

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

March 1, 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 [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.

Link to access meeting via Zoom for the March 1, 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/87079451411>
- Call-In Phone Number: Call 1-929-205-6099 and enter **Meeting ID # 870 7945 1411** --Then press #

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

- [February 15, 2023](#)

4. PROCLAMATIONS / RECOGNITIONS - None Scheduled.

5. APPOINTMENTS - None Scheduled.

6. PUBLIC HEARINGS - 7:00 PM

- [Zoning Bylaw Amendment 23-887: Zoning Map Changes from Rural Residential II and Single Family Residential III to Rural Residential II or Single Family Residential III an Area On or Near Lincoln St. and Lincolnwood Drive](#)
 - Legislation for Action #9a
- [Zoning Bylaw Amendment 23-891: Zoning Map Changes from Rural Residential II and Single Family Residential III to Rural Residential II or Single Family Residential III an Area On or Near Lincoln St.](#)
 - Legislation for Action #9b

7. LICENSE TRANSACTIONS - None Scheduled.

8. PRESENTATIONS / DISCUSSION - *None Scheduled.*

9. LEGISLATION FOR ACTION

- a. [Zoning Bylaw Amendment 23-887 \(Formerly 22-887\): Zoning Map Changes from Rural Residential II and Single Family Residential III to Rural Residential II or Single Family Residential III an Area On or Near Lincoln St. and Lincolnwood Drive - First Reading](#)
(Motion to Move Zoning Bylaw Amendment 23-887 (Formerly 22-887) to a Second Reading - Majority Vote)
- b. [Zoning Bylaw Amendment 23-891: Zoning Map Changes from Rural Residential II and Single Family Residential III to Rural Residential II or Single Family Residential III an Area On or Near Lincoln St. - First Reading](#)
(Motion to Move Zoning Bylaw Amendment 23-891 to a Second Reading - Majority Vote)
- c. [Bylaw Amendment 23-892: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82. Fees. Municipal Service - Second Reading](#)
(Motion to Approve Bylaw Amendment 23-892 - Majority Vote)
- d. [Resolution 23-22: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44. §53F3/4](#) **(Motion to Approve Resolution 23-22 - Majority Vote)**

10. TOWN ADMINISTRATOR'S REPORT

- a. Personnel Update
- b. Joint Budget Subcommittee March 8th, 2023 7:00 PM

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
February 15, 2023**

A meeting of the Town Council was held on Wednesday, February 15, 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, Patrick Sheridan. Councilors absent: Deborah Pellegrini. 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. 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.

APPROVAL OF MINUTES: ► *February 1, 2023.* ► **MOTION** to **Approve** the February 1, 2023 meeting minutes by **Dellorco**. **SECOND** by **Jones**. **No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:00 PM. ► **Street Acceptances: Maple Tree Lane & Oak Tree Lane (Legislation for Action Item 9a).** ► Chair Mercer declared the public hearing open. ► Mr. Hellen reviewed that these two roads are part of the consistent objective to accept all the private ways in town. He stated that Maple Tree Lane and Oak Tree Lane are small roadways off of Maple Street. He stated that the Planning Board has approved both of these roads for acceptance. He stated that, ultimately, the effect of this is that they become public roads which get added to the Chapter 90 inventory; the Town will be responsible for maintenance and repair work. He stated that this will bring the total to five or six streets accepted this year. ► Town Council members asked questions and made comments. ► Councilor Frongillo asked if we will make the money back needed through the additional Chapter 90 money or through the tax money that we get from them. He stated that I am very confident that the answer is no and that we will never make back the money that it costs us to maintain these roads. He stated that these roads are not used by anyone else; they exist only to serve those few houses, and those homes will never contribute enough in taxes to pay for the maintenance of the very roads that they sit on. He stated that every time we do this, we add hundreds of thousands to our future liabilities for generations to come. He asked why do we keep doing this and when does it stop. ► Mr. Hellen stated that it is unlikely that the amount of Chapter 90 money that we would bring in would pay for the reconstruction of the road, so if you live on that road, legally the Town does not require by law to plow that road, to maintain that road, or provide services to that road. He stated that he thinks that it is difficult in the fact that when most people buy their homes, unless it is explicitly straightforward and unless you really read your deed and understand that you live on a private way, the overall general assumption is that the Town is going to maintain and plow and do what it needs to do on that road. He stated that roadwork and public infrastructure are probably the bread and butter of what we do as an organization and as a government. He stated that if the Town Council wants to prohibit

or cease the Town's effort to do public acceptances, it is within the Town Council's discretion; it has been a traditional practice in the past to chip away at these. He stated that for the citizens on those streets, he cannot recall a time where people came out to oppose public acceptance of a street. ► Councilor Chandler reviewed that when he moved to his street, he assumed the Town would plow and maintain his street. He confirmed the road is 31 years old; therefore, we have gotten a bargain for 31 years. He thinks as townspeople, they expect we will take care of their roads. ► Director of Public Works Brutus Cantoreggi, in response to a question, responded that it goes back to the intent of the road. He discussed that when the developer came in, he went through the Planning Board process that these roads would be accepted as a public right-of-way. Somewhere along the line they were not, and who knows why they were not accepted. He stated that we are not trying to take over private ways; these roads were intended to be public rights-of-way. ► Mr. Cerel added that when the developer comes into the Planning Board, it is contemplated that it will be a public road and is built to certain standards. If it is going to be a private road and everyone knows that upfront, then typically the Planning Board will require the developer to set up a homeowner's association to ensure that the road is properly maintained. ► Councilor Dellorco stated that these residents have been paying taxes for 31 years. He stated that he thinks it is our obligation to make sure their roads are right so the police and fire can get down there. He stated that they deserve it in his eyes. ► Councilor Cormier-Leger asked if we are currently not servicing these roads. ► Mr. Cantoreggi stated that from the Town Council through the years, once there are two properties and the road is complete, we always plow the road because of public safety, and we do fill potholes here and there. He noted that trash and recycling will go down private ways. ► Councilor Cormier-Leger confirmed that there is no difference in the taxes that these people are paying than what other people pay on a publicly accepted road; they have not been getting a break on paying. He stated that it seems like a no-brainer to him. ► Councilor Jones stated agreement with Councilor Cormier-Leger. He stated that citizens on those streets are taxpayers and they deserve the same rights as anyone else in this Town. He stated that he is strongly in support of taking acceptance of the roads. ► Councilor Hamblen stated that it was the intent that the roads would become public, so that means that we do what we said we would do. ► Councilor Frongillo stated that when we say that for all these years we just accepted them, what I hear is for all these years we have chosen to indebt future generations for liabilities that we will never be able to afford and further add to our expense sheets. He reviewed the cost to maintain a road and the annual contributions needed to cover that, and he reviewed that there is a shortfall every year which is on everyone else to pay for that. He stated that he hopes the Town Council reconsiders taking on private roads that we cannot maintain. He stated that we cannot just turn a blind eye to these expenses. ► Chair Mercer stated that he agreed with there is an expectation and requirements are set forth. He discussed that if the Town Council feels that the Town Council needs to change that, we are putting together a Master Plan Committee and changes should be discussed there, but now is not the time to make those adjustments. Today, we need to deal with these particular streets. He discussed that when the Planning Board tells the developer how to build the roads to our specifications, it is our obligation to accept those streets when they are ready. ► Chair Mercer closed the public hearing.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. *Resolution 23-17: Order of Acceptance of Maple Tree Lane and Oak Tree Lane as Public Ways and Related Utility and Drainage Easements (Motion to Approve Resolution 23-17 - Two-Thirds Majority Vote).* ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-17: Order of Acceptance of Maple Tree Lane and Oak Tree Lane as Public Ways and Related Utility and Drainage Easements by Dellorco. SECOND by Hamblen. No discussion. ► VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: None.

LEGISLATION FOR ACTION (*continued*):

- b. *Resolution 23-18: FY23 Capital Improvement Plan (Motion to Approve Resolution 23-18 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-18: FY23 Capital Improvement Plan by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that Councilor Jones outlined the recommendations during his reading of the resolution. He stated Resolution 23-19 is the appropriations to the stabilization accounts and Resolution 23-20 is money from retained earnings that must be appropriated. He stated that these are three separate resolutions to be approved. ► Councilor Dellorco, Vice Chair of the Capital Budget Subcommittee, read aloud a statement from Councilor Pellegrini, Chair of the subcommittee. Councilor Pellegrini's statement included that the Capital Budget Subcommittee held two meetings of about 1.5 hours each. All departments asking for money attended the meetings. The recommendation is for about \$3.5 million. It was noted that they are not actually spending all of the money. The subcommittee also unanimously endorsed a deposit of \$1 million into the rainy-day fund account. All those on the subcommittee were thanked for their work. ► Town Council members asked questions and made comments. ► Councilor Cormier-Leger reviewed that some of the items are not really capital expenses; they are operational expenses as they are needed for people to do their jobs. He stated that going forward, he would like to take some of these into account for operating expenses. ► Councilor Frongillo noted the \$140 million for infrastructure expenses that we have to pay and said we are continuing to add onto it through items that we just did. He discussed the open space stabilization. He stated that he wants to make sure we are all marking it and reminding ourselves that we are choosing not to put money into the open space stabilization fund, and the reasoning here is that because we have adopted a community preservation and now we have money to do things like that so we do not need to add to our open space. He continued that when the residents of Franklin went out and agreed to contribute more of their money to the community preservation fund, they did so thinking that they wanted to expend even more on open space, conservation, recreation, and historic preservation, not just shift that money elsewhere. He stated that we all agreed that we wanted to spend more for that. ► Chair Mercer reminded everyone that 200 acres of open space were bought in the last year. ► In response to Councilor Cormier-Leger's comments, Mr. Hellen reviewed why it is done this way. He reviewed and explained the tax levy, the demands, the capital plan, and the way that it has generally been done. ► **VOTE: Yes-8, No-0, Absent-1.**
- c. *Resolution 23-19: Free Cash to Stabilization Accounts Transfers (Motion to Approve Resolution 23-19 - Majority Vote).*** ► **MOTION to Approve** Resolution 23-19: Free Cash to Stabilization Accounts Transfers by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that these investments that are made are the very big reason why the Town became a AAA bond rating; saving some money is smart fiscal policy. ► **VOTE: Yes-8, No-0, Absent-1.**
- d. *Resolution 23-20: Water Retained Earnings Transfer to Water Main Capital Project R19-05 (Motion to Approve Resolution 23-20 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-20: Water Retained Earnings Transfer to Water Main Capital Project R19-05 by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that what happened is the ARPA rules do not allow for a past bill. Some of the design bills came in for the water mains and the ARPA money approved came in later. He stated that you cannot start accruing the bills until the money gets wired to you/approved by the county. So, the difference of the \$1.74 million is \$44,000 worth of bills that were accrued for the water main project on Country Club before we got the money. He stated that at the end of the day, you have to pay the bill. ► **VOTE: Yes-8, No-0, Absent-1.**

- e. ***Zoning Bylaw Amendment 23-889: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 7., Part VI, Use Regulation Schedule: Residential Uses - Referral to the Planning Board (Motion to Refer Bylaw Amendment 23-889 to the Planning Board - Majority Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer Zoning Bylaw Amendment 23-889: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 7., Part VI, Use Regulation Schedule: Residential Uses to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that the next two resolutions are referrals to the Planning Board. The Planning Board will have public hearings on both the zoning proposals and then the Planning Board will send back a recommendation to the Town Council, which is not binding, but their input is extremely valuable. The Town Council will then have two readings. He commented that he has been here over seven years and he cannot recall a better and more vigorous debate as on these two bylaws. He stated that zoning is probably the most difficult thing they do. He stated that in essence, he hopes the Town Council moves both of these along to the Planning Board. He discussed that if folks watch the meetings, they would see how this process was done. He stated that this is a huge step forward; these two zoning bylaw amendments are intertwined. He explained that for 10 or more units, it allows for a triggering effect for any development in the three zoning districts, allows that one of every 10 units shall be affordable, and makes it that instead of by special permit, builders can build 18 units by right in those three districts. ► Councilor Hamblen reviewed that the zoning bylaw amendments come to the Town Council through a 14-month process for people to get to consensus. We started far apart and came together. She discussed that they used the Franklin for All, Housing Production Plan, and MBTA Community regulations for these changes. She stated that she is glad it is before the Town Council to be referred to the Planning Board. She stated that we should be very proud of what we have done. She hopes everyone agrees to put it before the Planning Board. ► Town Council members asked questions and made comments. ► In response to questions, Director of Planning and Community Development Bryan Taberner stated that anywhere that a family lives in is a housing unit. He discussed that the inclusionary zoning bylaw relates to any multi-family development, new ones coming forward not the older ones, that are of 10 units or more. He reviewed that the other bylaw with the regulations states that multi-family is allowed by right in three specific zoning districts and not allowed in any others. He discussed that if we do not do a by-right zoning, the Town will not be able to apply for certain grants, and we do very well as a rule with the grant programs. He noted that a multi-family development can be a condominium complex where they have townhouses. He stated that there are a lot of different ways to put in a multi-family development. ► Mr. Hellen stated that at 117 Dean, they would have had to have the 10 percent requirement if this zoning bylaw were in place. ► Mr. Brad Steinka, 12 Maple Tree Lane, noted that three-story buildings will bring additional families into the town and that they will not be contributing to the tax base, so if their children go to the school, it is only the owner of the building who will pay taxes. He asked how are we going to accommodate that with the increase in affordable housing coming into the town. ► Councilor Frongillo stated that they do pay to the tax base. He stated that we assess the owner of the property and the owner chooses their rents; they will disburse the costs. ► Mr. Stephen Sherlock, 10 Lawrence Drive, referenced that there are four podcasts that the committee members spent time on which will provide additional information on both sides to understand the work and compromise that was reached. ► Chair Mercer thanked the Town Council members and other board members who served on the EDC. ► **VOTE: Yes-8, No-0, Absent-1.**
- f. ***Zoning Bylaw Amendment 23-890: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Section 51 - Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 23-890 to the Planning Board - Majority Vote).*** ► **MOTION to Waive the reading by Hamblen. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Refer Zoning Bylaw Amendment 23-890: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Section 51 to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:**

► Councilor Hamblen reviewed that this is the inclusionary bylaw that will get added to the Town Code; it is five-pages long. ► Mr. Cerel clarified that this applies only to multi-family housing; it does not apply to single family. ► **VOTE: Yes-8, No-0, Absent-1.**

- g. *Bylaw Amendment 23-893: Amendment to Sewer System Map - First Reading (Motion to Move Bylaw Amendment 23-893 to a Second Reading - Majority Vote).*** ► Councilor Jones read the bylaw amendment. ► **MOTION to Move** Bylaw Amendment 23-893: Amendment to Sewer System Map to a Second Reading by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that for the record he wanted to note that the memo has one incorrect statement which is we just wanted to get this done before they paved the road and there will not be a five-year moratorium. He said that as you know, in other areas in town if you do not hook up to the water lines when doing road work there sometimes is a moratorium, so I put that in the memo but it is incorrect. He stated that we did reach out to all the property owners over the years and the folks at 160 Grove Street have put in the proper applications and paperwork. ► Town Council members asked questions and made comments. ► In response to questions, Town Engineer Michael Maglio stated that the applicant will be paying the total cost to construct the sewer extension. He stated that they are making an additional contribution to the Town for the upgrade to the downstream pump station and another \$10,000 to the water conservation fund. In addition, they will be paying fees to use the sewer like everyone else. He stated that the original site plan had septic on it. He stated the requirement is June 30th. He explained that there is a current project under design to pave Grove Street. He stated that we want to make sure that if it is going to get approved, it is done by that time so it does not affect our project. He explained that the applicant will be constructing the project. In response to the question of why are we so accommodating with this when other people have been turned down, Mr. Maglio stated that it is on a project-by-project case; in this case the logistics of extending the sewer works. ► DPW Director Brutus Cantoreggi discussed economic development. He stated that this is for future use; they are going to go by a few other properties that may want to tie in during the future. So, it is about business development. He stated that the applicant is paying for the whole infrastructure. He stated that this is actually a good one for the Town. ► Mr. Stephen Balcewicz representing Land Planning, Inc. on behalf of the property owner noted that this is also the property that is in the Water Resource Protection Overlay District, so it is better for us to tie into the sewer because of the protections for the overlay. ► **VOTE: Yes-7, No-1, Absent-1.** (Councilor Chandler voted No.)
- h. *Resolution 23-21: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 23-21 - Majority Vote).*** ► **MOTION to Waive** the reading by **Cormier-Leger. SECOND** by **Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
 ► **MOTION to Approve** Resolution 23-21: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, 53F3/4 by **Dellorco. SECOND** by **Hamblen. No discussion.**
 ► ► **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen stated that the Senior Center is still closed; therefore, the office hours will not be held tomorrow. He stated that their focus is to work as fast and as swiftly as possible to reopen the café and the multipurpose room. He reviewed the work done and still needing to be done. He stated that once the café and multipurpose room are reopened, most likely they will be able to serve meals and have some afternoon programs. He thanked the library staff who have taken in some of the programs. He stated that he will provide another announcement at the end of the week. He cautioned that whenever we are able to open, the long-term fix and improvements may take some time. He noted that the insurance will be covering the damages including the furniture. ► Chair Mercer discussed the fix for the soffit areas so this does not happen again; we are hopeful that the insurance company will cover the fix as well.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** None.
- b. **Economic Development Subcommittee.** ► Councilor Hamblen stated that the next meeting is Wednesday, February 22, at 6 PM; it will be a public education forum on Chapter 40B including what is going on in the town and what are the differences between the different 40Bs. On March 1st, accessory dwelling units will be discussed.
- c. **Budget Subcommittee.** None.
- d. **GATRA Advisory Board.** ► Councilor Frongillo stated that they met today, and they revised the bylaws a little. He reviewed that they transitioned to one operator on January 30th. He stated that for the most part, it has been going well.

FUTURE AGENDA ITEMS: ► Councilor Cormier-Leger asked if DPW Director Brutus Cantoreggi will be coming in to discuss the sidewalk master plan. ► Mr. Hellen stated that he is waiting to see when the plan will be in place; it is on the docket.

COUNCIL COMMENTS: ► Councilor Cormier-Leger reminded everyone that on February 16, from 6 PM to 8 PM, Escape into Fiction will be holding the winter gallery for the Franklin Art Association. ► Councilor Chandler noted that the time to go from East Central Street to West Central Street takes longer. He stated that he is glad that Franklin has an elected school board. ► Councilor Sheridan noted the Franklin Food Pantry is having a fundraiser. ► Councilor Frongillo noted Black History Month Bingo on Friday at 67 Degrees at 7 PM. He noted that the Open Space and Recreation Plan is going on which includes a survey with a deadline of April 16th. ► Councilor Hamblen noted that the next Open Space hearing will be about Schmidt's Farm. She thanked the Capital Budget Subcommittee for their hard work. ► Councilor Jones noted that Dean College is having their neighborhood alliance meeting on Tuesday, February 2, at 6 PM, at Dean College. He encouraged everyone to attend. ► Councilor Dellorco stated that the Franklin Rod and Gun Club is having their breakfast this Sunday from 7:30 AM to 11 AM. He stated that there was a good Recreation Committee meeting last Monday with a lot of good things coming down the line. He noted the lights down at King Street are going forward, maybe fall of 2024. ► Chair Mercer noted that there is still time to fill out an application for the different committees including the Master Plan, Davis Thayer, Police Station, and Cultural; those committee forms are due by March 3rd.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Jones. No Discussion. ► VOTE: Yes-8, No-0, Absent-1.

Meeting adjourned at 8:45 PM.

Respectfully submitted,

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

Memorandum

February 24, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

**Re: Zoning Bylaw Amendments 23-887 (Formerly 22-887) & 23-891: Zoning Map Changes -
First Readings**

The action before the Town Council is to approve Zoning Bylaw Amendments 23-887 & 23-891.

Zoning Bylaw Amendment 23-887 (Formerly 22-887): On November 30, 2022 the Town Council referred this Zoning Bylaw Amendment to the Planning Board, and on January 9, 2023 the Planning Board voted unanimously to recommend it, as presented, to the Town Council.

Zoning Bylaw Amendment 23-891: On January 18, 2023 the Town Council referred this Zoning Bylaw Amendment to the Planning Board, and on February 27, 2023 the Planning Board will hold a public hearing to consider this amendment and vote on their recommendation to the Town Council. We anticipate that the Planning Board will vote to recommend it to the Town Council as presented.

For more information please see the attached memos and supporting documents from the Community Planning Director Bryan Taberner. We have also attached the 23-887 recommendation letter from the Planning Board and the Legal Notices for both March 1, 2023 public hearings which were published in the Metrowest Daily News and Wickedlocal.com on February 13th & February 15th .

If you have any additional questions please feel free to ask.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: PROPOSED ZONING MAP AMENDMENT 23-887 (FORMERLY 22-887)
ON AND NEAR LINCOLN STREET AND LINCOLNWOOD DRIVE
CC: MARK CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER
DATE: FEBRUARY 21, 2023

The Department of Planning and Community Development (DPCD) is working to amend the Town's existing Zoning Map (Chapter 185, Section 5, of Franklin Town Code) in an area on and near Lincoln Street and Lincolnwood Drive. This proposed Zoning Map change is a small part of a Town Wide project being implemented by DPCD and other Town staff.

The project will better define the Town's zoning districts by following parcel lines. Where parcels are within two or more zoning districts the subject Zoning Map Amendment will move the Zoning District line so each parcel is only in one zoning district.

Attached are the following:

- A list of parcels proposed for rezoning;
- Bylaw Zoning Amendment 23-887; and
- A diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

Please let me know if you have questions or require additional information.

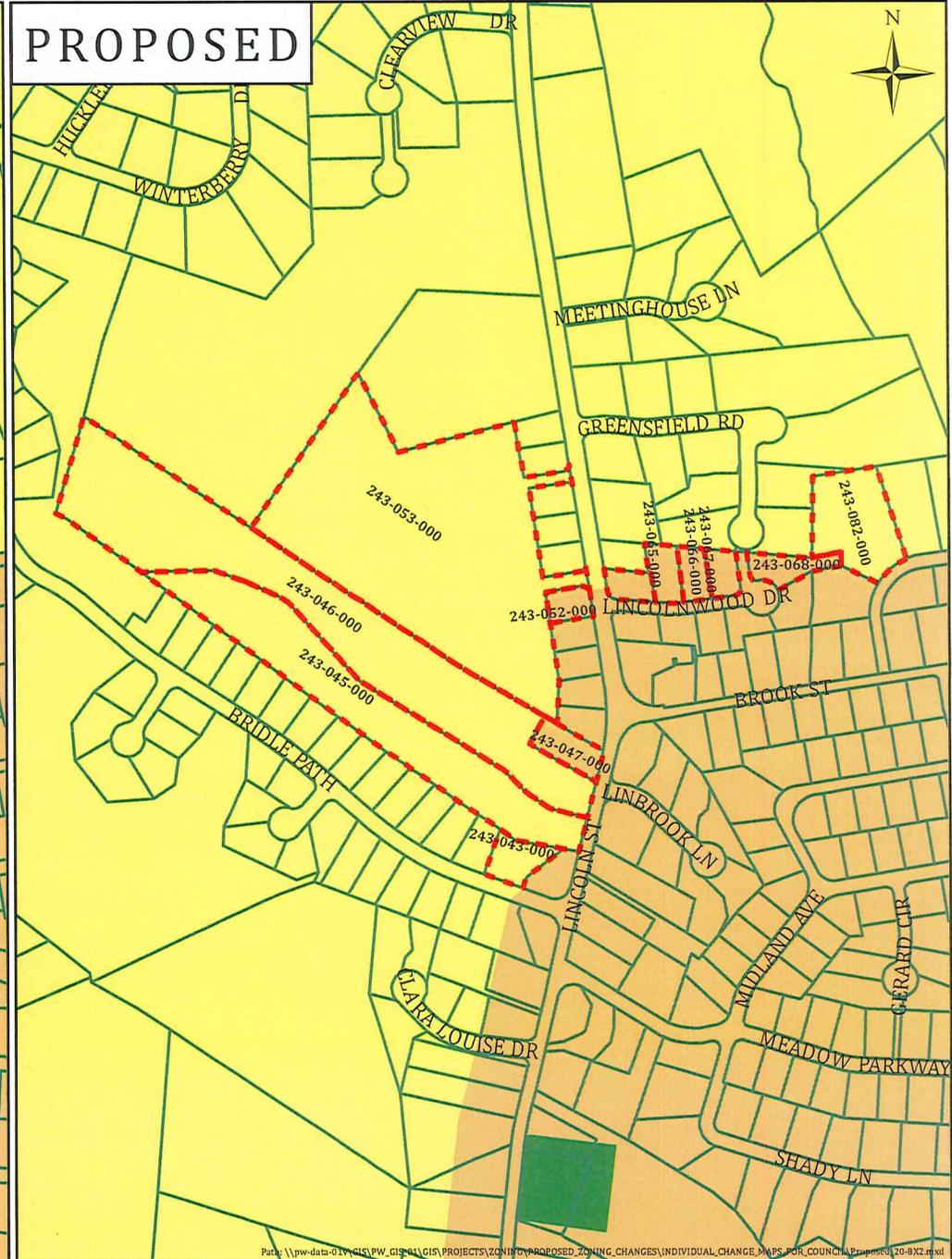
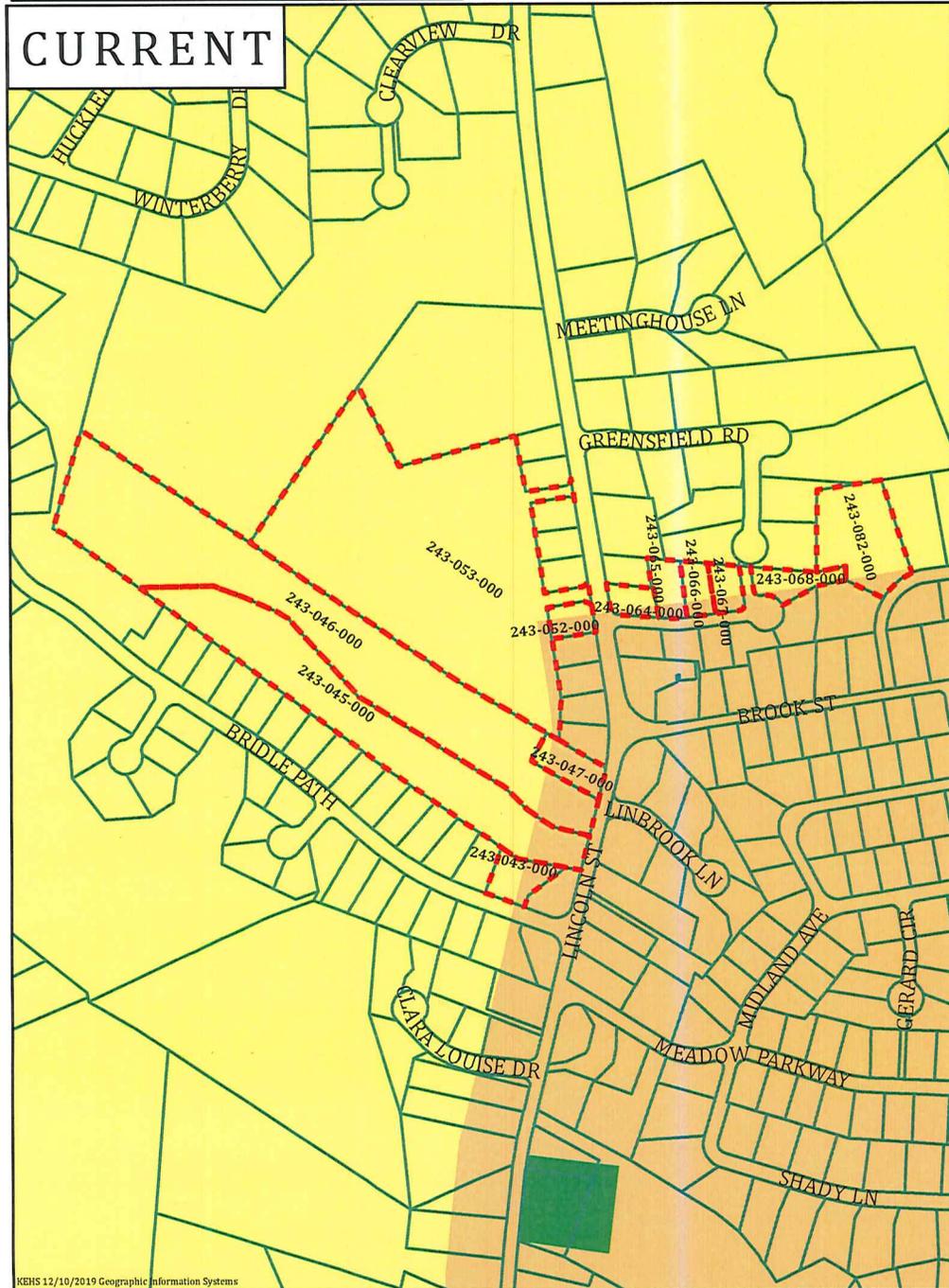
Proposed Zoning Map Changes

An Area On Or Near Lincoln Street, and Lincolnwood Drive
From Rural Residential II & Single Family Residential III, To Rural
Residential II or Single Family Residential III

0 375 750 1,500 Feet

- Commercial II
- Rural Residential II
- Single-Family III
- Area of Proposed Change
- Parcel Line

23-887



Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



PLANNING BOARD

Phone: (508) 520-4907
www.franklinma.gov

2023 JAN 17 P 2:36

RECEIVED

January 17, 2023

Nancy Danello, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE

Zoning By-law Amendment #22-887

Chapter 185, Section 5, Zoning Map of the Code of the Town of Franklin

Petitioner: Town Administration

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, January 9, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to recommend, *as presented*, the Zoning By-law Amendment #22-887, to the Town Council.

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,

Gregory Rondeau
Chairman

Cc: Town Administrator
Town Council

**LEGAL NOTICE - PUBLIC HEARING
FRANKLIN, MA**

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Franklin Town Council will hold a Public Hearing on March 1, 2023 at 7:00 PM to consider amending Chapter 185, Section 5, Zoning Map of the Code of the Town of Franklin. Please refer to the Town website, franklinma.gov for location information.

ZONING BY-LAW AMENDMENT 22-887

That the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Rural Residential II an area containing **35.26± acres** following parcels of land on or near Lincoln Street and Lincolnwood Drive, as shown on the Town of Franklin's Assessor's Maps, and that the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Single Family Residential III an area containing **3.02± acres** as shown on the Town of Franklin's Assessor's Maps.

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information. If you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers please contact the Town Administration Office at 508-520-4885.

Submitted by,
Julie McCann

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
**RE: PROPOSED ZONING MAP AMENDMENT 23-891, AN AREA
ON AND NEAR LINCOLN STREET**
CC: MARK CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER
DATE: FEBRUARY 22, 2023

As you know the Department of Planning & Community Development (DPCD) is working to amend the Town's existing Zoning Map (Chapter 185, Section 5, of Franklin Town Code) in an area on and near Lincoln Street. This proposed Zoning Map change is a small part of a Town Wide project being implemented by DPCD and other Town staff.

The project will better define the Town's zoning districts by following parcel lines. Where parcels are within two or more zoning districts the subject Zoning Map Amendment will move the Zoning District line so each parcel is only in one zoning district.

Attached are the following:

- A list of parcels proposed for rezoning;
- Bylaw Zoning Amendment 23-891; and
- A diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

The subject Zoning Map amendment is in an area along Lincoln Street that is immediately to the south of the previous Zoning Bylaw Amendment 23-887.

Note that the subject Zoning Map amendment is the last that deals with many parcels in a certain neighborhood. The remaining parcels (approximately 40) that are within two or more zoning districts are scattered around Town.

Please let me know if you have questions or require additional information.

Proposed Zoning Map Amendment 23-891

Purpose: Better define Zoning District boundaries by following parcel lines.

**From Rural Residential II & Single Family Residential III,
To Rural Residential II or Single Family Residential III,
An Area On Or Near Lincoln Street**

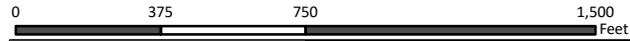
Parcel	Location	Size (acres)	Owners	From	To
243-006-000	5 Clara Louise Drive	0.3509	Patricia A Walsh Tr	RRII & SFRIII	RRII
243-008-000	404 Lincoln Street	0.8007	Mark B Gove, Patricia L Hickey	RRII & SFRIII	RRII
243-009-000	406 Lincoln Street	0.6268	Ian M Nordby	RRII & SFRIII	SFRIII
243-011-000	4 Bridle Path	0.7239	Lawrence Maggio, Julie Maggio	RRII & SFRIII	RRII
250-001-000	234 Lincoln Street	0.5276	Jeanne C Blanchard, Susan Blanchard	RRII & SFRIII	SFRIII
250-003-000	Lincoln Street	9.5760	Dean College	RRII & SFRIII	RRII
250-004-000	258 Lincoln Street	0.9186	Brian Kourtz, Amanda Rabbitt	RRII & SFRIII	SFRIII
250-006-000	264 Lincoln Street	2.5275	Michael Lavender	RRII & SFRIII	SFRIII
250-007-000	272 Lincoln Street	2.6475	Mary Ellen Kearney	RRII & SFRIII	SFRIII
250-008-000	Mary Nora Drive	0.5882	A B B Inc	RRII & SFRIII	SFRIII
250-011-000	282 Lincoln Street	1.2447	Lauren McSweeney Anzivino, Scott Anzivino	RRII & SFRIII	RRII
250-012-000	286 Lincoln Street	0.7748	Dave Van Den Bergh, Jennifer A Van Den Bergh	RRII & SFRIII	SFRIII
250-015-000	312 Lincoln Street	4.2836	Yoji Ichikawa, Hiroko Ichikawa	RRII & SFRIII	RRII
250-018-000	330 Lincoln Street	9.0244	David J Gatchell, Kathleen M Gatchell	RRII & SFRIII	RRII
250-019-000	350 Lincoln Street	1.0143	Darlene M Denommee	RRII & SFRIII	SFRIII
250-020-000	352 Lincoln Street	0.6895	John K Giddings, Elizabeth Robito Giddings	RRII & SFRIII	SFRIII
250-021-000	366 Lincoln Street	1.7408	David A Bernstein, Helen Camille Napier	RRII & SFRIII	SFRIII
250-022-000	372 Lincoln Street	0.8541	William J Gallagher, Christine Gallagher	RRII & SFRIII	SFRIII
250-023-000	378 Lincoln Street	0.8335	Christopher Kelly, Ashley E Kelly	RRII & SFRIII	SFRIII
250-024-000	Clara Louise Drive	0.1342	Robert B. Brown	RRII & SFRIII	SFRIII
261-019-000	174 Lincoln Street	1.2646	Kathryn M DeMeritt	RRII & SFRIII	SFRIII
261-020-000	184 Lincoln Street	2.0513	Susan M Ferzoco, Mark D Ferzoco, Yolanda Ferzoco	RRII & SFRIII	SFRIII
261-021-000	204 Lincoln Street	0.7037	Roger A Rondeau, Barbara A Rondeau	RRII & SFRIII	SFRIII
261-022-000	210 Lincoln Street	1.0871	James P Byrne, Marybeth F Byrne	RRII & SFRIII	SFRIII
261-023-000	216 Lincoln Street	0.7018	Daniel J Pennini, Maranda Landry	RRII & SFRIII	SFRIII
261-024-000	228 Lincoln Street	0.3709	Gary A Lucier	RRII & SFRIII	SFRIII
Total Area		46.0609			

RRII = Rural Residential II

SFRIII = Single Family Residential III

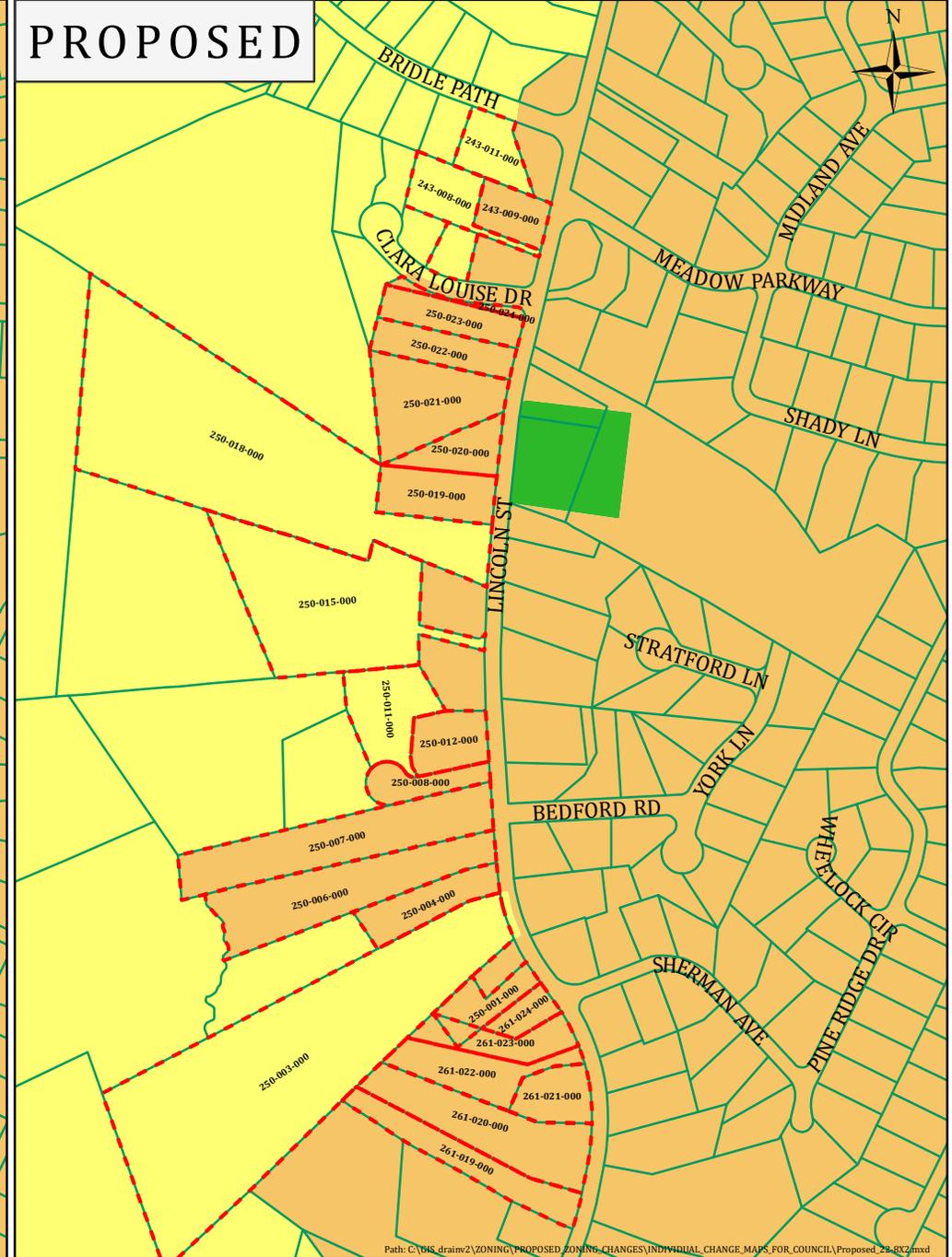
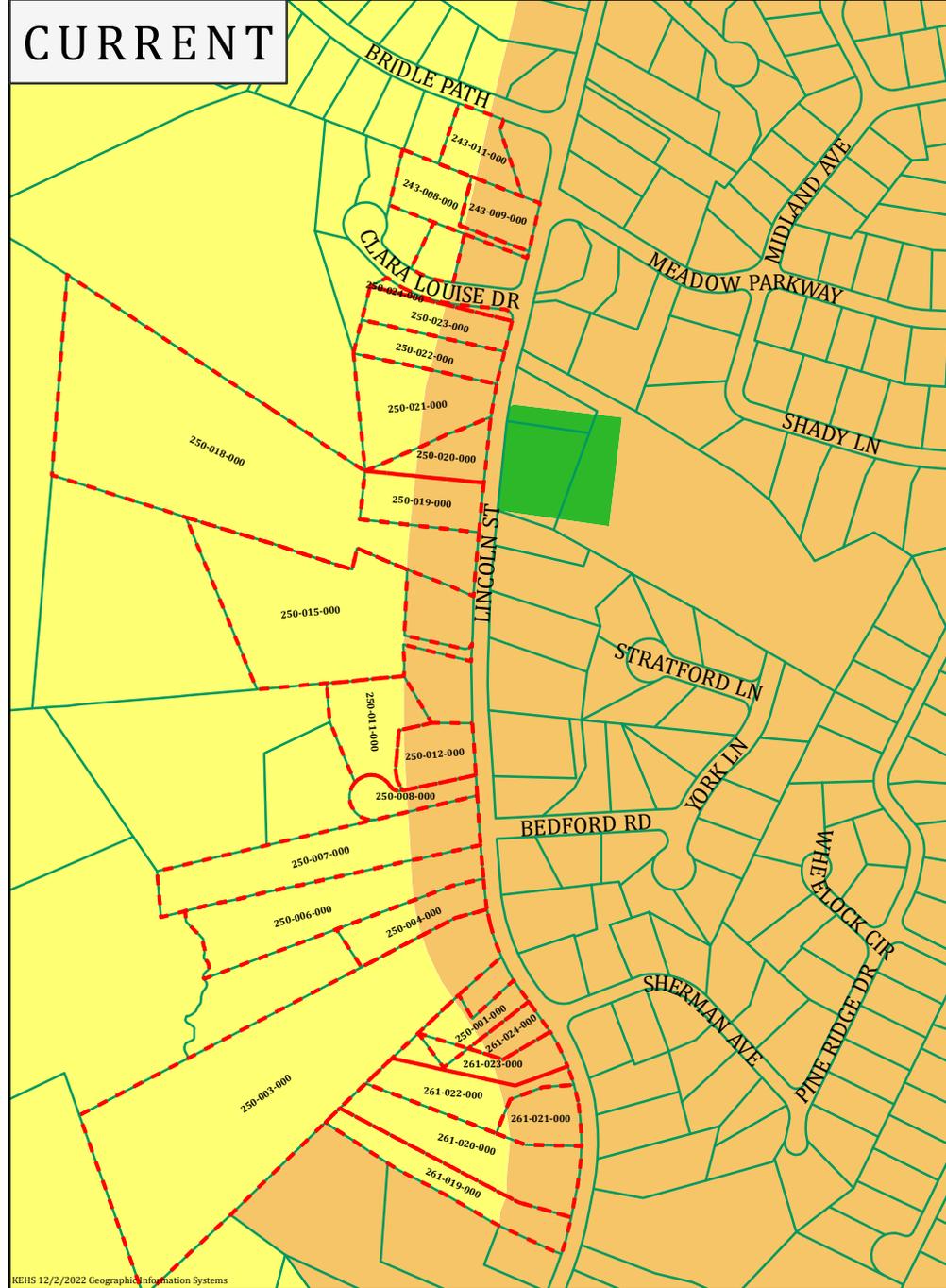
Proposed Zoning Map Changes

An Area On Or Near Lincoln Street
 From Rural Residential II & Single Family Residential III, To Rural Residential II or
 Single Family Residential III



- Commercial II
- Rural Residential II
- Single-Family III
- Area of Proposed Change
- Parcel Line

23-891



January 27, 2023

The following notice will be published in The Milford Daily Newspaper on Monday, February 13, 2023 and again on Monday, February 20, 2023.

FRANKLIN PLANNING BOARD
PUBLIC HEARING NOTICE

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on Monday, February 27, 2023 at 7:10 PM and the Town Council will hold a Public Hearing on Wednesday, March 1 at 7:10 PM to consider amending Chapter 185, Section 5, Zoning Map of the Code of the Town of Franklin. Please refer to the Town website, franklinma.gov for location information.

ZONING BY-LAW AMENDMENT 23-891

That the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Rural Residential II an area containing **26.004± acres** following parcels of land on or near Lincoln Street, as shown on the Town of Franklin's Assessor's Maps, and that the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Single Family Residential III an area containing **20.057± acres** as shown on the Town of Franklin's Assessor's Maps.

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Gregory Rondeau, Chairman
Franklin Planning Board

Tom Mercer, Chairman
Franklin Town Council



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-887 (Formerly 22-887)**

**ZONING MAP CHANGES FROM RURAL RESIDENTIAL II AND SINGLE
FAMILY RESIDENTIAL III TO RURAL RESIDENTIAL II OR
SINGLE FAMILY RESIDENTIAL III AN AREA ON OR NEAR
LINCOLN STREET AND LINCOLNWOOD DRIVE**

**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 changing from Rural Residential II and Single Family Residential III to Rural Residential II an area containing **35.26± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

243-043-000	243-046-000	243-082-000
243-045-000	243-053-000	

And the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Single Family Residential III an area containing **3.02± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

243-047-000	243-065-000	243-067-000
243-052-000	243-066-000	243-068-000
243-064-000		

The area to be rezoned is shown on the attached map ("Proposed Zoning Map Changes, An Area On Or Near Lincoln Street and Lincolnwood Drive").

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



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-891**

**ZONING MAP CHANGES FROM RURAL RESIDENTIAL II
AND SINGLE FAMILY RESIDENTIAL III TO
RURAL RESIDENTIAL II OR SINGLE FAMILY RESIDENTIAL III
AN AREA ON OR NEAR LINCOLN STREET**

**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 changing from Rural Residential II and Single Family Residential III to Rural Residential II an area containing **26.004± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

243-006-000	250-003-000	250-015-000
243-008-000	250-011-000	250-018-000
243-011-000		

And the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Single Family Residential III an area containing **20.057± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

243-009-000	250-019-000	261-019-000
250-001-000	250-020-000	261-020-000
250-004-000	250-021-000	261-021-000
250-006-000	250-022-000	261-022-000
250-007-000	250-023-000	261-023-000
250-008-000	250-024-000	261-024-000
250-012-000		

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes, An Area On Or Near Lincoln Street”).

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



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 24, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

**Re: Bylaw Amendment 23-892: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82
Municipal Service Fees - Second Reading**

I am asking the Council to approve Bylaw Amendment 23-892, to revise the fee schedule for BLS & Mileage rates in the Town's fees bylaw.

The Council last approved these fee increases in 2021 in order for the Town to be in the middle of the area of hospital communities for rates. Fast forward to today, and we are now slightly below the middle average for area communities. Approval of this bylaw will allow us to be back in the middle and maintain market standards. In 2020, the Council decided to look at the rates annually and adjust as needed. The Town did not need to adjust for inflation last year but should look at that for the coming year to maintain our emergency services.

The Town Council voted unanimously to move this Bylaw Amendment to a second reading at its February 1, 2023 meeting. The legal notice for the March 1, 2023 hearing, which was posted in the Metrowest Daily News and on Wickedlocal.com on February 15th, is included in the packet. If approved, rates will take effect on March 17, 2023.

The new proposed rates are as follows:

Service Fee	Rate
Ambulance Fees:	
ALS Base Rate 1	\$2,420.00
ALS Base Rate 2	\$3,571.00
BLS Rate	\$1,553.00 <u>\$1,619.00</u>
<u>(Commercial Care Facility Without Transport)</u>	\$935.00
Mileage	\$37.31 <u>\$38.00</u>

If you have any additional questions please feel free to ask.



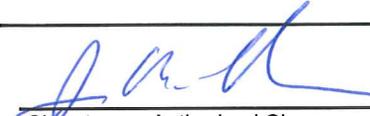
Ambulance Billing Service

8 Turcotte Memorial Drive, Rowley, MA 01969
Ph: 800-742-3001 FAX: 978-356-3721

FRANKLIN MA FIRE DEPARTMENT

2023 Rate Change Form

Charges	2023 Medicare		Current Rates	New Rates Effective On:
	Fee Schedule Allowed Amounts	Avg Bundled Comstar Top 50		
BLS EMERGENCY BASE RATE	\$476.59	\$1,619.00	\$1,553.00	3/1/23 <u>1,619.00</u>
ALS1 EMERGENCY BASE RATE	\$565.96	\$2,419.00	\$2,420.00	<u>2,420.00</u>
ALS2 EMERGENCY BASE RATE	\$819.15	\$3,551.00	\$3,571.00	<u>3,571.00</u>
MILEAGE	\$8.40	\$38.00	\$37.31	<u>38.00</u>
EXTRA EMT	\$0.00	N/A	\$265.00	<u>265.00</u>



Signature -- Authorized Signer

Date 1/9/23

James McLaughlin

Printed Name -- Authorized Signer

Fire Chief

Title -- Authorized Signer

**Please scan and email completed Rate Change form to:
ratechange@comstarbilling.com**

**LEGAL NOTICE
FRANKLIN, MA**

The Franklin Town Council will hold a second reading and final vote on the adoption of Town Code Bylaw Amendment 23-892: A Bylaw to Amend The Code of the Town of Franklin at Chapter 82, Fees, Municipal Service, §82-6 Schedule of Service Fees, Subsection F. Fire, which will increase the BLS rate from \$1,553.00 to \$1,619.00 and increase Mileage from \$37.31 to \$38.00.

The second reading and final vote on adoption of this bylaw amendment will take place during the Town Council Public Meeting beginning at 7:00 pm on March 1, 2023; there will be an opportunity for public input during the process. Location: Municipal Building, 2nd floor Council Chambers, 355 E. Central Street, Franklin, and also via the "ZOOM" platform. Residents can visit the Town website (Franklinma.gov) town calendar to review the agenda including full text of proposed bylaw amendment, and for up to date meeting information, on and after February 24, 2023. Please call the Town Administrator's Office at (508) 520-4949 if you require further information or to make arrangements for translation services.

Submitted by,

Julie McCann



TOWN OF FRANKLIN

BYLAW AMENDMENT 23-892

**CHAPTER 82, FEES, MUNICIPAL SERVICE
A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT
CHAPTER 82, FEES, MUNICIPAL SERVICE**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 82 of the Code of the Town of Franklin is amended at Section 82-6 Schedule of Service Fees, Subsection F. Fire, by striking existing language and replacing as set out below:

§ 82-6. Schedule of service fees.

F. Fire

Service Fee	Rate
Ambulance Fees:	
ALS Base Rate 1	\$2,420.00
ALS Base Rate 2	\$3,571.00
BLS Rate	\$1,553.00 \$1,619.00
<u>(Commercial Care Facility Without Transport)</u>	\$935.00
Mileage	\$37.31 \$38.00

This bylaw amendment shall become effective on and after March 17, 2023.

DATED: _____, 2023

A True Record Attest:

**Nancy Danello, CMC
Town Clerk**

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 24, 2023

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Resolution 23-22: Cable Funds in Support of PEG Service and Programming

The Massachusetts Department of Revenue requires the Town Council to vote to appropriate PEG funds received from Comcast and Verizon to an established revolving account.

Please find the attached resolution to appropriate \$83,983.95 in PEG funds received for the fourth quarter of 2022 from Verizon to Franklin Community Cable Access, Inc.

Please let us know if you have any questions.



TOWN OF FRANKLIN RESOLUTION 23-22

APPROPRIATION: Cable Funds in Support of PEG Service and Programming per
MGL Ch. 44, §53F3/4

TOTAL REQUESTED: \$83,983.95

PURPOSE: To appropriate \$83,983.95 from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, representing the amount received from Verizon in the previous quarter, to be paid to Franklin Community Cable Access, Inc. to operate the cable access studio and otherwise fund its operations.

MOTION: Be it Moved and Voted by the Town Council that the sum of \$83,983.95 be appropriated from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, to be paid to Franklin Community Cable Access, Inc. to operate the cable access studio and otherwise fund its operations.

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