

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
December 21, 2016**

A meeting of the Town Council was held on Wednesday, December 21, 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 Pellegri, 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.

APPROVAL OF MINUTES: *None.*

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.

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Fire Lieutenant.* ■ Fire Chief Gary McCarraher introduced Lieutenant Keith Darling and provided his background and career information. ■ Teresa Burr, Town Clerk, performed the swearing in of Lieutenant Darling.

Mr. Vallee entered the meeting.

CITIZEN COMMENTS: *None.*

APPOINTMENTS: *None.*

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: *None.*

SUBCOMMITTEE REPORTS: ► Mr. Jones stated that as the Communications liaison for the Town Council he has been holding meetings with communication individuals in the town; a presentation will be made to the Town Council on January 18th regarding improvements made in communication in 2016 and goal setting for 2017.

LEGISLATION FOR ACTION (*items taken out of order from agenda*):

1. **Resolution 16-80: Appropriation Public Safety Antennas (majority vote).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-80: Appropriation Public Safety Antennas for \$15,000 by **Pfeffer. SECOND** by **Mercer. Discussion:** ■ Mr. Nutting stated the Town Council authorized a lease for Franklin TV to put up an antenna. As part of the lease they will provide the town with space to put up police and fire antennas saving the town over \$12,000 per year. We do have to pay to have antennas relocated; this will cover the cost. ■ Mr. Jones said relocating the antennas is a great idea to put them higher and get better reception. ► **VOTE: Yes-9, No-0.**

2. **Resolution 16-82: Acceptance of Gift – Fire Department (majority vote).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-82: Acceptance of Gift – Fire Department of \$3,500 by **Mercer. SECOND** by **Dellorco. Discussion:** ■ Mr. Nutting stated the Digital Federal Credit Union is very generous to the town; the town is very happy to accept this gift in support of the fire department.

■Chief McCarraher stated they will be using this donation to bolster the CPR program to buy the training props. ► **VOTE: Yes-9, No-0.**

3. **Bylaw Amendment 16-776: Amendment to Chapter 82, Municipal Service Fees – 2nd Reading (Motion to approve bylaw amendment 16-776, Municipal Service Fees (majority Roll Call Vote)).** **MOTION to Waive** the reading by **Mercer. SECOND by Jones. No Discussion.** ► **VOTE: Yes-9, No-0.** **MOTION to Move** Bylaw Amendment 16-776: Amendment to Chapter 82, Municipal Service Fees by **Mercer. SECOND by Dellorco. Discussion:** ■Mr. Nutting stated Mr. Hellen spent months working with department heads to reorganize and update fees; the number of fees has been reduced from over 500 to under 400. We think it is a fair and accurate cost of service. In response to Council members' questions he stated a few fees went up because they had not been raised in many years; cost analysis to provide the service was done. Some did not increase; ambulance fees increased substantially. Every fee was reviewed. ■Mr. Mercer stated the Budget Subcommittee met with department heads and reviewed these changes; they fully support the changes to the fee schedule. ► **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.**

Mr. Bissanti recused himself.

HEARINGS: ► **Zoning Bylaw Amendment 16-775: Amendment – Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street.** **MOTION to Open** the public hearing by **Mercer. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0.** ■Mr. Richard Cornetta, Attorney representing Grandis Homes LLC, and Mr. Mounir Tayara, Principal of Grandis Homes, addressed the Town Council. Attorney Cornetta stated Grandis Homes is an active real estate development company based out of Medway, MA. They have been involved in about 1,000 residential units from residential homes to apartment style and condominiums. He stated Mr. Tayara is familiar with the Town of Franklin's bylaws and regulations. Attorney Cornetta stated this is a petition for a proposed zoning amendment to the bylaw and would be an amendment to the zoning map. Mr. Bruce Hunchard and Ms. Gwynne Hunchard are the petitioners and owners of 496 Summer Street, an 11-acre parcel. This parcel includes their primary single-family home; the remainder of the land is wooded, undeveloped. This petition is a map amendment to change the zoning map from Rural Residential I to Residential VII. He reviewed procedural issues, provided an overview of the legislative intent of the Residential VII bylaw, and addressed the Master Plan including how this development addresses some of those goals. He stated they received unanimous agreement by the Planning Board for recommendation to the Town Council for this map amendment. The development proposal is for 34 three-bedroom, single-family residential town homes. There would be a homeowner's association set up for the maintenance of the infrastructure improvements. He discussed the definition of spot zoning and case law. He noted a possible misconception in the interpretation of one person benefitting. He stated if it can be demonstrated that the general public can benefit then spot zoning does not exist in that circumstance. He reviewed some financials provided to the Town Council and claimed it would be a net-positive for the town. ■Chairman Kelly noted he received a letter from Lawrence Benedetto, Chairman of the Franklin Advisory Committee, endorsing the project. ■Mr. Nutting stated he had no comment. **Citizens' Comments:** ■Mr. Dave Nichols, 486 Summer Street, stated this is spot zoning. Changing this zoning will not have any positive impact for the neighbors, the neighborhood, the abutters, or Summer Street in general. This will benefit very few. Summer Street is already too fast and dangerous. This does not fit the character of the neighborhood. He said the only thing he can do is appeal and challenge this zoning change. He cannot believe this is due process. ■Ms. Sally French Winters, 486 Summer Street, has been there for 33 years with no neighbors. When she found out the developer was intending to also buy Mr. Wajer's home at 488 Summer Street, she looked at the map. The proposed access road will come 400 ft. along her driveway and property. She will be living in a construction zone. She has lived in town for 59 ½ years and finds it deplorable that this could be done. She provided pictures to the Town Council. This will forever change

her life. This is an invasion of her privacy. ■Mr. Kurt Lovell, 711 Summer Street, stated he has lived here most of his adult life. This zoning from R-I to R-VII is ridiculous. The town forest abuts this property. Is this setting a precedent for R-VII zoning? Traffic is a major concern. ■Ms. Annamaria Bailey, 715 Summer Street, stated she has been a resident of Franklin for over 20 years. It is a nice country road; it is not commercial. Summer Street is not downtown living. Issues with water resources have not been addressed. Do we want this kind of housing; we are trying to preserve a community. Cook's Farm looks horrific coming into town. What do we want this town to look like beyond the money? We do not need to develop every pocket. We oppose this and hope you will also. ■Ms. Deborah Lovell, 711 Summer Street, would like all to think about if this were happening to your neighborhood, would you want it? Would you want 34 houses put in that little area and have the additional traffic? Franklin is one of the safest communities, are we going to change that? We have always had faith in the Town Council so please consider that. ■Mr. Eric Bearce, 493 Summer Street, stated his concern is traffic. An urbanized development does not fit in with Summer Street and the neighborhood. ■Ms. Kimberly Spelman, 6 Great Pond Road, agrees with everything that has been said. The Town Council would be mistaken to think this will benefit anyone that is anywhere close to this property. It is not safe to walk from this area to downtown. In order to go outside of the Master Plan there needs to be some overriding interest. What is that overriding interest? It cannot be the \$250,000 per year revenue. ■Mr. Alan Nelson, 479 Summer Street, stated he has been there for 45 years. He will be almost across the street from this development. Traffic will be atrocious. It will double the number of single-family dwellings on the street. Ten years ago the town was petitioned to bring sewer to five houses on Summer Street; the town agreed to do that with the intent that only five existing single-family dwellings would be tied into that sewer because of the size of the sewer main. To add 34 houses, they will have to put a new sewer main on the street and no one has talked about that yet. It is the wrong project for this place. There are wetlands over there as well. ■Mr. Brian Concannon, 15 Summer Heights Drive, stated they have not presented a justified case to change the existing zoning. All around that area is one acre lots. They have not presented any hardship that they cannot develop it more in line with what is already around that area, one or two-acre lots. He noted they have not indicated that they will actually pay for the sidewalks. The project does not fit with the neighborhood. ■Ms. Cynthia Honcharuk, 403 Summer Street, stated Palladini Village did affect her land with the water runoff. There is all ledge over there. She has wildlife on her property such as deer, woodchucks and foxes. What will taking 11 acres away from the current conservation area do? She will appeal this. To overload the street with more houses is wrong. ■Mr. Adam Sanders, 483 Summer Street, stated he also had runoff effects from Palladini Village. The current traffic is very concerning and the speed which cars travel down the road. More cars added to the street will add serious traffic concerns and be dangerous. He will have cluster houses in the back of his home with Palladini Village and also in the front of his home with this project. He does not agree with this; it does not fit with the neighborhood. ■Mr. Michael Gavrilles, 8 Squibnocket Road, stated he has walked from Squibnocket Road to the train station for 17 years and it is dangerous. Unless sidewalks are going to be installed, the development will not work and not be connected to the downtown area. ■Ms. Paige Duncan, 35 Gallison Street, read a letter from two practicing professional planners stating to not rezone this area. Reasons included that the town should not try to rezone this to avoid 40B, but rather take leadership role and bring town back into compliance with the 10 percent minimum. The Town Council should update its Housing Production Plan before considering this rezoning. This proposed project is not addressing 40B at all and will set the town further back in reaching the 10 percent minimum. The location is not close to downtown and is not walkable, there is no affordability, not consistent with Master Plan, it is spot zoning, and it will benefit the owner and not the community. She asked how is this proposed zoning in this area for the greater good of the town? ■Mr. James Gianotti, 2 Woodchester Road, wonders why there is a Master Plan as it seems every month some zoning is being changed or amended. There was no evidence given that this conforms to the Master Plan. He stated the proposed project area is a natural path for many animals from the forest. If these houses are put in the pathway, they should just close the forest as there will be nothing in there. Is this the legacy you really want to leave your children and grandchildren with row housing in every five or ten acres? ***End of Citizens' Comments.*** ■Ms. Pellegrini stated she agrees with everything the citizens have

been saying. We as councilors are elected to look out for the best interest of the Town of Franklin, not an applicant; decisions should be made on what is best for the town. They have the right to build seven houses, why would we ever want to allow 34 houses? It is a strain on water, sewer, schools, and traffic. We must look out for the Town of Franklin. We open the doors for others to come forward. There is only one pro, and that is for the applicant. There is nothing else. ■Mr. Dellorco asked about the sewer main and if the neighbors had to be notified? Has anyone done a traffic study? What is the percentage of 40Bs? ■Mr. Nutting stated the sewer and water mains would have to be extended at the applicants cost. Current percentage of 40Bs is 9.35. There have been discussions about sidewalks, but that would be part of any application. ■Mr. Cerel stated that if it were rezoned and they applied for a special permit, then neighbors would have to be notified; there is no requirement for notification of a rezoning. ■Mr. Tayara stated they are applying for three-bedrooms because the demographic they are looking to attract is people who will use those homes as lifetime homes and multi-generational homes. At an all-time high for college kids returning to live with parents. ■Mr. Padula asked Mr. Cornetta about the sidewalk. ■Mr. Cornetta said there have been discussions, but they are preliminary until they get through this first step and to the special permit phase of the project. ■Ms. Pfeffer stated she is in favor of manageable affordable housing. With 11 acres, there could be 120 affordable housing units there with no control over. The devil you know is better than the devil you don't know. These will be 34 high-end homes and probably not too many children. She stated she was going to vote for this. ■Mr. Mercer had similar concerns to those of Mr. Padula. If this goes forward and they return there will be issues he will want to strongly comment on. ■Mr. Padula noted that the Planning Board approved this unanimously. 40B is a consideration. The Master Plan does call for cluster housing. He does not see it as spot zoning; he is in favor of the project. **MOTION to Close the public hearing by Mercer. SECOND by Padula. No discussion. ► VOTE: Yes-8, No-0.**

Mr. Bissanti re-entered the meeting.

LEGISLATION FOR ACTION (continued):

- 4. Zoning Bylaw Amendment 16-775: Amendment to Chapter 185 Section 5 Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street – 1st Reading (Motion to move bylaw amendment 16-775 to a 2nd Reading (majority vote)).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move Zoning Bylaw Amendment 16-775: Amendment to Chapter 185 Section 5 Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street to a 2nd Reading by Mercer. SECOND by Padula. Discussion:** ■Mr. Nutting clarified that to move it to a second reading requires majority vote of five councilors; to adopt it at a second reading requires 2/3 vote, six votes of the councilors. **► VOTE: Yes-9, No-0.**

Ms. Pellegrini left the meeting.

- 5. Bylaw Amendment 16-777: Amendment to Chapter 151, Solid Waste and Recycling – 2nd Reading (Motion to approve bylaw amendment 16-777, Solid Waste and Recycling (majority Roll Call 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 Jones. Discussion:** ■Mr. Nutting stated this was cleaning up the fees. Moved all the regulations out of this into the one previously voted so don't need this anymore. ■Mr. Padula commented that when this was done there were next to none increases. Most of this was to cull it down. Important to know that there was arguing over just \$5.00.

Ms. Pellegrini re-entered the meeting.

■Mr. Nutting stated the overall intent was not to raise money, it was to bring fees into line and make it easier for the customer. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0.**

6. **Resolution 16-75: Adoption of G.L. Chapter 64N Section 3 Local Tax on Marijuana Retail Sales and Establishment of Tax Rate (majority vote).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-75: Adoption of G.L. Chapter 64N Section 3 Local Tax on Marijuana Retail Sales and Establishment of Tax Rate by **Mercer. SECOND** by **Padula. Discussion:** ■Mr. Nutting stated that under the law passed in November, communities can adopt a local tax on marijuana if and when a marijuana facility was in Franklin. We thought it would be prudent to adopt a sales tax if one ever was sited in Franklin. The next five bylaws, if approved, would restrict where such transactions could take place. ► **VOTE: Yes-9, No-0.**
7. **Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions – Referral to Planning Board (majority vote).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions – Referral to Planning Board by **Mercer. SECOND** by **Jones. Discussion:** ■Mr. Nutting stated these next five bylaws basically are suggestions for the first go-around of dealing with the new marijuana law. Essentially, all these bylaws will do is place the zoning for both medical and recreational marijuana in the industrial zones on Grove Street, Franklin Industrial Park and in Forge Hill. Medical marijuana is already zoned there. This is to take a prudent conservative starting point and then see how the law and interpretation unfolds over the next year. If you fail to zone it, it could go anywhere. ■Mr. Jones stated he thinks the next few resolutions are completely logical as we do not know what lies ahead with the marijuana law. He does not want to see marijuana sales in the downtown community; only allow in industrial zones. ■Mr. Cerel stated we are doing two things here: treating the use as one use, whether medicinal or non-medicinal. Also, based on experience with growing facility, decided the town needed some controls whether medicinal or not and the recommendation is to make them all by special permit. There are currently two state departments handling this: one for medicinal which is under Department of Public Health and this one is under Treasury. ■Mr. Hellen stated the process outlined in the new law is completely different than the medical law. ■Ms. Pfeffer questioned the numbering of the amendment and why it was 17-779 and not 16-779. ■Mr. Nutting stated they would straighten it out; he would double check it. ► **VOTE: Yes-9, No-0.**
8. **Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated – Referral to Planning Board (majority vote).** **MOTION to Waive** the reading by **Jones. SECOND** by **Mercer. No Discussion.** ► **VOTE: Yes-9, No-0.** **MOTION to Move** Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated – Referral to Planning Board by **Mercer. SECOND** by **Dellorco. Discussion:** ■Mr. Nutting stated this was the same explanation. ■Mr. Bissanti stated the online agenda indicated 16-780. ■Mr. Cerel stated that as long as it is only being referred to the Planning Board right now this is ok. ■Mr. Nutting stated the numbering of the amendments will be straightened out. ► **VOTE: Yes-9, No-0.**
9. **Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map – Referral to Planning Board (majority vote).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map – Referral to Planning Board by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0.**
10. **Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required – Referral to Planning Board (majority vote).** **MOTION to Waive** the reading by **Mercer. SECOND** by **Jones. No Discussion.** ► **VOTE: Yes-9, No-0.** **MOTION to Move** Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required – Referral to Planning Board by

Mercer. SECOND by Jones. Discussion: ■Mr. Bissanti stated this was all put together very well.
▶ **VOTE: Yes-9, No-0.**

11. Zoning Bylaw Amendment 17-783: Changes to Chapter 185 Section 49 Marijuana Use Overlay District – Referral to Planning Board (majority vote). MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. ▶ VOTE: Yes-9, No-0. MOTION to Move Zoning Bylaw Amendment 17-783: Changes to Chapter 185 Section 49 Marijuana Use Overlay District – Referral to Planning Board by Mercer. SECOND by Jones. No Discussion. ▶ VOTE: Yes-9, No-0.

TOWN ADMINISTRATOR’S REPORT: ▶ Mr. Nutting congratulated Lieutenant Darling on his promotion. Great fire department. ▶ He received a letter from the police chief in Wrentham thanking one of our police officers who helped out a lost woman with a dead phone by giving her his phone charger. Thank you. ▶ Happy Holidays.

FUTURE AGENDA ITEMS: *None.*

COUNCIL COMMENTS: ▶ Ms. Pellegrini asked Mr. Nutting to look into a light that only allows three cars to pass through. ▶ Mr. Nutting stated they have been asked to tweak it. ▶ Mr. Mercer stated it is great to have fire and police come in for swearing in ceremonies. Happy Holidays. ▶ Mr. Jones stated Franklin TV has a great new show *Franklin Almanac*. ▶ Mr. Dellorco wished all Happy Holidays. ▶ Mr. Bissanti expressed condolences to Barbara Curran, Planning Department employee, on the loss of her husband. ▶ Ms. Pfeffer questioned the name change of the district as Marijuana Use. She wished all a Merry Christmas and Happy New Year. ▶ Chairman Kelly stated the Town received a plaque for the Franklin Solar Challenge; they donated a 5.4 kilowatt solar array to the Santa Foundation in Franklin. ▶ Mr. Nutting stated 51 homes took up the solar challenge; it was a real success.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ▶ VOTE: Yes-9, No-0. Meeting adjourned at 8:49 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary