

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
November 16, 2016**

A meeting of the Town Council was held on Wednesday, November 16, 2016 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, Judith Pond Pfeffer, Robert Vallee. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

**CALL TO ORDER:** ► Chairman Kelly called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance by Cub Scout Pack #17.

**APPROVAL OF MINUTES:** *October 19, 2016, November 2, 2016.* **MOTION to Approve** the October 19, 2016 meeting minutes by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Approve** the November 2, 2016 meeting minutes by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**ANNOUNCEMENTS:** ► Chairman Kelly announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others. He thanked Cub Scout Pack #17 for the Pledge of Allegiance.

**PROCLAMATIONS/RECOGNITIONS:** *None.*

**CITIZEN COMMENTS:** ► Mr. Donald Stewart, 4 Dom Lea Circle, stated that at the conclusion of the last Town Council meeting, his wife Judy Stewart was verbally assaulted by someone in this room. This was very upsetting. He hopes that person will apologize. He requested the Chairman make an announcement for people to refrain from those kinds of things. ► Chairman Kelly stated the Town Council does not stand for that kind of language and if heard, that person will be removed and rejected.

**APPOINTMENTS: Cultural Council.** ► Ms. Pfeffer read the appointment. **MOTION to Ratify** the appointment by the Town Administrator of Barbara Gardner to serve as a member of the Franklin Cultural Council with an expiration of June 30, 2019 by **Pfeffer. SECOND** by **Mercer. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► Ms. Pfeffer read the appointment. **MOTION to Ratify** the appointment by the Town Administrator of Rob Cautillo to serve as a member of the Franklin Cultural Council with an expiration of June 30, 2017 by **Pfeffer. SECOND** by **Mercer. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**HEARINGS:** *None.*

**LICENSE TRANSACTIONS:** *None.*

**PRESENTATIONS/DISCUSSIONS:** *None.*

**SUBCOMMITTEE REPORTS:** ► On behalf of the Economic Development Committee, Mr. Bissanti stated they have scheduled a meeting for November 30, 2016 at 5:30 PM to open the discussion on the plastic bag ban. He asked Mr. Jones to move the meeting time to 5:30 PM.

**LEGISLATION FOR ACTION:**

1. *Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District – 2nd Reading (2/3 majority - 6 Votes).* ► **MOTION to Waive** the reading by **Mercer.**

**SECOND** by Vallee. **No discussion. VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move** Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated the first five of these bylaws would create the rural business zone and make all the adjustments. The sixth one puts it on the map. ► Mr. Robert Pantano, 10 Prospect Street, stated this is being rushed and there should be more definition around the bylaws as opposed to saying this is being created and then leaving it to the Planning Board to determine. As an abutter, his concern is that once the bylaw has been promulgated, then to go back and further define it will be difficult. He read his prepared statement about the negative aspects of this zoning bylaw including that it is a classic example of spot zoning, traffic, safety issues, abutter's rights, the tenor of the neighborhood, and why is this parcel receiving special dispensation by the Town Council. He also talked about the off-the-record August discussion/meeting held by Mr. Nutting in that the abutters/residents' opinions were not considered; many abutters opposed this and said so during the meeting. This entire process had lacked disclosure and transparency by the Town Administrator whose job is to represent the entire community. He voiced opposition to the signage and lighting being equal to that in the downtown area. He respectfully requested any further action on this be suspended until this amendment has been more properly vetted and defined. He also provided nineteen signatures on a letter from people in the area. ► Mr. Bruce Barker, 12 Dom Lea Circle, confirmed that the letter he sent via email was received by the Town Council members. Mr. Barker provided and explained a diagram of the proposed area and stated the proposed zone violates Mass. Law, 40A, and the prohibition against spot zoning. He also discussed traffic issues especially on Spring Street. He was originally told there would be studies done, for instance on traffic, before this was passed; now being told they will bless this with no studies done. He asked if there was any plan that would make traffic tolerable there. A traffic study should be done before this is passed. The value of his home and others' homes will drop because of this; his house will face a parking lot. While his property value drops, the nursery owners will profit. He shared a photo of a rusted backhoe that he can see from a window in his home. ► Ms. Cynthia Garboski, 9 Prospect Street, stated she was at the meeting in August and there was much opposition to it. She is for the Hillside Nurseries to expand and grow their small business; however, she asked the Town Council to wait on this bylaw as she does not think it is ready in regards to definitions, such as country store or general store. This feels like it is being rushed. Town Council is being told there was no opposition, but there was opposition at the August meeting. Her fear is what will happen in the future, such as a convenient store; the wording should be properly written. As well, she is a farmer and sells produce; now the Nursery would be allowed to sell produce. ► **ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. VOTE: Yes-9, No-0, Absent-0.**

2. **Zoning Bylaw Amendment 16-769: Definitions. Country Store – 2nd Reading (2/3 majority – 6 Votes).** ► Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 16-769: Definitions. Country Store by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this defines the use that would be allowed in the district. ► **ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. VOTE: Yes-9, No-0, Absent-0.**
3. **Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations – 2nd Reading – 2/3 majority – 6 Votes).** ► **MOTION to Waive** the reading by **Mercer. SECOND** by **Vallee. No discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move** Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this would amend the use regulation schedule to put Rural Residential in. It spells out what can be used in what zone and adds country store to the table. ► **ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. VOTE: Yes-9, No-0, Absent-0.**

4. **Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations – 2nd Reading – 2/3 majority – 6 Votes).** ► **MOTION to Waive** the reading by **Mercer. SECOND** by **Vallee. No discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move** Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting said this puts Rural Business into the table. Some requirements include: 40,000 sq. ft. of property, 200 ft. of continuous frontage, 200 ft. of depth, lot width minimum of 180 sq. ft., setbacks of 40 ft. front, 30 ft. side, and 40 ft. rear. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**
  
5. **Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations – 2nd Reading (2/3 majority – 6 Votes).** ► **MOTION to Waive** the reading by **Mercer. SECOND** by **Dellorco. No discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move** Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this adds this zone to the sign bylaw which is the downtown bylaw. There are four zones and this is the most restrictive use of signage anywhere in town other than residential. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**
  
6. **Zoning Bylaw Amendment – 16-773: Zoning Map Changes from Rural Residential I to Rural Business an Area on Washington Street – 2nd Reading (2/3 majority – 6 Votes).** ► Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment – 16-773: Zoning Map Changes from Rural Residential I to Rural Business an Area on Washington Street by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this is the map amendment. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

*Mr. Bissanti recused himself.*

7. **Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street – Referral to Planning Board (majority vote).** ► Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street, referral to Planning Board by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this is an application by a property owner to rezone their property from single family to rural residential to potentially allow the development of seven or eight single family homes to about thirty. This is a similar zoning as approved on Rt. 140 at Cooks Farm development when R-VII was created; if approved, this would be the second such zone. ► Mr. Cornetta, Attorney representing Grandis Homes, noted they were before the Town Council last month to discuss the potential for this development. This proposal is for a map amendment which would identify this zone for the Rural Residential VII bylaw which is already on the books. Since the last meeting, they have had meetings with town departments in efforts to address issues such as infrastructural improvements in the area and the affordable components of this. ► Ms. Pellegrini remarked that as this was going to be referred to the Planning Board that she had already told the Town Council that the chairman of the Planning Board would agree to joint meetings. ► Mr. Nutting stated that would be a decision by the Town Council if they want to use that process. There was no discussion or vote to take any action to change the current system. The Town Council must decide if they want to change the process. ► Ms. Pfeffer stated she believes that owners of land have a right to develop their land. There are 280 apartments coming in that will be 40B; with three bedrooms, there will be lots of kids. There are 96 condos coming in on Pond Street, again with three bedrooms, there will be a lot more kids. She expressed concern if there will be sufficient water for

everyone. If this proposal is rejected and a 40B comes in, there will be a lot more than 34 high-end condos and the town must pay for water and sewer to be connected. Therefore, she will vote in favor of this. ► Mr. Dellorco stated he concurs with Ms. Pfeffer. ► **VOTE: Yes-8, No-0, Absent-0.**

*Mr. Bissanti re-entered the meeting.*

8. **Bylaw Amendment 16-776: Amendment to Chapter 82, Municipal Service Fees – 1st Reading (majority vote).** ► Ms. Pfeffer read the bylaw amendment. **MOTION to Waive** the reading by **Mercer. SECOND** by **Jones. No discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move** Bylaw Amendment 16-776: Amendment to Chapter 82, Municipal Service Fees to a second reading by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Mercer stated the Budget Subcommittee met with all departments and reviewed all fees; he supports these changes. ► Mr. Nutting stated this is a rewrite of a bylaw that has not been updated in 15 years. He said Mr. Hellen took the lead and met with all department heads. This will be put on the online permitting. Also, updated ability for folks on limited income to obtain services relief. ► Mr. Vallee stated he believes the town is feeing people to death. He agrees with some of the increases, but overall it is going overboard. ► Mr. Padula commented that they met with the chairs of the departments and they did a fantastic job cleaning up the mess; he thanked them. ► Mr. Mercer stated administration did a great job in streamlining fee schedule. ► **VOTE: Yes-8, No-1, Absent-0** (Mr. Vallee voted no).
9. **Bylaw Amendment 16-777: Amendment to Chapter 151, Solid Waste and Recycling – 1st Reading (majority vote).** ► Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 16-777: Amendment to Chapter 151, Solid Waste and Recycling by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this is being stricken because all the language was rewritten and put in the previous bylaw. ► Mr. Hellen stated that 116 fees or fee categories were removed or consolidated. ► **VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR’S REPORT:** ► Mr. Nutting stated he and others had the honor of attending the opening ceremonies for the Murphy-Rosa House, the Housing Authority building on Plain Street. He gave thanks to everyone that supported this concept to build a home for people with intellectual disabilities. ► He and others visited Tegra Medical; they are a real Franklin success story. They have 340 employees today. The company has doubled in size and continues to grow. They make stainless steel medical devices. They are a great employer. ► He congratulated Dale Kurtz, Veteran’s Agent, for putting on an incredible Veteran’s Day program on November 11<sup>th</sup>.

*Mr. Padula left the meeting.*

**FUTURE AGENDA ITEMS:** ► Mr. Jones would like to put on a future agenda in January a presentation on how to navigate the new town website. ► Ms. Pellegrini stated she would like to have a discussion on the joint public hearings with the Planning Board and Town Council.

**COUNCIL COMMENTS:** ► Ms. Pellegrini stated it was a wonderful Veteran’s Day celebration this year. She would like to think about doing more for the veterans during the year. ► Mr. Nutting stated Tegra Medical just hired an 18-year career major that had retired. He noted Mr. Kurtz had contacted the company as well on behalf of veterans. ► Mr. Mercer congratulated Mr. Kurtz on a great Veteran’s Day program. He congratulated the downtown partnership on their first gala; it was a great night. ► Mr. Vallee stated that regarding the country store, he thinks it is too restrictive. They should be given the opportunity to sell lottery tickets and beer and wine. That would give them a better chance to be successful. ► Mr. Jones reminded everyone that the Franklin Education Association is hosting its second Harlem Wizards basketball game at Tri-County on Friday night at 6:00 PM; all 1,200 tickets have sold out. It will be a great event. The money raised goes directly to the children of Franklin through grants that the teachers

can request. Tomorrow night at the High School there is a Shop Franklin showcase. He stated the Veteran's Day luncheon was a great event. He thanked the veterans for all they have done for our country. ► Mr. Dellorco gave a shout-out to the veterans; they deserve it. He wished everyone a happy and safe Thanksgiving. ► Mr. Bissanti stated he thinks the DePoto zoning was a step in the right direction. It was not what he envisioned as a rural business zone, but politically sometimes you must compromise and take what you can get. He encouraged them to come back and maybe apply for lottery and/or cigarettes. He would like to see a little more focus on the convenience for that end of town; he would like to see it happen in other parts of town, too. He attended the Veteran's breakfast at the Elks and they did a fantastic job. He is glad to see the downtown partnership progress. ► Ms. Pfeffer said this was the first time they were honoring Vietnam veterans, solely. She noted that the DePoto nursery has been there much longer than any of the houses that are in that vicinity. ► Chairman Kelly thanked everyone for the Veteran's ceremony; it was fantastic.

► **EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. Yes-8, No-0, Absent-1. Meeting adjourned at 8:12 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary