

## FRANKLIN TOWN COUNCIL

### Agenda & Meeting Packet

June 21, 2023

Meeting will be held at the **Municipal Building**

2nd floor, Council Chambers

355 East Central Street

**7:00 PM**

**A NOTE TO RESIDENTS:** All citizens are welcome to attend public board and committee meetings in person. Meetings are also live-streamed (and archived) by Franklin TV on the [Franklin Town Hall TV YouTube channel](#). Meetings are also shown live and on repeat on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone OR Zoom. Link to access meeting via Zoom for the June 21, 2023 Town Council meeting:

- Zoom Link [HERE](#) -- Then click "Open Zoom".
- Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/86350635102>
- Call-In Phone Number: Call 1-929-205-6099 and enter **Meeting ID # 863 5063 5102** --Then press #

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#### 1. ANNOUNCEMENTS FROM THE CHAIR

- This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*
- Chair to identify members participating remotely.*

#### 2. CITIZEN COMMENTS

- Citizens are welcome to express their views for up to three minutes on a matter that is not on the agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

#### 3. APPROVAL OF MINUTES

- [May 24, 2023](#)

#### 4. PROCLAMATIONS / RECOGNITIONS - None Scheduled.

#### 5. APPOINTMENTS

- [Community Preservation Committee](#)
  - Citizen At Large: Michael Giardino
  - Citizen At Large: Lisa Oxford
  - Conservation Commission: Jeffrey Livingstone
  - Historical Commission: Phyllis Malcolm
  - Housing Authority: Christopher Feeley
  - Planning Board: Jay Mello
  - Recreation Advisory Board: Wayne Simarrian

#### 6. PUBLIC HEARINGS - 7:00 PM - None Scheduled.

#### 7. LICENSE TRANSACTIONS - None Scheduled.

#### 8. PRESENTATIONS / DISCUSSION - None Scheduled.

## 9. LEGISLATION FOR ACTION

- a. [Bylaw Amendment 23-900: Chapter 170, Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations, D. Parking Prohibited, Downtown Parking Map Amendment - First Reading](#)  
**(Motion to Move Bylaw Amendment 23-900 to a Second Reading - Majority Vote)**
- b. [Resolution 23-41: Appropriation Transfers FY23](#)  
**(Motion to Approve Resolution 23-41 - Majority Vote)**
- c. [Resolution 23-42: Sewer Enterprise Fund Supplemental Appropriation FY23](#)  
**(Motion to Approve Resolution 23-42 - Majority Vote)**
- d. [Resolution 23-43: Transfer of FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund](#) **(Motion to Approve Resolution 23-43 - Majority Vote)**
- e. [Resolution 23-44: Appropriation of Funds to Enable Town to Implement Chapter 193 of Legislative Acts of 2018, Landfill Land Swap Legislation, So-Called](#)  
**(Motion to Approve Resolution 23-44 - Majority Vote)**
- f. [Zoning Bylaw Amendment 23-898: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements](#)  
**(Motion to Refer Bylaw Amendment 23-898R to the Planning Board - Majority Vote)**
- g. [Zoning Bylaw Amendment 23-899: Marijuana Use Overlay District, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map](#)  
**(Motion to Refer Bylaw Amendment 23-899 to the Planning Board - Majority Vote)**

## 10. TOWN ADMINISTRATOR'S REPORT

- a. Introduction of Deputy Town Administrator

## 11. SUBCOMMITTEE & AD HOC COMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Economic Development Subcommittee
- c. Budget Subcommittee
- d. GATRA Advisory Board

## 12. FUTURE AGENDA ITEMS

## 13. COUNCIL COMMENTS

## 14. EXECUTIVE SESSION - None Scheduled.

## 15. ADJOURN

*Note: Two-Thirds Vote: requires 6 votes*

*Majority Vote: requires majority of members present and voting*

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
May 24, 2023**

A meeting of the Town Council was held on Wednesday, May 24, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

**CALL TO ORDER:** ► Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence in memory of Nicholas Gaspar, the Gaspar family, and the entire Franklin community for this incredibly tragic loss. All recited the Pledge of Allegiance.

**ANNOUNCEMENTS:** ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others.

**CITIZEN COMMENTS:** None.

**HEARINGS: 7:00pm.** ► ***FY24 Town Council Annual Operating Budget Hearing.*** ► Chair Mercer stated that tonight is the first of two public hearings on the FY24 Town of Franklin budget. He declared the first public hearing on the FY24 Town of Franklin budget open. ► Mr. Hellen stated that it is no secret that the finances of the Franklin Public School District are a major concern. He noted that some of the language he used in his budget narrative was strong; he noted it was not his intention to offend anyone. It was his intention to be transparent to the public and state his concerns about the fiscal condition of the public schools. It is also his job to present the issues and potential risks facing the Town. He explained that the reality is that the escalating school budget must be addressed. He stated that he remains committed to solving the myriad of problems facing the community. He noted his excellent working relationship with those in the School Department. He explained the location of the budget materials available on the Town's website. He narrated a slideshow presentation. He reviewed revenues. He noted this is a \$150 million budget. He stated that the tax levy is essentially the main revenue source which is based on the property taxes in the community. The tax levy is 2.5 percent annually. He reviewed the Proposition 2½ law. He reviewed that new growth is property value increases captured mid-year. He stated that the Town does a 10-year average of new growth. He stated that new growth is expected to decline due to rising interest rates and more risk in the market. He explained debt exclusions which are tax increases that sunset at the conclusion of a debt exclusion project. He stated that while no one will see a tax break, it is taken into consideration that some of the debt exclusions are coming off the books. The second major category of revenue the Town gets is local receipts. He reviewed that greater than half of local receipts are revenues that pay for fee for services such as building permits, ambulance receipts, licensing fees, etc. He noted that the local receipts fluctuate year to year. He noted that the Town of Franklin did not balance their budgets on one-time revenues. He stated that the final revenue source is state aid. State aid is not just Chapter 70 School Aid; it is dozens of state formulas/assessments that amount to a cherry sheet. The cherry sheet is what every municipality uses as a baseline budget for state aid. He reviewed charter school reimbursements. He noted that he expects an increase of \$200,000 to \$250,000 in more aid after the state budget process is done in July. He reviewed the overall summary of expenditures based on budget category. He reminded all that all this information is available on the website. He reviewed that out of the \$73.59 million School Committee approved FY24 budget, 78 percent

is salaries. The biggest driver is salaries and the second biggest driver is employee health and Medicare costs at 9.5 percent of the budget. He reviewed examples of fixed costs which include (but are not limited to) pension assessment and benefits, municipal cost of living adjustment, and inflation such as electricity, gas, propane, supplies, parts, etc. He reviewed the School Committee Approved FY24 Budget Summary slide which shows an increase in \$3 million for school salaries. He reviewed new discretionary spending which includes (but is not limited to) police and fire capital for turnout gear and safety equipment, four additional police officers, senior center van driver and administrative assistant, DPW fleet manager, and Town admin and arts. He reviewed FY24 Sample Summary Points which included inflation, supply and demand, quality of life, debt and interest, and reserves. He explained that the demand far exceeds the supply of money to meet the demand. He reviewed that Town and School should avoid all attempts to use reserves. He noted that the public needs to be conscientious of the impact of cost increases to citizens including higher property taxes, stormwater fee, sewer rate increases, residential municipal aggregation rate, PFAS remediation, and expected debt exclusion for a new Tri-County School. He reviewed the Historical Franklin Public School District \$\$ Annual Increase slide. He reviewed that 2019 and 2020 represent the years all of the Town's \$1.9 million rainy day funds were used to balance the school budget. He noted this is not good for bond ratings and emergency use. He reviewed his recommendations for the increase in the school budget with included (but were not limited to) state aid will increase approximately \$250,000 in July, eliminate \$116,000 in capital gear for police and fire, reduce facilities water expense budget \$100,000 for lawn watering, reduce \$50,000 from snow and ice removal expenses, and tap \$250,000 of the MECC Stabilization account. He recommended approving the Town Administrator's FY24 Budget now and Town Council making adjustments later as needed. He discussed moving forward from summer 2023 and beyond. He stated that we have got to sacrifice as a community and as elected officials other things to fix this issue. He stated that this must be a commitment the Town Council and School Committee charge with us; other priorities need to be dropped. ► Chair Mercer noted that the first part of this Town Council meeting was not on TV; it was taped and will be shown later. He thanked Mr. Hellen for the overview. He stated that everyone who is listening can turn a corner and worked together to solve the challenges Mr. Hellen spoke about. He spoke about how the Town Council is the elected officials for the community. They are often in the difficult positions to be the checks and balances of the town government. He explained how the annual budget process is difficult for the Town Council. He stated that we must all agree that not every request can be fully funded every budget year. He stated that we have to live within our means just like every family in Franklin has to; we need to make difficult, and not always popular, decisions. He noted a lack of communication between the Town part of the government and the School part of the government. He stated that their decisions affected all residents. He stated that he feels they have the right leaders and staff, but what we have lacked is the discipline to sacrifice other priorities and ideas and focus on the most important thing we do every year which is for the Town Council to set the annual budget. He stated that if the community wants to see the cycle of budget of uncertainly end, then we must reduce time spent on other projects and really focus together creating solutions to solve the structural budget deficit. He stated that we need to establish a One Franklin mentality. ► Chair of the School Committee Denise Spencer stated that the education and well-being of our students is the utmost importance to the entire School Committee. Our job is to advocate for the schools and the resources necessary to provide a high-quality education. As an elected official, it is our job to submit an annual budget as well as addressing as many of the priority needs of the Franklin schools as possible. She stated that this will be a challenging year. The future holds serious fiscal concerns. She stated that moving forward they plan to continue their work with the town administrator and Town Council to have healthy productive discussions and to work collaboratively for the benefit of all taxpayers while continuing to address our school priorities. ► Chair Mercer reviewed the budget hearing process for tonight's meeting. He stated that he was putting an automatic hold on the following five departments: Public Buildings and Properties-Facilities, Fire, Police, Schools, and DPW. ► Councilor Jones read each *Town of Franklin Operating Budget FY 2024 Voting Document* line item.

► Hold on Line Item 111: Town Council. ■ Councilor Jones asked about the increase. ■ Mr. Hellen stated that the line item has always been \$4,000; the Mass Municipal dues exceed \$4,000 and a couple thousand for councilors who have been going to MMA seminars and conferences. He stated that it is an increase overall of \$4,000.

► Hold on Line Item 123: Town Administrator. ■ Councilor Chandler thanked Mr. Hellen for the budget book; it is a lot of work. He asked about the vacant job in the TA budget for \$45,000. If they are not going to hire someone, he would like to give the money to music or Chief Lynch could send a local person to the academy. He asked how important that money is to the TA budget. ■ Mr. Hellen stated that the vacancy in his office is for a full-time half-year position titled director of public art and cultural initiatives. They are anticipating based on the compensation and classification study that salary would be somewhere in the range of \$80,000 to \$95,000 based on the market. He reviewed that you could put in for the full year at \$90,000, but then you would have to cut somewhere else. This is a frequent policy decision to put them in for half year. He discussed the importance of this position and the hope of bringing in revenue for the Town. He explained that if this is approved and something that can be sustained, it would be a separate department at some point. ■ Chair Mercer stated that if we cut something, all we can do is give it to the schools; we cannot give it to music or science or math as that is the School Committee's decision and prerogative. The Town Council cannot tell the School Committee how to spend the school money. ■ Councilor Cormier-Leger stated that they have heard overwhelming support for this position. He stated that this summer they will not have the cultural festival because volunteers could not sustain it; the hope is that this position will pick up the baton and bring the festival back for next year. He stated that the festival brings in revenue for the Town; there is an economic impact directly to this position. ■ Councilor Hamblen stated that every dollar spent on arts and culture, you get \$7 back. This is part of the plan on how to bring in revenue to help pay for all the things we want in town.

► Hold on Line Item 135: Comptroller. ■ Councilor Frongillo stated that he was hoping it could be explained more on the comptroller shift. ■ Mr. Hellen stated that for both town and school operations the Treasurer's Office is a municipal department overseen by the finance director. He stated that there are projects that they have not touched yet because there is no time; there are services that should be streamlined. The teams work very well together. At some point we need additional staff there as it is not sustainable. He noted departments that do not have deputies: school finance and town finance, and HR. It is the department head and then the rank-and-file staff. With the work flow, Munis, quality control, the school administration and our team have worked on this; we have made progress. Maybe the two positions will both be \$80,000 or maybe one will be a little more or less. This is to earmark funds to do this. He stated that he hopes by November they could have an organization chart on this; they are in the infancy on this. ■ Councilor Frongillo asked if shorter term contracts could be used for this. ■ Mr. Hellen stated that these are not easy. Munis is extremely difficult; hopefully, some of these funds will go to a Munis administrator. He stated that the budget that is put out now is probably not going to be enough for the community down the line. He stated that more mature communities all have full-time budget analysts in their departments.

► Hold on Line Item 147: Treasurer/Collector. ■ Councilor Frongillo stated that his hold on this item was addressed.

► Hold on Line Item 164: Election & Registration. ■ Chair Mercer stated that we have a Tri-County election and annual election and asked if we are budgeted properly to deal with those two that we are currently aware of. ■ Town Clerk Nancy Danello stated that elections are expensive. She stated that she took the annual election times two. She stated that she will be getting dollar for dollar back from Tri-County, but she has to front those dollars. ■ Councilor Dellorco asked how much does each election cost the town. ■ Ms. Danello stated that it is tough. The Tri-County is only eight hours and a town election is 5 AM through 9 PM to 9:30 PM. She stated that she basically cut the staff in half for the Tri-County

election. She stated that she thinks she budgeted \$9,000 for the Tri-County election. She stated that election workers get paid minimum wage and she wishes she could pay them more. ■Councilor Sheridan asked how a special election works. ■Ms. Danello stated that it is the same as a town election or a state election. ■Councilor Jones asked about the bins. ■Ms. Danello stated that is where she stores the ballots. She stated that she uses nine per day.

►Hold on Line Item 192: Public Property & Buildings. ■Chair Mercer asked for any initiatives that are changing the paradigm in the budget to save money. ■Director of Franklin Public Facilities Michael D'Angelo explained the composting initiatives at the schools. ■Councilor Jones asked about the building and noted the transfer over to LED lights. He asked if there have been any other energy saving initiatives. He asked about solar panels on the high school roof. ■Mr. D'Angelo explained that all town and school buildings are 100 percent LED right now. He stated that over the past year they did over the three school complexes; they put in step down transformers. He stated that they are looking at splits. The jump off point to go all electric has not matured enough to heat big buildings like the Franklin High School. They are hoping more things get invented. He stated that they are adding eight charging stations at the high school. He explained the use of the solar farm and a law regarding solar farms. He reviewed that the high school building was built to have solar panels. ■Mr. Hellen added that we have had solar installers pre-pandemic reach out to the town about solar panels at the high school. ■Councilor Frongillo noted the importance of energy efficiency. ■Councilor Hamblen noted air filters to clear the air during Covid and asked if they can get the supplies now that keep us safe. She thanked everyone for their help with the food composting. ■Mr. D'Angelo stated that bulbs are not really that expensive for the UV lighting, and they are changed about every couple of years. He stated that they are easy to get at this time. ■Councilor Dellorco asked about the condition of all Town buildings. ■Mr. D'Angelo stated that the buildings are getting older; we are keeping up with things. Some of the older buildings are getting outdated and costing more to maintain. Roofing systems are holding up pretty well. The chiller at Remington Jefferson was purchased in 1995 and is not that efficient. He stated that this building got new boilers last fall. We are going have to start putting money into the older buildings. ■Councilor Chandler noted the rise in costs of the electric bills over the past few years. He asked about the telephone line item for \$204,000. ■Mr. D'Angelo discussed the cost of electricity. ■Mr. Hellen explained that there is a lot of debate in the energy market about prices. He noted that the rate is locked in for four years, so we should not see a huge spike in costs. ■Mr. D'Angelo discussed that they are spending less on telephone now than in previous years. He stated that this is for all schools and Town buildings. He discussed that a few years ago they did a change in telephone systems to save money. ■Councilor Cormier-Leger asked about Davis Thayer being a \$100,000 expense to the Town; he stated that the building has not been used for two years. He asked if the \$100,000 expense could come out of operating and go into some sort of a deferred fund or a capital fund or a rainy-day fund until we figure out what to do with the building. ■Mr. Hellen discussed that we could maybe talk off line once the committee nomination appointments are made possibly in June; it would be best for the subcommittee to talk about it. He stated that what the committee may look at is once we get it cleaned out, if there was a temporary use such as leasing out the parking lot or a pickle ball court, the cost could be offset. ■Chair Mercer noted that for the public to use the building it would need to be brought up to ADA standards which would be very expensive.

►Hold on Line Item 210: Police. ■Chair Mercer stated that he saw Chief of Police Thomas Lynch's presentation on why the new officers are needed and asked that for those not watching that presentation, could he explain why the new officers are needed this year. ■Chief of Police Thomas Lynch stated that we have been under staffed for over two decades. He noted his budget memos for the past few years. He noted the number of officers over the years and stated that for the past 23 years there has been no growth in the police department. He discussed the needs of the police department for the number of officers to answer the number of calls based on service volume. He stated that they have exceeded their volunteer overtime capacity; when they go below the minimum, they have to fill shifts with overtime. He discussed that if no one volunteers for an overtime shift, they get ordered to work. He explained what ordered to

work means. He discussed that the newer generation does not want to work all the time; this is throughout all the country. He stated that continuing to fill the need with overtime is not going to continue to work. He stated that he is asking for the four officers to plug the hole. He stated that when we are at the minimum, we do not have enough officers to do traffic enforcement. ■Councilor Cormier-Leger asked that if you bring on the new personnel, is there adequate space for them. ■Chief Lynch stated that they will not need a desk, but it will get tight in the locker area. He stated that they will make do. ■Councilor Chandler stated that he does not like it that people get ordered to work. It is not a good feeling; we need these people. He stated that regarding the education incentive, an educated cop is better than a non-educated cop. ■Chief Lynch reviewed the cost of overtime. ■Councilor Dellorco stated that forced overtime brings down moral which is not good; you definitely need these officers. ■Chief Lynch stated that he agrees. He cannot blame them for wanting to spend more time with their families. He stated that he cannot balance the budget on overtime as much as we used to. ■Councilor Sheridan confirmed that Chief Lynch stated that for a town of this size, the ideal number would be 59 officers. ■Chief Lynch stated yes and reviewed the number of officers in other towns. ■Councilor Frongillo stated that he thanked them all for what they do to keep us safe. He stated that Chief Lynch made a clear case for increased personnel, but four officers at once is a substantial increase. He asked is there a reason for four at once. ■Mr. Hellen explained the shift schedule rotation as to why four are critical at once. ■Chief Lynch reviewed the need based on shift schedules. He stated that the town is not smaller than it was 23 years ago, but they are at the same number of bodies that the town agreed upon 23 years ago to properly police the town. He stated that it is time. He explained that he does not want to lose officers to another town that does not ask them to do so much overtime. ■Councilor Frongillo asked how long does it take to hire and can they work half the year. ■Mr. Hellen explained that the question makes sense, but next year you are going to face the exact same problem. He stated that you do not gain anything on a policy like that on these four officers. In terms of that in the recruitment, you have to be ready to hire the best people you can find. So, if you have to wait for January or February, you could lose the quality of officers that you want. He stated that this is a tough issue. There are fewer people who apply for the exam than use to. He explained that two officers left for various reasons. ■Councilor Hamblen stated that she watched Chief Lynch's presentation at the FinCom. She suggested people watch that presentation. She stated that she wants the community and the police officers to feel safe. She asked about sending a local kid to the academy to get trained and the cost. ■Chief Lynch reviewed that if we hire them, we pay them while they are at the academy, and it is about \$3,000 tuition. However, we cannot realize them on the schedule for about one year. ■Councilor Jones stated how great the police force is. He stated concern that the officers are ordered to work. He stated that he does not want to jeopardize the town's safety. ■Ms. Carol Oneil, 11 Colt Road, stated that she wanted to comment about young people wanting to spend more time with their families. She stated that it is a good thing, and perhaps it might have some influences in that so many kids will not be wandering the streets. She stated that we do not want to look at that negatively.

► Hold on Line Item 220: Fire. ■Chair Mercer asked for an update on the call volume and mutual aid. ■Fire Chief James McLaughlin reviewed that calendar year 2022 was the first year the department went over 5,000 calls; we did 5,120 calls. He stated that mutual aid was roughly 250 calls and they rendered mutual aid out for 150 calls; so, the numbers are steadily going up. He stated that they need to address this which is the plan for two new firefighters in this proposal. ■Chair Mercer asked how the two new paramedics will help the trend. ■Chief McLaughlin explained one would be an EMS captain and reviewed their overall function. He explained the function of the other firefighter in this proposal and reviewed their schedule. He stated that he thinks this is a cost-effective way. ■Chair Mercer asked how often both the town's ambulances are out and we have to call in mutual aid. ■Chief McLaughlin explained that of the 250 calls for mutual aid, the majority are EMS calls. ■Councilor Sheridan asked how is their manpower compared to other towns of the same size. ■Chief McLaughlin noted other towns of similar size and stated that some of those towns are in the seventies and we do more call volume than some of those towns. He stated that the number we are at will properly staff the two stations we have right now. He stated that we are in the middle of the pack regarding pay for the communities around us.

■ Councilor Frongillo stated Chief McLaughlin has made a clear case for why they are understaffed. ■ Councilor Dellorco asked about the two paramedics and if they are having a hard time finding paramedics. ■ Chief McLaughlin stated that they have applicants right now and some of them are in process of becoming a paramedic. ■ Councilor Chandler stated that he can guarantee that similar towns have more than one civilian working for them. He stated that everyone gets a paramedic stipend and an education stipend and asked Chief McLaughlin to expand on that. ■ Chief McLaughlin stated that the one civilian does a great job. He explained the education stipends.

► Hold on Line Item 240: Inspection Department. ■ Councilor Hamblen stated that she wanted to make sure everyone knew that Building Commissioner Gus Brown has new duties of weights and measures that the state has given to the town, and she asked has this added to his budget and how much time it takes. ■ Building Commissioner Gus Brown stated that this year they have a line item for about \$34,000 to pay for a part-time sealer. He stated that we are waiting for the county commissioner to answer back if we are going to get someone from them to help us. He stated that we are trying to do a regionalization thing. He stated that in the meantime, it has added a little to his workload, although the state has come in an assisted him a little as well. ■ Councilor Hamblen asked how the fee schedule works. ■ Mr. Brown explained that there use to be a little profit in the past. However, the rates will probably have to be raised a little to eventually pay for the new position.

► Hold on Line Item 300: Franklin Public Schools. ■ Chair Mercer asked Town Council members for their questions. ■ Councilor Sheridan asked about how their budget compares to other towns our size, school fees, and class size. ■ Superintendent of Schools Lucas Giguere stated that the role he has is to advocate for schools, students, and staff for what we need here. He stated that anything we have asked for schools is not meant to be a situation where it is taken from another department in this town. He stated that it is his feeling that if other departments have needs that have to be funded, then that is something that needs to be part of the conversation. He stated that there is a narrative around schools that they are a burden to a community. He stated that a second narrative is that they are operating in a bubble. He stated that the third narrative is around visioning and he is eager to answer the question. He stated that to get to the number they have landed on, they have done 24 non-renewals and 10 involuntary transfers. He stated that he is open to the conversation about becoming one town. He explained that the non-renewals will have impacts at all the schools. He reviewed classroom teacher cuts and classroom size and discussed quality of teachers they are able to recruit and maintain. He reviewed comparable statistics by showing a bar chart provided in his material packet. He noted net school spending on slide 17 regarding comparable statistics. He stated that regarding our 13 percent over, while we are over, other districts in our community contribute more. He confirmed that people are leaving the teaching industry as a profession and we do see it here as do other communities. He stated that fees are on the table. ■ Ms. Miriam Goodman, School Business Administrator, stated that they are in the midst of discussing fee increases for school athletics and extra-curricular activities. She stated that she thinks that in some cases our fees are a little higher than other communities and some communities have no fees. ■ Mr. Giguere discussed that they have tried to keep class size within the ranges. ■ Councilor Frongillo stated that he hopes it has become clear that we simply do not have enough money to fund this quality of services that we all want to enjoy. The pot is just not big enough. He discussed inflation and noted that the town is only allowed to increase revenue by 2.5 percent. That alone means we are millions of dollars in the hole. If we want to keep level services, we as a community need to have a conversation about increasing the pot beyond 2.5 percent. He stated that we can do that through an override. He stated that we need to grow responsibility, and it is a key part of enjoying the services we enjoy. He stated do not lose sight that the pot is not big enough to afford the services that we enjoy. He stated that he wants to equally express his disappointment regarding the exact wording of the budget narrative. He stated that he is hoping to translate or underline what he thinks is a very real message trying to be expressed by Mr. Hellen. He stated three main fears of the school budget which is that we have increased the school budget annually 3 percent over the past three years; again, we are only allowed to bring in annually 2.5 percent. He stated that the second fear is that this year we now

chose to increase the personnel line item 4 percent, which is a needed and deserved increase, but it is more that we get in. He stated that the third fear is that there are more opportunities for innovative use of money. He stated that he wants to recognize that these are reasonable fears. He stated that he appreciates the vision. He stated that this year we cannot fund fully what they ask for. He stated that as a community we feel that the one place we want to increase more than anything else is schools. He discussed that in the general fund 11 percent was given to police and 9 percent given to fire and 4 percent to DPW and 13 percent to general government and 1.5 percent increase to schools. He asked Mr. Hellen what brought us to giving them less than all other departments. ■Mr. Hellen stated that he has written about this for five years and Mr. Nutting wrote about it also. The biggest drivers for the school district are simply so far away from what we can afford; it is challenging. He stated to think of the slideshow he presented earlier; there are a lot of other expenses on the other side. He stated that for 13 years, no one from the school community has come forward asking the Town Council for an override. It is uncomfortable and unpopular, but it is not just about raising revenue and giving more money, it is also analyzing the decisions that are getting made about how they spend the money. He stated that he has written about it for years about the consistent options before the school district to change their paradigm shift in what is going on to be able to come back to us and say that we have looked at everything and done everything we can, He stated that he does not believe that has happened. He stated that he has to look at the fiscal constraints this year, but everyone out there for the departments has to have a slice of the pie. He stated that there is no way to fund it all. He stated that he has to look at others and ask are you doing everything. He stated that he has written about it, and he does not think that has happened. He stated that they have to have the courage as a community and start talking about some difficult things. He stated that we have to have some sobering conversations about the future. ■Councilor Frongillo reiterated his thoughts about the pot is not big enough. He stated that he wants to incrementally increase the funding for the schools. ■Councilor Hamblen stated that she agrees the pot is not big enough, and we need to have these conversations. She stated that she does not think that the schools are a burden. She stated that we need to accept the fact that we need good schools, but the pot is not big enough. She stated that we need to fully fund the out-of-district and people need to speak to their legislators about funding. She stated that we have to work together as a team. She congratulated Ms. Goodman on her retirement. ■Councilor Jones said we have one of the best school systems in Massachusetts; we have done well with our investment. He stated that there is one underlying fact which is our ability to raise additional funding. He explained Proposition 2½. He stated that our budget cannot be where we want it to be because we do not have the mechanism to do that. He stated that only the Town Council can say they need to do an override. He explained override requests and how they were approached in the past. He explained that an override becomes a permanent tax increase. He stated that we are in a recession even if no one wants to bring it up. He stated that we need the money, and the only way to get the money is through an override. He stated that the Town Council needs a number and what that number will go toward. ■Mr. Giguere stated that they will provide the information that is in their purview to provide. ■Councilor Jones stated to put a request together and put a number together and it needs to be the citizens that are ultimately going to support this. The citizens need a guarantee of where it is going. ■Chair Mercer stated that the difference is that a debt exclusion goes away and an override does not. ■Councilor Dellorco stated that there is no problem putting an override on the ballot. He stated that the problem is right now we are hitting the residents with stormwater and inflation is bad. He stated that they have to figure it out; whatever it takes they have to do. ■Councilor Pellegrini stated that these are very hard times. We only have X amount of dollars. We want to be able to give everyone something that is going to be able to help them. She stated that she remembers last year that they decided on the salary increase of 2.5 percent that was agreed upon and then all of a sudden it was 4 percent for schools and 2.5 percent for municipal. She stated that she found that disheartening. She stated that was \$800,000 that had to be budgeted by schools so it had to be taken out of somewhere in the school budget. She stated that money was taken away from the students. She asked what departments did it come out of to get that money. She stated that it bothered her terribly. She discussed how are they are going to budget the money this year with the salary increases. She stated that will be more money taken away from the students. She stated that she wishes that they could meet all

their requests for money. She stated that there are almost 1,100 students less than they had 10 years ago, and we have one school that is closed which is Davis Thayer. She asked how do we explain to people that we need so much more money and have fewer students and one less school. She asked how many new positions do they have budgeted this year. ■Mr. Giguere reviewed that the budget included 7 FTEs. He stated that he had a list of what was not being asked for; however, the School Committee approved a budget that included some of those asks that we had in there. He stated that they had to look at the 7 FTE positions and it came down to 2.5 FTEs. ■Councilor Pellegrini stated that she thought there was money being allocated for redistricting. ■Mr. Giguere stated that there was a decision to not move forward with the redistricting. ■Ms. Goodman said there was no money budgeted for redistricting in FY24. ■Councilor Pellegrini stated that she is 100 percent for the School Department, but she still needs to ask questions. ■Mr. Giguere stated that 80 percent of communities spend more; he reviewed other statistics. He stated that the services are great here. ■Councilor Chandler stated that he was going to piggyback on what Councilor Pellegrini said. He stated that he has three questions. He asked if the School Committee charged you with looking for a better bus deal so it does not have to go up. ■Ms. Goodman stated that they go out to bid for a contract every five years; historically, we usually get one bid. ■Councilor Chandler stated that all the children get free lunch. ■Ms. Goodman stated that lunch is funded by the state. She calculated the approximate savings for a family with students getting free lunch. ■Councilor Chandler suggested that with this savings for each family, maybe some other fee could be raised. He discussed social/emotional needs. He stated that only freshman football is a non-cut sport, and this sport has been threatened to be cut. He stated that when we see 18 of the 24 teachers out on the street, if we did not do the extra raise of \$800,000, they would still be here. ■Mr. Giguere stated that he would not want to make any cuts, but these are tough decisions. He stated that they have phenomenal teachers. He explained that they thought about recruitment and retention. He noted that they did analysis of teacher salaries. ■Councilor Cormier-Leger stated that he appreciates everyone who is here; we need your advocacy all year round. He stated that teachers should get paid more everywhere in the United States. He stated that educators do an amazing job with what they are given, and he is sad some are leaving the profession. He stated that we are a very lucky and strong community; our kids should be our priority. He talked about all the priorities that need to be funded and asked where is that money supposed to come from. He stated that we have to come together as a community. He stated that the police and fire departments have chipped away at their problems over the years; let us put that same energy and resources to the schools. ■Chair Mercer stated that he would hold his questions as other people in the audience have statements they would like to make. He noted that it is after 11:00 PM. He stated that after comments from the audience, they will continue this first public hearing tomorrow night and then proceed with the second public hearing. ■Ms. Bowser and Ms. Murphy, students at Annie Sullivan Middle School, read their statements to the Town Council. They spoke about the importance of arts and clubs at the middle school level. They noted the activities that they participate in and explained some of the benefits of the programs. They stressed the importance of music, drama, and arts at the middle school level. ■A student addressed the Town Council and stated she was a graduating senior at FHS. She reviewed that she will be attending college in the fall. She stated that she was part of the choir for the past four years. She discussed the need for consistency and proper support in the chorus. She reviewed how there has not been consistency in the chorus. She discussed that music makes better students based on scientific studies. She stated that music and arts are just as important as any academic class. She asked the Town Council to take this into consideration. ■Chair Mercer reminded everyone that the Town Council does not have the authority to say what gets cut and what does not get cut in the schools; that is 100 percent a School Committee decision. He stated that the Town Council votes the bottom line number, but how that is spent has nothing to do with the Town Council. ■Ms. Julia Richardson, 102 Louise Drive, stated that she has heard some staff positions and activities in the music programs are going to be eliminated to close the budget gap, and she is here to ask that to be reconsidered. She explained the importance of the music programs and how grateful she is for the opportunities that her children have had in the music program. She stated that we should be supporting music to return to pre-Covid levels, not cutting. She stated another reason to support music is because students have found their community through music; in these rooms they feel safe. ■Ms. Selena Cousin,

114 Beech Street, asked what kind of public education do we want for the students of Franklin. She stated that we live in one of the wealthiest communities, but we make do with one of the absolute lowest per student expenditures around; this is simply unacceptable. She discussed that the budgetary limitations are depriving the students of the education they deserve. She stated that Franklin students deserve lower teacher-student ratios. She stated that teachers should have stipends to run clubs. She stated that it is insulting to expect teachers to volunteer their time for after-school activities. Franklin students deserve counselors with reasonable caseloads. She explained the other items that Franklin students deserve and need. She stated that the time is way overdue for us to stand up for our Franklin public schools; the kids in the community should be given the education they deserve. ■Ms. Deborah Ryan, 4 Symmes Road, discussed the Apollo spacecraft on the way to the moon and stated that we need to devote more time to course corrections as we steer the Franklin ship. She stated that we are drifting without expending additional fuel. She stated that she attended the finance meetings. She stated that she wanted to encourage town leadership to continue to have these course correction conversations. She stated that it takes courage to be visionary. ■Ms. Donna Grady, 500 Lincoln Street, President of the Franklin Education Association and educator, stated that she represents almost 600 members in Town. She stated that she is used to difficult conversations. She stated that the answer is in front of us; we are one Franklin. She stated that the paradigm does not need to shift. She stated that the miracle is the children. She stated that we owe them the future we want for them. She stated that the future is coming together. She stated that we are one community for the children. She stated that she is asking everyone to come together as one for the kids. She stated that the kids today are not even the kids we had at the beginning of the year. She stated that yes, we are 1,100 kids less and one school less, but the kids today need so much more. She stated that technology is a wonderful thing expect when it comes to kids. She stated that kids now need coping skills; they do not know how to play or talk to each other. She discussed that the year she came to Franklin as a teacher they hired 75 teachers and Franklin was the envy of the district of Massachusetts. Franklin is not the envy anymore. She stated that these children belong to all of us; we need to make it better for them. ■Ms. Ruthann O'Sullivan, 175 Oak Street, stated that she senses the burden of the superintendent feeling like he is the burden. She stated that the Town councilors should go back and watch this meeting on Zoom and see what it is like when all the other departments are up there and were joking around and what do you need and explain why you need that and supporting you and thank you and then this guy gets up there and it is like he is on the hot seat. She stated that it has been 16 years since Franklin passed an override. Franklin is in the top 13 percent of wealthiest towns in Massachusetts; we pay in the bottom 20 percent. She discussed educator salaries which is decided in collective bargaining. She discussed Franklin teacher salaries compared to other towns. She stated that schools are the number one reason that people move here. ■Ms. Sue Cass, 146 Longhill Road, stated that we do not have enough money and that is for the whole town. She suggested everyone in the room get others to help pass a real override. She stated that we do not have a choice, and we need to face that now before it gets any worse; we cannot keep expecting all the departments to keep cutting. ■Student Becka Jones explained personal involvement and siblings's involvement in music programs at Franklin schools. It was disheartening to hear there are so many problems with the budget and stuff within chorus. The music and arts programs have been beneficial. ■Person who did not identify themselves stated that every year music is targeted. She stated that now she hears that they are digging into football; maybe we can get an override. ■Fabiana (via Zoom) stated that it is obvious everyone is passionate about our town. When you talk about education, emotions are high. We do not have the money. It is an opportunity for the community to come together to find new solutions. ■Chair Mercer asked what is the projected status of the revolving fund surplus at the end of FY23. ■Ms. Goodman stated that they will have close to \$8.4 million. ■Chair Mercer stated that under the Town Administrator's budget with his plan B which is the 2.5 percent, what is the projected surplus in the revolving fund at the end of FY24. He stated that his concern is for the strategic planning that needs to be done to put a proper override question to the community which takes time and effort to put it together. He stated that the time and effort that is needed to put that plan together is daunting. He stated that his concern is that looking at the salary increase in the School Department for FY23, how do we make it sustainable. He stated that he is not saying that they did not deserve the 4 percent for FY23 and the next

two years, but they have to put together a strategic override plan. Then, it is up to the community to sell it. It takes a grassroots organization to do the work. He stated that it is going to take a lot of hard work. He noted that they are already dipping into taxpayers' pockets four times this fall. He stated that there is not enough money right now; the pot is just not big enough. If we do it right, it will give us the best opportunity to increase the dollars we have.

► Chair Mercer explained that the remaining held line items would be addressed at tomorrow night's meeting:

- Hold on Line Item 422: DPW-Highway.
- Hold on Line Item 514: Council on Aging.
- Hold on Line Item 610: Library.
- Hold on Line Item 630: Recreation.
- Hold on Line Item 695: Cultural Council.

► Chair Mercer stated that they will continue the first public hearing tomorrow night and immediately go into the second public hearing. ► **MOTION to Continue** the first public hearing to tomorrow night at 7 PM by Jones. **SECOND** by Dellorco. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**ADJOURN: ► MOTION to Adjourn** by Dellorco. **SECOND** by Jones. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 11:55 PM.**  
Respectfully submitted,

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Judith Lizardi  
Recording Secretary

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

June 16, 2023

To: Town Council  
From: Jamie Hellen, Town Administrator

**Re: Appointments - Community Preservation Committee**

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The Council will consider the ratification of appointments to the Community Preservation Committee as described below.

Community Preservation Committee

The CPC is comprised of five members representing Town boards and committees with 1-year terms, and four citizen at large members with 2-year terms. Note that two of the citizen at large seats had an initial 1-year term to allow for staggered terms, and therefore were reappointed last year with terms to expire in 2024. Annually, the five represented boards and committees nominate a member for appointment by the Town Administrator and ratification by the Town Council.

For the term beginning July 1, 2023, the 6 reappointments and 1 new appointment are listed below.

- 1) Citizen At Large: Michael Giardino, with a term to expire on June 30, 2025
- 2) Citizen At Large: Lisa Oxford, with a term to expire on June 30, 2025
- 3) Conservation Commission: Jeffrey Livingstone, with a term to expire on June 30, 2024
- 4) Historical Commission: Phyllis Malcolm, with a term to expire on June 30, 2024
- 5) Housing Authority: Chris Feeley, with a term to expire on June 30, 2024
- 6) Planning Board: Jay Mello, with a term to expire on June 30, 2024 **(NEW)**
- 7) Recreation Board: Wayne Simarrian, with a term to expire on June 30, 2024

Please let me know if you have any questions.



# APPOINTMENTS

## Community Preservation Committee

Citizens At-Large

Michael Giardino - 18 Sherman Ave.

Lisa Oxford - 18 Lincoln St.

Term Expiration Date

June 30, 2025

June 30, 2025

Conservation Commission Representative

Jeffrey Livingstone - 68 Daniels St.

June 30, 2024

Historical Commission Representative

Phyllis Malcolm - 37 Uncas Ave.

June 30, 2024

Housing Authority Representative

Chris Feeley - 5 Taft Dr.

June 30, 2024

Planning Board Representative

Jay Mello - 15 North Park St.

June 30, 2024

Recreation Board Representative

Wayne Simarrian - 204 Jordan Rd.

June 30, 2024

**MOTION** to ratify the appointments of the names listed above by the Town Administrator to serve as members of the Community Preservation Committee with terms to expire as listed above.

**DATED:** \_\_\_\_\_, 2023

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

**Nancy Danello, CMC**  
Town Clerk

\_\_\_\_\_  
**Glenn Jones, Clerk**  
Franklin Town Council

# Town of Franklin

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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

June 16, 2023

To: Town Council  
From: Jamie Hellen, Town Administrator

**Re: Bylaw Amendment 23-900: Parking Map Amendment**

---

This is a first reading of Bylaw Amendment 23-900, which will amend the Downtown Parking District Map by changing the hours of no overnight parking at the Depot St. parking lot and the Ferrara lot from 2am-6am to 12am-5am. The purpose of this bylaw is to accommodate altering train schedules by the MBTA. 5:00 AM will be the earliest a train will run because of standard overnight track maintenance.

The change from 6am to 5am is being proposed to accommodate MBTA commuters, as the earliest train departs at 5:09am. The Chief has assured me that tickets will not be issued during the hours of 5am-6am at these locations until these changes are officially implemented and sufficient signage is posted.

As the bylaw is being amended anyway and the overnight ban hours are being further restricted, the staff are requesting to reconsider the overnight parking ban hours and moving the curfew from 2:00 AM to Midnight to assist the Police Department in enforcement. As the Police Chief explained at earlier hearings, midnight allows the patrol to do a compliance sweep between Midnight and 1:00 AM, which is at the end of the shift. This is smoother for Police operations as we have fewer officers on the overnight. If there is a call for service and officers are not available, then enforcement on the overnight parking bans (in the lots and on the streets) will not be able to be properly enforced. Additionally, the window of enforcement shrinks to only 3 hours with the adjustment for the commuter rail.

The good news is that on July 1st an entirely new era is about to blossom for parking downtown. We know there will be bumps in the road. The pay kiosks are installed and early tests have gone well. The DPW has been replacing signs throughout downtown. Once final approval of this bylaw goes into effect in August, the Town will do public outreach. The staff are developing a one stop shop website right now.

This has been a lot of work and I hope everyone in the community has some patience as this change evolves. I hope everyone also celebrates that for the first time ever, the downtown parking is now available to *everyone* on a first come first serve basis and we have removed the fact those spaces were only for commuters and businesses. No more quarterly permits!

The fee will be \$3 a day for a commuter. This is half of what the MBTA charges. From Noon to 6:00 PM each day will be \$2.00. And free after 6:00 PM through (hopefully) midnight for nighttime commerce.

## Davis-Thayer Hours

One issue neglected in more detail from the earlier map was parking in the D-T lot. The hours proposed here are for the following reasons:

1. To prevent all-day parking at D-T.
2. Recognizes that many library patrons still need more parking during the day and afternoons. 2 hours is plenty of time. Again, this is used as overflow parking for major events and we do not see an issue here.
3. Recognizes that the ballfields are used by sports leagues most afternoons and certainly weekends, thus parking is free and available for the little league teams.
4. Adds the same overnight parking provisions for the police to do a sweep seven days a week to ensure those cannot park for long periods in that lot.

If you have any questions please feel free to let us know.



**TOWN OF FRANKLIN  
BYLAW AMENDMENT 23-900  
CHAPTER 170, VEHICLES AND TRAFFIC**

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 170, VEHICLES AND TRAFFIC AT ARTICLE IV, STOPPING, STANDING AND PARKING, §170-15 PARKING PROHIBITIONS AND LIMITATIONS D. PARKING PROHIBITED.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 170 of the Code of the Town of Franklin Vehicles and Traffic, Article IV, Stopping, Standing and Parking, §170-15 Parking Prohibitions and Limitations D. Parking Prohibited is hereby amended as follows:

§170-15 Parking prohibitions and limitations.

No person shall stand or park any vehicle at any time:

- A. Upon streets or parts thereof where such a prohibition is posted.
- B. At bus stops, except buses, and no person shall park a bus within a business district at any place other than a bus stop when a nearby bus stop is available.
- C. At taxicab stands, except taxicabs, and no person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of this taxicab or taxicabs, except while engaged or while waiting for an opportunity to use a taxicab stand designated for his use.
- D. Parking prohibited.
  - 1. Downtown Parking District: Boundaries are those contained on map captioned "Downtown Parking District" prepared by Town of Franklin Engineering Department, dated July 13, 2016, **and revised through the effective date of this legislation**, the original of which is on file with the Town Clerk, and a copy of which is appended hereto as "Attachment 1"; prohibitions and limitations on streets contained within the district are shown on said map.

This bylaw amendment shall become effective on and after August 2, 2023; the map currently on file with the Town Clerk, as most recently revised, shall remain in effect until August 2, 2023.

DATED: \_\_\_\_\_, 2023

VOTED:

UNANIMOUS \_\_\_\_\_  
 YES: \_\_\_\_\_ NO: \_\_\_\_\_  
 ABSTAIN: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_

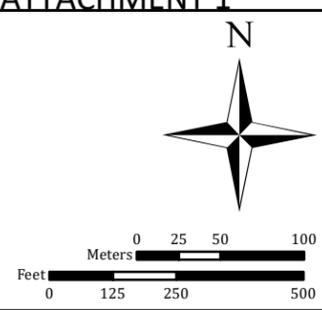
A True Record Attest:

Nancy Danello, CMC  
Town Clerk

\_\_\_\_\_  
Glenn Jones, Clerk  
Franklin Town Council

# DOWNTOWN PARKING DISTRICT

- 2 HR 8am-2pm, M-F
- 2 HR Parking 6am-6pm, M-Sat, No Overnight
- No Parking
- Downtown Parking District
- Building
- Parcel



## Map #2 - Proposed Amendment

*\*All parking zones are subject to local bylaw §170-14, including, but not limited to, no parking within 20 feet of any intersecting way or 10 feet of a fire hydrant.*

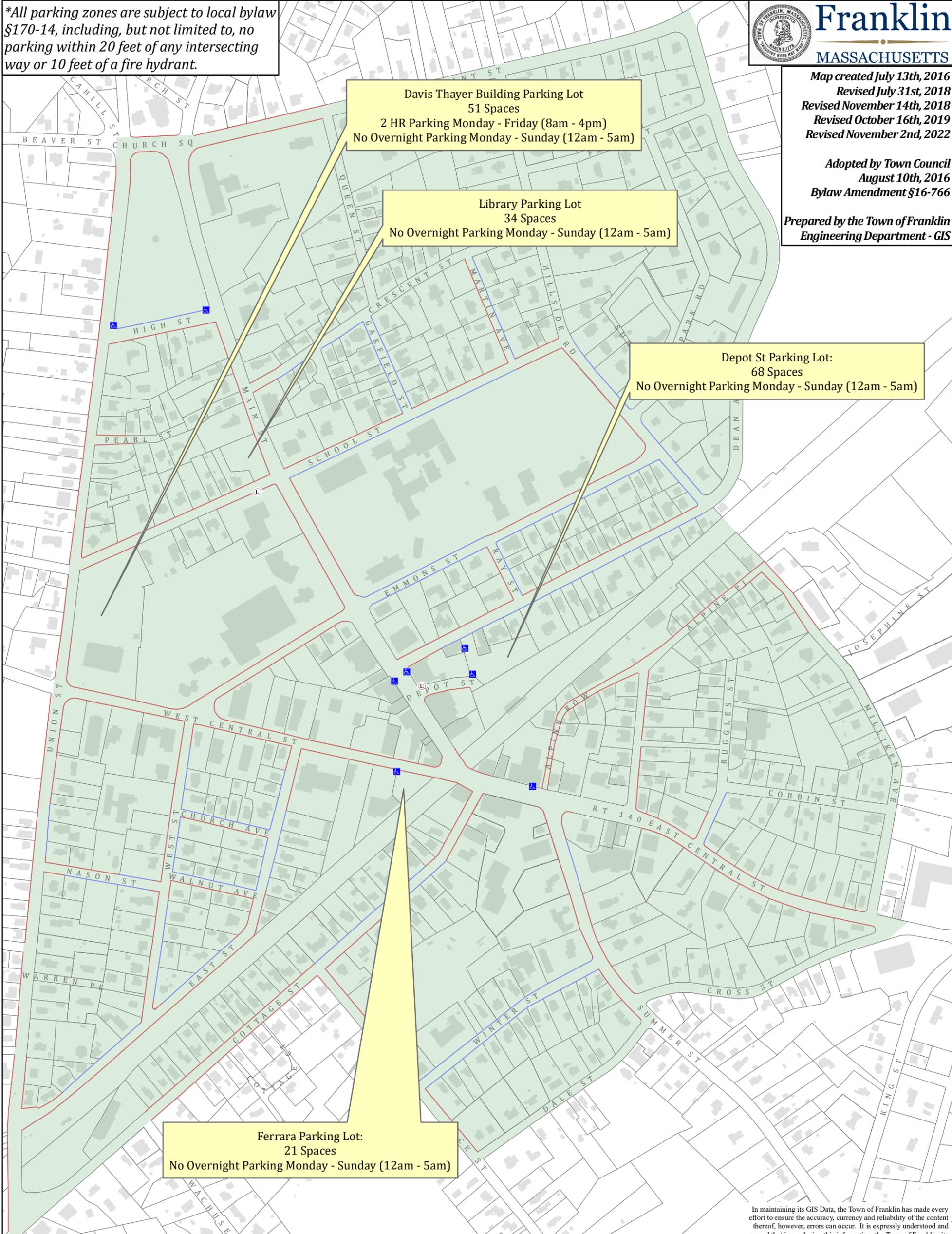


**Franklin**  
MASSACHUSETTS

Map created July 13th, 2016  
Revised July 31st, 2018  
Revised November 14th, 2018  
Revised October 16th, 2019  
Revised November 2nd, 2022

Adopted by Town Council  
August 10th, 2016  
Bylaw Amendment §16-766

Prepared by the Town of Franklin  
Engineering Department - GIS



Downtown Parking District Map Approved 8-10-2016;  
Bylaw Amendment 16-766

- Amendment 18-819: 09-05-2018
- Amendment 18-826: 12-12-2018
- Amendment 19-845: 10-16-2019
- Amendment 22-884: 11-02-2022

In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

June 16, 2023

To: Town Council  
From: Jamie Hellen, Town Administrator

**Re: Resolution 23-41: Appropriation Transfers FY23**  
**Resolution 23-42: Sewer Enterprise Fund Supplemental Appropriation FY23**  
**Resolution 23-43: Transfer of FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund**

---

I am asking the Town Council to approve Resolutions 23-41, 23-42, and 23-43, as described below, to close out the books on FY23. As usual, the town looks at its budget and requests needed transfers between accounts to ensure a fully balanced FY23 budget.

- **23-41: Appropriation Transfers FY23:** This resolution will approve FY23 Appropriation Transfers to cover unanticipated budgetary shortfalls from unanticipated savings. A total of \$427,925 will be transferred from accounts with surpluses to accounts with budgetary shortfalls. Please note the most substantial shortfall is from Facilities due to the rise in electricity rates by 4 cents/kw mid year. \$400,000 of the \$427,925 in shortfalls is due to electricity rates and other utility increases due to inflation. As discussed in the FY24 budget hearings, those costs are now baked into the fixed costs of the town budget. What about other department budget surpluses? Any unspent operating budget revenues goes to free cash to be certified in the fall for the FY24 capital program.
- **23-42: Sewer Enterprise Fund Supplemental Appropriation FY23:** This resolution will allocate \$50,000 from “retained earnings” to ensure the budget is balanced at year end. What happens if the department does not need this revenue to pay the year end bills? Unspent money resorts back to retained earnings. This vote is a safety net to ensure we pay the bills by June 30th. We are not even convinced it's needed, but we'd rather be safe than sorry. DPW has done a great job managing the sewer budget through the year to accommodate for inflation. It's going to be a very close call to the finish line and this ensures we are financially sound.
- **23-43: Transfer of FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund:** This resolution will add \$230,857 to the stabilization account. Why? The state grant for the MECC saved the town this money and as we have for the past few years, we've saved funds for FY25 and FY26 when the towns are back on the hook for the full assessment. If approved, the Town will have approximately \$850,000 in the stabilization fund.

If you have any questions please let me know.



**RESOLUTION 23-41**

**APPROPRIATION: Appropriation Transfers FY23**

**PURPOSE:** To transfer FY23 appropriations to cover unanticipated shortfalls as follows:

Sources:	Department	
123	Town Administrator Expenses	\$7,500
135	Comptroller Salaries	15,000
147	Treasurer Salaries	20,000
151	Legal Expenses	5,000
152	Human Resources Salaries	30,000
155	IT Salaries	19,000
240	Inspection Salaries	15,000
510	Board of Health Salaries	10,000
541	Council on Aging Salaries	31,425
910	Benefits Expenses	275,000
		<b>\$427,925</b>
Uses:	Department	
192	Facilities Expenses	\$400,000
196	Central Services Expenses	10,000
395	Norfolk Aggie Expenses	1,925
210	Fire Salaries	7,500
630	Recreation Salaries	8,500
		<b>\$427,925</b>

Be It Moved and Voted by the Town Council that the sum of Four Hundred Twenty-Seven Thousand Nine Hundred Twenty-Five Dollars (\$427,925) be transferred from the sources indicated above to the uses indicated above in the amounts stated prior to June 30th 2023.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2023

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

\_\_\_\_\_  
**Nancy Danello, CMC**  
Town Clerk

\_\_\_\_\_  
**Glenn Jones, Clerk**  
Franklin Town Council



**TOWN OF FRANKLIN**

**RESOLUTION NO.:** 23-42

**APPROPRIATION:** Sewer Enterprise Fund Supplemental Appropriation FY23

**TOTAL REQUESTED:** \$ 50,000

**PURPOSE:** To appropriate funds from Sewer Enterprise Fund Retained Earnings in FY23 for additional costs related to Sewer Enterprise Fund Expenses

**Sewer Enterprise Fund Expenses \$ 50,000**

**MOTION**

Be It Moved and Voted by the Town Council that the sum of Fifty Thousand Dollars (\$50,000) be transferred from Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Fund Expenses, said transfer to be made prior to June 30, 2023.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: \_\_\_\_\_, 2023

VOTED:  
UNANIMOUS \_\_\_\_\_

YES \_\_\_\_\_ NO \_\_\_\_\_

A True Record Attest:

ABSTAIN \_\_\_\_\_

ABSENT \_\_\_\_\_

RECUSED: \_\_\_\_\_

\_\_\_\_\_  
Nancy Danello, CMC  
Town Clerk

\_\_\_\_\_  
Glenn Jones, Clerk  
Franklin Town Council



**TOWN OF FRANKLIN  
RESOLUTION 23-43**

**APPROPRIATION:** Transfer of FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund

**PURPOSE:** To transfer the FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund

**AMOUNT:** \$230,857

Be It Moved and Voted by the Town Council that the sum of Two Hundred Thirty Thousand Eight Hundred Fifty-Seven Dollars (\$230,857) be transferred from the FY23 Regional Dispatch Appropriation to the MECC/Public Safety Stabilization Fund.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2023

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

**Nancy Danello, CMC  
Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk  
Town Council**

# Town of Franklin

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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

June 16, 2023

To: Town Council  
From: Jamie Hellen, Town Administrator

**Re: Resolution 23-44: Appropriation of Funds to Enable Town to Implement Chapter 193 of Legislative Acts of 2018, Landfill Land Swap Legislation, So-Called**

---

I am asking the Town Council to approve Resolution 23-44, which if approved, will allow us to go to the next steps of the land swap with the state for the recycling center. The money has already been appropriated but the state is looking for a cleaner copy of the appropriation for their files. This is a housecleaning item to allow the state to finalize the ANR plan to move closer to recording the land swap.



**TOWN OF FRANKLIN  
RESOLUTION 23-44**

**Appropriation of Funds to Enable Town to Implement  
Chapter 193 of Legislative Acts of 2018,  
Landfill Land Swap Legislation, So-Called**

**Whereas,** Chapter 193 of the Legislative Acts of 2018 authorizes the Commissioner of the Commonwealth of Massachusetts’ Division of Capital Asset Management and Maintenance (hereinafter: DCAMM) to convey certain land abutting Town of Franklin’s former landfill to Town, and

**Whereas,** Partial consideration for said conveyance includes Town’s payment to DCAMM of compensation representing the fair market value of said land based upon an independent appraisal, and

**Whereas,** Town has had an independent appraisal performed which determined the fair market value of said land to be two hundred thousand dollars (\$200,000),

**NOW, THEREFORE,** the Town of Franklin, acting by and through the Franklin Town Council, hereby votes that the sum of Two Hundred Thousand Dollars (\$200,000) be expended to acquire land owned by the Commonwealth of Massachusetts abutting Town’s former landfill from DCAMM, as authorized by and in Chapter 193 of the Legislative Acts of 2018 and that said sum be appropriated and transferred from a capital account approved by the Town Council in Resolution 22-30 on June 8, 2022 for said purpose.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2023

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

\_\_\_\_\_  
**Nancy Danello, CMC**  
Town Clerk

\_\_\_\_\_  
**Glenn Jones, Clerk**  
Franklin Town Council

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
[www.franklinma.gov](http://www.franklinma.gov)

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

June 16, 2023

To: Town Council  
From: Jamie Hellen, Town Administrator

**Re: Zoning Bylaw Amendment 23-898:** A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements

---

I am asking the Town Council to refer Zoning Bylaw Amendment 23-898 to the Planning Board for a public hearing.

At their June 7th meeting, the EDC voted unanimously (4-0) to amend Zoning Bylaw Amendment 23-898 by increasing the percent of maximum impervious coverage allowed in the General Residential V (GRV) zoning district to 45% (structures) and 55% (structures plus paving) and to move Zoning Bylaw Amendment 23-898, as amended, to the full Town Council for consideration.

For further information, please see the 6/14/23 dated memo from Bryan Taberner in the packet.

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

355 EAST CENTRAL STREET, ROOM 120

FRANKLIN, MA 02038-1352

TELEPHONE: 508-520-4907

FAX: 508-520-4906

## **MEMORANDUM**

**TO: FRANKLIN TOWN COUNCIL**

**FROM: BRYAN W. TABERNEER, AICP, DIRECTOR**

**RE: PROPOSED ZONING BYLAW AMENDMENT 23-898: CHANGES TO §185, ATTACHMENT 9, SCHEDULE OF LOT, AREA, FRONTAGE, YARD AND HEIGHT REQUIREMENTS**

**CC: JAMIE HELLEN, TOWN ADMINISTRATOR; MARK G. CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER**

**DATE: JUNE 14, 2023**

---

During the months long process of drafting, editing and eventual approval of Zoning Bylaw amendments 23-889 (Multifamily Housing Density) and 23-890 (Inclusionary Zoning), the substantial public input process was very important in identifying zoning related concerns that needed to be addressed. Some concerns were addressed within the approved zoning bylaw amendments and others may be best addressed during the Master Plan update process. However, there are two small Zoning Bylaw changes that the Department of Planning & Community Development (DPCD) believes should be implemented in the near future. Below is a short summary of the two issues and proposed changes.

### **Recent Changes to Multifamily Housing Density**

Zoning Bylaw Amendment 23-889 made several small changes to Part VI of the Use Regulations tables at §185 Zoning Bylaw, Attachment 7. Most importantly, the Town now allows multifamily housing in the Commercial I (CI) and General Residential V (GRV) zoning districts by-right, up to 1 unit per 2,250 SF of lot area. This change is expected to increase the number of small multifamily developments within CI and GRV by defining the size development the Town will allow by right; additional density may be allowed by Planning Board special permit.

Another important change in Zoning Bylaw Amendment 23-889 was replacement of one row in the Residential Use Regulations table with two rows, which now define two types of multifamily housing:

- 6.1. Multifamily or Apartment
  - a. With Four or More Housing Units
  - b. With Three Housing Units.

Splitting the Multifamily use into two allows a 3-unit development to be allowed in certain districts where other larger multifamily developments are not, resulting in incremental increases to housing density in the CI, GRV, Downtown Commercial and Single Family Residential IV zoning districts. In order for these increases in housing density to become reality related zoning regulations will need to be modified.

### **Related Zoning Regulation**

Attachment 9 of Franklin's Zoning Bylaw is a schedule of required dimensional regulations for parcels within the different zoning districts. It provides required minimum dimensions for lot size, frontage, lot width, lot depth, and front, side and rear setbacks, as well as maximum dimensions on building height

and impervious coverage. It also includes several notes to further refine the required regulations in specific zoning districts.

CI Mixed-use Development. Dimensional requirements outlined in Attachment 9 for properties within the CI zoning district are much less restrictive than most other zoning districts. The reasons for the less restrictive dimensional regulation are the small size of most parcels within CI, and a desire to incentivize mixed-use developments. To further incentivize mixed-use, proposed developments in CI that only include multifamily housing are required to observe the dimensional requirements of the GRV zoning district.

As mentioned above, Zoning Bylaw Amendment 23-889 divided the multifamily residential use into two categories: With Four or More Housing Units; and With Three Housing Units. The two multifamily use categories can be regulated separately.

GRV Impervious Coverage. The last two columns in Attachment 9 address the maximum percent of impervious coverage allowed within each zoning district; maximum impervious coverage is restricted by 1.) The square feet of structures on a lot, and 2.) The total of all impervious surfaces on the lot (structures plus paving). Allowed impervious surfaces in residential zoning districts are substantially less than non-residential districts. Of all residential zoning districts, SFRIV and GRV allow the highest percent of impervious coverage (30% for structures; 35% for total impervious).

**Additional Proposed Changes for Multifamily Housing**

DPCD recommends two small changes are made to the Town of Franklin’s Zoning Bylaw at §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements:

Maximum Impervious Coverage in GRV. GRV is the only residential zoning district where multifamily housing is allowed by right. Without providing developers with more flexibility with the percent of impervious coverage allowed this type of housing may not be successfully developed. The table below provides a comparison of the maximum impervious coverage percent allowed within various zoning districts.

<b>Maximum Impervious Coverage of Existing Upland</b>		
<b>Zoning District</b>	<b>Structures</b>	<b>Structures Plus Paving</b>
<b>Existing Zoning Regulations</b>		
Rural Residential I	20%	25%
Rural Residential II	20%	25%
Single Family Residential III	25%	35%
Single Family Residential IV	30%	35%
General Residential V	30%	35%
Downtown Commercial	80%	90%
Commercial I	80%	90%

Source: §185 Zoning Bylaw, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements

At the May 3, 2023 Economic Development Subcommittee meeting DPCD staff suggested making a change to the maximum impervious coverage allowed in the GRV zoning district. The Subcommittee agreed that an increase in maximum impervious coverage was needed, and at their June 7, 2023 meeting DPCD presented Zoning Bylaw Amendment 23-898, which proposed small maximum impervious coverage changes. At that time the Economic Development Subcommittee members discussed and debated the proposed changes, and eventually voted to increase the recommended

percent of maximum impervious coverage allowed in GRV, and send the Zoning Bylaw Amendment to the full Council for consideration.

The table below is a comparison between the Existing maximum impervious coverage allowed, the DPCD proposed changes, and the Economic Development Subcommittee recommended changes.

<b>Maximum Impervious Coverage of Existing Upland</b>			
<b>Zoning District</b>	<b>Structures</b>		<b>Structures Plus Paving</b>
<b>Existing Zoning Regulations</b>			
General Residential V	30%	35%	35%
<b>DPCD Proposed Changes (Zoning Amendment 23-898)</b>			
General Residential V	<del>30%</del> 35%	<del>35%</del> 45%	<del>35%</del> 45%
<b>EDC Recommended Changes (Zoning Amendment 23-898)</b>			
General Residential V	<del>30%</del> 45%	<del>35%</del> 55%	<del>35%</del> 55%

The Zoning Bylaw Amendment has been revised to include the Economic Development Subcommittee recommended maximum coverage percentages; see attached Zoning Bylaw Amendment 23-898.

Dimensional Requirements of 3 Family in CI. As mentioned above, multifamily developments in the CI zoning district are required to have at least some mixed use (residential/commercial) component. If a development proposal is multifamily residential only, then the owner/developer must observe requirements of the GRV District, which is substantially more restrictive.

Now that the multifamily residential use has been divided into two categories by passage of Zoning Bylaw Amendment 23-889, DPCD recommends removing the more restrictive requirements from multifamily projects with only three housing units. A three family should not be required to have a mixed use component. DPCD recommends adding wording into Note 7 in Attachment 9 that states three family developments are exempt from the mixed use requirement.

**Zoning Bylaw Amendment 23-898**

The small proposed changes described above can be addressed with one easy zoning bylaw amendment to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements. DPCD has developed Zoning Bylaw Amendment 23-898 to address the issues (see attached).

We look forward to discussing the proposed Zoning Bylaw Amendment at the next Town Council Meeting.



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN  
ZONING BY-LAW AMENDMENT 23-898**

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT  
CHAPTER 185, ATTACHMENT 9, SCHEDULE OF LOT, AREA,  
FRONTAGE, YARD AND HEIGHT REQUIREMENTS**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:**

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** and **deletions** to §185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements:

185 Attachment 9

Schedule of Lot, Area, Frontage, Yard and Height Requirements

District	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Height of Building		Maximum Impervious Coverage of Existing Upland	
	Area (square feet)	Continuous Frontage (feet)	Depth (feet)	Lot Width (minimum circle diameter)	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Structures	Structures Plus Paving <sup>3</sup>
Rural Residential I	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20	25
Residential VII <sup>11</sup>	40,000	200	200	180 <sup>4</sup>	40	40	40	3	35	20 <sup>12</sup>	25 <sup>12</sup>
Rural Residential II	30,000	150	200	135 <sup>4</sup>	40	35	35	3	35	20	25
Single Family Residential III	20,000	125	160	112.5	40	25	30	3	35	25	35
Single Family Residential IV	15,000	100	100	90	30	20	20	3	35	30	35
General Residential V	10,000	100	100	90	20	15	20	3	40	<del>30</del> <b>45</b>	<del>35</del> <b>55</b>
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Rural Business <sup>13</sup>	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 <sup>10</sup>	0 <sup>2</sup>	15	3 <sup>9</sup>	40 <sup>9</sup>	80	90
Commercial I <sup>7</sup>	5,000	50	50	45	20 <sup>1</sup>	10 <sup>14</sup>	15	3 <sup>15</sup>	40 <sup>15</sup>	80	90
Commercial II	40,000	175	200	157.5	40	30	30	3 <sup>15</sup>	40 <sup>15</sup>	70	80
Business	20,000	125	160	112.5	40	20	30	3 <sup>15</sup>	40 <sup>15</sup>	70	80
Mixed Business Innovation	40,000	175	200	157.5	40	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>15</sup>	40 <sup>15</sup>	70	80
Industrial	40,000	175	200	157.5	40	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 <sup>8</sup>	30 <sup>8</sup>	3 <sup>6</sup>	40 <sup>6</sup>	70	80
Office	40,000	100	100	90	20	30 <sup>5</sup>	30 <sup>5</sup>	3 <sup>6</sup>	40 <sup>6</sup>	70	80

Setbacks: No structure or pole carrying overhead wires shall be put up within 60 feet nor shall a billboard be erected within 100 feet of right-of-way which is 75 feet or more.

NOTES:

<sup>1</sup> But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

<sup>2</sup> Increase to 20 feet when abutting a residential district.

<sup>3</sup> See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.

<sup>4</sup> Within open space developments (see § 185-43), the lot width must be met for individual lots shall be no less than 1/2 those required within the underlying district.

<sup>5</sup> Increase by the common building height of the structure, when abutting a residential use.

<sup>6</sup> Buildings up to 60 feet in height may be permitted by a special permit from the Planning Board.

<sup>7</sup> Permitted residential uses must observe requirements of General Residential V District for residential use building only.

**Multifamily residential with three housing units, and Mixed use buildings are exempt from this requirement.**

<sup>8</sup> Increase by 1.5 the common building height of a structure, when abutting a residential district or use.

<sup>9</sup> Buildings up to 50 feet in height may be permitted by a special permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

<sup>10</sup> Minimum five-foot setback required on first floor, street level; upper floors can overhang required first floor set back.

<sup>11</sup> See §185-50.

<sup>12</sup> Total impervious surface in the upland shall be no more than 50% if a special permit for multiple, single-family dwelling units is granted in RVII.

<sup>13</sup> Maximum gross building footprint of non-residential primary use structures is 3,500 square feet.

<sup>14</sup> The 10 feet side setback is only required on one side of lot; if lot abuts a residential district, a twenty feet setback is required on the abutting side.

<sup>15</sup> Buildings up to 50 feet in height, regardless of the number of stories, may be permitted by a special permit from the Planning Board.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

---

**DATED:** \_\_\_\_\_, 2023

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

---

**Nancy Danello, CMC**  
**Town Clerk**

---

**Glenn Jones, Clerk**  
**Franklin Town Council**

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

June 16, 2023

To: Town Council  
From: Jamie Hellen, Town Administrator

**Re: Zoning Bylaw Amendment 23-899: Marijuana Use Overlay District, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map**

---

I am asking the Town Council to refer Zoning Bylaw Amendment 23-899 to the Planning Board. This bylaw amendment is a housecleaning item of the marijuana overlay district. At their June 7th meeting, the EDC voted unanimously (4-0) to move Zoning Bylaw Amendment 23-899 to the full Town Council for consideration.

For further information, please see the 6/14/23 dated memo from Bryan Taberner in the packet.

# **FRANKLIN PLANNING & COMMUNITY DEVELOPMENT**

355 EAST CENTRAL STREET, ROOM 120  
FRANKLIN, MA 02038-1352  
TELEPHONE: 508-520-4907  
FAX: 508-520-4906

## **MEMORANDUM**

**TO: FRANKLIN TOWN COUNCIL**  
**FROM: BRYAN W. TABERNER, AICP, DIRECTOR**  
**RE: ZONING MAP AMENDMENT 23-899: MARIJUANA USE OVERLAY DISTRICT**  
**CC: JAMIE HELLEN, TOWN ADMINISTRATOR; MARK G. CEREL, TOWN ATTORNEY;**  
**AMY LOVE, TOWN PLANNER; GUS BROWN, ZONING ENFORCEMENT OFFICER**  
**DATE: JUNE 14, 2023**

---

At their May 3, 2023 meeting the Economic Development Subcommittee voted to have Department of Planning & Community Development (DPCD) staff update the Marijuana Use Overlay District map.

In recent years there have been several changes in the Marijuana Use Overlay District, including the permitting of three marijuana grow facilities and three retail dispensary facilities, as well as the addition of a school on Grove Street. The Marijuana Use Overlay District map was last updated in February 2017 (by approval of Zoning Bylaw Amendment 17-781); with the recent development and continual land use changes within the underlying Industrial Zoning District, an update at this time is required. The current Marijuana Use Overlay District map is attached (Attachment 1).

The new marijuana-related facilities have brought a substantial amount of tax revenue to the Town; in order to continue allowing these facilities to come to Town, amending the Marijuana Use Overlay District Map is needed to identify areas for possible growth.

### **Current Zoning Regulations within the Marijuana District**

§185-49 of Franklin Town Code provides regulations for the Marijuana Use Overlay District; all marijuana facilities must comply with these regulations. §185-49(5) provides a description of where in Franklin marijuana-related facilities are allowed; §185-49(5) has been pasted below for reference.

§185-49. Marijuana Use Overlay District.

#### 5. Location

- a. The marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.

While determining where to add or remove parcels, the criteria listed above must be met first.

### **Proposed Marijuana Use Overlay District Map Changes**

DPCD staff conducted an assessment of all parcels within the Industrial Zoning District located south or west of the sideline of Interstate 495 to identify any parcels currently within the Marijuana Use Overlay District that should be removed, and if others should be added. DPCD created three maps that are at scales that is much easier to see parcel details than the Town-wide Marijuana Use Overlay District map.

The three maps in Attachment 2 are of the following areas:

Map A. In and around Forge Park

Map B. Along the Grove Street Corridor

Map C. In and around Franklin Industrial Park.

The three maps have been marked up in the following way: 1.) Where DPCD suggests removing parcels from the Marijuana Use Overlay we put a red **X**; 2.) Where we suggest adding a parcel we wrote **Add**. Recommended Marijuana Use Overlay District map changes are as follows:

1. Forge Park. The proposed changes in Forge Park are removal of two parcels within 200 feet of the Hockomock Area YMCA, and addition of five parcels that meet the location criteria in §185-49(5);
2. Grove Street Area. The largest proposed change within the Marijuana Overlay District Map is the removal of four parcels on Grove Street, made necessary with the siting of a new school at 122 Grove Street. In addition, one parcel on the west side of Grove Street was added, as it meets the location criteria in §185-49(5);
3. Franklin Industrial Park. Proposed changes in Franklin Industrial Park include removal of one parcel on Constitution Boulevard, as it directly abuts a daycare at the corner of Upper Union and Constitution Boulevard. In addition, three properties along Upper Union Street are being proposed for addition to Marijuana Use Overlay District Map, as they meet the location criteria in §185-49(5).

As mentioned above, proposed changes to the Marijuana Use Overlay District Map identify parcels that meet the Town's regulations, and areas for future growth of the Marijuana industry. Using the three attached maps and the above recommended changes, DPCD worked with the Town's GIS Department to update the Marijuana Use Overlay District Map and create Zoning Map Amendment 23-899 (Attached).

At their June 7, 2023 meeting the Economic Development Subcommittee voted to send the Zoning Map Amendment to the full Council for consideration. If Town Council members approve of the proposed amendment to the Marijuana Use Overlay District map we ask that Town Council vote to send Zoning Map Amendment 23-899 to the Planning Board for a public hearing. We look forward to discussing the proposed Overlay Map Amendment.

### **Additional Potential Changes to Marijuana Use Overlay District Regulation**

As there has been some discussion of the possibility of expanding the Marijuana Use Overlay District, in addition to updating the overlay map, DPCD did a quick review of marijuana use related zoning issues.

Currently, the Marijuana Use Overlay District is only located in the Industrial Zoning District to the south or west of the sideline of Interstate 495. Extending the Marijuana Use overlay outside of this industrially zoned area could take several forms. A few examples are listed below:

- Allow the marijuana uses within all industrially zoned areas, and keep the current siting limitations within §185-49(5).
- Allow the marijuana uses within other zoning districts, possibly Commercial II, Business, and or Mixed Business Innovation, and keep the current siting limitations within §185-49(5).
- Only allow Retail/Medicinal Retail Marijuana facilities within the additional areas added to the overlay district.
- Remove some of the limitations on siting marijuana facilities; this may include removing the limitation on siting facilities within 200 feet of a residential zoning district.
- Any combinations of scenarios listed above.

Whatever is decided, any additional changes beyond the currently proposed Zoning Map Amendment 23-899 will require partial rewrite of §185-49, as well as amendments to §185-3 Definitions, and §185-7 and related Use Regulation tables in Attachments 3 and 4.

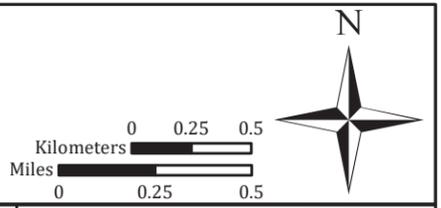
# MARIJUANA USE OVERLAY DISTRICTS

■ Marijuana Use Overlay District\*

▬ Parcel Line

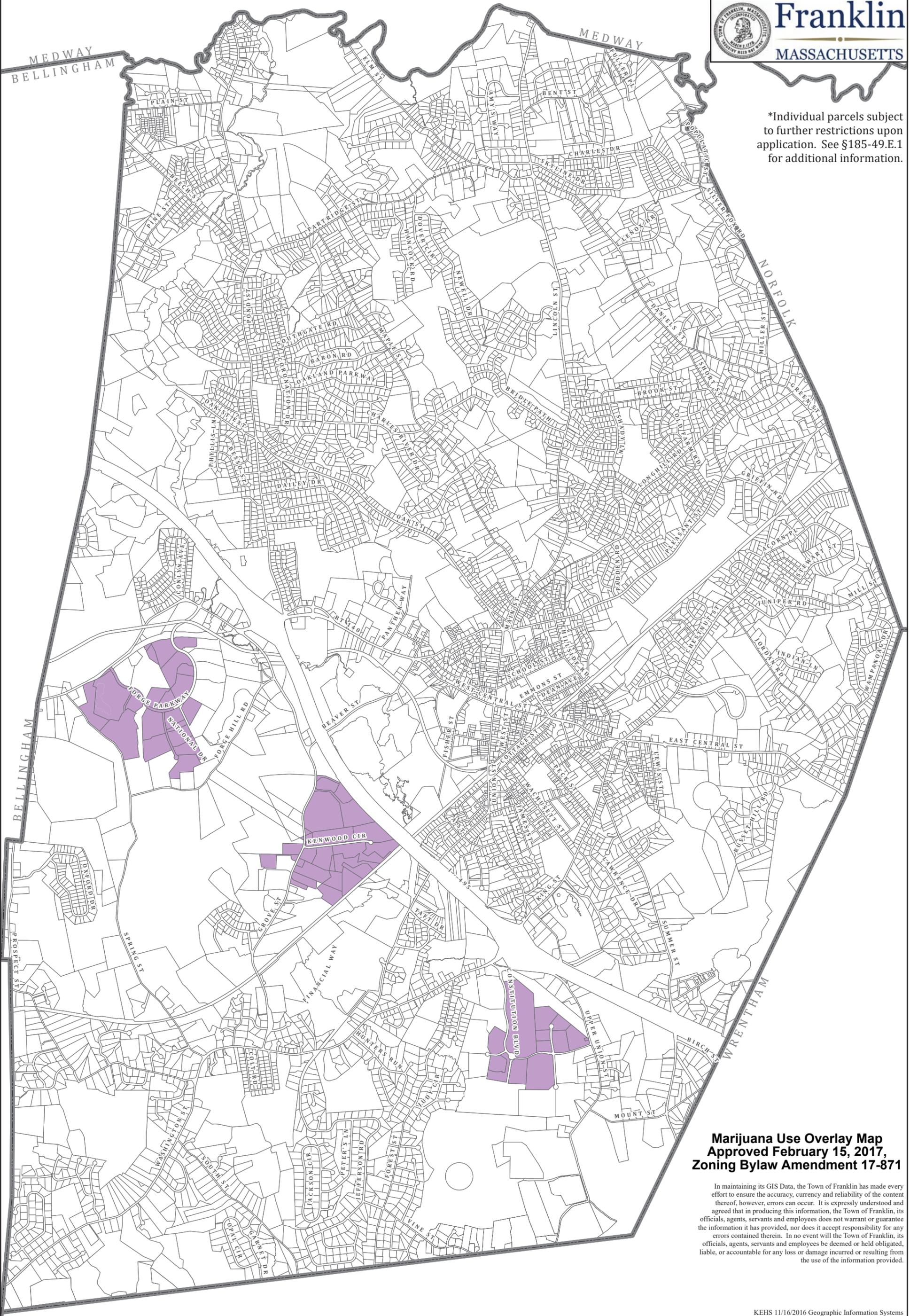
▬ Municipal Boundary

Attachment 1



**Franklin**  
MASSACHUSETTS

\*Individual parcels subject to further restrictions upon application. See §185-49.E.1 for additional information.



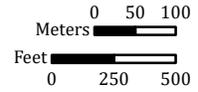
**Marijuana Use Overlay Map  
Approved February 15, 2017,  
Zoning Bylaw Amendment 17-871**

In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

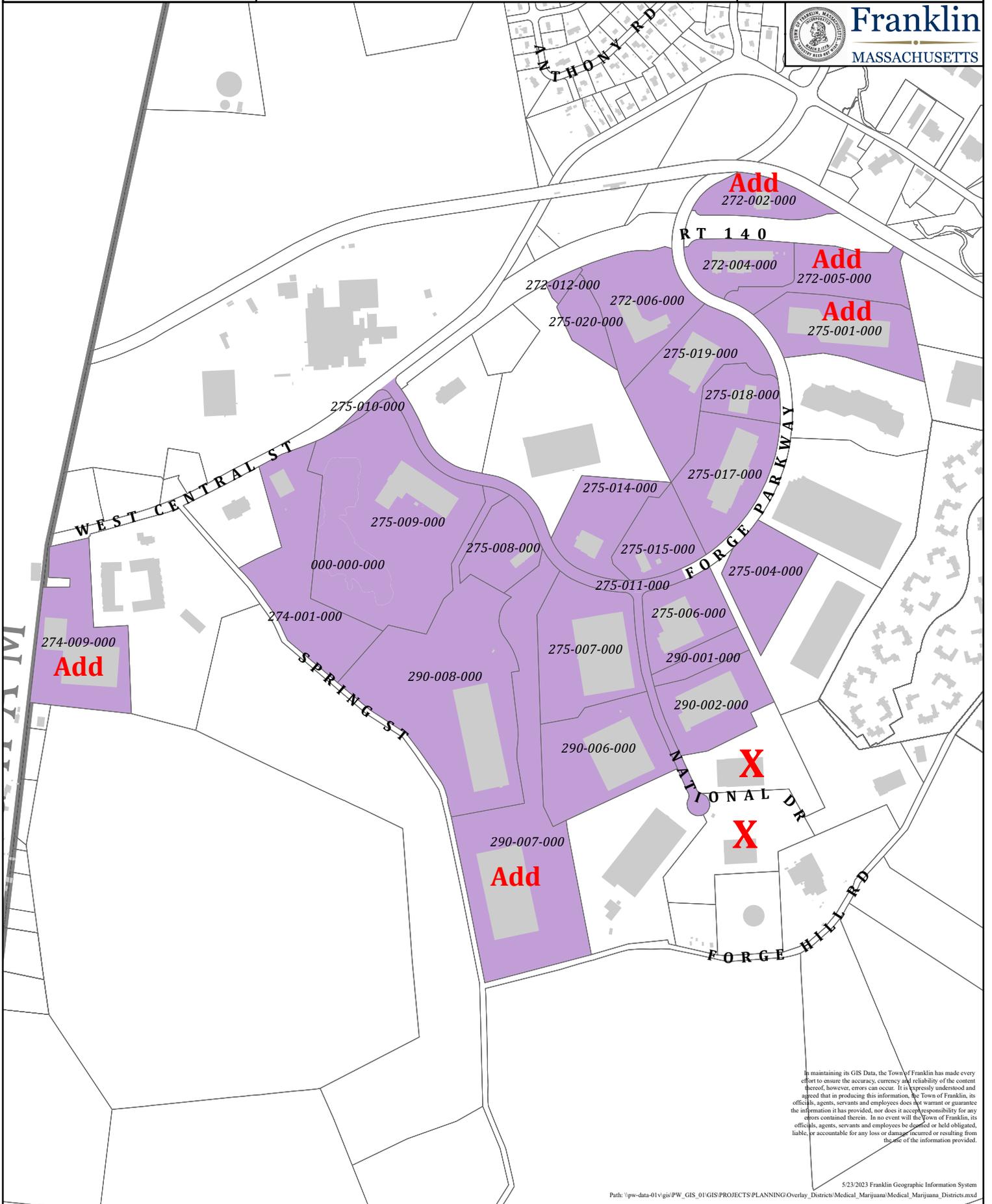
# MARIJUANA District Detail

-  Marijuana District
-  Building
-  Parcel Line

## Attachment 2 Map A



**Franklin**  
MASSACHUSETTS

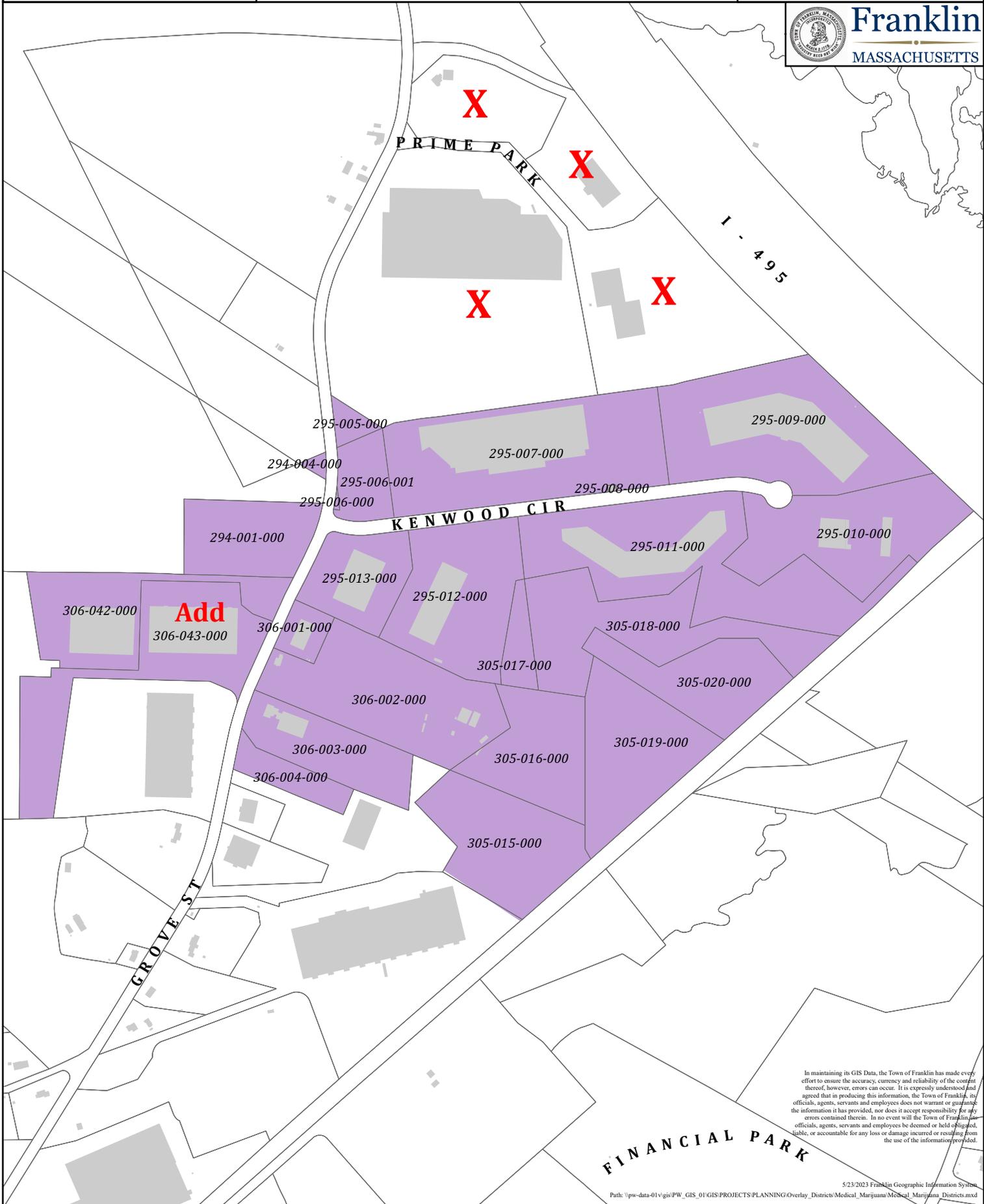
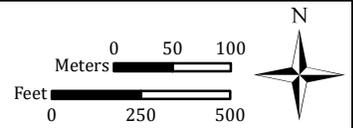


In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

# MARIJUANA District Detail

-  Marijuana District
-  Building
-  Parcel Line

## Attachment 2 Map B

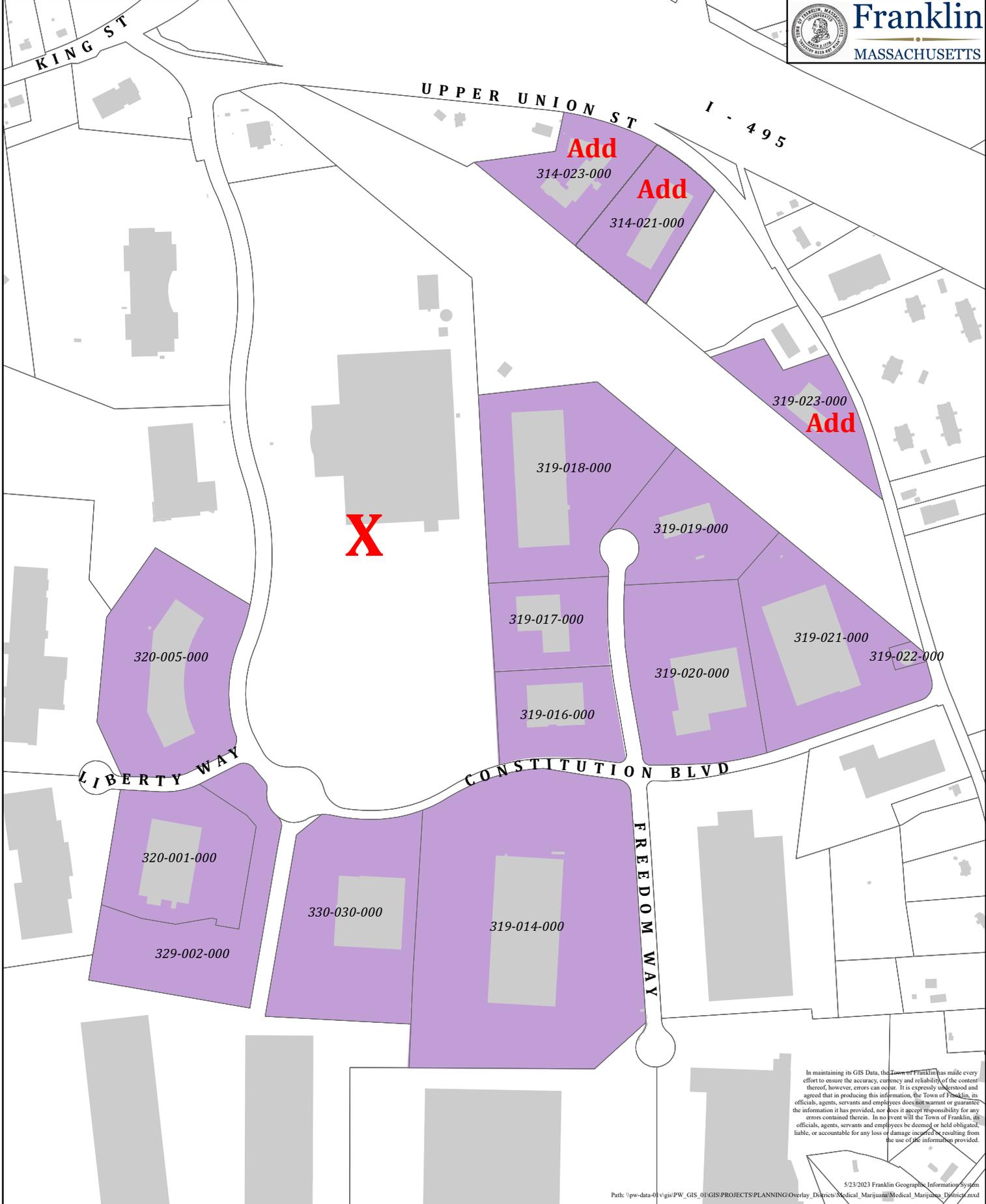
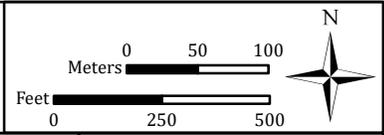


In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held negligent, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

# MARIJUANA District Detail

-  Marijuana District
-  Building
-  Parcel Line

## Attachment 2 Map C



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss of damage incurred by resulting from the use of the information provided.



**SPONSOR:** *Town Administration*

**TOWN OF FRANKLIN  
ZONING BYLAW AMENDMENT 23-899**

**MARIJUANA USE OVERLAY DISTRICT**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF  
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:** The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by deleting from the Marijuana Use Overlay District the following seven parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

<b>288-004-000</b>	<b>295-002-000</b>	<b>295-004-000</b>
<b>290-003-000</b>	<b>295-003-000</b>	<b>319-015-000</b>
<b>290-004-000</b>		

And the Zoning Map of the Town of Franklin be amended by adding to the Marijuana Use Overlay District the following nine parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

<b>272-002-000</b>	<b>275-001-000</b>	<b>314-021-000</b>
<b>272-005-000</b>	<b>290-007-000</b>	<b>314-023-000</b>
<b>274-009-000</b>	<b>306-043-000</b>	<b>319-023-000</b>

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes to the Marijuana Use Overlay District”).

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

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**DATED:** \_\_\_\_\_, 2023

**VOTED:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**UNANIMOUS:** \_\_\_\_\_

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_ **ABSENT:** \_\_\_\_

**RECUSED:** \_\_\_\_\_

\_\_\_\_\_  
**Nancy Danello, CMC**  
**Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**

# MARIJUANA USE OVERLAY DISTRICTS

-  Marijuana Use Overlay District\*
-  Parcel Line
-  Municipal Boundary



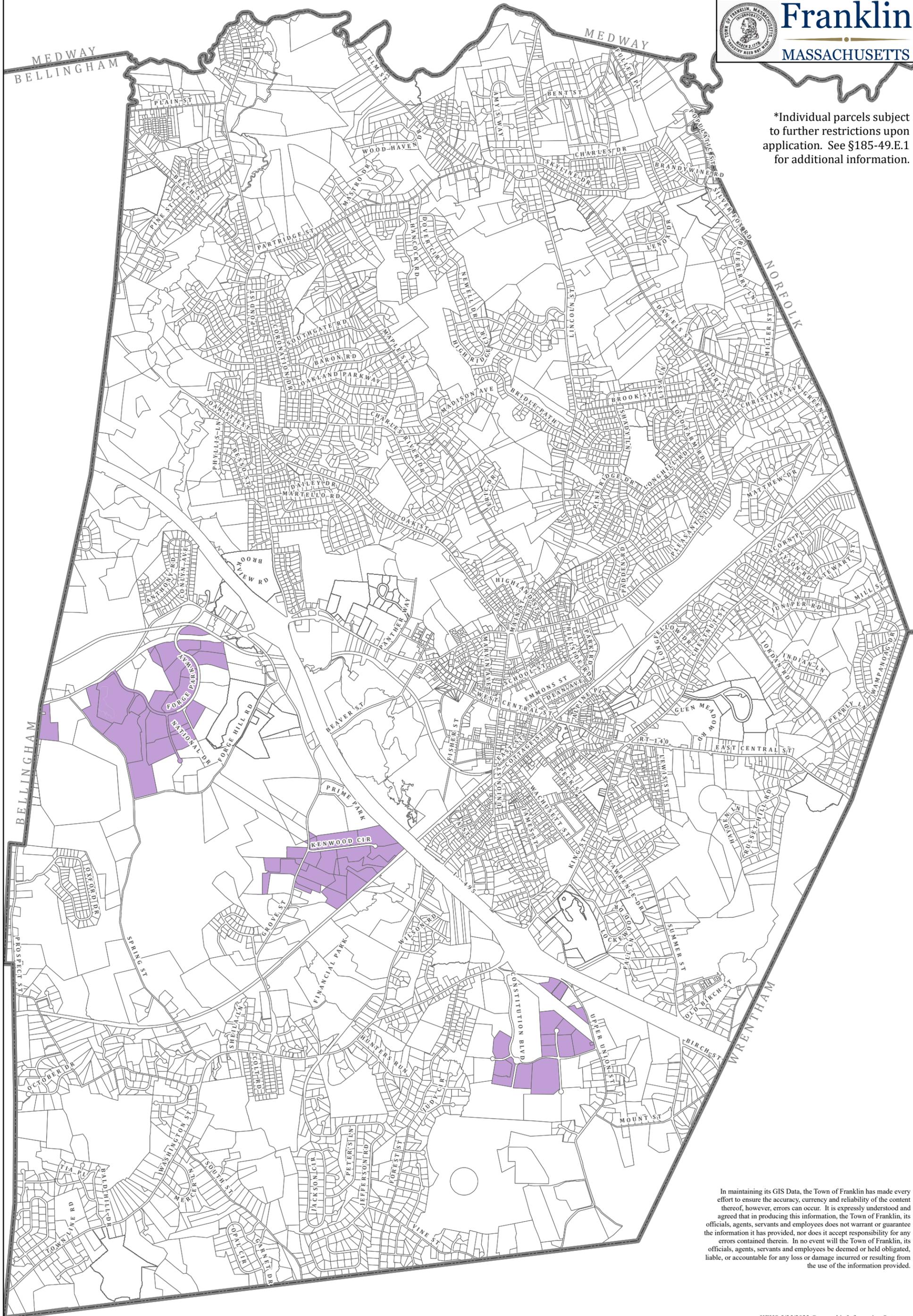
N

Kilometers 0 0.25 0.5

Miles 0 0.25 0.5



\*Individual parcels subject to further restrictions upon application. See §185-49.E.1 for additional information.



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