

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

September 6, 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 9 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens are welcome to continue to participate remotely via phone OR Zoom. Link to access meeting via Zoom for the September 6, 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/83585479080>
- Call-In Phone Number: Call 1-929-205-6099 and enter **Meeting ID # 835 8547 9080** --Then press #
- Participants are muted upon entry into the Zoom platform and will not be able to unmute themselves without permission from the Zoom host. To request permission to unmute, please use the "raise hand" function on your Zoom screen.

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

- [July 19, 2023](#)

4. PROCLAMATIONS / RECOGNITIONS - None Scheduled.

5. APPOINTMENTS

- Design Review Commission
 - [Andrew Pratt](#)
- Municipal Affordable Housing Trust
 - [Jayaprabha Vijayaraghavan](#)
- Fire Department - New Employee
 - Jack Lennon: Firefighter/Paramedic
- Fire Department - Promotions
 - Thomas Konieczny: Battalion Chief

- ii. Paul Molla: Captain
- iii. Laurie Kaye: EMS Captain
- iv. Matthew Kelly: Lieutenant
- v. Michael Berthiaume: Lieutenant
- vi. Jonathan Chalk: Lieutenant

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

7. LICENSE TRANSACTIONS - None Scheduled.

8. PRESENTATIONS / DISCUSSION

- a. Discussion: Dean College Update - Ken Elmore, President of Dean College
- b. [Discussion: Tri-County Regional Vocational School Financing](#)

9. LEGISLATION FOR ACTION

- a. [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 - Second Reading](#)
(Motion to Approve Bylaw Amendment 23-898 - 2/3 Majority Roll Call Vote)
- b. [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 - Second Reading](#)
(Motion to Approve Bylaw Amendment 23-899 - 2/3 Majority Roll Call Vote)
- c. [Zoning Bylaw Amendment 23-901: A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map](#)
(Motion to Refer Zoning Bylaw Amendment 23-901 to the Planning Board - Majority Vote)
- d. [Resolution 23-49: Authorization for Intermunicipal Agreement with County of Plymouth for County of Plymouth to Provide Parking Ticket Computerization and Processing Services to Franklin](#) **(Motion to Approve Resolution 23-49 - Majority Vote)**
- e. [Resolution 23-50: Acceptance of Private Road Covenant with Owner-Developer of Prospect Hills Estates with Access Road Off Prospect Street](#)
(Motion to Approve Resolution 23-50 - Majority Vote)
- f. [Resolution 23-51: Gift Acceptance - Veterans' Services Dept. \(\\$1,525\)](#)
(Motion to Approve Resolution 23-51 - Majority Vote)
- g. [Resolution 23-52: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4](#) **(Motion to Approve Resolution 23-52 - Majority Vote)**

10. TOWN ADMINISTRATOR'S REPORT

- a. Migrant Housing Update

11. SUBCOMMITTEE & AD HOC COMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Economic Development Subcommittee
- c. Budget Subcommittee
- d. Master Plan Committee
- e. Davis-Thayer Reuse Advisory Committee
- f. Police Station Building Committee
- g. GATRA Advisory Board

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION

- a. Considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Public Body

15. ADJOURN

Note: Two-Thirds Vote: requires 6 votes

Majority Vote: requires majority of members present and voting

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

September 1, 2023

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator
RE: Appointment - Design Review Commission

We are recommending the appointment of Andrew Pratt as a Member of the Design Review Commission with a term to expire on June 30, 2026.

Andrew's volunteer form is included in the 9/6/23 Town Council agenda packet.

Please let us know if you have any questions.



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: July 24, 2023

Name: Andrew R Pratt

Home Address: 158 Pleasant Street
FRANKLIN, MA 02038

Mailing Address: 158 Pleasant Street
FRANKLIN, MA 02038

Phone Number(s):

Email Address:

Current Occupation/Employer: Operations Manager / ASICS America Corp.

Narrative: I would have at a minimum a couple of hours each month to devote to one of the boards and committees here. My undergraduate and graduate education was in political science, public policy, and international affairs. I have professional experience with organizational communication, project management, budget management, and client/vendor management.

Board(s) / Committee(s): ☐ Design Review Commission
☐ Finance Committee
☐ Franklin Cultural Council
☐ HISTORICAL COMMISSION
☐ Recreation Advisory Board

APPOINTMENTS



Design Review Commission

Andrew Pratt

158 Pleasant St.

Franklin, MA 02038

The Town Administrator has appointed, subject to Town Council ratification, Andrew Pratt to serve as a Member of the Design Review Commission with a term to expire on June 30, 2026.

MOTION to ratify the appointment by the Town Administrator of Andrew Pratt to serve as a Member of the Design Review Commission.

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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www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

September 1, 2023

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

RE: Appointment - Municipal Affordable Housing Trust

We are recommending the appointment of Jayaprabha Vijayaraghavan as a Member of the Municipal Affordable Housing Trust with a term to expire on June 30, 2024.

Jaya's volunteer form is included in the 9/6/23 Town Council agenda packet.

Please let us know if you have any questions.



Town of Franklin MA

355 East Central Street

Franklin, MA 02038

Phone: 508-520-4949

Volunteer Form

Good Government Starts with You!

Date Submitted: July 27, 2023

Name: Jayaprabha Vijayaraghavan

Home Address: 34 Palomino drive
Franklin

Mailing Address: 34 Palomino drive
Franklin

Phone Number(s): [REDACTED]

Email Address: [REDACTED]

Current Occupation/Employer: Scrum Master / Fidelity Investments

Narrative: I can be available on weekday evenings and weekends. Approximately a max of 7 hours/week.
Currently pursuing my Real Estate Salesperson License
Have served disabled children in the past

Board(s) / Committee(s): ☐ Franklin Disability Commission
☐ Municipal Affordable Housing Trust Fund Committee
☐ Recreation Advisory Board

APPOINTMENTS



Municipal Affordable Housing Trust

Jaya Vijayaraghavan

34 Palomino Drive

Franklin, MA 02038

The Town Administrator has appointed, subject to Town Council ratification, Jaya Vijayaraghavan to serve as a Member of the Municipal Affordable Housing Trust with a term to expire on June 30, 2024.

MOTION to ratify the appointment by the Town Administrator of Jaya Vijayaraghavan to serve as a Member of the Municipal Affordable Housing Trust.

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

September 1, 2023

To: Town Council
From: Jamie Hellen, Town Attorney
Amy Frigulietti, Deputy Town Attorney

Re: **Tri-County School Financing**

The Massachusetts School Building Authority (MSBA) gave final approval of the Tri-County School project this past week. Given the limited time frame, the Town Council will have an initial discussion on how and when to address the financing of the project.

A few facts:

- The project was approved at \$286 million; \$90 million is paid for by the state.
- As outlined at the August 2, 2023 Joint Budget subcommittee, if a debt exclusion, or other financing options are not addressed, the Town will be required to pay its portion of the project out of the town operating budget.
- We anticipate an October 24, 2023 district wide authorization vote for only the project, not the financing. Each community is responsible for their own financing.
- A minimum 35 days is required to place a ballot question on the ballot at a local election. The Council could add this to the November 7, 2023 local ballot. The deadline would be October 4, 2023. The Council has a meeting on September 20, 2023, which should be the deadline for any decision to ensure the Town Clerk has enough time to secure and order the ballots.
- Estimated household cost is \$144/per household on a house valued at \$500,000. Assumes a 4.25% interest rate over 30 years.

For detailed information, go to the Tri-County Building website: <https://www.tri-countybuilding.com/about>

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

September 1, 2023

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy 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

This is a second reading and final vote of Zoning Bylaw Amendment 23-898.

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.

On June 21st, the Town Council voted unanimously (9-0) to refer Zoning Bylaw Amendment 23-898 to the Planning Board.

At their July 24th meeting, the Planning Board voted unanimously (5-0) to recommend adoption of this bylaw amendment, *with changes*, to the Town Council. They voted to change the percentage of maximum impervious coverage allowed in the GRV zoning district back to the recommendation of the Department of Planning & Community Development: 35% (structures) and 45% (structures plus paving). In other words, the Planning Board is recommending to reject the EDC amended version of 23-898.

Finally, at their August 16th meeting, the Town Council voted to uphold the recommendation of the EDC and move Bylaw Amendment 23-898, as presented, to a second reading.

For detailed information regarding Zoning Bylaw Amendment 23-898, please see the 6/14/23 dated memo from Bryan Taberner in the packet. The 7/25/23 dated Certificate of Vote Letter from the Planning Board and the legal ad for the Planning Board and Town Council public hearings are also included in the packet.

Please let us know if you have any questions.

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. TABERNE, 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.

Maximum Impervious Coverage of Existing Upland		
Zoning District	Structures	Structures Plus Paving
Existing Zoning Regulations		
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.

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

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



PLANNING BOARD

Phone: (508) 520-4907

www.franklinma.gov

TOWN OF FRANKLIN
TOWN CLERK

2023 JUL 26 P 4: 37

RECEIVED

July 25, 2023

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

CERTIFICATE OF VOTE

Zoning By-law Amendment #23-898

GRV Impervious & CI 3-Family

Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, July 24, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, with changes*, to the Town Council the adoption of Zoning By-law Amendment #23-898, a Zoning By-Law to amend Section 185 Attachment 9 of the Franklin Town Code.

The Planning Board voted on July 24, 2023 to amend Zoning By-Law 23-898 to the GRV impervious surface as recommended by DPCD. The increase for Structures will be from 30% to 35% and the structures with paving is 35% to 45%. The Planning Board is recommending this change based on professional staff that originally recommended the impervious area percentages.

The Planning Board also on Monday, July 24, 2023, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, CI 3-Family amendment.

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

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

PLANNING BOARD

The following notice will be published in the Milford Daily Newspaper once on Monday, July 10, 2023 and again on July 17, 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, July 24, 2023 at 7:00 PM and the Town Council will hold a Public Hearing on Wednesday, August 16 at 7:00 PM in the Council Chambers of the Franklin Municipal Building, 355 East Central Street (also available to be attended remotely) to consider amending Chapter 185, Attachment 9 of the Code of the Town of Franklin.

ZONING BY-LAW AMENDMENT 23-898

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

The exact text of the proposed zoning bylaw addition is posted on the website along with the hearing notice.

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.

Copies of the plan and supporting documentation may be reviewed in the Department of Planning & Community Development during regular office hours.

Greg Rondeau, Chairman
Franklin Planning Board

Tom Mercer, Chairman
Franklin Town Council



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 ³
Rural Residential I	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VII ¹¹	40,000	200	200	180 ⁴	40	40	40	3	35	20 ¹²	25 ¹²
Rural Residential II	30,000	150	200	135 ⁴	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	30 45	35 55
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Rural Business ¹³	40,000	200	200	180	40	30	40	1.5	30	10	30
Downtown Commercial	5,000	50	50	45	5 ¹⁰	0 ²	15	3 ⁹	40 ⁹	80	90
Commercial I ⁷	5,000	50	50	45	20 ¹	10 ¹⁴	15	3 ¹⁵	40 ¹⁵	80	90
Commercial II	40,000	175	200	157.5	40	30	30	3 ¹⁵	40 ¹⁵	70	80
Business	20,000	125	160	112.5	40	20	30	3 ¹⁵	40 ¹⁵	70	80
Mixed Business Innovation	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ¹⁵	40 ¹⁵	70	80
Industrial	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ⁶	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 ⁸	30 ⁸	3 ⁶	40 ⁶	70	80
Office	40,000	100	100	90	20	30 ⁵	30 ⁵	3 ⁶	40 ⁶	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:

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

² Increase to 20 feet when abutting a residential district.

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

⁴ 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.

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

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

⁷ 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.

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

⁹ 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.

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

¹¹ See §185-50.

¹² 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.

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

¹⁴ 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.

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

June 14, 2023
Franklin DPCD

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

September 1, 2023

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy 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

This is a second reading and final vote of Zoning Bylaw Amendment 23-899.

Zoning Bylaw Amendment 23-899 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.

At their June 21st meeting, the Town Council voted unanimously (9-0) to refer it to the Planning Board.

At their July 24th meeting, the Planning Board voted unanimously (5-0) to recommend Zoning Bylaw Amendment 23-899, as presented, to the Town Council.

Finally, at their August 16th meeting, the Town Council voted to move Bylaw Amendment 23-899, as presented, to a second reading.

For detailed information regarding Zoning Bylaw Amendment 23-899, please see the 6/14/23 dated memo from Bryan Taberner in the packet. The 7/25/23 dated Certificate of Vote Letter from the Planning Board and the legal ad for the Planning Board and Town Council public hearings are also included in the packet.

Please let us know if you have any questions.

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:

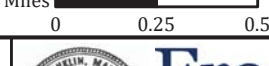


- Allow the marijuana uses within all industrially zoned areas, and keep the current siting limitations within §185-49(5).
- Allow the marijuana uses within other zoning districts, possibly Commercial II, Business, and or Mixed Business Innovation, and keep the current siting limitations within §185-49(5).
- 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

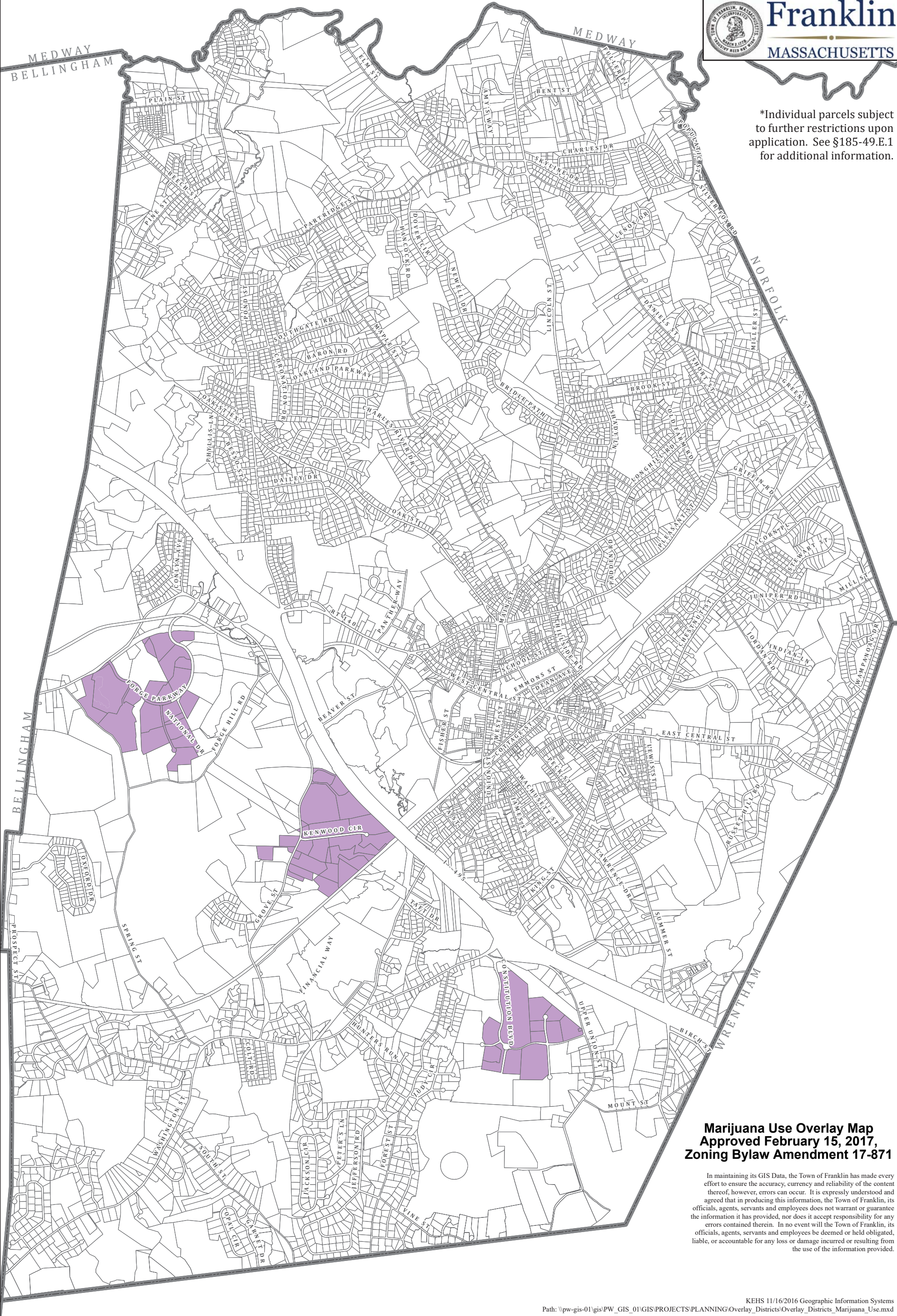
Attachment 1





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

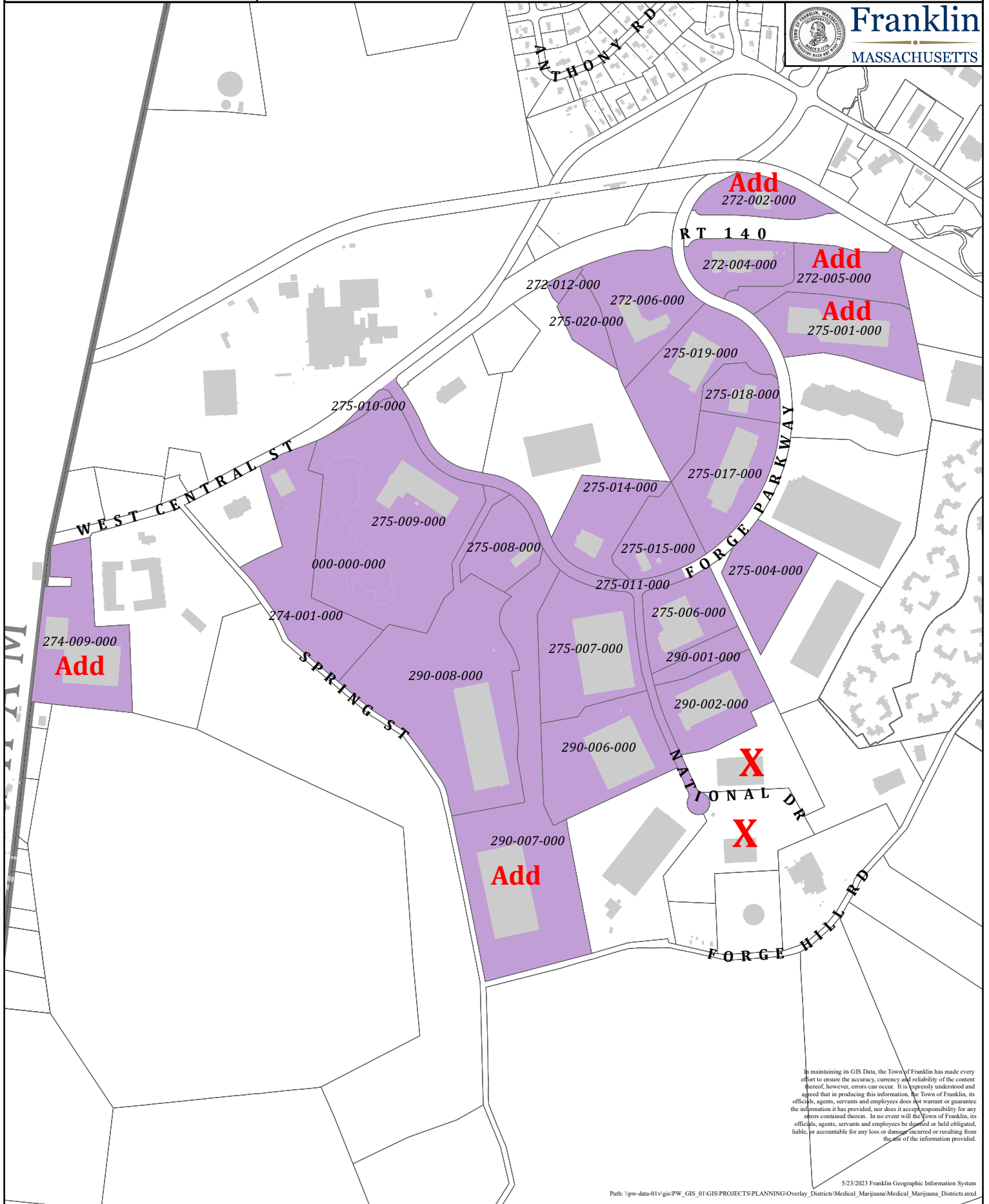
- Marijuana District
- Building
- Parcel Line

Attachment 2 Map A

0 50 100
Meters
0 250 500
Feet






Franklin
MASSACHUSETTS



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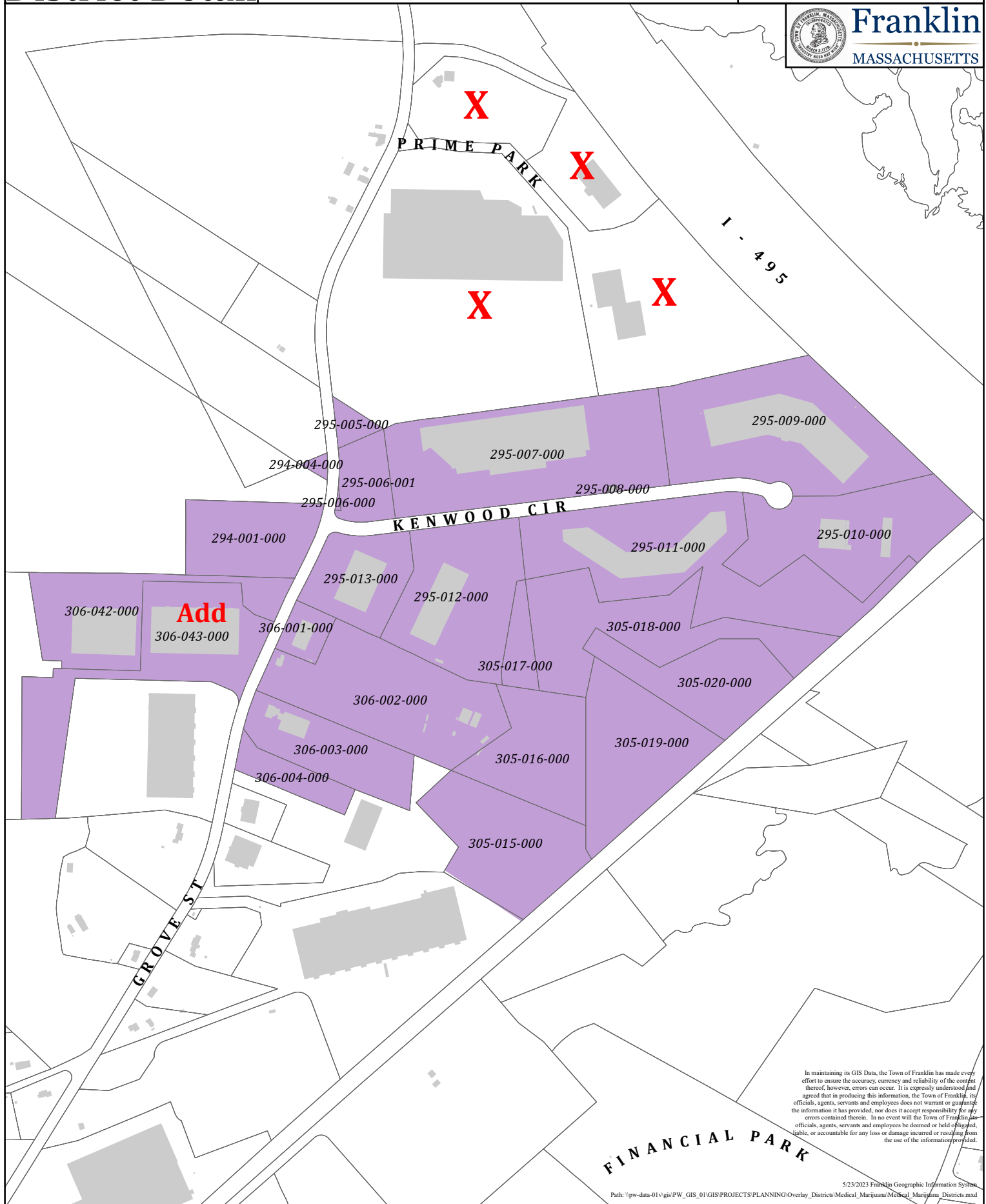
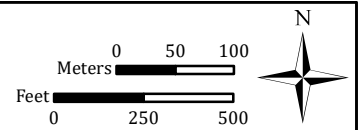
MARIJUANA

District Detail

 Marijuana District
 Building
 Parcel Line




Attachment 2

Map B

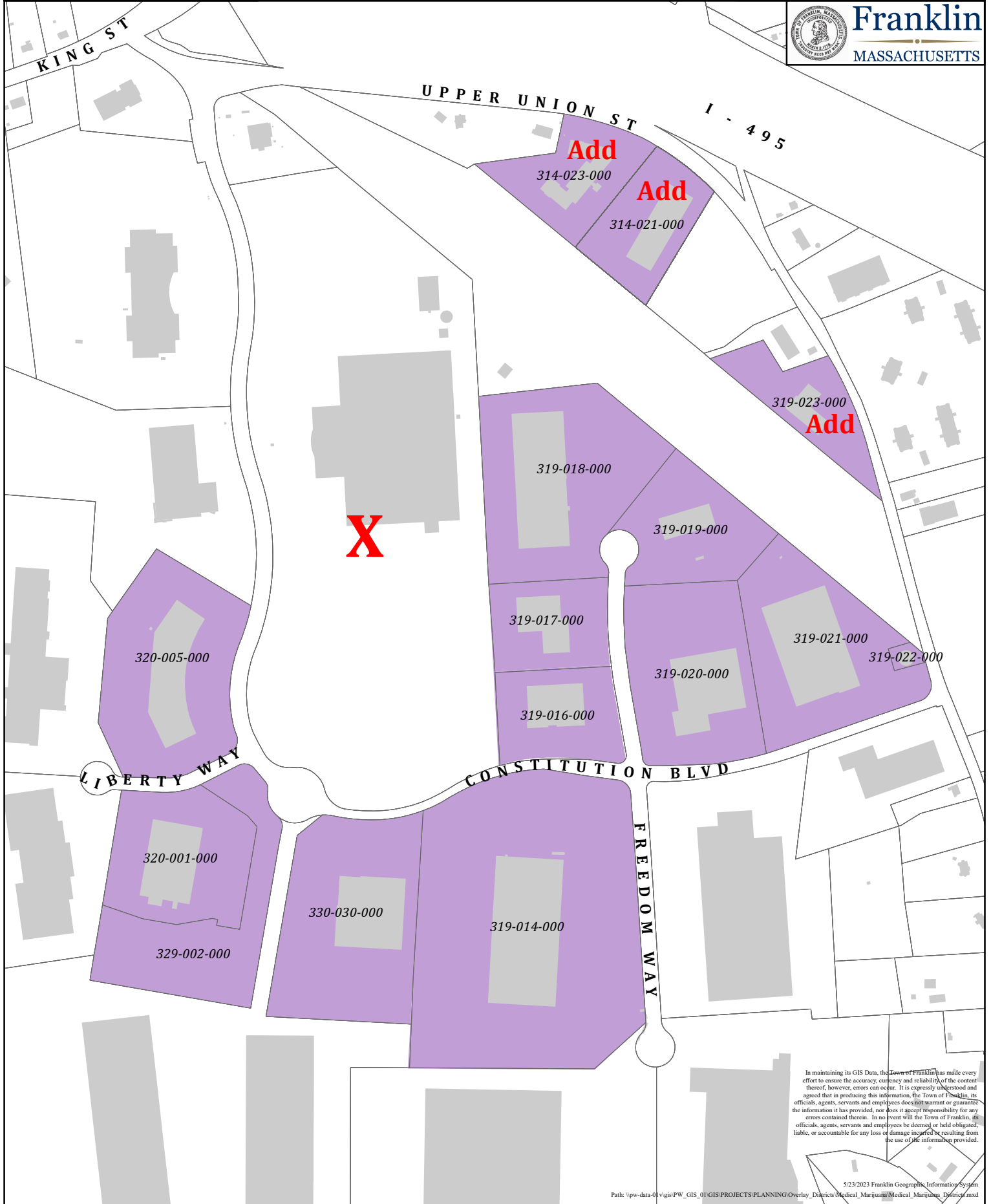
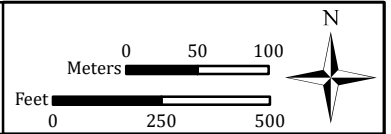


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MARIJUANA District Detail

-  Marijuana District
-  Building
-  Parcel Line

Attachment 2 Map C



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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

288-004-000	295-002-000	295-004-000
290-003-000	295-003-000	319-015-000
290-004-000		

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

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

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.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____




ABSTAIN: ____ **ABSENT:** ____


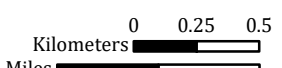
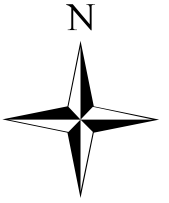
RECUSED: _____


Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

MARIJUANA USE OVERLAY DISTRICTS

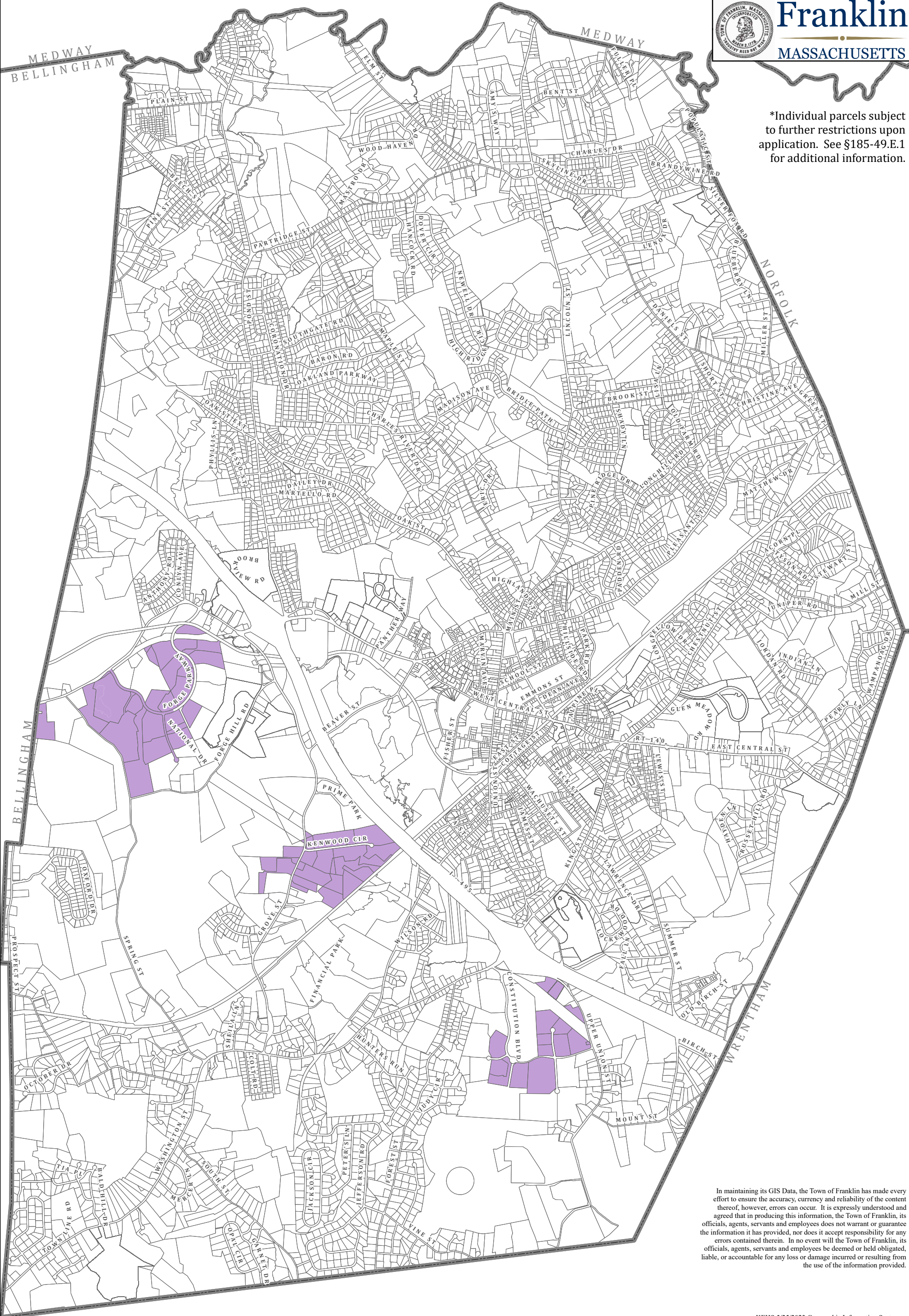
-  Marijuana Use Overlay District*
-  Parcel Line
-  Municipal Boundary





Franklin
MASSACHUSETTS

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



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Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



PLANNING BOARD

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

TOWN OF FRANKLIN
TOWN CLERK

2023 JUL 26 P 4:38

RECEIVED

July 25, 2023

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

CERTIFICATE OF VOTE

Zoning By-law Amendment #23-899

Marijuana Overlay District Map

Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Danello:

Please be advised that at its meeting on Monday, July 24, 2023 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *RECOMMEND, as presented*, to the Town Council for the Zoning By-law Amendment #23-899, a Zoning By-Law to amend the Marijuana Overlay District Map.

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

Sincerely,

Gregory Rondeau
Chairman

cc: Town Council
Town Administrator

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

PLANNING BOARD

The following notice will be published in the Milford Daily Newspaper once on Monday, July 10, 2023 and again on July 17, 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, July 24, 2023 at 7:00 PM and the Town Council will hold a Public Hearing on Wednesday, August 16 at 7:00 PM in the Council Chambers of the Franklin Municipal Building, 355 East Central Street (also available to be attended remotely) to consider amending Chapter 185, Section 5, Zoning Map of the Code of the Town of Franklin.

ZONING BY-LAW AMENDMENT 23-899

That Chapter 185 of the Code of the Town of Franklin is hereby amended by removing seven (7) parcels of land from the Marijuana Use Overlay District and adding to the District nine (9) additional parcels of land as shown on the Marijuana Use Overlay Map.

The exact text of the proposed zoning bylaw addition is posted on the website along with the hearing notice.

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.

Copies of the plan and supporting documentation may be reviewed in the Department of Planning & Community Development during regular office hours.

Greg Rondeau, Chairman
Franklin Planning Board

Tom Mercer, Chairman
Franklin Town Council



SPONSOR: *Town Administration*

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

MARIJUANA USE OVERLAY DISTRICT

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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:** ____

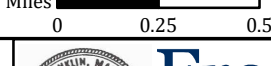
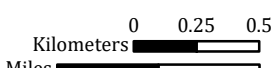
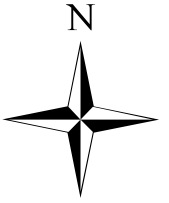
RECUSED: _____


Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

MARIJUANA USE OVERLAY DISTRICTS

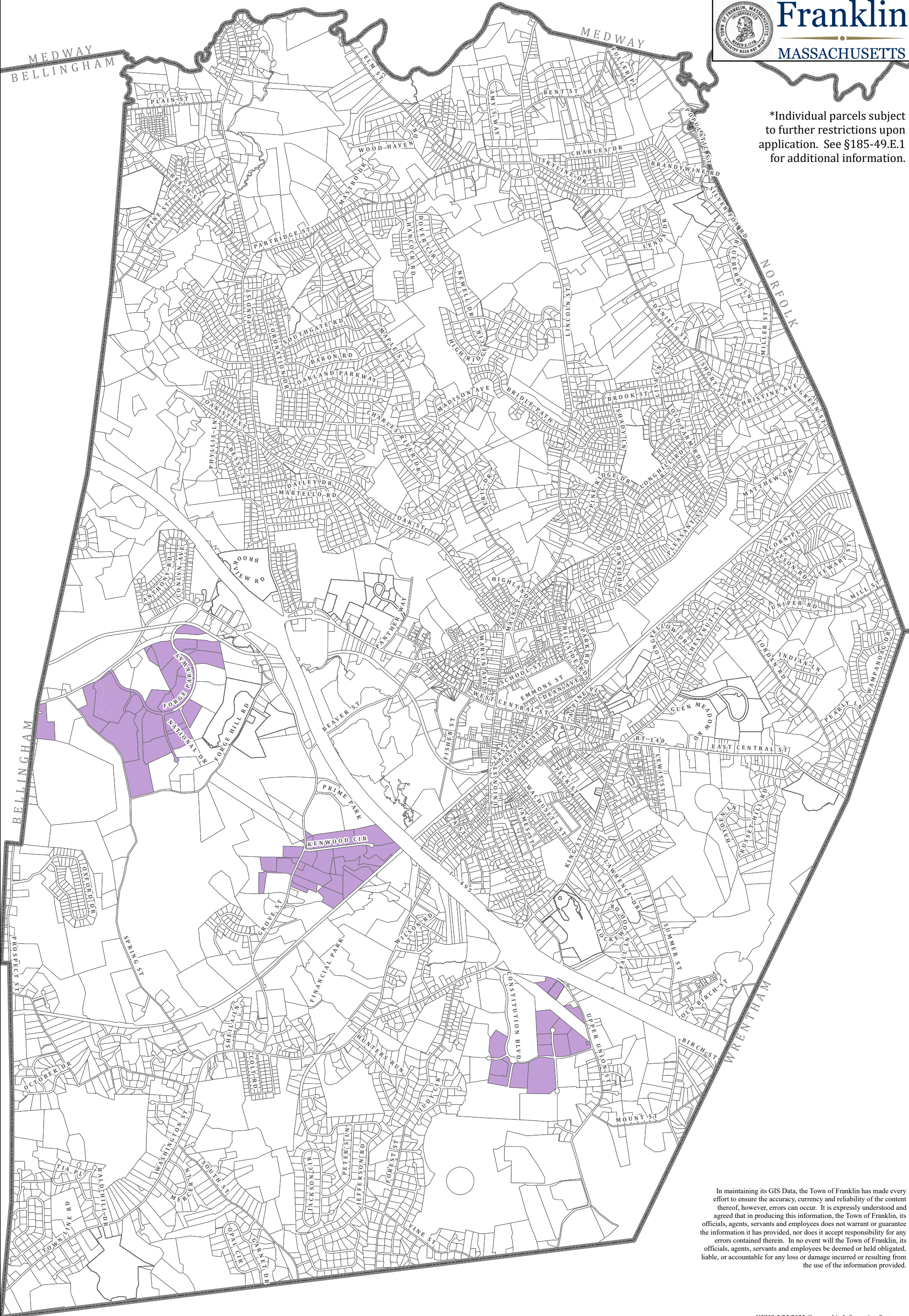
-  Marijuana Use Overlay District*
-  Parcel Line
-  Municipal Boundary





Franklin
MASSACHUSETTS

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Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

September 1, 2023

To: Town Council

From: Jamie Hellen, Town Administrator

Amy Frigulietti, Deputy Town Administrator

Re: Zoning Bylaw Amendment 23-901: A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map

We are asking the Town Council to refer Zoning Bylaw Amendment 23-901 to the Planning Board. If approved, this amendment to the Zoning Map will change two parcels of land from the Single Family Residential II zoning district to the Business zoning district, which will allow development for a variety of business commercial uses.

Included in the packet is the proposed bylaw amendment as well as a memo from Bryan Taberner with more detailed information, including potential commercial uses both by right and by special permit.

The Economic Development subcommittee (EDC) held a meeting two weeks ago and unanimously approved the bylaw to move to the Town Council. The proposal seeks to maximize the value of the property, recognizing that the one undeveloped parcel is located next to a Fire Station, EMC/Dell and an assisted living complex (Atria). The property will have more value, hence enhancing New Growth and tax value to the town, by having this as a Business Zone (which is also located across the street) and is consistent with zoning in that area next to I-495.

The staff request the Council send this to the Planning Board to host a public hearing to get public feedback.

Please let us know if you have any questions.

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 23-901, AN AREA ON AND NEAR KING STREET
CC: AMY LOVE, TOWN PLANNER
DATE: AUGUST 17, 2023

As you know the Town has been asked to consider rezoning to Business two residentially zoned parcels of land adjacent to the Fire Station on King Street. The Department of Planning & Community Development has developed Zoning Map Amendment 23-901 for the Town Council's Economic Development Subcommittee's consideration.

If approved by Town Council, Zoning Map Amendment 23-901 would amend the Town's existing Zoning Map (Chapter 185, Section 5, of Franklin Town Code) by changing the following parcels from the Single Family Residential III zoning district to the Business zoning district.

Parcel	Location	Size (acres)	Owner
313-061-000	634 King Street	0.9798	Cumberland Farms, Inc.
313-062-000	648 King Street	<u>0.3401</u>	Thomas P. Nasuti
	Total Area	1.3198	

This small zoning map change would allow development of the two parcels for a variety of commercial uses. Uses allowed by right include: nursery, greenhouse or garden center; restaurant; other retail sales and services; office uses including banks/credit unions, medical/dental, and other professional or administrative uses; business incubator or co-working space; artisanal and craft maker space; art gallery.

Uses that may be allowed by Planning Board special permit include: motor vehicle, boat, farm implement sales (without repair service); filling or service station; vehicular service establishment; function hall or catering; hotel or motel; brewery, distillery, or winery production with tasting room.

Uses that may be allowed by Zoning Board of Appeals special permit include: animal hospital, kennel, day care, training, or grooming.

Attachments 2 through 8 (Use Regulations Schedules Parts I through 7) of the Town's Zoning Bylaw (Chapter 185 of Franklin Town Code) contain a complete list of uses that are allowed by right or may be allowed by Zoning Board of Appeals or Planning Board special permit in the Business Zoning District.

Attached are the following:

- Bylaw Zoning Amendment 23-901; and
- A diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

If the Economic Development Subcommittee supports the proposed zoning map amendment, the issue should be scheduled for a Town Council meeting in the near future for further consideration. Please let me know if you have questions or require additional information.



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 23-901**

**ZONING MAP CHANGES FROM SINGLE FAMILY RESIDENTIAL III
TO BUSINESS AN AREA ON OR NEAR KING 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 Single Family Residential III to Business an area containing **1.32± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers **313-061-000** and **313-062-000**.

The area to be rezoned is shown on the attached map ("Proposed Zoning Map Changes, An Area On Or Near King 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

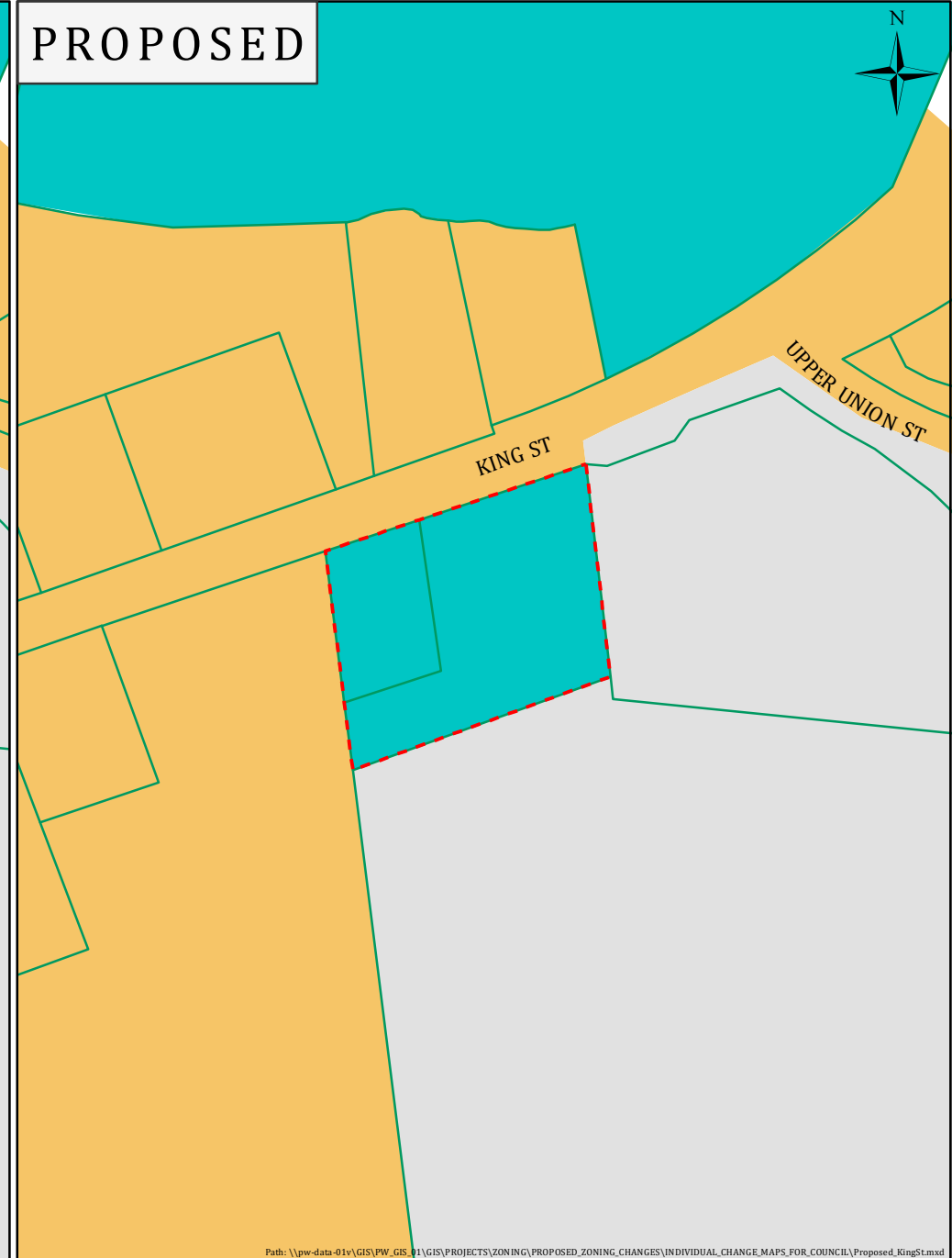
Proposed Zoning Map Changes

An Area On Or Near King Street
From Single Family Residential III to Business

23-901

0 125 250 500 Feet

- Business
- Industrial
- Single-Family III
- Area of Proposed Change
- Parcel Line



Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

September 1, 2023

To: Town Council

From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: Resolution 23-49: Authorization for Intermunicipal Agreement with County of Plymouth for County of Plymouth to Provide Parking Ticket Computerization and Processing Services to Town of Franklin

The Town Council will consider approval of Resolution 23-49 which will allow the Town of Franklin to enter into an IMA with Plymouth County wherein Plymouth County will provide parking ticket computerization and processing services to the Town.

The approval of this legislation and allowing us to enter into the MOU will allow our police department to issue citations electronically, eliminate parking ticket books and allow for easier payment and tracking of citations. While it may appear strange to enter into an agreement with another county, over two dozen non-Plymouth County communities have already entered into a similar agreement to create a more efficient system for our Police to administer. Communities as far as Stockbridge in the Berkshires have entered into this system. The research of Lt. Jason Reilly and Kristin Gustaukas-Donovan at the Police Department suggest this will make our systems more efficient for our PD and Treasurer-Collector who administer parking citations.

The revenue stays within the town of Franklin! Plymouth County has developed a unique system and more and more communities have signed on. We expect that as more and more communities become familiar with the system, more communities will work to adopt their own systems. But they can be expensive and time consuming. Additionally, the Plymouth County system complies with the new Flowbird kiosks and our town software, making this a very easy transition.

Please let us know if you have any questions.



**TOWN OF FRANKLIN
RESOLUTION 23-49**

**AUTHORIZATION FOR INTERMUNICIPAL AGREEMENT
WITH COUNTY OF PLYMOUTH FOR COUNTY OF PLYMOUTH TO PROVIDE
PARKING TICKET COMPUTERIZATION AND PROCESSING SERVICES TO FRANKLIN**

WHEREAS, Franklin is in need of parking ticket computerization and processing services; and

WHEREAS, County of Plymouth (hereinafter: "County") is willing to provide said services to Franklin in consideration of Franklin's payment of compensation to County; and

WHEREAS, the proposed arrangement, which would be the subject of a written intermunicipal agreement between Franklin and County, a draft copy of which is attached hereto as "Exhibit 1", would benefit both governmental entities; and

WHEREAS, an intermunicipal agreement is governed by the provisions of G.L. Chapter 40, Section 4A which requires that each governmental entity authorize the agreement,

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Franklin hereby authorizes the Town Administrator pursuant to G.L. Chapter 40, Section 4A to negotiate and execute an intermunicipal agreement with the County of Plymouth in substantially the form attached hereto as "Exhibit 1", which agreement will provide for County to provide parking ticket computerization and processing services to Town of Franklin and to receive compensation therefor, provided that said agreement may contain provisions for its extension(s) and such other terms and conditions as the Town Administrator determines to be in the Town's best interest.

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

DATED: _____, 2023

VOTED: _____

A TRUE RECORD ATTEST:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Town Council

INTERGOVERNMENTAL AGREEMENT

PLYMOUTH COUNTY PARKING TICKET SYSTEM

AGREEMENT effective this ____ day of _____, 2023 between the County of Plymouth ("the County"), as represented by the Plymouth County Commissioners, having a usual place of business at 44 Obery Street, Plymouth, Massachusetts 02360, and the Town of Franklin ("the Town"), as represented by its _____, having a usual place of business at 355 East Central Street, Franklin, Massachusetts 02038 for the computerization and processing of parking tickets in accordance with Massachusetts General Laws, Chapter 90, Section 20A½, as amended, issued by and under the supervision of the Town of Franklin in accordance with the following terms:

1. The County will provide the Town with access to its online citation issuance and administrative portal.
 - a. The County will ensure that its systems are compatible with any computers and printers deployed in Town police department vehicles. The County will provide support as needed, including, but not limited to, assisting in the setup and ongoing continuance of compatible user settings in Town computer equipment.
 - b. The Town, at its sole discretion, may obtain hand-held electronic ticketing equipment. Such equipment may be purchased through the County. Any such equipment sourced by the Town through other vendors must conform to standards and specifications as established by the County. The Town will be responsible for any cellular data plan costs, either through directly contracting with a service provider, or through reimbursing the County for using the County's service provider.
 - c. All tickets issued by the Town via the online citation issuance portal will be uploaded to the County's main parking ticket system server by County staff. Tickets issued prior to 3 p.m. will be uploaded the same business day. Tickets issued 3 p.m. or after will be uploaded the next business day. The main parking ticket system server will be the official record of parking violations and payments for the Town for the duration of this contract.
2. The Town may, at its sole discretion, issue paper parking tickets.
 - a. All paper parking tickets issued by and for the Town will be purchased by the Town and will conform to the computer design established by the County. Said ticket purchase will be billed to the Town and may be purchased through the County.
 - b. The Town will forward to the County on a weekly basis all parking tickets issued by and under the supervision of the Town of Franklin Police Department.
 - c. The Town may, at its sole discretion, forward such parking tickets on a weekly or more frequent basis to the County in a PDF format to an email address to be specified by the County. The Town may, at its sole discretion, retain physical

custody of tickets transmitted to the County in PDF format. Such tickets will be retained in a manner consistent with the Massachusetts Municipal Records Retention Schedule.

- d. The County will computerize all pertinent information on each ticket within one business day of receipt and will store them in a manner conducive to retrieval.
3. Tickets uploaded or entered into the main parking ticket system server will be made available for payment on the County's secure website no later than 12:01 a.m. the following day.
4. The County will accept fine payments on a daily basis in the name of the Town and will deposit those funds and enter payments received into the official record.
 - a. The County will accept walk-in payments in the form of cash, check, money order, or postal note at its office at 44 Obery Street, Plymouth Massachusetts, Monday through Friday, 8 a.m. – 4 p.m., excepting state holidays.
 - b. The County will accept mail-in payments in the form of check, money order, or postal note.
 - c. The County will accept payments on its secure website. Payment methods shall include, but not be limited to Visa, Master Card, or Discover. The County, at its sole discretion, may charge the violator an online convenience fee and retain such fee.
 - d. The Town, at its sole discretion, may accept walk-in payments in any form, at such locations as it may designate. The Town shall notify the County of such payments within one business hour of receipt via a medium specified by the County.
 - e. The County's secure website shall be the exclusive medium for online payments. The Town may maintain a link to the County's website on its own website but shall not accept online payments.
5. In the event that a violation is appealed within twenty-one days of issuance, the Town shall notify the County of any such violation dismissed within one business day of disposition via a medium specified by the County.
6. The County will issue hearing notices in accordance with Massachusetts General Laws, Chapter 90, Section 20A½, as amended, to those persons with outstanding violations more than twenty-one days old in accordance with a hearing schedule to be determined by the Parking Clerk for the Town.
7. The County will provide the Town a hearing list conforming to the hearing notices. At the conclusion of the hearing, the Town shall notify the County of any tickets dismissed or payments received within one business day of disposition via a medium specified by the County.

8. The County will obtain names and addresses of Massachusetts violators through electronic communication with the Registry of Motor Vehicles.
9. The County will report all Massachusetts violators who do not respond to the hearing notice to the Registry of Motor Vehicles by electronic means for the purposes of non-renewal of licenses and/or registrations.
10. The County will store all relevant data in accordance with the provisions and retention schedules of the Commonwealth of Massachusetts Municipal Records Retention Manual.
11. The County will respond to any questions from the Parking Clerk or the Town and will provide customer service assistance to members of the public via telephone, email, or walk-in visits during normal business hours.
12. The County will process all tickets received from the Town at a charge of two dollars (\$2.00) each and all payments against those tickets at no charge.

Any hearing notices on violations over twenty-one days old will be issued at the direction of the Town at a rate of fifty cents (\$0.50) per hearing notice for expenses, plus actual cost per hearing notice for postage.

13. On or before the tenth day of each month, the County will return to the Town all fines collected for the preceding month, less the fees and/or reimbursements noted in Item 12 and Item 1(b) of this Agreement, along with a report of all activity of the parking ticket system for the preceding month. The County reserves the right to furnish activity reports in an electronic format.
14. The terms of this Agreement shall commence July 17, 2023. Either the County or the Town may terminate this Agreement upon thirty (30) days written notice mailed to the usual place of business.

Upon termination of this Agreement, the County will provide all information in the system regarding the Town through electronic means.

15. This Agreement shall remain in full force and effect unless or until either party make a request in writing for a review, renegotiation, or termination of the terms set forth herein.

Jamie Hellen
Town Administrator
TOWN OF FRANKLIN

Jared L. Valanzola, Chairman

Sandra M. Wright, Commissioner

Gregory M. Hanley, Commissioner

PLYMOUTH COUNTY COMMISSIONERS

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

September 1, 2023

To: Town Council
From: Mark G. Cerel, Town Attorney

Re: Resolution 23-50: Acceptance of Private Road Covenant with Owner-Developer of Prospect Hills Estates, a Residential Subdivision Located in Bellingham with Access Road off Prospect Street in Franklin

The Owner-Developer is proposing to construct an eleven lot residential subdivision located entirely within Bellingham, except for the access road, which will be constructed on a parcel of land in Franklin, off Prospect Street. The Franklin Planning Board initially denied the Owner-Developer's application and he appealed the denial to the Land Court. The parties then agreed that the case be remanded to the Planning Board for approval of the access roadway with stated conditions to safeguard both the public and the Town; the Land Court Judge adopted the parties' agreement in a "Stipulated Judgment" (see attached).

On remand, the Franklin Planning Board, as a condition of its approval and consistent with the "Stipulated Judgment", required that the access roadway be and remain a private road with abutters responsible for maintenance and repair and no Town responsibility. To make this legally-binding on subsequent property owners, the Board required that the owner-developer execute the Town's form "private road covenant". Town Council acceptance of the executed covenant is required so that it can be recorded at Norfolk County Registry of Deeds.

If you have any questions, please feel free to contact me.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

LAND COURT DEPARTMENT
DOCKET NO. 22 MISC 000622

WALL STREET DEVELOPMENT
CORP.,

Plaintiff,

v.

FRANKLIN PLANNING BOARD,

Defendant.

*Approved as an Agreement
for Judgment pursuant to Land
Court Rule 10.
By the Court,*

[Signature]
Howard P. Speicher
Justice 1/5/23

STIPULATED JUDGMENT

Pursuant to a stipulation of the parties, it is hereby ORDERED, ADJUDGED, and

DECREED as follows:

Case shall be remanded to the Franklin Planning Board which shall grant waiver(s) and approve roadway in Franklin to access Wall Street Development Corp.'s proposed ^{APL eleven} ten lot residential subdivision which, with exception of access roadway, is to be constructed entirely within Bellingham, subject to Franklin Town Engineer's determination that proposed design and construction of roadway is adequate to provide safe vehicular ingress and egress, and further subject to two conditions:

(1) Roadway will always remain private and be maintained by homeowners and Town of Franklin will never have any responsibility to maintain it.

(2) To implement condition # 1, Developer will execute a private road covenant with Town and establish a homeowners association, both documents to be recorded.

Dated: Jan 5, 2023,

APL. By the Court (Speicher, J)

[Signature]
Deborah J. Patterson, Recorder



TOWN OF FRANKLIN

RESOLUTION 23-50

ACCEPTANCE OF PRIVATE ROAD COVENANT WITH OWNER-DEVELOPER OF PROSPECT HILLS ESTATES, A RESIDENTIAL SUBDIVISION LOCATED IN BELLINGHAM WITH ACCESS ROAD OFF PROSPECT STREET IN FRANKLIN

WHEREAS, the Franklin Planning Board on March 14, 2023 voted to approve with conditions a definitive subdivision plan for a residential subdivision known as Prospect Hills Estates, which subdivision plan shows a residential subdivision located wholly in Bellingham but accessed by a roadway off Prospect Street in Franklin, and which plan is to be recorded at Norfolk County Registry of Deeds; and

WHEREAS, said vote included conditions that the unnamed roadway shown on the above described subdivision plan as Parcel E, together with related drainage and utilities, be and remain private and that the private property owner(s) have the exclusive obligation to maintain and repair the same, as well as to remove snow therefrom; and

WHEREAS, Wall Street Development Corp. is the owner of the subject property and has executed a covenant incorporating the foregoing conditions, a true copy of which is attached as "Exhibit 1";

NOW THEREFORE BE IT ORDERED that the Town of Franklin, acting by and through its Town Council, hereby authorizes the Town Administrator to execute the covenant, a copy of which is attached hereto as Exhibit 1, on behalf of the Town of Franklin.

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

**COVENANT
TOWN OF FRANKLIN
(PROSPECT HILL ESTATES - A PRIVATE WAY)**

The undersigned, Wall Street Development Corp. of P.O. Box 272, Westwood, MA 02090 (here within: "Wall Street") is the owner of land shown as Parcel "E" situated off Prospect Street in said Franklin, Norfolk County, Massachusetts, shown on a Definitive Subdivision Plan entitled "Prospect Hill Estates in Bellingham & Franklin, Massachusetts", (hereinafter the "Plan") dated December 17, 2021, revised through August 1, 2023, prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA 01746 to be recorded herewith at the Norfolk County Registry of Deeds.

Parcel E as shown on said Plan is a proposed unnamed private way. The plan was approved with conditions by the Planning Board of the Town of Franklin by Certificate of Vote dated March 13, 2023, filed with the Town Clerk of the Town of Franklin on March 14, 2023, a certified copy of which having been recorded at Norfolk County Registry of Deeds Book _____, Page _____.

Wall Street represents and covenants that it is the owner in fee simple of all the included land in the aforesaid subdivision and that, except as indicated below, there are no mortgages of record or otherwise on any of said land, except a mortgage to Needham Bank. 1063 Great Plain Avenue, Needham, MA 02394. With its execution of this Covenant, said mortgagee hereby assents to the imposition and binding effect of this Covenant and hereby agrees that said mortgage shall be subordinated to this Covenant, as further provided in paragraph 7 below.

In accordance with said Plan and Certificate of Vote, Wall Street, for minimal consideration acknowledges that this Covenant shall be binding upon its executors, administrators, heirs, successors, and assignees and agree with the Town of Franklin, by and through its Town Administrator, whose signature is affixed hereto, together with a resolution of the Town Council of said Town of Franklin, as follows:

- 1.) Said unnamed private way shall be constructed as a private road in accordance with the above-described Plan and any and all waivers granted by the Franklin Planning Board.
- 2.) The property owners served by said unnamed private way shall have the exclusive and continuing obligation for maintenance, repair, and snow removal of said way and the maintenance and repair of the drainage structure(s), if any.

EXHIBIT 1

3.) The unnamed private way shall remain a private road and is not intended to be now or at any time in the future a public way and the drainage structure(s), if any, shall remain private structure(s) for the benefit of the property owner.

4.) No petition shall ever be made to the Town of Franklin seeking to change the status of the unnamed private way and or the drainage structures, if any, from that of private way/private drainage structures or to transfer the obligation for maintenance, repair and/or snow removal from the private property owners to the Town of Franklin.

5.) The unnamed private way and drainage structure, if any, shall be constructed in accordance with the standard set forth in Section 300, Subdivision of Land - Rules and Regulations of the Town of Franklin, except those waived by the Planning Board. Maintenance and repair of the private way, water supply systems, sewer pipes, electric distribution system and storm water system shall be the responsibility of the owners and shall never be the responsibility of the Town of Franklin and the Town of Franklin shall never be required to perform any service, repair or maintenance with respect to said way, areas or any of the aforementioned systems within the subject property. The Town of Franklin will never be required to provide snow plowing with respect to the subject property;

6.) The Town of Franklin, its agents and servants, shall have the right but not the obligation at all times to enter the unnamed private way and the drainage structures, if any, for the purpose of inspecting, maintaining and/or making emergency repairs including, but not limited to, drainage. In such event, the private property owners shall be liable, jointly, and severally, for the payment of all expenses incurred by the Town of Franklin in connection therewith, and unpaid expenses shall constitute a lien on their property.

7.) The holder of the mortgage on said Parcel E, Needham Bank, 1063 Great Plain Avenue, Needham, MA, hereby consents to this covenant, and agrees that said mortgage shall be subject and subordinate hereto as fully as though this covenant had been executed, delivered, and recorded or filed prior to the execution, delivery and recording or filing of said mortgage.

Executed as sealed instrument this 7th day of August, 2023.


WALL STREET DEVELOPMENT CORP.


By: Louis Petrozzi, President & Treasurer

TOWN OF FRANKLIN

By: Jamie Hellen,
Town Administrator
Hereunto Duly Authorized

MORTGAGEE – NEEDHAM BANK

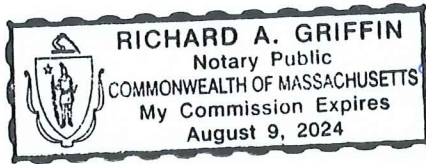

By: Lawrence J. Pitman, Senior Vice-President

**OWNER
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss

August 7, 2023

On this 7th day of August, 2023, before me, the undersigned notary public, personally appeared Louis Petrozzi, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as President and Treasurer of Wall Street Development Corp., a Massachusetts corporation.



Notary Public
My Commission Expires

**TOWN OF FRANKLIN
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss

August __, 2023

On this __ day of August, 2023, before me, the undersigned notary public, personally appeared Jamie Hellen, Town Administrator, proved to me through satisfactory evidence of identification, which were Massachusetts Driver's License, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as the authorized official of the Town of Franklin.


Notary Public
My Commission Expires:

**MORTGAGEE
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss

August 4, 2023

On this 4th day of August, 2023, before me, the undersigned notary public, personally appeared Lawrence J. Pitman, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Vice-President of Needham Bank, a Massachusetts bank.



Notary Public
My Commission Expires:



Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

September 1, 2023

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Resolution 23-51: Gift Acceptance - Veterans' Services Department

The Veterans' Services Department has received generous donations in the total amount of \$1,525. These donations were made in the memory of Roger Rondeau and will be applied at the discretion of the Department towards the Veterans' Municipal Assistance Fund in support of local veterans and their families.

We'd like to extend our sincere condolences to the family and friends of Mr. Rondeau, and our appreciation to everyone who has made a donation in his memory.

Donation Summary:

1. Veterans' Services Department, Municipal Assistance Fund

• Beth & Michael McLaughlin	\$ 250
• Keith Rondeau	\$ 250
• Neil C. Brennan	\$ 100
• Creative Decorating & Flooring Company	\$ 100
• Rita Doherty & Children	\$ 100
• Robert & Marilyn Nasuti & nieces and nephews	\$ 100
• Gary S. Sagar	\$ 100
• David & Patricia Thompson	\$ 100
• Clifford G. Trautman	\$ 100
• Judith Ferguson	\$ 50
• Robert E. & Eleanor A. Ficco	\$ 50
• Louis & Linda Johnson	\$ 50
• Dorothy & David Nasuti	\$ 50
• Karen B. Sarapas	\$ 30
• Marilyn & Peter Cataldo	\$ 25
• Cheryl & Mark Dumas	\$ 25
• Marissa Fontecchio	\$ 25
• Janet L. Hanson	\$ 20
Total	\$1,525



TOWN OF FRANKLIN RESOLUTION 23-51

Acceptance of Gifts – Veterans' Services Department

WHEREAS, The Veterans' Services Department has received generous donations in the total amount of \$1,525 to be used at the discretion of the Department as follows:

Donation Summary:

VETERANS' SERVICES DEPARTMENT - \$1,525

1. Municipal Assistance Fund

- Donations to be used at the discretion of the Veterans Services Department through the Municipal Assistance Fund for support of local veterans and their families.

The list of all donors is included in the 9/6/2023 Town Council meeting agenda packet.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of the Veterans' Services Department gratefully accepts these generous donations to be used at the discretion of the Department for the purposes noted above.

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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

September 1, 2023

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Resolution 23-52: 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 PEG funds received for the second quarter of 2023 from Comcast and Verizon to Franklin Community Cable Access, Inc. as follows:

- Comcast: \$ 90,681.14
- Verizon: \$ 82,598.54

Total: \$173,279.68

Please let us know if you have any questions.



TOWN OF FRANKLIN RESOLUTION 23-52

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

TOTAL REQUESTED: \$173,279.68

PURPOSE: To appropriate \$173,279.68 from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, representing the amount received in the previous quarter from Comcast and Verizon, 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 \$173,279.68 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