

Town of Franklin



Planning Board

January 6, 2014
Meeting Minutes

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TOWN OF FRANKLIN
PLANNING BOARD

Chairman, Anthony Padula called the above-captioned meeting to order this date at 7:00 p.m. Members in attendance: Joseph Halligan, Gregory Ballarino, John Carroll, William David, and alternate Gregory Rondeau. Also present: Beth Dahlstrom, Town Planner, Marc Cerel, Town Attorney, and Liz Hoey, Planning Board Secretary.

7:00 PM Commencement/General Business

A. Limited Site Plan Modification: 650 Pleasant Street

Ms. Dahlstrom stated that she received a phone call from Mr. Neilsen of Guerriere and Halnon, Inc., Engineer of Record, stating that the plan was not ready for this meeting; therefore the applicant would like to return on January 27, 2014 for review.

B. Certificate of Completion – Form H: 929 Upper Union Street, Solar Power Facility – Phase II

Ms. Dahlstrom stated that she received a letter from Mr. Peter Williams of GZA Environmental, Inc., Engineering Consultant, indicating that based on his site visit on December 30, 2013, all work has been complete in substantial conformance with the site plans approved by the Planning Board.

Motion to accept the Certificate of Completion – Form H for 929 Upper Union Street, Solar Power Facility – Phase II. Carroll. Second: Ballarino. Vote: 5-0-0

Motion for a 15 minute recess. Halligan. Second: Carroll. Vote: 5-0-0

7:15 PM PUBLIC HEARING

5 Forge Parkway Site Plan

List of Documents:

1. *Letter to the Board from the DPW dated December 23, 2013*
2. *Letter to the Board from the DPCD dated December 30, 2013*
3. *Letter to the Board from the Chief of Police dated December 31, 2013*
4. *Letter to the Board from the Fire Chief dated December 19, 2013*
5. *Site plan by Guerriere and Halnon, Inc. dated December 9, 2013 entitled "Site Plan Modification 5 Forge Parkway in Franklin Massachusetts"*
6. *Revision to sheet 2 of 2 in the site plan by Guerriere and Halnon, Inc. dated December 9, 2013 entitled "Site Plan Modification 5 Forge Parkway in Franklin Massachusetts"*

Motion to waive the reading. Halligan. Second: Carroll. Vote: 5-0-0

The following attendees introduced themselves; Mr. Don Neilsen of Guerriere and Halnon, Inc., Engineer of Record, Mr. Paul Hauser of Vision 3, architect, Mr. Kevin Fisher, of New England Treatment Access (NETA), President, and Mr. Arnon Vered, of NETA, CFO.

Mr. Neilsen stated that the site was formally known as J.D. Daddario Plumbing, which has moved to a new location. This provided an opportunity for the Daddario's to forge an agreement with NETA for the making and growing of medical marijuana. He reminded that Board that the Town recently approved resolutions 13-708: §185-3, 13-709: §185-4, 13-710: §185-5, 13-711: §185-7, and 13-712: §185-49 which approved the locations and zoning requirements for medical marijuana under Massachusetts General Law Act 39 of 2012. He stated that the permit will be issued by the State for this location, as well as a dispensing location which was applied for at another location. The Town will have jurisdiction regarding typical building, planning, and board of health requirements for the building to be occupied for the purpose of growing medical marijuana. He added that the site has been before Board before and there is no intention to modify the building footprint or square footage. The lighting and exterior parking will remain the same. They will be adding screened dumpsters for the storage of general waste, butane canisters, and marijuana waste. These will be enclosed with a fence and specific procedures will be followed when materials are brought from the dispensary and off site. He stated that the other gentlemen will speak to the procedures. Mr. Neilsen stated that they have provided a brief overview of traffic and building security, which shows that security cameras will monitor all aspects of the interior and exterior. Also, security personnel will accompany materials/personnel to and from the site. Transportation will include secure vehicles. He stated that the Applicants will discuss more regarding the disposal procedures. He added that noise and odor will be handled through HVAC system. All site inspections will be performed by the State and Town as required. Mr. Neilsen reminded the Board that he provide a sheet outlining a change to the dumpster which includes a 10 foot separation between butane canisters and waste, as requested by the Fire Chief. Comments from other departments will be addressed.

Chairman Padula stated that this public hearing will be continued but he will review the comments from the staff. He proceeded to read the letter from the DPW which stated that it has no issue with the proposed plan. Ms. Dahlstrom stated that she has concern with the dumpster security and potential building access, as she has discussed with the Chief of Police. Mr. Kevin Fisher stated that the dumpsters will be secured with heavy duty, metal locks. There will also be a fence with microwave detection units. Included are both 24 hour camera surveillance and live security. He stated that by regulation, the waste placed in the dumpster must be rendered unusable. To do this, the plant matter is be mixed with 50% unusable matter, which will include rock wool and paper. This will be sent through an industrial grinder and will turn the waste into an unusable pulp; should someone gain access to the dumpster.

Chairman Padula asked if there would be lights on the dumpster. Mr. Fisher responded no, as the cameras are infrared and the intent is to maintain the existing exterior appearance. He added that they would provide additional lighting if requested, as there is currently low lighting in place.

Ms. Dahlstrom stated that she has no issues with parking as proposed. She stated that she would provide a letter from the Building Commissioner to the Applicants. She asked that a lighting plan is provided if they include additional or new site lighting. Mr. Hauser asked if there are no changes to the lighting, would he still have to submit a plan. Ms. Dahlstrom stated no.

Chairman Padula read the letter from the Chief of Police which expressed concern with the building security at the waste disposal area. He asked that the area is enclosed with a roof and permanent structure for a greater degree of safety to the employees. Mr. Fisher replied stating that there is an operational aspect to the Chief's comment. This states that any employee entering the disposal area will be accompanied by security personnel. He added that if site lines are of concern, he will be happy to add solid walls. Mr. Stephan Semerjian, Chief of Police, stated that he personally would like to see it secured and provide protection from the weather. His concern is that the rain may cause the dumpsters to leak and interested parties may try to use this runoff to render a useful product. Mr. Hauser stated that there would be no issues with the proposed changes.

Chairman Padula read the letter from the Fire Chief which expressed concern with the proximity of the butane storage to the dumpster which may cause a catastrophic event if there was a dumpster fire. Chairman Padula asked if this was addressed with a 10 foot separation. Mr. Neilsen stated yes, as this is what the Chief recommended during a conversation between the parties.

Chairman Padula asked if there were additional requirements by Code for separation.

Mr. Hauser stated that due to it's small size and location on the exterior, there are no additional requirements by Code.

Mr. Jeff Nutting, Town Administrator, stated that prior to the Commonwealth approving the Applicant, the Town met with several applicants to review staff concerns and this is the only company that wanted to grow, not dispense.

The Town sent a letter to the Commonwealth in support of their application, as the use is allowed by zoning. He added that the site specifics will be left to the Board's discretion. He stated the Town supports this application and another for a dispensary, which are approved by the State. He added that this site plan is contingent upon the Applicant obtaining a license from the State.

Motion to continue the public hearing for 5 Forge Parkway to January 27, 2014 at 7:45. Halligan. Second: Carroll. Vote: 5-0-0

7:15 PM **PUBLIC HEARING**

Zoning By-law 13-726: §185, Attachment 9

List of Documents:

1. Public Hearing Notice
2. Legal Ad

Motion to waive the reading. Halligan. Second: Carroll. Vote: 5-0-0

Chairman Padula recognized Town Administrator Jeffery Nutting who gave a brief review of why the requests for changes to impervious coverage are needed. He indicated that despite the fact that zoning bylaws creating RVII Zoning District were recently passed, there was a general oversight in regards to the need for increased impervious coverage should an applicant be granted a special permit for multi-family dwelling units in the Residential VII Zoning District.

Chairman Padula asked the Board for comments regarding the Bylaw, seeing there were none, upon motion duly made and seconded, the Planning Board voted (5-0-0) to close the public hearing.

Chairman Padula asked if there were any motions to recommend or not recommend the proposed Zoning Bylaw Amendment. Vice Chairman Halligan made a motion to recommend approval of Zoning Bylaw Amendment 13-726, to amend Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements of the Town Code of the Town of Franklin to Town Council as submitted. Chairman Padula indicated he would like to take a moment to deliberate prior to moving the motion forward. At this time Chairman Padula indicated he had done some research which showed the Environmental Protection Agency (EPA) was encouraging the reduction of impervious coverage in residential zoning districts to prevent flooding and protect water quality not increase it as being proposed by the proposed Zoning Bylaw; Chairman Padula did not support, for this reason, the increase of maximum impervious coverage of existing upland from 25% (structures plus paving) to 50% if a special permit is granted for multiple, single-family dwelling units.

Town Attorney Mark Cerel indicated that with increased density as allowed in the RVII Zoning District with a special permit for multiple, single-family dwelling units, comes the need for increased impervious coverage above the 25% as currently allowed.

Vice Chairman Halligan asked if impervious coverage were something that could be addressed through Special Permit process. Attorney Cerel indicated that the applicant would have to be able to show all water and drainage could be contained on site even with increased impervious coverage.

Seeing that there was no additional discussion, Chairman Padula asked for the previous motion made by Vice Chairman Halligan to be restated: to recommend approval of Zoning Bylaw Amendment 13-726, Changes to Impervious Coverage in the Residential VII Zoning District to Town Council as submitted. Ballarino seconded. Halligan: Yes. Ballarino: Yes. Padula: NO. David: NO. Carroll: NO.

Review of Final Vote: The Planning Board voted (2-3-0) to recommend approval of Zoning Bylaw Amendment 13-726: to amend Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements of the Town Code of the Town of Franklin as submitted. There were three negative votes resulting in negative recommendation to approve Zoning Bylaw Amendment 13-726 to the Town Council by the Planning Board.

Motion made to adjourn. Carroll. Second: David. Vote: 5-0-0

Respectfully Submitted,

Liz Hoey
Planning Board Secretary