He asked is there any language or discussion about a covenant restricting any development whatsoever moving forward that it maintains open space in perpetuity. Mr. Brown said they are amenable to that.

Ms. Williams said she thought the decommissioning estimate escalation is 2.5 percent and asked that didn't they talk about that increasing to 3 percent. Mr. Mello said it might have been the other project. Ms. Williams said that the 2.5 percent inflation is completely unrealistic in any industry. Chair Rondeau asked if the applicant was amenable to go to 4 percent escalation. Mr. DiBona said he is sure they will, but said he would confirm with them first.

Motion to Continue Maplegate Solar South, Site Plan Application, to April 8, 2024. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Chair and Member Comments

Ms. Williams said there was a Master Plan open house on Saturday. She said that wraps up the engagement in the initial findings and everything is supposed to wrap up by September.

Mr. Taberner said the REI was issued for Davis Thayer School.

Chair Rondeau said he was getting a lot of emails, comments, and questions about 40Bs. He said he wanted to let everyone know that 40Bs fall under the jurisdiction of the Zoning Board of Appeals.

Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Williams. Vote: 4-0 (4-Yes; 0-No).

Meeting adjourned at 8:11 PM.

Respectfully submitted,

Judith Lizardi,
Recording Secretary

--Planning Board approved minutes at May 6, 2024 meeting